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SPEAKERS PANEL (PLANNING)

Day: Wednesday
Date: 15 March 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 22 February 2023, having been circulated, to be signed by the Chair as a correct record.	1 - 4
4.	HIGHWAYS ACT 1980 – APPLICATION TO STOP UP DEFINITIVE FOOTPATH STALYBRIDGE 48	5 - 10
5.	PLANNING APPLICATIONS To consider the schedule of applications:	
a)	21/00217/FUL - LAND TO THE EAST OF OLDHAM STREET, DENTON, M34 3RB	11 - 34
b)	22/01132/FUL - 80 CURRIER LANE, ASHTON-UNDER-LYNE, OL6 6TB	35 - 80
c)	22/01204/FUL - 46 FIR TREE CRESCENT, DUKINFIELD, SK16 5EH	81 - 104
6.	APPEAL DECISION NOTICES	
a)	APP/G4240/W/22/3307835 - ST LAWRENCE ROAD, DENTON, M34 6DF	105 - 110
7.	URGENT ITEMS To consider any other items, which the Chair is of the opinion should be considered as a matter of urgency.	
8.	DATE OF NEXT MEETING To note the next meeting of the Speakers Panel (Planning) will take place on 19 April 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)

22 February 2023

Commenced: 10:00am

Terminated: 10.50am

Present: Councillor McNally (Chair)
Councillors Affleck, Bowerman, Boyle, Dickinson, Mills, Owen,
Pearce, Quinn and Ricci

50. DECLARATIONS OF INTEREST

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

51. MINUTES

The minutes of the proceedings of the meeting held on 18 January 2022, having been circulated, were approved and signed by the Chair as a correct record.

52. AMENDMENT TO ORDER OF BUSINESS

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

53. PLANNING APPLICATIONS

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

RESOLVED

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

Name and Application No:	23/00024/FUL Mr Mustafa
Proposed Development:	Rear dormer loft conversion and single storey rear extension. 101 Whiteacre Road, Ashton-under-Lyne, OL6 9PJ
Speaker(s)/Late Representations:	The Head of Planning advised Members of an amendment to Condition 2. The plans which were to be approved were as follows: <ul style="list-style-type: none">• Drawing No: BR01 Rev B Proposed Plans and Elevations (Received by the Council 10/02/2023).• Drawing No: BR02 Rev A Proposed and Existing Plans and Elevations (Received by the Council 09/01/2023).• Drawing No: BR03 Proposed Loft Floor Plan (Received by the Council 09/01/2023).

	Cllr Cartey, Ward Member, and Andrew McLaren addressed the Panel objecting to the application.
Decision:	That planning permission be granted, subject to the conditions as detailed within the submitted report and the plans outlined above.

Name and Application No:	22/01041/FUL Ms Julie Bowers
Proposed Development:	Change of use of existing two-bedroom annex to a residential dwelling. Land adjacent to 30 Ivy Cottages, Denton, M34 7PZ
Speaker(s)/Late Representations:	Cllr Naylor, Ward Member, addressed the Panel objecting to the application.
Decision:	That planning permission be refused.

Name and Application No:	22/00780/FUL Oldham Metropolitan Borough Council
Proposed Development:	Full planning application for the construction of a new pedestrian and cycle bridge across the Medlock Valley at Park Bridge, including the following works: <ul style="list-style-type: none"> • Construction of a 127.5m long foot and cycle bridge across the Medlock Valley at Park Bridge. • Upgrade and paving of an existing part of the Oldham Bardsley RR10 Recreation Route, approximately 200m in length from the northern bridge landing point to the existing path to the north, and upgrade and paving of the existing pathway approximately 100m to the east, to connect with NCN Route 601; and • Creation of a new foot and cycle path, approximately 200m in length, from the southern bridge landing point to existing NCN Route 626 to the south (within Tameside Metropolitan Borough). Medlock Valley, Park Bridge (adjacent to junction of Waggon Road, Dean Terrace and Alt Hill Road)
Speaker(s)/Late Representations:	The Planning Officer provided a verbal update in relation to a number of the conditions within the report: <ul style="list-style-type: none"> • In relation to condition 13, the following was to be added: “Any recommendations contained within the bat survey shall be implemented as per the timescales contained within the approved survey”. • In relation to condition 14, the following was to be added: “Any recommendations contained within the badger survey

	<p>shall be implemented as per the timescales contained within the approved survey”.</p> <ul style="list-style-type: none"> • In relation to condition 16, the following was to be added : “The development shall be implemented in accordance with the approved details prior to the first use of the bridge”. • In relation to condition 20, the following was to be added at the start: “Prior to the first use of the bridge and access paths hereby approved”. • In relation to condition 22, the following was to be added: “The fencing as approved shall be carried out in accordance with the approved details prior to the first use of the bridge and paths and retained thereafter”. • In relation to condition 25, the following was to be added: “All tree work carried out by suitably qualified and insured contractors, and the development shall be implemented in accordance with the approved details and timescales”. • Condition 26 to be removed (duplicated condition 24). • Additional condition to state “Prior to the first use of the bridge and paths hereby approved, a scheme for prevention of access by motorised vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first use of the bridge and paths and retained thereafter. <p>Reason: In the interests of cyclist/pedestrian safety in accordance with Policy T8 of the UDP”.</p> <p>Ken Vickery addressed the Panel objecting to the application.</p>
Decision:	That planning permission be granted subject to the conditions as detailed within the submitted report, the amended conditions listed above, and a further condition relating to the prevention of access by motorised vehicles.

54. APPEAL DECISIONS

Application Reference/Address of Property	Description	Appeal Decision
APP/G4240/W/22/3304546 Land at Wilshaw Lane, Wilshaw Lane, Ashton-under-Lyne, OL7 9AU	Proposed installation of a 20m Orion monopole supporting 6no antennas, 1no 300mm dish together with the installation of 1 no York and 1 no Shire cabinet and ancillary development thereto.	Appeal allowed.
APP/G4240/Z/22/3309582 1 Station View, Droylsden, M43 6TT	Proposed erection of a new digital poster display.	Appeal dismissed.

<p>APP/G4240/Z/22/3309468 M67 Slip Road, Manchester Road North, Denton, M34 3NS</p>	<p>Proposed upgrade of an existing 48-sheet advertisement to support a digital poster.</p>	<p>Appeal allowed.</p>
<p>APP/G4240/W/22/3305236 Lewis Road, Droylsden, M43 6JB</p>	<p>Proposed telecommunications installation: proposed 15.0m Phase 8 Monopole c/w wraparound cabinet at base and associated ancillary works.</p>	<p>Appeal dismissed.</p>

55. URGENT ITEMS

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

56. DATE OF NEXT MEETING

RESOLVED

That the next meeting of the Panel would take place on 15 March 2023.

CHAIR

Agenda Item 4

Report to:	Speakers Panel (Planning)
Date:	15 March 2023
Reporting Officer:	Emma Varnam, Assistant Director (Operations & Neighbourhoods)
Subject:	HIGHWAYS ACT 1980 – APPLICATION TO STOP UP DEFINITIVE FOOTPATH STALYBRIDGE 48
Report Summary:	A request has been received from a local resident for the Council to make an Order to stop up the full length of Footpath Stalybridge 48. If approved, the path will be stopped up and the footpath will be removed from the definitive map and statement for Tameside.
Recommendations:	That the Panel supports this request and authorises the making of the requisite Orders on the grounds that the stopping up of the footpath is expedient on the ground that it is not needed for public use.
Corporate Plan:	It is considered that the proposal could contribute towards the aspirations of the Corporate Plan for Tameside & Glossop and more specifically in the promotion of Living and Aging Well by benefiting the priorities of the Nurturing Communities priorities
Policy Implications:	It is considered that the proposal could contribute towards the aspirations of the Corporate Plan for Tameside & Glossop and more specifically in the promotion of Living and Aging Well by benefiting the priorities of the Nurturing Communities priorities.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	There are no financial implications arising from this proposal.
Legal Implications: (Authorised by the Borough Solicitor)	The Highways Act 1980 details a statutory procedure for the making, publication and confirmation/non-confirmation of orders to stop up public footpaths. The Council will adhere to this process in the making of this order if authorised by the Panel. If there are unresolved objections to the Order then the decision as to whether the Order is confirmed or not will rest with a Planning Inspector. The Council will also have the ultimate decision as to whether to proceed with the Order if objections are received.
Risk Management:	If the order is made and attracts objections then considerable officer time will be required to deal with the appeal, diverting resources away from other projects. The Council will meet these costs.
Access to Information:	Not confidential.
Background Information:	The background papers relating to this report can be inspected by contacting, Michael Hughes, Sustainable Travel Officer, Operations and Neighbourhoods:



Telephone: 0161 342 3704



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

1. INTRODUCTION

- 1.1 A request has been received from a local resident for the Council to make a Public Path Order under section 118 of the Highways Act 1980 (the Act) by stopping up the full length of Footpath Stalybridge 48.
- 1.2 The resident contends that the stopping up of the footpath is expedient on the grounds that it is not needed for public use. This belief is based on the fact that the footpath is subject to a historical obstruction caused by construction of numerous houses.
- 1.3 Footpath 48 does not appear to have been accessible on its definitive alignment for a period of approximately 50 years since the housing development took place.
- 1.4 It is suggested that the adopted pavements along these streets provide high quality alternative routes to replace the journey's made using the public footpath.
- 1.5 This application is made to the Council, as highway authority, under Schedule 6 of the Act. This report seeks a decision on whether the stopping up meets the criteria as set out in Section 3 below and whether it is needed for public use or not. Under the Council's Constitution, these matters are for determination by the Speakers Panel (Planning).
- 1.6 If the application is rejected, the applicants have no right of appeal. If the application is accepted and the stopping up order is made, the order will be advertised. If anyone objects to the order then it cannot be confirmed by the Council. The only way it can be confirmed is if it is referred to the Secretary of State who will decide the matter following a public inquiry or hearing.

2. DESCRIPTION OF THE CURRENT AND PROPOSED ROUTES

- 2.1 Footpath Stalybridge 48 starts at the junction of Lord Street and Laburnum Avenue then runs along the footway of Laburnum Avenue and Hawthorn Drive in Stalybridge. Part way along Hawthorn Drive, the footpath leaves the footway and turns to the north-east at which point it passes through the gardens and buildings of houses on both Hawthorn Drive and Maple Avenue. Ultimately, the footpath re-joins the footway of Maple Avenue before terminating at the junction of Maple Avenue and Quarry Rise. The footpath runs for a distance of 362 metres (see **Appendix 1**).
- 2.2 Due to the long-standing nature of the obstruction to this public footpath and due to the fact that there are high quality, adopted footways that serve as an alternative route for pedestrians wanting to follow this route, the applicant suggests that Footpath Stalybridge 48 be stopped up. The justification for this being that the footpath is no longer needed for public use.

3. CRITERIA FOR DIVERSION

- 3.1 Section 118 of the Highways Act 1980 gives the Council power to make a stopping up order if it is satisfied that "... it is expedient that the path or way should be stopped up on the grounds that it is not needed for public use ...". Even if the Council is satisfied that it is expedient, the Council has discretion on whether or not to make the order.
- 3.2 The order cannot be confirmed unless the Council considers that the stopping up is expedient when having regard to the following:-
 - a) The extent to which the path, apart from the order, would be likely to be used by the public, and

- b) The effect which the extinguishment of the right of way would have as respects land served by the path.

4. CONSULTATION OVER THE STOPPING UP

- 4.1 In the lead-up to this report, provisional consultation was carried out with the affected residents and the public rights of way organisations that operate within the borough. The aim of this consultation exercise was to highlight at an early stage whether there is likely to be strong opposition to the proposed stopping up of Footpath 48.
- 4.2 Five of the eighteen residents that were contacted, responded to outline their support for the stopping up of the footpath. There was no opposition received from these residents.
- 4.3 Five responses were received to the consultation from the public rights of way organisations that operate in Tameside. There were no objections raised to the proposal.
- 4.4 Of the local councillors for the ward, Cllr Sweeton has voiced his strong support for the stopping up of this footpath.

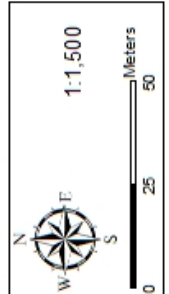
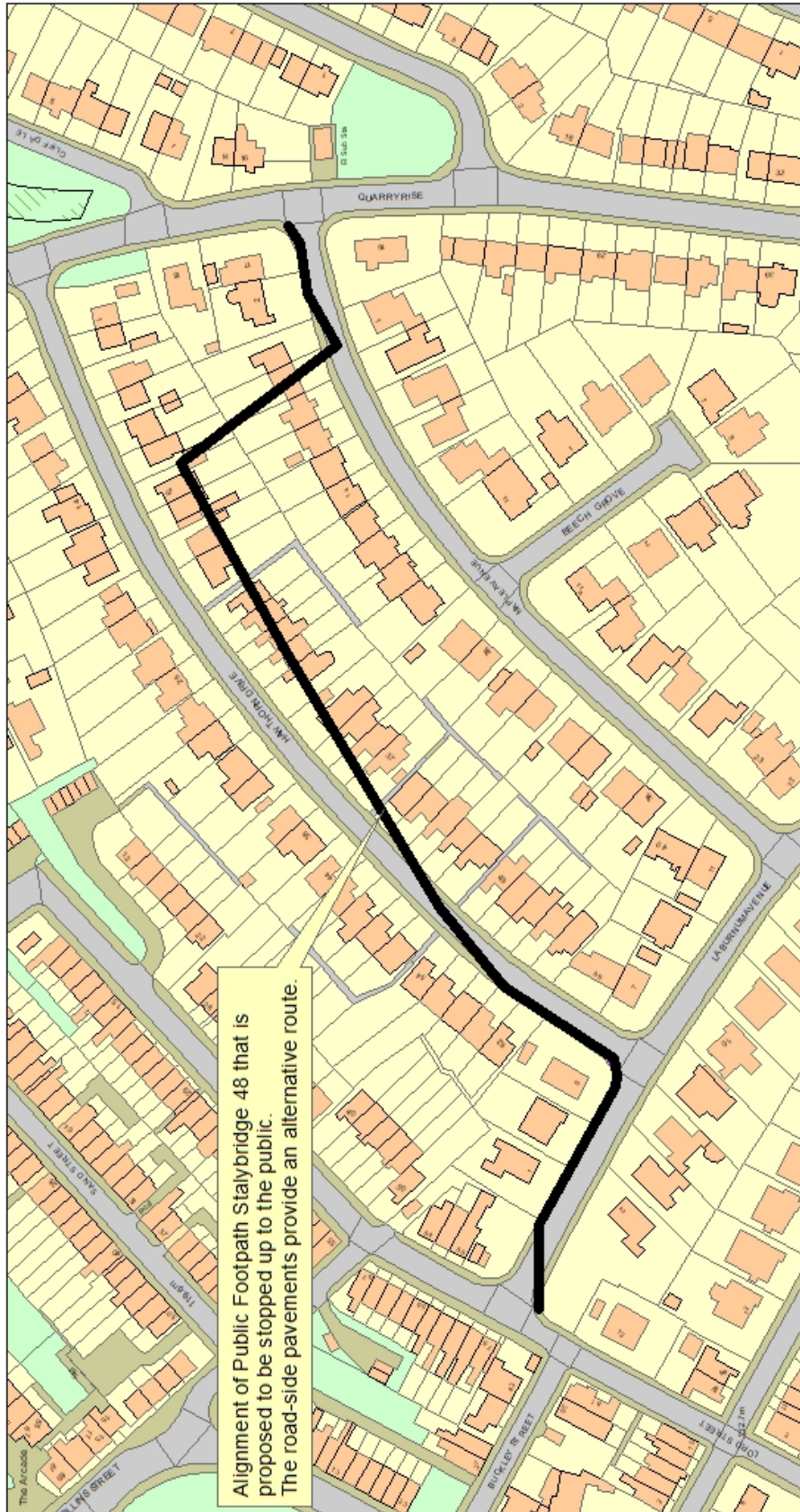
5. COMMENTS OF THE DIRECTOR OF OPERATIONS AND NEIGHBOURHOODS

- 5.1 The decision on whether Public Footpath Stalybridge 48 should be stopped up needs to be made when taking into account the provisions contained within Section 118 of the Highways Act 1980 (discussed within section 3 of this report).
- 5.2 The main decision is whether the Council considers that it is expedient for the path to be stopped up after satisfying itself that the path is not needed for public use.
- 5.3 The fact that the public footpath has been inaccessible for a period of approximately 50 years without any apparent objection suggests that Footpath 48 is not needed for public use. The provision of the adopted pavements appears to have superseded the need for this public footpath. These pavements provide a well surfaced, lit and maintained route that serves roughly the same alignment as the public footpath whilst adding very little length to the journey.
- 5.4 A subsequent decision is needed on whether the Council considers that it is expedient that the footpath be stopped up when taking the following into account:
 - a) Taking into account the provisions within paragraph 3.2 (a); it has not been possible to use this route for an extended period of time. Therefore, even when ignoring the effect of the proposed stopping up order, Footpath 48 could not be used. It is further felt that if the alignment of the footpath were free from obstructions, that there would be a preference from the vast majority of the public to make use of the adopted pavements at the roadsides.
 - b) Taking into account the provisions within paragraph 3.2 (b); the extinguishment of the public right of way is likely to have little to no impact on the land served by the path. Currently, the land-use within this area is that of private residential dwellings and garden areas. These land parcels are not physically linked and there is no need to travel between them and so the impact on the land should be negligible.
- 5.5 It is therefore considered by officers that it is expedient that Footpath Stalybridge 48 should be stopped up on the ground that it is not needed for public use.

6. RECOMMENDATION

6.1 As set out at the front of the report.

Footpath Stalybridge 48
Proposed S.118 Stopping Up Order



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Application Number:	21/00217/FUL
Proposal:	Construction of 3no. new storage and distribution (Use Class B8) units on former gas works site, to include new access road and associated car parking.
Site:	Land to the east of Oldham Street, Denton, M34 3RB
Applicant:	G&P Properties (NW) Holdings 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 site is a roughly rectangular shaped piece of land, which forms the eastern portion of a former gas works, currently accessed off Oldham Street in Denton.
- 1.2 Windmill Lane runs parallel with the south eastern boundary of the site.
- 1.3 The former large storage cylinders associated with the former gas works have been demolished recently. Storage containers have more recently been situated on the site.
- 1.4 The site and a wider area is allocated as an Established Employment Area, within the Council's adopted Unitary Development Plan.

2. PROPOSAL

- 2.1 This full application seeks planning permission for the erection of a single building, to be sub-divided into three units for the purposes of storage and distribution. Access would be taken off Windmill Lane into a car parking and servicing area.
- 2.2 The building would have an eaves height of 6.75m and a ridge height of 7.75m, and would have a mono-pitched design. Each unit would include a roller shutter and separate pedestrian door and window to the front elevation, with the building backing on to the rear boundary of the site, and an additional personnel door to the rear. The outer elevations and roof of the building would be constructed from a grey coloured steel cladding.

3. PLANNING HISTORY

- 3.1 None of relevance.

4. PLANNING POLICY

National Planning Policy Framework

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions,

but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.

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

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

Development Plan

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

Tameside Unitary Development Plan (2004)

4.5 Part 1 Policies

- 1.1: Capturing Quality Jobs for Tameside People;
- 1.3: Creating a Cleaner and Greener Environment;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1.9: Maintaining Local Access to Employment and Services;
- 1:10: Protecting and Enhancing the Natural Environment;
- 1:11: Conserving Built Heritage and Retaining Local Identity; and
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.6 Part 2 Policies

- C1: Townscape and Urban Form
- E3: Established Employment Areas
- E5: Local Employment Opportunities and Mixed Uses
- E6: Detailed Design of Employment Developments
- MW11: Contaminated Land
- MW12: Control of Pollution
- N3: Nature Conservation Factors
- N7: Protected Species
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T8: Walking
- T10: Parking
- 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 No representations have been received.

7. RESPONSES FROM CONSULTEES

- 7.1 Local Highway Authority (LHA) – No objections, subject to conditions requiring a scheme for secured cycle storage; car parking to be implemented; a lighting scheme; a green travel plan; a construction environment management plan; a highway condition survey; a highway construction scheme; and retention of visibility splays. A financial contribution for upgrades to public rights of way is also requested.
- 7.2 Transport for Greater Manchester – Provides guidance regarding proposed access and servicing arrangements; traffic regulation orders; site accessibility; active travel; cycle parking; and Travel Plans.

- 7.3 Lead Local Flood Authority (LLFA) – Limited drainage information provided, and infiltration should be further investigated, alongside use of permeable paving. Further detail regarding the submitted drainage plan is also required, including details of sewers, chambers, ground levels, cover and invert levels, attenuation tank details, and hydro brakes. Further details of foul drainage systems is also required to be included.
- 7.4 Greater Manchester Ecology Unit (GMEU) – No objections. Recommends an informative advising that works should cease if bats are present; and conditions requiring clearance works to be undertaken outside of the bird nesting season, and biodiversity enhancement measures.
- 7.5 Arborist – No objections, proposals represent adequate new planting.
- 7.6 Environmental Health – No objections, subject to a condition requiring restrictions on construction working hours.
- 7.7 Contaminated Land – No objections, subject to conditions requiring a remediation strategy as necessary, and that remedial measures be implemented prior to use.
- 7.8 Waste Management – No objections. As the proposal is for a commercial use, Council waste collections would not apply.
- 7.9 Cadent Gas – No objections. Advises that the HSE be consulted due to presence of high pressure pipelines within vicinity.
- 7.10 Health and Safety Executive (HSE) – No objections. Do not advise on safety grounds, against the granting of planning permission.
- 7.11 Designing Out Crime Officer – Advises that the development should be designed and constructed in accordance with the recommendations and specification as set out in sections 3 and 4 of the submitted Crime Impact Statement.
- 7.12 United Utilities – No comments received.

8. ANALYSIS

- 8.1 Section 6 of the NPPF is entitled building a strong, competitive economy. Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.2 Locally, the application site forms part of a wider area of land allocated as an Established Employment Area and therefore the provisions of Policy E3 of the UDP apply. The policy mirrors the NPPF in supporting the use of land in such designated areas for employment purposes, including the redevelopment of sites.
- 8.3 The principle of development is therefore considered to be acceptable, subject to all other material considerations being satisfied.

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 Policy E6 of the UDP requires the design of new commercial development such as that proposed, to be satisfactory in terms of highway safety and parking, of a design and appearance that reflects the character of the locality, to incorporate landscaping and measures to minimise the visual impact of external storage, etc. and to preserve the amenity of neighbouring uses.
- 9.3 The proposed development would be viewed within the context of the metal railing fencing that demarcate the boundary of the site, and the industrial character of the buildings to the east of the site, and recently approved commercial development to the north (under planning application 20/00835/FUL), as well as those on the opposite side of Oldham Street to the west. Given the largely industrial and commercial nature of the area, it is considered that landscaping surrounding the building is not considered necessary, however some shrubbery is proposed along the front boundary, which would provide some relief of the building when viewed from the highway.
- 9.4 In light of the above, it is considered that the visual amenity of the development and the site layout is acceptable, considering the employment and commercial context of the surrounding area.

10. RESIDENTIAL AMENITY

- 10.1 The Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.2 The application site is surrounded by commercial uses and the proposed units would be located a considerable distance from any surrounding residential properties. On this basis, the level of noise and disturbance resulting from the proposed use would not result in a detrimental impact upon the amenity of any sensitive uses. No objections have been received from the Council's Environmental Health Officer, subject to a condition requiring that works be undertaken in daytime hours only. However, given the considerable distance the site is situated from surrounding residential properties, and noting that the site is situated within a built up industrial area, it is not attached as a recommendation.
- 10.3 In light of the above, the development is acceptable with regards to amenity considerations.

11. HIGHWAY SAFETY & ACCESSIBILITY

- 11.1 It is considered that vehicle trips generated by the development would be minimal. There would be a total of eight two-way trips in the AM peak hour, and 10 two-way trips in the PM peak hour. On this basis, the residual cumulative impact upon the road network would not be severe.
- 11.2 The development proposes 24no. off-street parking spaces, including 3no. disabled bays. This level of parking provision is sufficient, with no objections raised by the LHA. Notwithstanding, sustainable transport methods should be promoted and encouraged, and it is recommended that a staff travel plan is produced for the development, with the objective of reducing reliance on the private car, particularly single occupancy use. The travel plan should be designed to raise awareness of opportunities for reducing travel by car, and should feature a range of measures and initiatives promoting a choice of transport mode, and a clear monitoring regime with agreed targets. A relevant condition requiring a travel plan to be submitted is thereby recommended.

- 11.3 In addition to the above, secure cycle storage spaces are required to be accommodated within the development, encouraging greater use of sustainable transport modes. A condition is recommended requiring cycle storage to be implemented.
- 11.4 The LHA is satisfied that the proposed access into the development off Windmill Lane is satisfactory, meeting the requirements for maximum gradients and visibility splay standards. All vehicles entering the site could manoeuvre within the site and leave in a forward gear. The LHA initially required that the main access gates be set back 5m from the edge of the carriageway, to allow vehicles to access the site when the gates are closed without restricting traffic on Windmill Lane. The applicant subsequently amended the plans to incorporate this requirement.
- 11.5 The new access should be designed to incorporate tactile paving and dropped kerbs. In addition, street lighting should be provided to the access and car parking/servicing areas. Relevant conditions are recommended requiring such detail to be provided. In addition, the LHA requested that a financial contribution be provided in order to enhance a surrounding footpath through resurfacing, street lighting upgrades and signage. Such a request is not considered to be necessary to make the development acceptable in this case, considering footpaths run adjacent to the site providing pedestrian connectivity. However, no dedicated access for pedestrians is indicated on the submitted plans, and therefore a separate condition is therefore recommended, which would allow a dedicated and safe pedestrian access into the site.
- 11.6 The LHA have recommended that a survey be undertaken of the adjacent highway to be used for construction traffic, in order to ensure that no damage is caused by construction traffic to the highway, and if this occurs, that it is remediated by the developer. They also recommend that a construction environment management plan be provided, in order to ensure that the construction phase is adequately managed so that an undue impact upon the highway network is minimised. Such conditions are considered necessary and are recommended.
- 11.7 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 development provides adequate parking provision for future users of the site. 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 has considered that additional information is required through the flood risk assessment, including further details of infiltration, and use of permeable paving. Further detail regarding the submitted drainage plan is also required, including details of sewers, chambers, ground levels, cover and invert levels, attenuation tank details, and hydro brakes. Further details of foul drainage systems is also required to be included. A relevant condition for a detailed surface water drainage scheme and its associated implementation is thereby recommended.
- 12.3 In light of the comments from the LLFA, it is appropriate to recommend a condition that requires a sustainable drainage scheme to be proposed and implemented. This would be submitted to the LLFA for their comment before its implementation, and would ensure that the development is adequately drained and flood risk reduced.

- 12.4 Subject to imposition of the condition as set out above, the proposed development would be adequately drained. The proposals would therefore not result in a detrimental impact upon flood risk or drainage capacity.

13. GROUND CONDITIONS

- 13.1 The Environmental Protection Unit (EPU) notes that potential sources of contamination at the site includes the former gasholders, made ground and on site stockpiles, and the storage of potentially hazardous oils and chemicals. Potentially contaminating activities in the area include the various industrial works and the former Ruby Street Landfill Site, which is a source of landfill gas. Based on risk assessments undertaken, the potential risks posed to groundwater have been identified as low.
- 13.2 The submitted Preliminary Risk Assessment has recommended that intrusive investigations be undertaken at the site. Subsequently, a more detailed investigation proposal for two parcels on the site has been produced. These are considered to be largely acceptable to the EPU, and they raise no objections to the proposals, subject to a condition which require that 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. It is also recommended that a verification/completion report demonstrating that such remedial works have been undertaken is also provided.
- 13.3 The condition recommended by the EPU is considered reasonable and necessary to ensure that future users of the proposed development would not be exposed to potential risks caused by contamination at the site, and subject to its imposition the application is thereby considered acceptable in this regard.

14. ECOLOGY

- 14.1 It is noted that the site previously supported cooling towers, and Greater Manchester Ecology Unit (GMEU) note that these and the remainder of the site were assessed for bats and other species in 2018. Although it is unlikely that the site would now be occupied by protected species, an informative is recommended that advises the applicant of their responsibility, to cease works and seek appropriate advice, should such species be discovered during the construction phase.
- 14.2 Although there is limited scope to provide biodiversity enhancements through the site, with an absence of extensive soft landscaping, provision of placement of bird/bat boxes for example is recommended, in order to deliver some enhancement facilities for those species. A relevant condition is thereby recommended.
- 14.3 Subject to the recommendations above, the application is considered acceptable, minimising risks to protected species. The application is thereby considered acceptable in these regards.

15. OTHER MATTERS

- 15.1 Cadent Gas have highlighted the presence of a high pressure gas pipeline within the locality. Following further investigation, they have confirmed that the proposed development would not directly affect the line of this pipe, and therefore they raise no objections to the proposals, subject to the imposition of informatives on any planning permission granted, outlining the responsibilities of the developer in this regard. Furthermore, the Health and Safety Executive

(HSE) has confirmed that they have no objections to the proposals, following consideration of the site circumstances and the response from Cadent Gas.

- 15.2 The Designing Out Crime Officer has reviewed the submitted Crime Impact Statement, and advised that the safety and security recommendations made within this report are acceptable. Particular recommendations and specifications are set out at sections 3 and 4 of the report. An informative is thereby recommended which would advise the applicant to consider these measures, in order to ensure a good level of security and sense of safety for future users of the development.

16. CONCLUSION

- 16.1 The proposed development would result in new employment generating development, within an Established Employment Area, and is therefore considered to be acceptable in principle.
- 16.2 The design and scale of the development is appropriate for this location. The external elevations are considered to be visually acceptable, within an area characterised by surrounding employment and commercial uses.
- 16.3 The proposal is considered not to be detrimental to residential amenity, given the nature of the proposed use and surrounding commercial uses, with a considerable distance from any neighbouring sensitive uses.
- 16.4 The development would not cause undue impacts to highway safety, and would be considered acceptable subject to the imposition of conditions.
- 16.5 There are no objections to the proposals from statutory consultees in relation to the proposals, which is considered an appropriate use within this allocated site.
- 16.6 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 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.

- Site location plan (dwg no. 2020.083.PL00A);
- As proposed elevations (dwg no. PL04A);
- As proposed floor plans (dwg no. PL03A);
- As proposed site plan (dwg no. PL02A).

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

- 3) The materials to be used in the construction of the external surfaces of the development hereby approved shall match the details as stated within the submitted Design and Access Statement the approved proposed elevations plan (prepared by Bradbury Consulting, ref: 2020.083) and stated in question 7 on the planning application form dated 7 December 2020. The development shall be retained as such thereafter.

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

1. An intrusive investigation shall be undertaken at the site in line with the proposals detailed in the submitted Brownfield Solutions Limited's Site Investigation Proposal dated March 2022 (ref: NS/C4743/10784 Rev A) and the requirements detailed in the Environmental Protection Unit's letter dated 4 May 2022 (ref: 2100217FUL-R1). Any proposed changes or amendments to this investigation strategy and/or full details of any additional investigations/monitoring required at the site shall be submitted to and approved in writing by the LPA prior to the investigation works/additional investigation works being undertaken.
2. The findings of the site investigation(s) and detailed risk assessments referred to in point (1) including all relevant soil/water analysis and ground gas/groundwater monitoring data.
3. Based on the site investigation(s) and detailed risk assessments referred to in point (2) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.
4. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in point (3) have been fully implemented including any requirements for long term monitoring and maintenance.

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

- 5) Prior to first occupation of the development hereby approved, a verification/completion report demonstrating all remedial works and measures required to address all unacceptable risks posed by contamination and ground gas have been fully implemented in accordance with the approved remediation strategy shall be submitted to, and approved in writing by the Local Planning Authority (LPA). If during development, contamination not previously identified is encountered, then no further development (unless otherwise agreed with the LPA), shall be undertaken until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved.

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

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

- 6) 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.

- 7) Prior to bringing the development into first use the car parking, servicing and turning facilities indicated on the approved plans shall be provided to the full satisfaction of the Local Planning Authority and thereafter kept unobstructed and shall be retained as such thereafter. Driveways shall be constructed on a level that prevents displacement of materials or surface water onto the highway and shall be retained as such thereafter.

Reason: In the interests of highway safety in accordance with policy T1 Highway Improvement.

- 8) Prior to bringing the development into first use, details of secured cycle storage to be installed to serve the development, alongside changing facilities, 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 use of the development and shall be retained as such thereafter.

Reason: In the interest of highway safety in accordance with Policy T1 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 9) 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 works to the reinstatement of redundant vehicle access points as continuous footway to adoptable standards following the completion of the construction phase;
 - c. Details of the areas of the highway network/car park within the site to be constructed as continuous footway to adoptable standards and the specification of the construction of these areas; and
 - d. Details of carriageway markings and signage.

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.

- 10) No development shall commence until such time as a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority.

This shall include details of:

- Wheel wash facilities for construction vehicles;
- Arrangements for temporary construction access;
- Contractor and construction worker car parking;
- Turning facilities during the remediation and construction phases; and
- Details of on-site storage facilities.

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

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

- 11) No development shall commence until a condition survey (including structural integrity) of the highways to be used by construction traffic has been submitted to and approved in writing by the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be submitted to and approved in writing by the Local Planning Authority which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme, including timescales, to be submitted to and approved in writing by the Local Planning Authority.

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.

- 12) No development shall commence until a lighting scheme to provide lighting on the private carriageways, driveways and car parking and servicing areas off the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be completed prior to first use 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.

- 13) Prior to the first occupation of the development hereby approved, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Green Travel Plan shall thereafter be implemented as per a timetable agreed within the approved details.

Reason: In the interest of promoting use of public transport and reducing environmental impact, in accordance with UDP Policies T1: Highway Improvement and Traffic Management and T11 Travel Plans.

- 14) There shall be no demolition, vegetation clearance works, or other works that may affect nesting birds on the development or off-site habitat creation areas, between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of protected species conservation in accordance with Policy N7 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 15) Prior to any above ground works commencing on the site, details of biodiversity enhancement measures to be installed as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a specification of the installations and scaled plans showing their location within the development. The approved details shall be installed prior to the first use of the development, and shall be retained as such thereafter.

Reason: In the interest of biodiversity enhancement in accordance with Policy N3 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

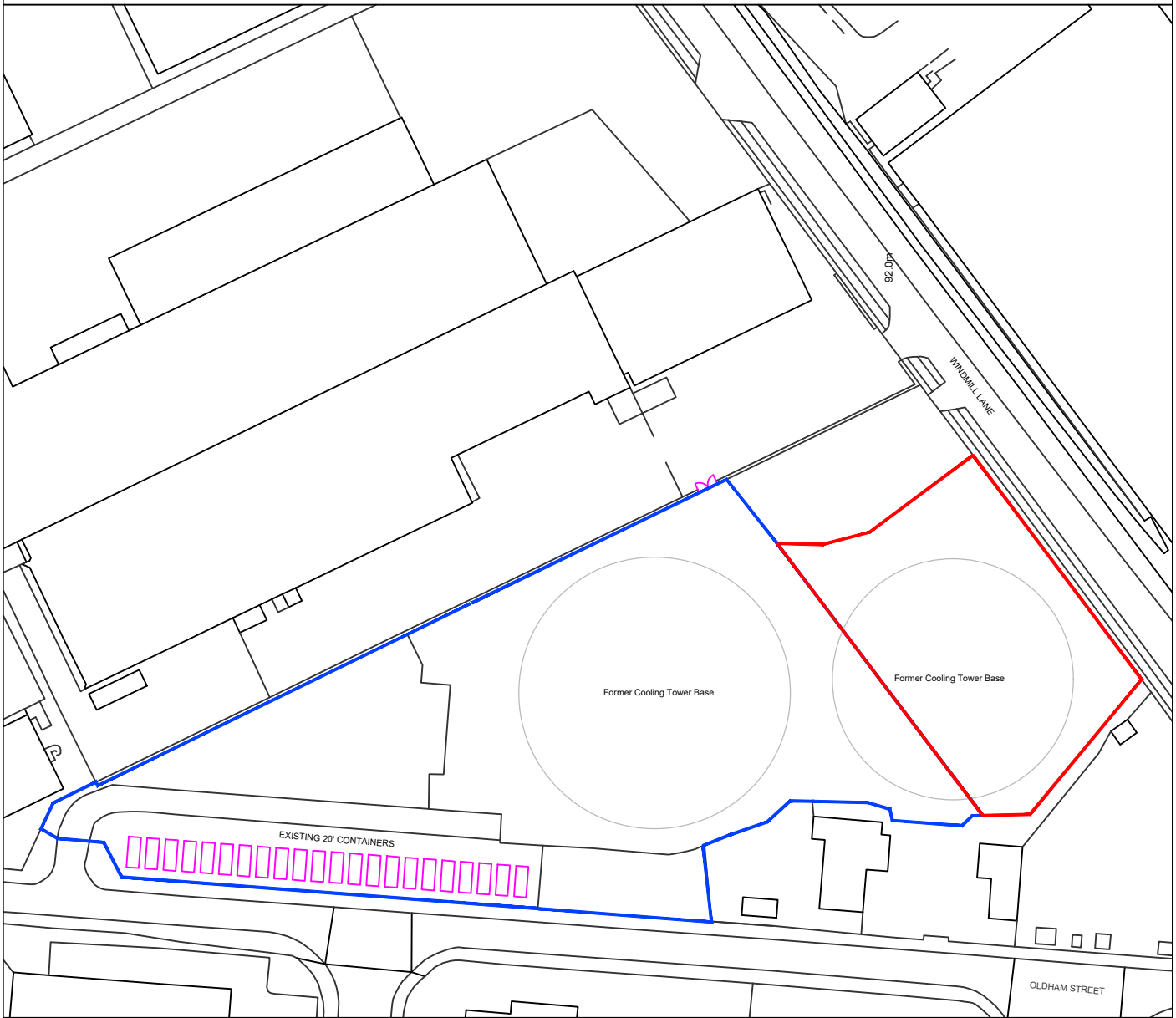
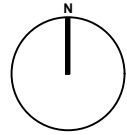
- 16) A clear view shall be maintained at the junction of the site access and Windmill Lane, measuring an area 2.4m along the centre of the access road and 43m along the edge of the highway on Windmill Lane. The area shall be kept clear of anything higher than 0.6m along the edge of the adjoining carriageway and access, on land within the control of the site and shall be maintained 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.

- 17) Notwithstanding the details shown on the approved plans, prior to the first use of the development hereby approved, a scheme for a pedestrian route from Windmill Lane into the development site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be provided in accordance with the approved details prior to the first use of the development, and shall be retained as such thereafter.

Reason: In the interest of highway safety in accordance with Policy T1 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

Site Location Plan (1:1250)



Former Gas Works Site Owned By Applicant:	
Site Boundary:	

Proposed Development of:	
drawing stage	
client	G&P Properties (NW) Holdings Ltd
Site Address	Oldham Street Denton, Manchester M34 3RB
drawing title	Site Location Plan
date	November 2022
scale	1:1250 @A4
drawn	T1
checked	MAB

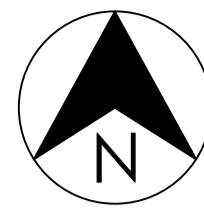
JOB NO
2020.083.PL00A

BRADBURY CONSULTING
101
CHESHIRE, SK9 3SN, T. 01525 52220



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AS PROPOSED SITE PLAN



Page 25

Note:
Contractor is to verify all dimensions and levels on site prior to site works commencement. Under no circumstances are any dimensions or levels to be scaled from this drawing number for the purpose of manufacturing components. Contractor to report any discrepancies to the Designer.

KEY:

- Boundary Line
- Denotes New Tarmac Area / Pavement with Kerbed Edge
- Denotes New Planters / Shrubs / Soft landscaped Area
- Denotes Existing 2.4m High Palisade Fence

REVISION	DESCRIPTION	DATE
A	PLANNING	SEP 22

SCALE	DRAWN	SIGNATURE	DATE
1:200		TI	SEP 22
ORIGINAL SIZE	CHECKED	APPROVED	DATE
A1	MB	MB	SEP 22

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SITE ADDRESS
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CLIENT
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TITLE
AS PROPOSED SITE PLAN

JOB NUMBER
2020.083

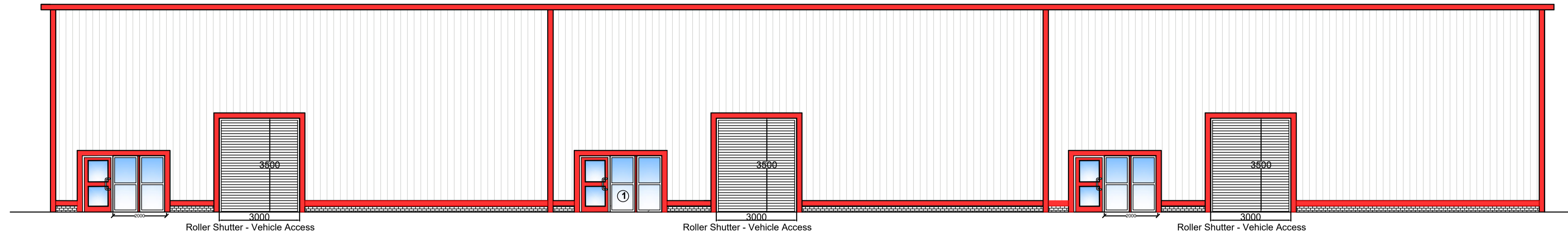
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PL02A

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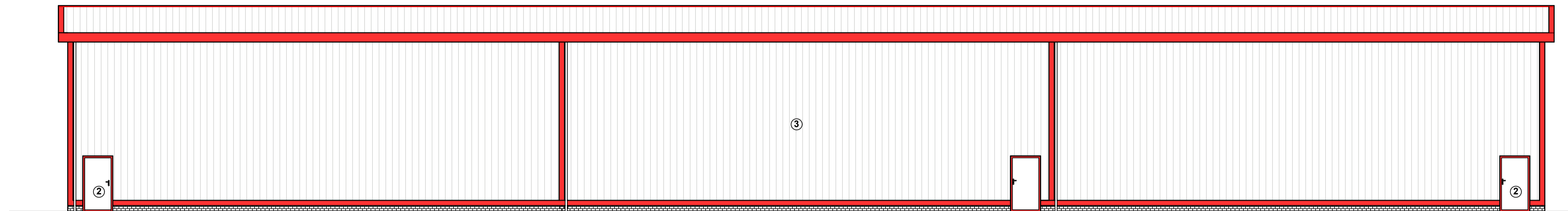
AS PROPOSED ELEVATIONS

Note:
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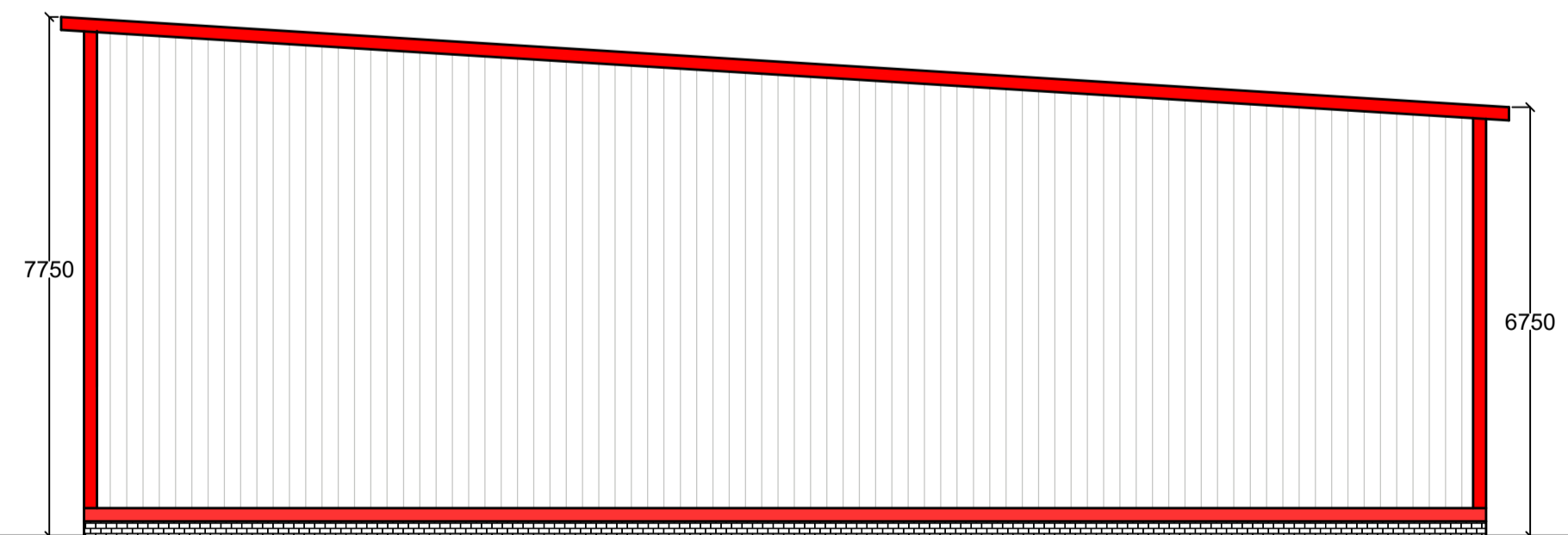
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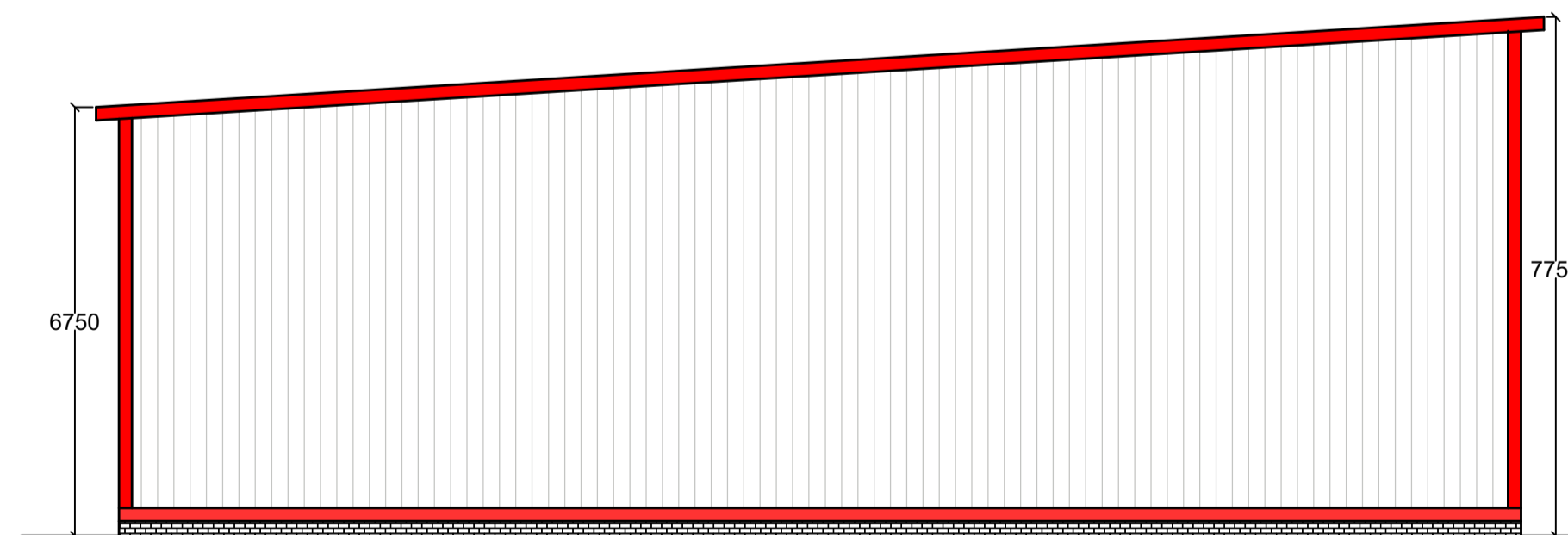
AS PROPOSED REAR ELEVATION



AS PROPOSED RHS ELEVATION



AS PROPOSED LHS ELEVATION



REVISION	DESCRIPTION	DATE
A	PLANNING	SEP 22

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TITLE
AS PROPOSED ELEVATIONS

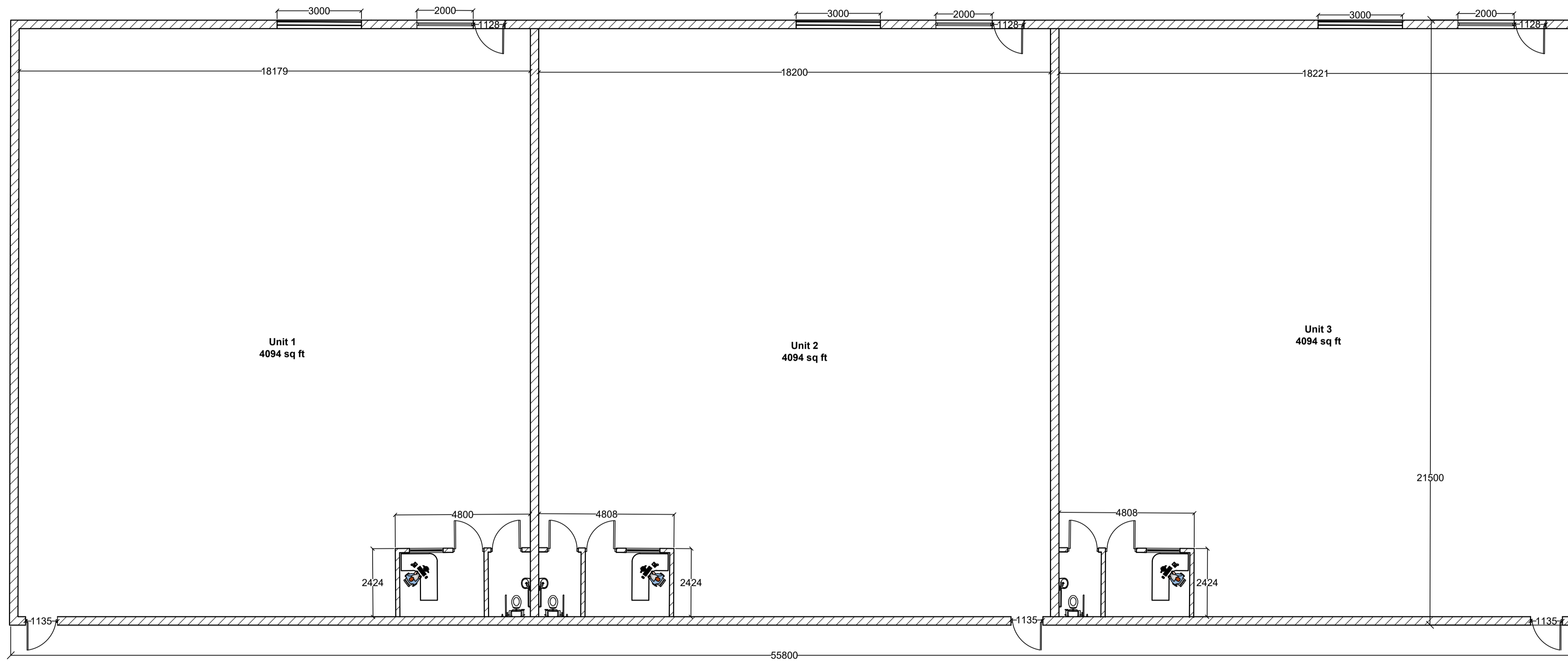
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2020.053

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PL04A

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AS PROPOSED FLOOR PLANS

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Contractor is to verify all dimensions and levels on site prior to site works commencement. Under no circumstances are any dimensions or levels to be scaled from this drawing number for the purpose of manufacturing components. Contractor to report any discrepancies to the Designer.



REVISION	DESCRIPTION	DATE
A	PLANNING	SEP 22

SCALE	DRAWN	SIGNATURE	DATE
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TITLE
AS PROPOSED FLOOR PLANS

JOB NUMBER
2020.083

DRAWING NUMBER
PL03A

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Application Number 21/00217/FUL

Construction of 3no new storage and distribution (Use Class B8) units on former gas works site, to include new access road and associated car parking

Photo 1: Aerial view of site



Photo 2: View of Windmill Lane, with proposed site entrance to left of image



Photo 3: View into site, from Windmill Lane



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Application Number:	22/01132/FUL
Proposal:	Demolition of existing garage and construction of 3no. new dwellings and 1no. new double garage.
Site:	80 Currier Lane, Ashton-under-Lyne, OL6 6TB
Applicant:	Mr Dewsnap
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	Speakers Panel decision is required in accordance with the Council's constitution because a ward Councillor and one member of the public have requested a Speaker's Panel decision.
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 a backland area to the rear of properties fronting Currier Lane, Ashton-under-Lyne. The site is roughly triangular in shape, and, with the exception of some garage structures within the north eastern corner, the site is undeveloped. It covers approximately 1486.90 square metres. Access is taken from an unadopted service track which runs between nos 76 and 80 Currier Lane which also serves as access to garages located within the rear gardens of nos 82 to 90 Currier Lane.
- 1.2 To the rear of the site there are two large detached properties which are also accessed via a private road (The Churches). The site is level but the access falls from the southern boundary down to Currier Lane. This effectively means that the site is elevated in relation to the Currier Lane properties. There are mature trees and hedgerows located on the western and northern boundary to The Churches.
- 1.3 The wider area is principally residential in character with examples of large detached and traditional terrace stock, infill plots have been accepted elsewhere within the area. Generally dwellings are set within landscaped gardens giving a leafy suburban character.

2. PROPOSAL

- 2.1 The application seeks planning permission for the development of 3no. 2 storey 4 bedroom dwellings and 1no. new double garage.
- 2.2 The dwellings will measure approximately 8.7m in length, with a maximum length of 9.6m incorporating the two storey pitched roof front element. A width of 10.5m is proposed containing a hipped roof with a ridge height of 7.4m and an eaves height of 4.8metres. The proposed dwellings, will be two-storeys with a two storey projecting bay, a single storey rear element, measuring 1.8m in length with a height of 3metres containing a flat roof. Solar panels are proposed to the side and rear of all properties.
- 2.3 The dwellings would be constructed with reclaimed red brick, with buff brick proposed to the two storey bay projection, black tiled roof and the windows and door frames will be built from black ash UPVC. Feather edge fencing treated green is proposed to the rear boundaries and a 0.9m fence is proposed to the front gardens.

- 2.4 The development would be accessed from Currier Lane from the existing access track. Access improvements are proposed to the existing track which would include a passing place for two vehicles and improved visibility splays onto Currier Lane.
- 2.5 To facilitate access improvements the land which is within the ownership of nos 76 and 80 Currier Lane is included. These areas have been included within the application boundary, the requisite notice has been served on these land owners and the relevant certificate of ownership has been signed and submitted.
- 2.6 A replacement double garage is proposed to serve number 76 Currier Lane, as the existing will be demolished as part of the proposals. The proposed garage would measure 6.5 metres in length with a width of 6.5 metres containing a dual pitched roof with a height of 5 metres at ridge and an eaves height of 2.6 metres.
- 2.7 Parking to each individual property is proposed in the form of a driveway capable of accommodating two vehicles and an internal garage to each property. Each house would have front and rear landscaped gardens.
- 2.8 The application is supported with the following documents :
- Planning Statement dated July 2022
 - Drainage Strategy dated October 2022
 - Phase I GeoEnvironmental Desk Study dated November 2022
 - Transport Statement dated April 2022
 - Arboricultural Impact Assessment and Method Statement Prepared by DWA Ecology dated October 2022
 - Landscape Design Strategy dated December 2022
 - Material Schedule dated October 2022
 - Outline SuDs Maintenance Strategy
 - Structural Layout and Details dated October 2022
- 2.9 Following the submission of amended plans, changes have been made to the proposal as detailed below :
- Chimney added to the houses to reflect the style of the surrounding properties;
 - Change in colour of brick to the front projecting bay;
 - Band coursing in the different/contrasting brick colours;
 - The size of the every house has been reduced by 11.5 square meters;
 - Roof has been simplified i.e. removal of pitched roofs/gables to the rear and pitched roof to the right hand side of the properties;
 - More trees have been added to the boundary shared with no.1 The Churches;
 - Note on the plan to confirm the retention of the existing boundary hedge between the site and The Churches; and
 - Note on the plan to confirm that the new garage is a replacement garage for Number 76 Currier Lane. The use of this is to be limited to that incidental to the enjoyment of the existing dwelling at number 76 Currier Lane.

3. PLANNING HISTORY

- 3.1 18/01078/FUL - Erection of 2no. 4 bedroom, two storey, detached dwellings and associated works – Approved 20/03/2019.
- 3.2 18/00559/FUL - Erection of 4no. detached two storey dwellings including associated access and landscaping works – Withdrawn 06/08/2018.

4. PLANNING POLICY

National Planning Policy Framework (NPPF)

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

Development Plan

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

Tameside Unitary Development Plan (2004)

4.5 **Part 1 Policies:**

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

4.6 **Part 2 Policies:**

- C1: Townscape and Urban Form
- H2: Unallocated Sites
- H4: Type, Size and Affordability of Dwellings.
- H7: Mixed Use and Density
- H10: Detailed Design of Housing Developments.
- N4: Trees and Woodland
- N5: Trees within Development Sites
- N7: Protected Species
- MW11: Contaminated Land
- Policy U3: Water Services for Developments
- U4: Flood Prevention
- T1: Highway Improvement and Traffic Management.
- T10: Parking.
- MW11: Contaminated Land

Supplementary Planning Documents

- 4.7 Residential Design Supplementary Planning Document
The Greater Manchester Joint Waste Development Plan Document April 2012
The Greater Manchester Joint Minerals Development Plan Document April 2013
Trees and Landscaping on Development Sites SPD adopted in March 2007

Places for Everyone

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

Other Considerations

- 4.11 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a 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.
- 4.12 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

5. PUBLICITY CARRIED OUT

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

6. SUMMARY OF THIRD PARTY RESPONSES

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

Development Too Big

The original planning application Ref. No: 18/00559/FUL was for 4 four bedroom detached houses and was refused in August 2018 after the council deemed the plans to constitute overdevelopment of the site. This was due to the limited access to the site and the disruption

up to 8 additional vehicles would have on access to Currier Lane, along with acknowledging 4 detached houses simply couldn't fit on the plot. The new planning application Ref. No: 22/01132/FUL covers the same footprint as the initial application but with 3 detached four bedroom houses, and a detached double garage. This again would mean at least 8 additional vehicles would be using the access road, as many if not more than the original application that was refused. Surely the additional two structures on the new application would mean the same overdevelopment that the first one was refused for.

Loss of Sun/Daylight/Overshadowing

The re-orientation of the plans now show the additional 4 bed roomed house at the Northern end of the 3, less than 7m from the gable end of 1 The Churches, this will have a huge impact on the natural light currently offered throughout the day. It is obvious from the new plans and the cramped nature of the designs that houses presented in this orientation simply do not work on this site, and the Council should follow their original decision and refuse the additional structures in this application.

The upstairs window on the gable end directly overlooks the bedroom and gardens of No 82 & no.84. This is intrusive and invades privacy.

Out of Character

It does not appear to be in keeping with the majority of housing in this area. Finally, the proposal of a double story garage, I feel a single story will be more in keeping with the residential surrounding properties.

Traffic/Parking Matters

Since these planning applications have been submitted Currier Lane has now been made one of Tameside Council's first 'active neighbourhoods' to create a series of cycle and pedestrian only access as part of the Council's 'Safe Streets Save Lives' initiative. Surely allowing a development that would contribute to significantly higher traffic volume on an already congested road goes against this initiative. The impact of this initiative has meant that one end of Currier Lane is now cut off, and this has had an impact on the amount of vehicles using the lower (Ashton) end of the lane as this is now the only exit to the west. This new development would add even more traffic to an already congested road. Although refuse collection services are to be catered for on Currier Lane, there is still an issue for larger delivery vehicles gaining access.

Access and maintenance of the access road both during and after construction has taken place. Access to the rear of my property and the parking of my car behind my garden gate. Access for the emergency services should they be required to enter the rear of my property.

Visual Amenity

There is the proposal to build a double story garage including an office which is wholly unnecessary in a domestic dwelling area. A single story garage would suffice.

I appreciate the views from my lounge, bedroom and garden during the various seasons and will be deeply saddened by the removal of these both aesthetically and from a wildlife point of view.

Damage to Wildlife

The area identified for development is rich in wildlife, and the removal of nine mature trees, one group of trees and two mature hedgerows will have a devastating impact on all the birds and animals that currently thrive in the area. Along with numerous species of birds that

depend on the trees and hedgerows for nesting and survival, the area has an established colony of bats that are prevalent in the Spring and Summer months in the area. In light of this, the comments provided in Teresa Hughes's response to Planning, where she states that it is "highly unlikely" in her professional opinion that bats are roosting in the existing garage structure, requires not only a second opinion but a detailed survey of the existing structures on the site. The survey was completed nearly five years ago, and the aerial imagery used that her assumption was made on are well out of date now.

Loss of Trees and Shrubbery

The removal of nine mature trees, one group of trees and two mature hedgerows recommended in the Arboricultural Impact Assessment and Method Statement will have a major impact on the mature woodland and hedgerows in the area. Our properties are adjacent to the site and border the north and west boundaries, and the loss of mature trees and shrubbery will have a major impact on the privacy we all currently enjoy. Also, the survey completed as part of the previously mentioned statement was completed in April 2018, the area, trees and shrubbery have matured significantly in that time and as a minimum should be re-visited. We would agree with the recommendations of Tony Hill the Council's Arboricultural and Countryside Estates Officer, in that the proposal to plant just four new trees does not properly mitigate for the losses.

Deforestation of existing trees. There should also be provision for more trees and shrubs to avoid this becoming a "concrete jungle".

Right of Access

Both nos 82 and 84 have a right of access along the rear of the properties and we would wish to know how it is intended to maintain this access road e.g. by tarmacadam or other means.

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

Over Development

We understand the original application requested four houses and this was rejected in favour of two. Subsequently the developer has resubmitted a new application for three houses and the large double garage. Plot 3 is very close to 1 The Churches and the 14.35 m dimension on the Site Plan appears misleading as it actually appears to be more like 6 to 7 m from rear corner to rear corner. Having studied the site plan this appears to be excessive and is likely to be defined as overdevelopment and likely to have a detrimental impact on the privacy and quiet enjoyment on the neighbouring properties at the rear

Vehicular Access

A two property development is likely to lead to four to six vehicles constantly trafficking this access road whereas a three property development is likely to attract at least eight to 10 vehicles along and around the access road which again appears to be excessive.

Access Road

The access track is tight and narrow with a really awkward tight turning circle for larger vehicles from Currier Lane. Moreover the access track is assumed to be unadopted and is tight and narrow and given the increased volume generated by this development (particularly construction traffic) is likely to lead an accelerated deterioration in its condition.

- 6.3 Following the submission of amended plans neighbouring properties were re-consulted on the application of which the consultation period expired on the 15 February 2022, one further comment was received citing the following objections to the application:

- Conflict with Land Use Policy;

- Development too big/over development of the plot;
- Loss of sun/day lighting/overshadowing;
- Noise/hours of operation;
- Out of character;
- Sets a precedent;
- Traffic/parking matters; and
- Visual amenity.

The comments received reiterated the points raised in section 6.1 above.

A petition has also been received with 29 names and addresses objecting to the application based on the reasons outlined below:

- Road Safety – “Active Neighbourhood” created as part of the Council’s ‘Safe Streets Save Lives’ initiative, planning application approval would increase vehicles using Currier Lane.
- Site Access – New access would add vehicle numbers entering an already busy road.
- Loss of trees – Removal of nine mature trees, one small group of trees and two mature hedgerows.
- Impact on wildlife – Birds and small animals affected by building works and removal of natural habitat.
- Over development – Plot size does not support four new detached buildings (three detached houses, and one double garage).

7. RESPONSES FROM CONSULTTEES

- 7.1 Arboricultural Officer – The trees proposed for removal are of low to moderate value and could potentially be mitigated for by replacement planting. The current proposed plan indicates four new trees, but to properly mitigate for the losses this number should be increased and a detailed landscape plan and specification submitted. The trees to be retained should be protected to BS5837 and the recommendations in the submitted method statement during all works.

Following the submission of an amended proposed site plan and a landscaping design strategy updated comments were received from the Arboricultural Officer.

The revised site plan indicates the planting of seven new trees, two more than indicated in the Landscape Design Strategy. Seven trees would be adequate mitigation for the tree removals required to facilitate the development. The trees are an appropriate mix of species in the context of a residential development.

The revised landscape proposal is acceptable from an arboricultural perspective, with the condition that all recommendations in the submitted Landscape Design Strategy are implemented during and post development. The trees to be retained should be protected to the recommendations in BS5837 during all works.

- 7.2 Local Highways Authority – Recommend approval subject to recommended conditions as the information and proposed plans supplied for the development would in the LHA opinion would not have on highways grounds an unacceptable impact on highway safety, or that the residual cumulative impact on the road network would be severe.
- 7.3 Greater Manchester Ecology Unit (GMEU) – Having used aerial imagery and considered the Planning Statement it is clear that the garage is in a poor state of repair with open roofs and flimsy construction. There is an exceptionally low likelihood of bats roosting in the structures and that no additional survey work is required, in this particular instance. No objections subject to recommended conditions and informatives in relation to biodiversity enhancements and protected species.

- 7.4 Contaminated Land – No objections subject to recommended conditions.
- 7.5 Environmental Health – No objections subject to recommended condition for construction hours.
- 7.6 United Utilities – No objections but recommend a condition is applied requiring that the site is drained in accordance with the drainage hierarchy.

8. ANALYSIS

PRINCIPLE OF DEVELOPMENT

- 8.1 Policy H2 of the UDP states *“Unless other considerations take precedence in a particular case, the Council will permit the redevelopment of previously developed land for residential use and the conversion of existing buildings to such use, where these are not specifically allocated for this purpose in the plan. Residential development on greenfield land which is not specifically allocated for this purpose in the plan will not be permitted unless an adequate five year supply is no longer available through outstanding commitments and remaining allocated sites, inclusive of an appropriate allowance for brownfield windfalls.”*
- 8.2 The site is located within an established residential area and is unallocated on the UDP Proposals Map.
- 8.3 The site remains predominantly undeveloped where the existing scale of development is not substantial enough that it would constitute previously developed land. However, in land use terms the proposals would be directly compatible with the overriding established character of surrounding uses.
- 8.4 The principle of residential development in this location has already been accepted with the granting of planning permission under reference 18/01078/FUL.
- 8.5 The value of the site remaining vacant in its current form would be of little benefit and the development proposed would bring the site into beneficial use, provided that the constraints are appropriately addressed.
- 8.6 It is worth noting that the site is in a sustainable location recognising the services, amenities and public transport options which are on-hand within the Ashton area. The site is within walking distance of Ashton town centre. The proposals would make a positive contribution to housing supply in line with the principles of national planning guidance.

9. DESIGN, CHARACTER OF THE AREA AND VISUAL AMENITY

- 9.1 National Planning Policy Framework paragraph 124 states *“Planning policies and decisions should support development that makes efficient use of land, taking into account:*
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
 - b) local market conditions and viability;*
 - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
 - d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
 - e) the importance of securing well-designed, attractive and healthy places.*
- 9.2 Paragraph 130 states that planning policies and decisions should ensure that developments:

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

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

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

9.5 UDP policy H4 states *“The overall provision of new housing in the Borough should incorporate a range of dwelling types, sizes and affordability to meet the needs of all sections of the community and to help create better balanced communities for the future.”*

9.6 UDP policy H7 states *“The Council will encourage and permit the development of:*
 (a) *schemes which contain mixed uses incorporating housing, either on parts of a site or within individual buildings, such as flats above commercial uses, and*
 (b) *schemes which make efficient use of land through housing densities of between 30 and 50 dwellings per hectare net, or greater in locations highly accessible by public transport, and*
 (c) *schemes which include limited provision of off-street car parking taking account of the needs of the potential occupiers and the availability of alternative means of transport.*

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

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

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

- 9.8 Policy RD2 in the Residential Design SPD covers general character considerations and is clear in their expectations of achieving high quality development that enhances a locality and contributes to place making taking into account the historic environment, proportions and existing building styles.
- 9.9 Policy RD3 in the Residential Design SPD covers efficient use of land. National policy highlights the need to make efficient and effective use of land by encouraging residential schemes which utilise previously developed land and existing buildings, allied with a minimum density of 30 dwellings per hectare. The Council supports such policies, allied with appropriate alignment with existing character in terms of scale and mass, aligning with use policies, ensuring any historical status is respected and schemes do not result in over-development.
- 9.10 Policy RD22 of the Residential Design SPD - Infill & Backland Sites states that "Plot and boundary widths should align with the surrounding street. The scale and mass of dwellings should align with their surroundings. Architectural styles and materials should generally align with the existing. Development must follow an existing building line and orientation, particularly at road frontage. Ensuring privacy distances are achieved. Proposals should not land lock other potential development sites. Retaining and providing appropriate outdoor amenity space, parking & access."
- 9.11 The form, design, scale and appearance of the proposed dwellings are appropriate to the locality noting that the proposals are for two storey properties akin to the detached properties within the area, which also reads as a backland development to the rear of Currier Lane. Site section plans have been submitted which show the proposed relationship between the proposed dwellings and the existing dwellings to the north (no.1 & no.2 The Churches). The section plans show the ridge height is no higher than the neighbouring properties. A hipped roof is proposed to reduce the overall mass of the buildings and the ridge height of the proposed dwellings are approximately 0.5 metres higher than the ridge height of the dwellings previously approved (18/01078/FUL).
- 9.12 Amendments have been secured as reference in paragraph 2.9 of this report to reflect design changes, which include chimneys added to the houses to reflect the style of the surrounding properties, brick band coursing in the different/contrasting brick colours and the roof of the proposals have been simplified. The amendments will add architectural interest to the elevations especially the side elevation of plot 1 facing the access and the rear of Currier Lane. It is considered that the changes add contrast, detailing and will enhance the appearance of the dwellings.
- 9.13 At the front, the houses would have a garage door, a front door with glazing at first floor level and a two storey projecting bay is proposed. Windows are proposed to the side elevation facing the access and the rear of Currier Lane.
- 9.14 The proposal would involve the erection of three dwellings on a site area of 0.14 hectares, which equates to 21.4 dwellings per hectare. Given the character of surrounding development, this would make efficient and effective use of the land, notwithstanding that RD3 of the SPD recommends a minimum density of 30 dwellings per hectare.
- 9.15 Spaciousness and openness will be provided due to the generously sized gardens and open space to the sides, rear and front of the properties. This will contribute significantly to the visual quality of the area, and its pleasant sub-urban nature.
- 9.16 The scale of the development lends itself as a practical infill plot which can support three good sized family dwellings. The majority of existing trees can be retained, which taken with proposed landscaping would also uplift the setting of the properties and uplift the overall appearance of the locality as a whole. The proposed levels of soft landscaping would break up front parking areas to the overall enhancement of the setting of the properties.

- 9.17 The layout, bulk, massing and scale of the dwellings are acceptable. The dwellings respond to the existing vernacular and building style in the area. The size and siting of the proposal would result in a development that would not compete with surrounding properties nor appear dominant, therefore the properties will be viewed in conjunction with the aforementioned buildings.
- 9.18 The proposed dwellings would not dominate the area and comprise of an efficient and effective use of land within the context of the site. As such the scale and massing of the proposed development is considered acceptable in this context and the proposed buildings do not represent an overdevelopment of the plot as referenced above. As a result the dwellings would not appear a dominant and inappropriate addition, the proposal integrates sympathetically with the scale, mass and layout of the existing buildings. As such, the proposal is in keeping with the wider character and appearance of the surrounding area.
- 9.19 Having full consideration to the design merits of the proposal and the layout of the scheme it is considered that the development would deliver an attractive residential environment which would enhance the existing area. The properties present would have an independent appearance with features that are prominent on surrounding properties. The proposal will provide good quality family housing. It is therefore, considered that the proposal adheres to the objectives of UDP policies H4, H7 and H10 which stress the importance of residential development being of an appropriate design, scale, density and layout.
- 9.20 The scale and design of the proposed garage is appropriate to the locality taking into account the size and heights of the garages to The Churches development to the north and the existing garage on the site, which is four metres high. Garages are a common feature to the rear of properties along this stretch of Currier Lane and therefore it is considered that the proposed garage would respect the design, scale, materials, character, appearance and proportions of the existing dwelling and would preserve the character and appearance of the surrounding area.
- 9.21 The proposal is therefore considered to be acceptable in terms of design and is considered to be in accordance with the NPPF and policies C1, H4, H7 and H10 of the UDP, the SPD; and, Sections 2,11 and 12 of the NPPF.

10. RESIDENTIAL AMENITY

- 10.1 Paragraph 130(f) of the National Planning Policy Framework states that *“Planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
- 10.2 UDP Policy H10 states *“any proposed housing development will be required to be of high quality and to meet the following criteria: - (d) no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing, or traffic, and (e) minimisation of the opportunities for crime and anti-social behaviour.”*
- 10.3 Policy RD5 of the Residential Design SPD states *“Minimum Privacy Distances must be achieved”*.
- 10.4 Policy RD11 of the Residential Design SPD states *“Houses - all houses should have private amenity space of a size and function suitable for its intended occupants. Houses of 3 or more bedrooms will be considered family homes and should have an outdoor space that reflects this.”*

- 10.5 Policy RD12 of the Residential Design SPD states *“The size, shape, gradient and surface treatment should be appropriate to create functional, attractive spaces. Gardens should be easily reached from the dwelling it serves. Rear gardens should generally be designed as private spaces. Front gardens should not restrict natural surveillance over property frontage or street.”*
- 10.6 Policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. Internal space is interpreted by reference to the nearest equivalent new national technical standard which is given in the Government's Technical Housing Standards – nationally described space standard document (THS).
- Living Conditions for Existing Occupiers
- 10.7 Policy RD5 of the Tameside Residential Design SPD states that *“There should be 10 metres between a habitable room window to a single storey blank wall, there also should be a separation distance of 14 metres from a habitable room window to blank two storey wall. A distance of 21 metres should be retained between an elevation containing habitable room windows and a corresponding neighbouring elevation that also contains a habitable room window.”*
- 10.8 Each neighbouring property will be assessed in turn. It is noted that permission was granted in 2011 for the construction of three detached dwellings (11/00144/REM) to the north of the site. Two of those dwellings have been constructed which now form no.1 The Churches and no.4 The Churches. The proposed plot 3 is closest dwelling to no.1 The Churches, which is located at an angle to the proposed dwelling and is located to the north. There is a separation distance of approximately 9.3m at its closest point from the side elevation to the side elevation of the gable end to no.1 The Churches. It is noted that there are no windows to the side elevation of The Churches and there is one window proposed at ground floor to side elevation of the proposed dwelling which will be a toilet and will be obscure glazed, as secured by condition. No.1 The Churches comprises of an ‘L’ shaped layout which means that to the rear element of the building there are habitable room windows facing the proposed site. There is a separation distance of 14.3 metres at its closest point from the side elevation of the proposed dwelling (Plot 3) and the side elevation of no.1 The Churches, noting due to the ‘L’ shaped design and layout the habitable room windows are setback within the property. As referenced above there should be a separation distance of 14 metres between a two storey blank gable and a habitable room, this assessment has been undertaken on the principle that the toilet window proposed at ground floor will be obscure glazed.
- 10.9 Notwithstanding this the ground floor kitchen/dining room to no.1 The Churches is served by five bi-fold/patio floor to ceiling height doors and there are also windows to this room within the northern side elevation and east facing rear elevation. At first floor, there are two windows to the master bedroom and again this room is served by windows to the eastern facing rear elevation. The windows impacted by this development are not the only source of light to the aforementioned habitable rooms and in any event as explained above the minimum separation distance contained within policy RD5 of the SPD has been met. Whilst the dwellings would be closer to the neighbouring property than the previously approved dwellings (18/01078/FUL), it is considered that there would be no significant loss of amenity currently enjoyed by the occupier of no.1 The Churches that would warrant refusal of the application noting the separation distance between the proposal and the neighbouring property.
- 10.10 No.2 The Churches is located at its closest point approximately 21 metres away from the two storey rear elevation of plot 2 and approximately 24metres away from the two storey rear elevation of plot 1. A minimum distance of 21 metres should be retained between an elevation containing habitable room windows and a corresponding neighbouring elevation that also contains a habitable room window. Therefore it is considered that the proposal will not have an adverse impact on the residential amenity of no.2 The Churches. The proposed single storey rear element to plot 2 will be sited approximately 17.4metres away at its closest

point to the single storey rear element at no.2 The Churches and the separation distance from the single storey rear element to plot 1 to no.2 The Churches is approximately 20metres at its closest point. The impact of the proposed single storey rear element is considered acceptable noting that there will be limited inter-visibility due to the proposed boundary treatment and proposed hedging along the rear boundary.

- 10.11 The side elevation of plot 1 contains a first floor en-suite window and two ground floor lounge windows either side of the chimney breast. The proposed property will be sited approximately 23 metres away from the rear elevation of no.80 & no.82 Currier Lane and approximately 24 metres away from the two storey rear elevation of no.84 Currier Lane. The proposal will meet the minimum separation distance standard and is therefore considered acceptable.
- 10.12 Plot 1 will be sited approximately 20 metres away from the rear conservatory at no.84 Currier Lane which is considered acceptable in this instance noting that there is a garage to the rear boundary of no.84 which will block the views to this conservatory from the proposed lounge windows.
- 10.13 Plot 1 will be sited approximately 28 metres away at its closest point from no.76 Currier Lane. As such, the proposed impact on this neighbor is considered acceptable.
- 10.14 The proposed garage will replace an existing garage on site and the impact on the neighbouring properties will be no worse than the existing situation due to the separation distances.
- 10.15 Living Conditions for Future Occupants

The DCLG technical standards recommend a minimum internal floor area of 124sqm for 4bed (8p) accommodation. 153 sqm of internal floor area will be provided to each dwelling, which meets the requirements of the THS.

- 10.16 Private amenity space is an essential part of the character and quality of the environment of residential properties. Commensurate with the size and type of dwelling, and the domestic activities it is intended to accommodate, residential properties usually require in-curtilage, private open space. In this instance the domestic activities will require private amenity space, sufficient in both size and appropriateness, to accommodate bin storage, clothes-drying and, sitting-out.
- 10.17 An existing rear paved area and garden area would provide a private outdoor space for future occupiers of the proposals. Unit 1 will have a private outdoor space of 115.54 square metres, unit 2 will have a private outdoor space of 111.58 square metres, unit 3 will have a private outdoor space of 118.51 square metres. The private outdoor spaces proposed are considered acceptable in both size and appropriateness, to accommodate bin storage, clothes-drying and, sitting-out.
- 10.18 In terms of the residential environment that would be created the proposal is therefore considered compliant with policy H10 of the UDP; policies RD11 & RD12 of the SPD; and, Section 12 of the NPPF.

11. HIGHWAY MATTERS

- 11.1 *Policy T1 of the UDP states "The Council will carry out new highway construction, highway improvement and traffic management schemes with the aims listed below. The access arrangements for development schemes must also be designed with these aims, wherever appropriate.*

(a) improving safety for all road users,

- (b) encouraging the use of non car modes,*
- (c) providing safe and convenient facilities for pedestrians and cyclists,*
- (d) improving road and community safety especially in residential areas,*
- (e) improving safety and the environment in town and local centres, assisting their viability and encouraging new investment,*
- (f) assisting sustainable development,*
- (g) safe management of congestion problems,*
- (h) improving the efficiency and attractiveness of public transport and the convenience and safety of passengers,*
- (i) providing for the needs of people with mobility difficulties,*
- (j) providing for the safe use of powered two wheelers,*
- (k) providing for the sustainable movement of freight,*
- (l) conserving and enhancing the valued characteristics of an area through the use of appropriate design and materials.*

- 11.2 *Policy T10 of the UDP states “Proposals will be brought forward, following local consultation, for secure off-street parking where needed in residential areas and where suitable sites are available. New developments will be subject to maximum levels of parking provision, in accordance with standards to be established in association with the other Greater Manchester authorities and in line with national and regional guidance.”*
- 11.3 Paragraph 111 states that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 11.4 The site would be accessed from the existing access single width track located off Currier Lane. The track is unadopted and also serves as a rear access to a number of properties. The LHA are satisfied that the existing access/egress from the development onto Currier Lane is satisfactory and meets the LHA requirements; and the visibility splays comply with Manual for Streets/LHA requirements. All types of vehicles can safely manoeuvre within the site using the turning heads and leave the development in a forward gear. The LHA required a vehicle holding area within the private access road to allow vehicles entering the development off Currier Lane to safely pass and not have to reverse back onto Currier Lane. This has now been provided in the form of two passing places which is now to the satisfaction of the LHA.
- 11.5 Policy RD8 states that there should be a maximum of three car parking spaces for 4+ bedroom dwellings, this is also reiterated within policy T10 of the Council's UDP. The submitted plan shows parking provision for 2 no. off street parking space within the redline boundary along with an internal garage for each of the dwellings, which is in line with TMBC SPD requirements.
- 11.6 To promote sustainable modes of transport, cycle storage is required to be secured by condition, however it is noted the garage could be utilised to store bicycles.
- 11.7 The LHA are satisfied that the additional traffic generated by the proposed residential development would be accommodated on the local highway network without any significant detrimental impact. Subject to the recommended conditions, the proposed impact on highway safety is considered acceptable and there are no objections from the highways engineers.

12. ECOLOGY, TREES AND LANDSCAPING

- 12.1 *Paragraph 133 of the NPPF states that “Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that*

opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”

- 12.2 Paragraph 174 of NPPF states that *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”*

- 12.3 *Policy N4 states that “The Council will not permit the felling of protected trees and woodlands, or other trees of amenity value, unless:*
- a) the removal of a tree has been considered appropriate in connection with an approved development, or*
 - b) good arboricultural practice requires that the tree should be felled, or*
 - c) the condition or safety of structures is conclusively proven to be adversely affected by the presence or growth of a tree, or*
 - d) a serious risk to public safety is presented by the tree.*
- Where a tree is removed, the Council will require appropriate replacement planting.*

- 12.4 *Policy N5 state that “Where the quality and location of existing trees, whether individually, in groups or in woodlands, are of significant value to the appearance and amenity of a site, the Council will not permit development proposals which would:*
- (a) result in unnecessary loss of, or damage to, such existing trees, or*
 - (b) not allow for successful retention of such existing trees, or*
 - (c) not make adequate provision for replacement planting.*

Where a development proposal affects a site containing trees or woodlands, the Council will require a full arboricultural impact assessment, survey and method statement to be undertaken and submitted with the planning application, to enable the value of the trees and the effect of the proposal on the trees to be properly assessed and proposals made for the best of the trees to be accommodated within the scheme.

- 12.5 There are several protected trees located within the curtilage of no. 76 Currier Lane. An Arboricultural Impact Assessment and Method Statement has been submitted along with tree protection measures. The development proposals will necessitate the removal of nine trees and one group of trees. These include four Category B trees, three Category C trees, one Category C group and two Category U trees. All of the highest 'category A' trees would be retained within the site but a protected (Category B) Sycamore and a protected (Category B) Poplar would require removal to facilitate junction improvements to the visibility splay of the access road and to accommodate the proposed garage. The previous permission would have resulted in the removal of these trees. It is noted that the canopy covers telephone lines that serves several immediate properties so significant pruning works are likely to be required at some point.

- 12.6 A revised site plan was submitted following an initial consultation response from the Council's Arboricultural Officer. The amended proposed site plan indicates the planting of seven new trees, two more than indicated in the submitted Landscape Design Strategy. This would be adequate mitigation for the tree removals required to facilitate the development. The trees are an appropriate mix of species in the context of a residential development. As such, the revised landscape proposal is acceptable from an arboricultural perspective, subject to a relevant condition stating that all recommendations in the submitted Landscape Design Strategy are implemented during and post development and that the trees to be retained should be protected to the recommendations in BS5837 during all works.
- 12.7 It is noted that no ecological information has submitted as part of the application, however Government Guidance (Defra Circular 06/2005) indicates that surveys should not be left to conditions, but should only be requested where there is a reasonable likelihood of protected species being found. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.
- 12.8 Having considered the Planning Statement and following a site visit from the planning officer, it is clear that the garage is in a poor state of repair with open roofs and flimsy construction. GMEU are of the opinion that there is an exceptionally low likelihood of bats roosting in the structures and that no additional survey work is required, in this particular instance.
- 12.9 Bats and their roosts are protected by law, and can and do turn up in unexpected places. An informative could be attached to the permission making the applicant aware of the legal protection that protected species such as bats receive, and that the granting of planning permission does not negate the need to abide by the laws that are in place to protect biodiversity.
- 12.10 As referenced above, paragraph 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. It is expected that the scheme will provide biodiversity enhancements and provide a net gain for biodiversity at the site, in line with the requirements of the National Planning Policy Framework. These conditions are considered to be necessary to encourages enhancements and net gains for biodiversity to be delivered through the planning system. As a result the impact on ecology and trees is acceptable.

13 DRAINAGE AND FLOOD RISK

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

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

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

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

- 13.3 The site is located within flood zone 1 such that there is a low probability of flooding.
- 13.4 United Utilities have raised no objection subject to a condition requiring site drainage to be in accordance with the surface water drainage strategy, which has been submitted based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions.
- 13.5 The surface water drainage scheme is in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) and demonstrates that foul water and surface water will be drained from the site via separate mechanisms and details have been submitted for existing and proposed surface water run-off rates. The strategy also includes details of on-going management and maintenance arrangements.
- 13.6 Following the above assessment, the proposals would not result in a detrimental impact on flood risk or drainage capacity and complies with relevant planning policy.

14. GROUND CONDITIONS

- 14.1 The site falls outside of the Coal Authority’s defined Development High Risk Area. As such, a Coal Mining Risk Assessment is not required.
- 14.2 Historical mapping from the middle of the nineteenth century sets out that the site was open farmland although, a small building occupies part of the centre of the proposed development area. Directly adjacent to the east, a cemetery is displayed on mapping from this period onwards. No significant alterations are shown to the site until in the early twentieth century, some small enclosures are noted. These were possibly allotments although, no use is described on the historical mapping. In the 1950s/1960s, a building was located on the site and it appeared that a lockup garage was located adjacent to it. Off site to the west, Queen Street Nursey School was displayed and further residential developments are shown off site to the south. The site currently appears to be gardens/scrubland with a car parking area, garages and a gravel road.
- 14.3 The submission identifies that there is potential for the presence of contamination associated with the following:
- Areas of made ground from on and off-site developments;
 - Ground gas associated made ground on the site; and
 - Asbestos related to the demolition of former buildings on the site.
- 14.4 In addition, any fuels/chemicals stored in lockup garages could have spilt and leaked into soils and groundwater in the area of the garages. EEG identified that potential off-site sources of pollution include the adjacent cemetery.
- 14.5 The submission states that an intrusive investigation to clarify the contamination risk is required and this will include taking soil samples for contamination testing and to confirm whether there are still any potential risks. However, it is recommend that depending on the

depth and nature of the made ground, gas monitoring and risk assessment may also be required.

- 14.6 Based on the information provided, the Council's Contaminated Land team have no objections to the proposed development subject to the recommended conditions.

15. OTHER MATTERS

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

16. PLANNING BALANCE AND CONCLUSION

- 16.1 The Council cannot demonstrate a five-year supply of deliverable housing sites in a recently adopted plan or in any annual position statement, as is required by paragraph 75 of the NPPF. In turn, the test in the fourth bullet point of paragraph 11 applies, so that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 16.2 As referenced within the body of the report, the site is located within an established residential area and is unallocated on the UDP Proposals Map. The principle of residential development in this location has already been accepted as planning permission has been granted previously. The principle of housing in this location is acceptable.
- 16.3 The proposals represent an opportunity to maximise the residential occupation of the existing plot within an established residential area and would be an effective and efficient use of the land to meet the need for homes and provide good quality family orientated accommodation.
- 16.4 The design and scale of the development is appropriate for this location and surrounding area. The applicant has responded positively to suggestions of design improvement, and it is considered that the development would be appropriate and visually the properties achieve an appropriate design.
- 16.5 The proposal is not considered to be detrimental to residential amenity for existing and future occupiers, given the separation distance between existing and proposed housing.
- 16.6 The site is located within a sustainable location with good access to services and transport and the development would not cause undue impacts to highway safety, and would be considered acceptable subject to the imposition of conditions.
- 16.7 There are no objections to the proposals from the statutory consultees in relation to the proposed development subject to the recommended conditions.
- 16.8 Overall, the proposal complies with the development plan and the NPPF, for the reasons set out in the report, and therefore paragraph requires the application be approved without delay. There are no significant or demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. As such, it is recommended that planning permission is granted subject to recommended conditions, in accordance with policies outlined in the UDP and the National Planning Policy Framework.

RECOMMENDATION

Grant planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of 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:

Plans

Location Plan - Dwg no: 1702.PL01

Existing Site Plan and Sections - Dwg no: 1702.PL02

Proposed Site Plan and Sections, Proposed Fence Details - Dwg no : 1702.PL03B Rev : C

Proposed Floor and Elevation Plans - Dwg no: 1702.PL04B Rev: B

Proposed Garage Plans - Dwg no: 1702.PL05 Rev: A

Structural Layout and Details - Dwg no: 20229471 C1 01 Rev: A0

Reports

Arboricultural Impact Assessment and Method Statement Prepared by DWA Ecology dated October 2022

Drainage Strategy Prepared By BDI Structural Solutions dated October 2022

Phase I GeoEnvironmental Desk Study prepared by Earth Environmental & Geotechnical dated November 2022

Planning Statement Prepared By High Peak Architects LTD dated July 2022

Transport Statement Prepared by Mosodi dated April 2022

Landscape Design Strategy Prepared by DWA Ecology dated December 2022

Material Schedule - Ref: 1702.Db.04 dated October 2022

Outline SuDs Maintenance Strategy prepared by BDI Structural Solutions

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

Policy C1: Townscape and Urban Form

Policy H2: Unallocated Sites

Policy H4: Type, Size and Affordability of Dwellings.

Policy H7: Mixed Use and Density

Policy H10: Detailed Design of Housing Developments.

Policy T1: Highway Improvement and Traffic Management.

Policy T10: Parking.

Policy N4: Trees and Woodland

Policy N5: Trees within Development Sites

Policy N7: Protected Species

Policy MW11: Contaminated Land

Policy U3: Water Services for Developments

Policy U4: Flood Prevention

Policy U5: Energy Efficiency and the National Planning Policy Framework (NPPF).

- 3) The materials of external construction shall be identical in appearance to those specified on the submitted material schedule submitted on 31 January 2023. Development shall be carried out in accordance with the approved details. Unless otherwise approved in writing by the Local Planning Authority.

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

- 4) Prior to bringing the development into use, the car parking, servicing and turning facilities indicated on the approved plan shall be provided to the full satisfaction of the LPA and thereafter kept unobstructed and shall be retained as such thereafter. Vehicles must be able to enter and leave the site in forward gear at all times.

Reason: To ensure adequate car parking arrangements.

- 5) Prior to occupation of the proposed development, the drainage scheme shall be completed in accordance with the submitted Drainage Strategy (Prepared by BDI Structural Solutions dated October 2022) and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with paragraph 167 of the National Planning Policy Framework.

- 6) No development shall commence until such time as a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:
 - Arrangements for temporary construction access;
 - Contractor and construction worker car parking;
 - Turning facilities during the remediation and construction phases; and
 - Details of on-site storage facilities.

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

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

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

Reason: To ensure adequate cycle storage.

- 8) No work shall take place in respect to the upgrade of the access road off Currier Lane to the development, as indicated on the approved site plan, until a scheme relevant to highway construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of:
 - Surface details of all carriageways and footways.
 - Details of the areas of the upgrade of the access road to be constructed to an acceptable standard and the specification of the construction of these areas.
 - Private street lighting proposals

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

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

- 9) A clear view shall be provided on from the site access where it meets the footway on Currier Lane. Its area shall measure 2.4 metres along the edge of the site access and 2 metres along the footway. It must be kept clear of anything higher than 600mm above the access, on land which you control.

Reason: To allow users of the site access and Currier Lane to see each other approaching.

- 10) No construction shall commence until the detailed drainage design, has been assessed and accepted in writing by United Utilities.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with paragraph 167 of the National Planning Policy Framework.

- 11) The recommendations as identified within the submitted Arboricultural Impact Assessment and Arboricultural Method Statement (Prepared by DWA Ecology dated October 2022) and the Landscape Design Strategy (Prepared by DWA Ecology dated December 2022) shall be implemented in accordance with the above details and retained thereafter for the lifetime of the development.

Reason: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to UDP Policies N4 and N5.

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

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

- 13) No removal of or works to any hedgerows, trees, shrubs or brambles shall take place during the main bird breeding season between 1 March and 31 August July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the National Planning Policy Framework.

- 14) No development shall take place until all existing trees on the site except those shown to be removed as indicated within the submitted Arboricultural Impact Assessment and Arboricultural Method Statement (Prepared by DWA Ecology dated October 2022) and the Landscape Design Strategy (Prepared by DWA Ecology dated December 2022), have been fenced off in accordance with BS 5837:2012 "Trees in relation to construction - Recommendations". The fencing shall be retained during the period of construction and

no work, excavation, tipping or stacking of materials shall take place within any such fence during the construction period.

Reason: To ensure adequate protection of trees to be retained during the construction phase of the development in accordance with UDP Policies N4 and N5.

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

Reason: In order that any proposals for future extensions/alterations can be assessed in the interests of the impact on neighbour amenity, in order to ensure compliance with Policies C1 'Townscape and Urban Form' and H10 'Detailed Design of Housing Developments' of the Tameside Unitary Development Plan.

- 16) The proposed dwellings shall not be occupied until the proposed northern facing side elevation window as shown on (Dwg no: 1702.PL04B Rev: B) and the proposed south facing first floor side elevation window as shown on (Dwg no: 1702.PL04B Rev: B) have been fitted with obscure glass of or equivalent to "Pilkington" Level 4 or 5. The obscure glazing shall subsequently be retained at all times thereafter.

Reason: To protect and safeguard the privacy and amenities of occupants of nearby properties/dwelling houses in accordance with UDP policy H10.

- 17) Prior to occupation of the dwellings, full details of the proposed refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 19) No development, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:
1. A Preliminary Risk Assessment which has identified: - All previous and current uses of the site and surrounding area. - All potential contaminants associated with those uses. - A conceptual site model identifying all potential sources, pathways, receptors and pollutant linkages.
 2. A site investigation strategy, based on the Preliminary Risk Assessment in (1) detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be

- approved in writing by the LPA prior to any investigation works commencing at the site.
3. The findings of the site investigation and detailed risk assessments 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.

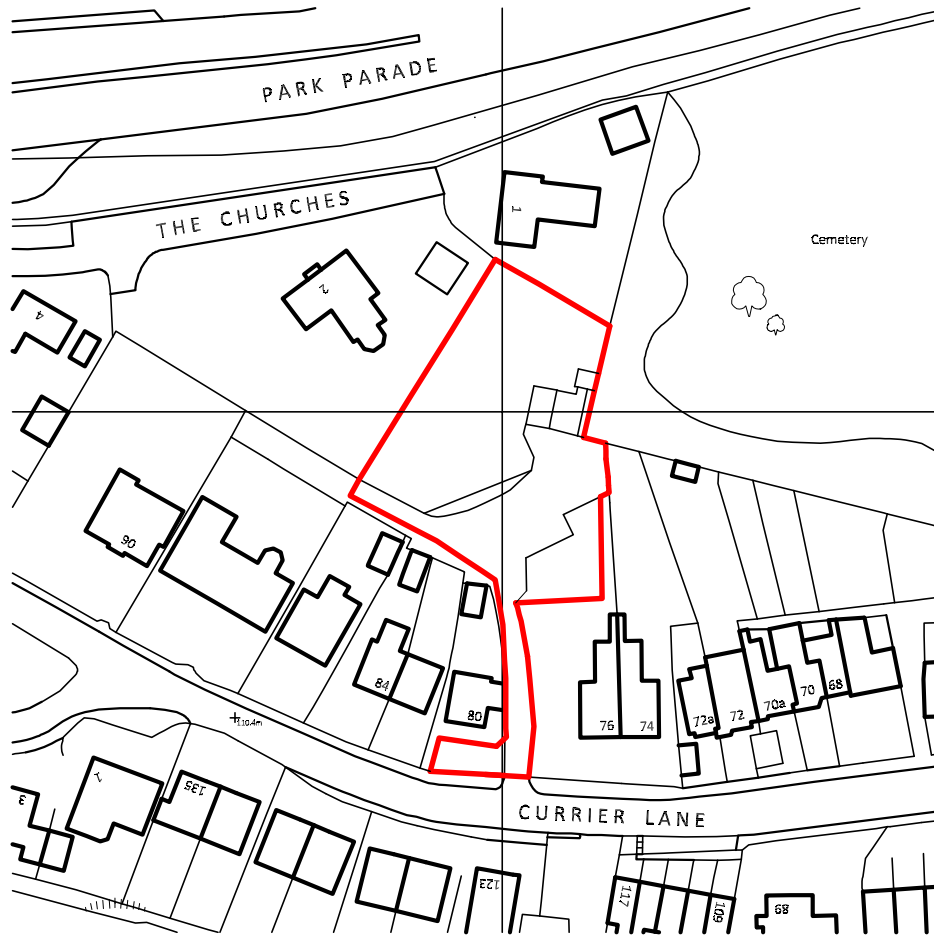
Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 184 of the National Planning Policy Framework.

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

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

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

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Residential Development

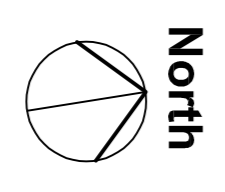
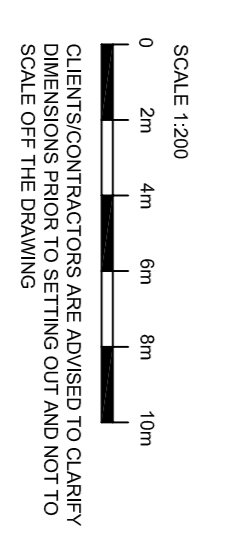
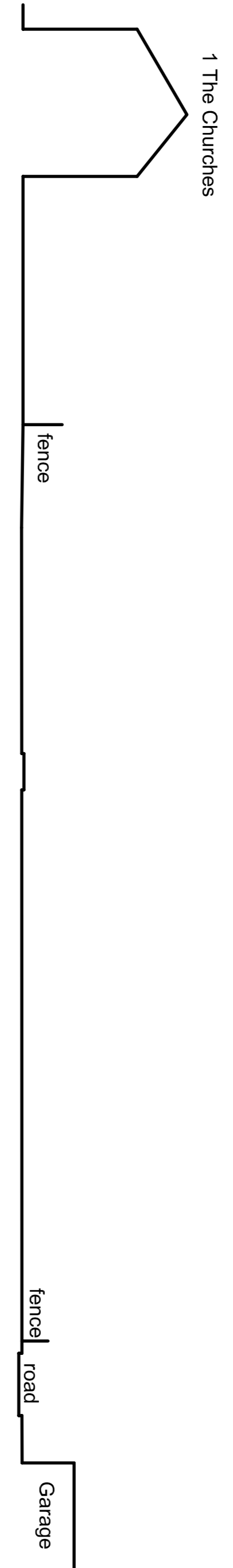
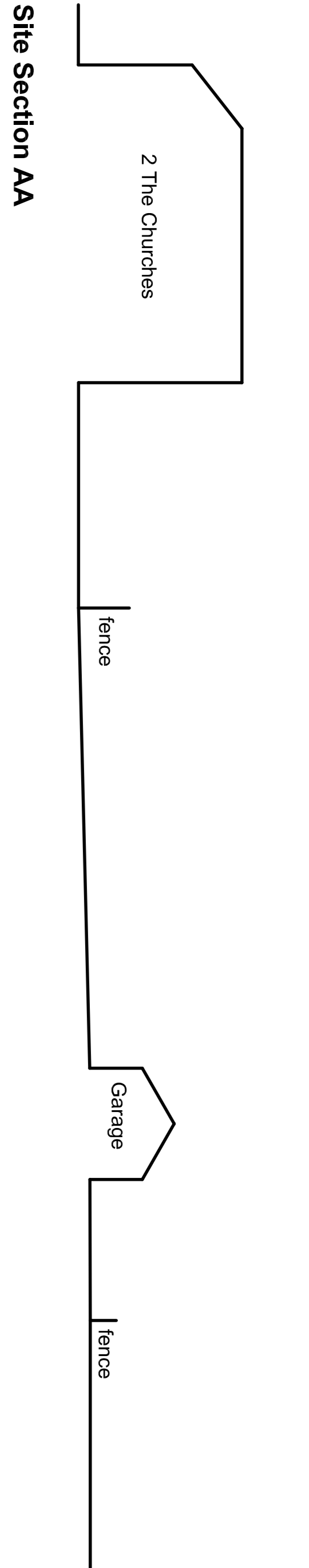
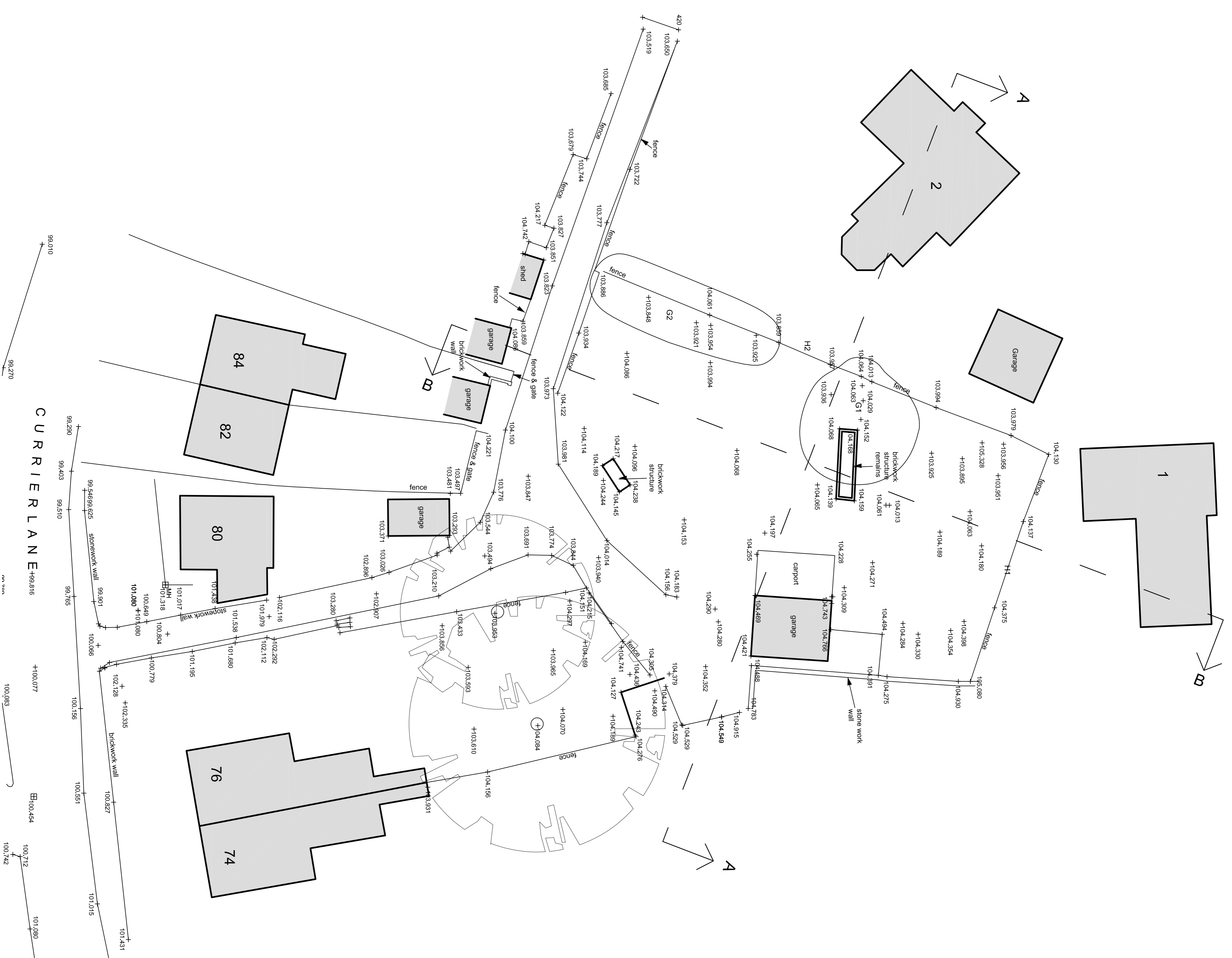
Currier Lane, Ashton-under-Lyne

Location Plan

1702.PL01

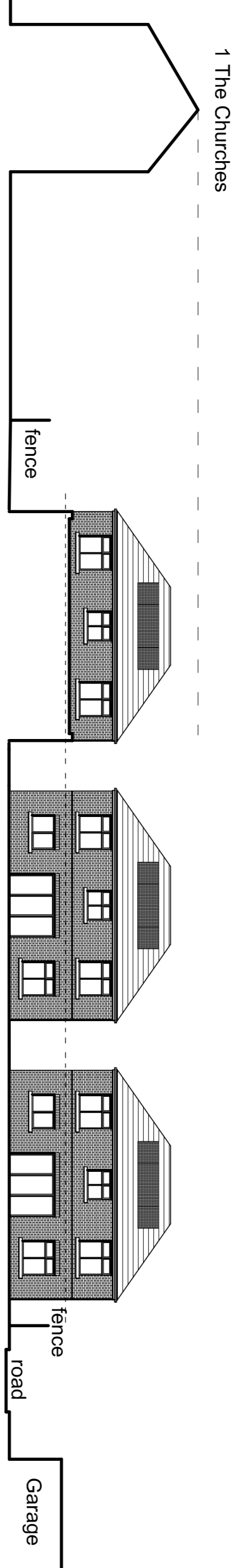
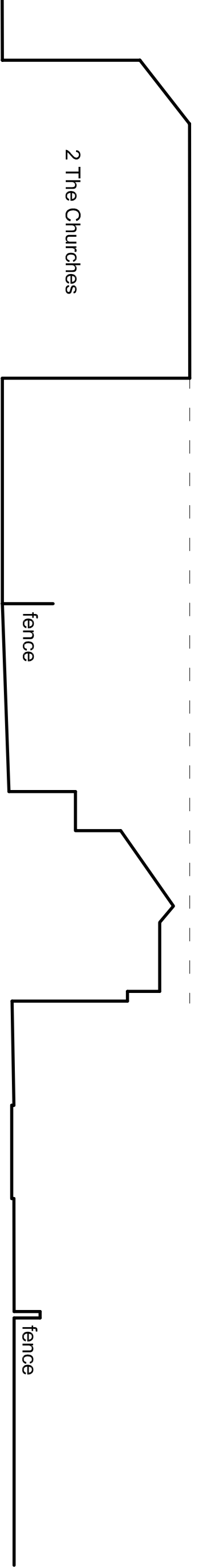
Page 59

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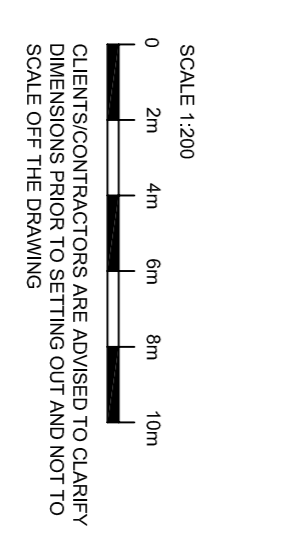
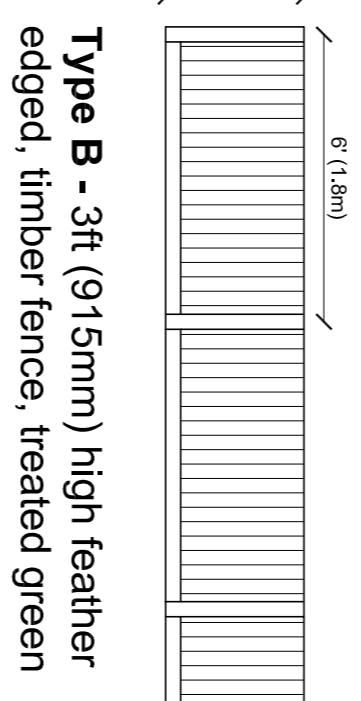
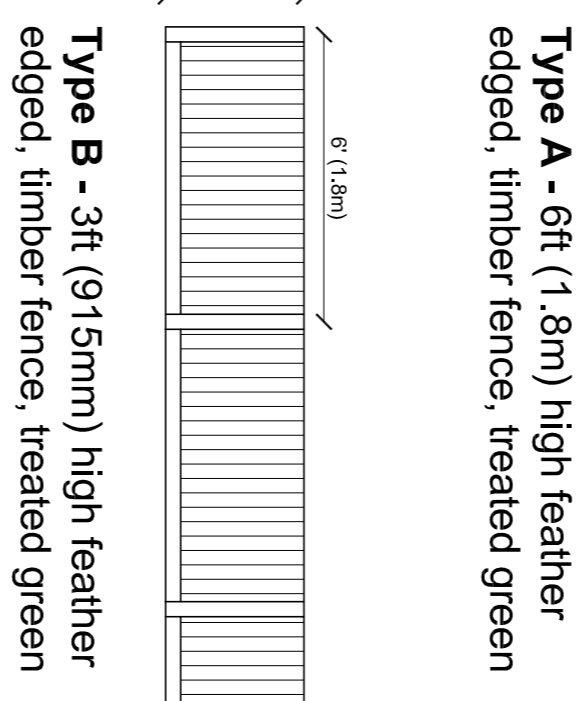


CURRIER LANE #98.816

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Proposed Fence Details



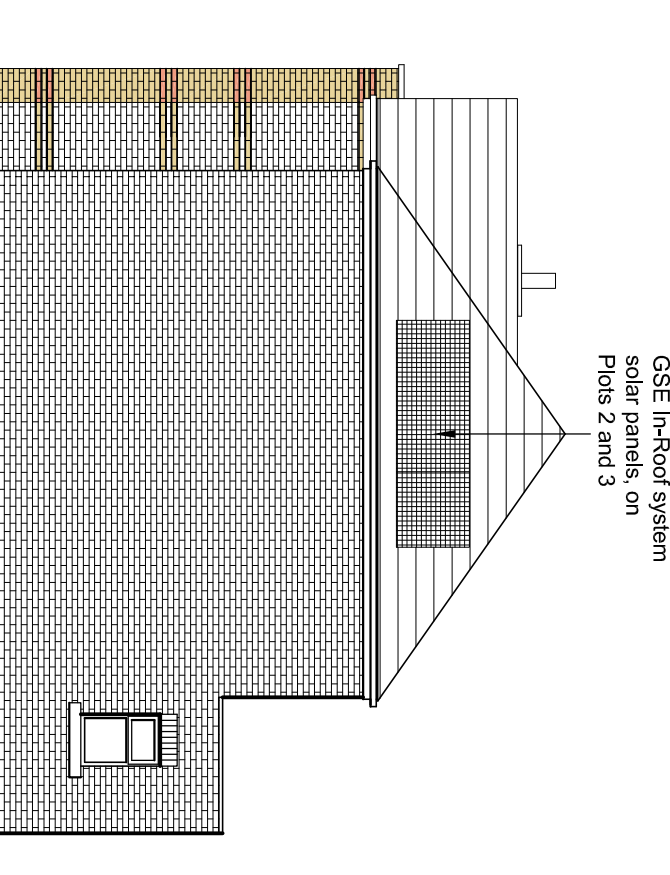
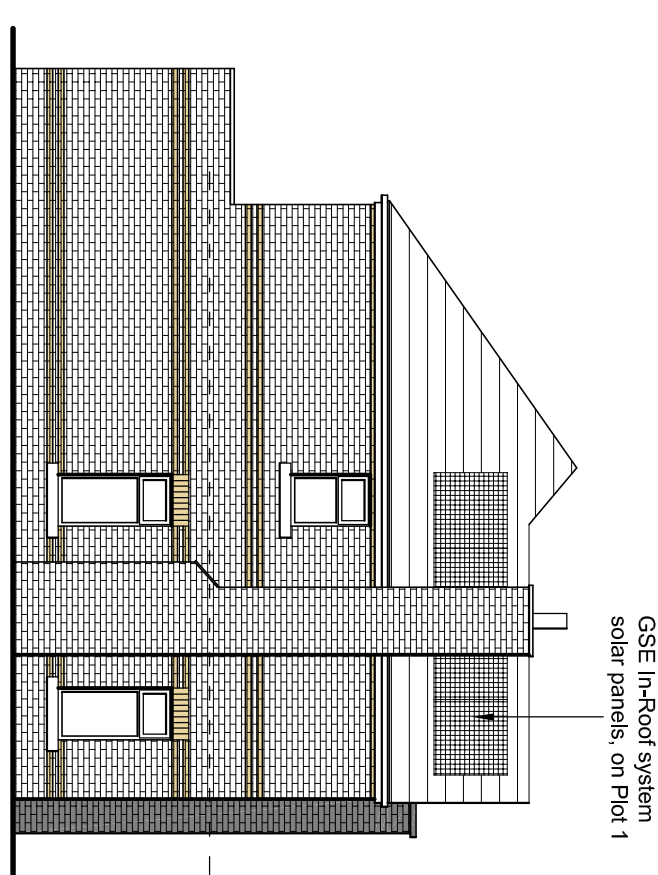
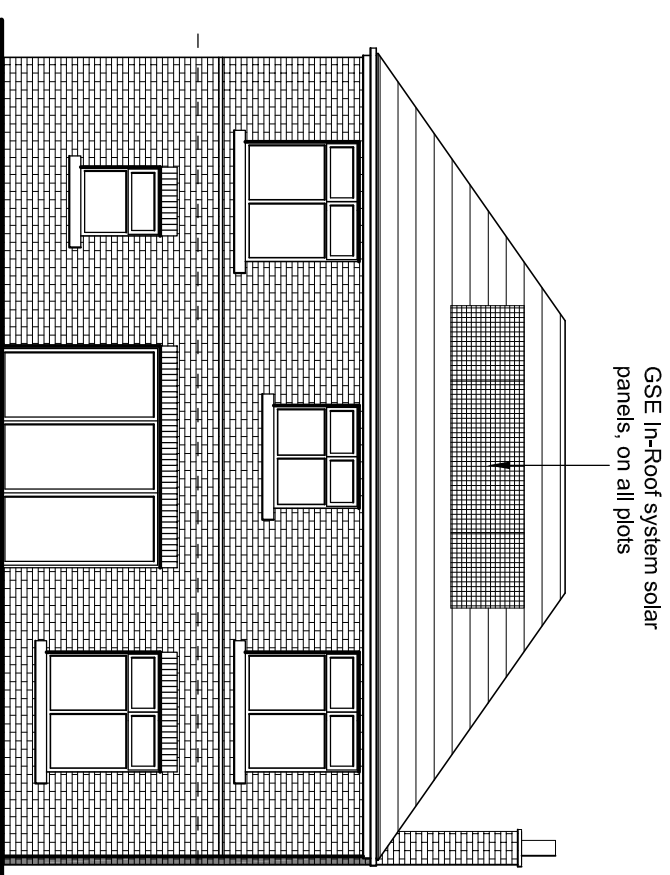
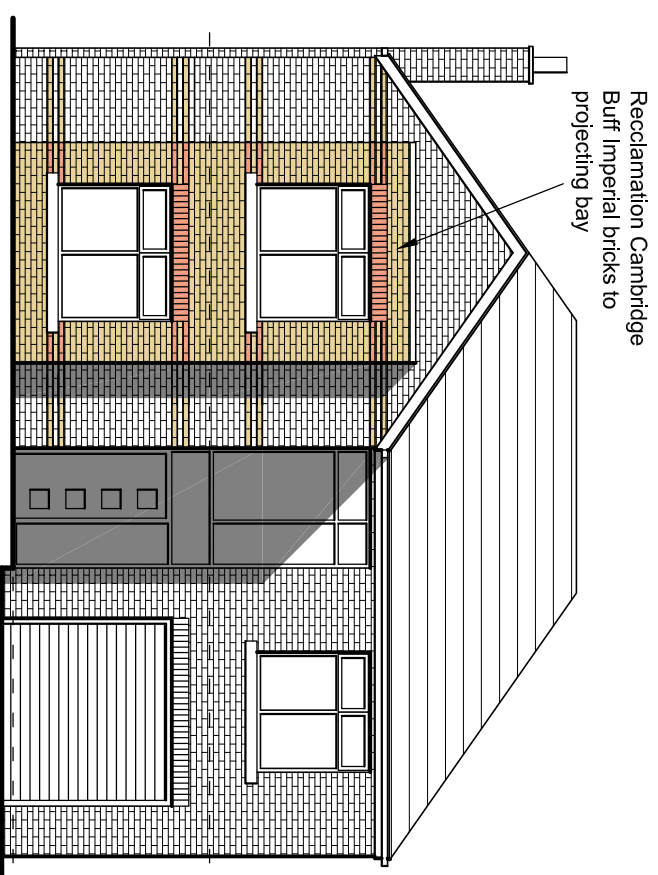
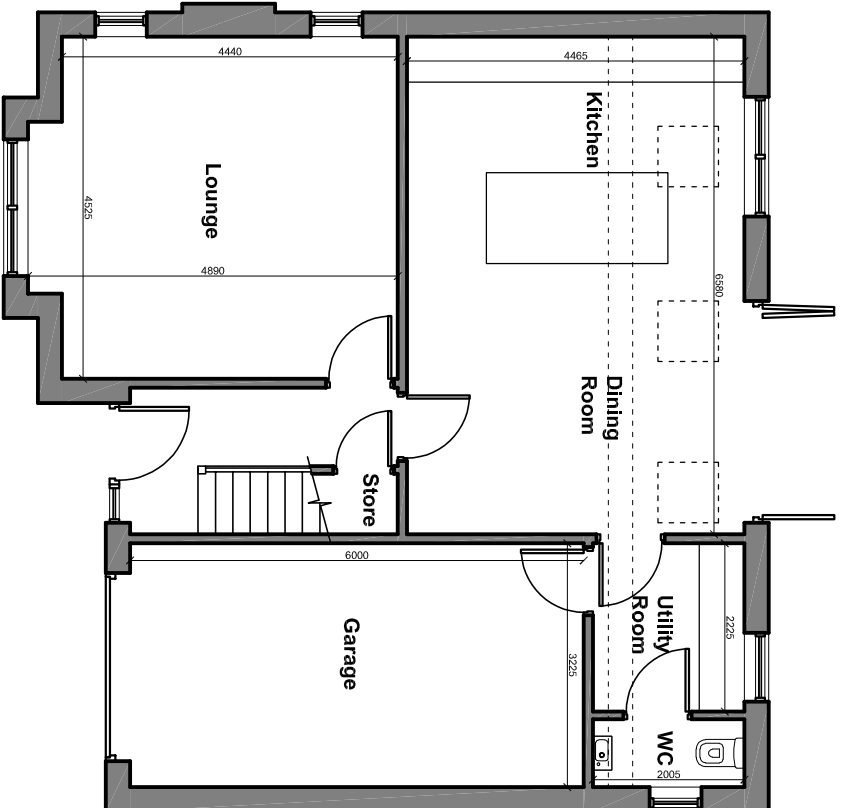
Revision C 28.02.2023 Bin stores and sheds for bike storage added.
Revision B 31.01.2023 Chimneys added and brick colour and detailing amended.
Revision A 16.01.2023 Houses reduced in size, roof plans simplified and additional trees added

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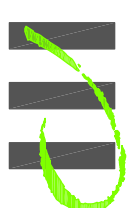
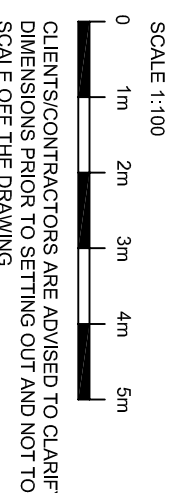
Residential Development Proposed Site Plan and Sections
Currer Lane, Ashton-under-Lyne 1702.PL03C

Scale: 1:200 @ A1 Date: November 2022 Rev: C

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GIFA (including garage)
 Ground floor 85.7 sqm
 First floor 67.8 sqm
 Total 153.5 sqm, 1652sqft



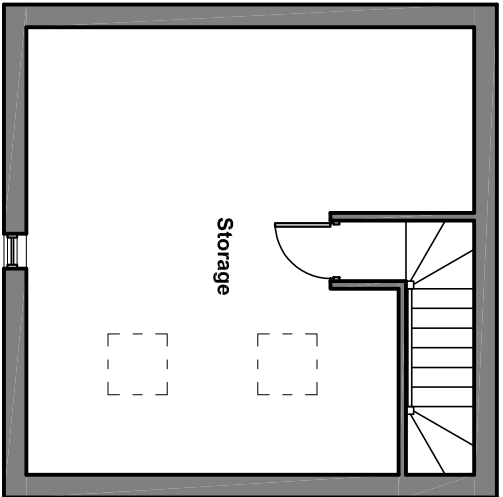
HIGH PEAK ARCHITECTS LTD
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Residential Development
 Currier Lane, Ashton-under-Lyne
Proposed House Type
 1702.PL04B

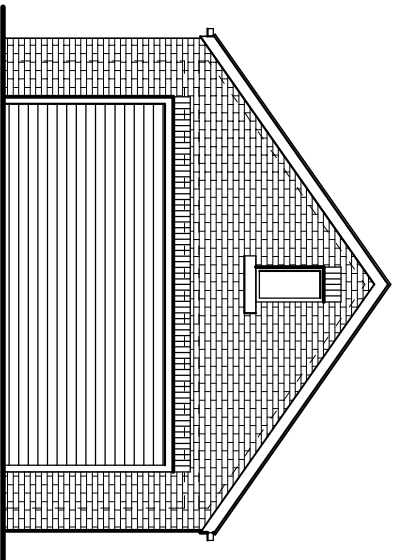
Revision B 31.01.2023 Chimneys added and brick colour and detailing amended.
 Revision A 16.01.2023 House reduced in size and roof plan simplified

Scale: 1:100 @ A3 Date: November 2022 Rev. B

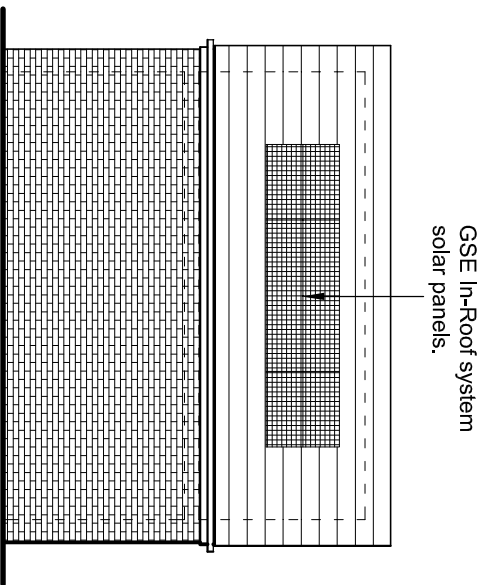
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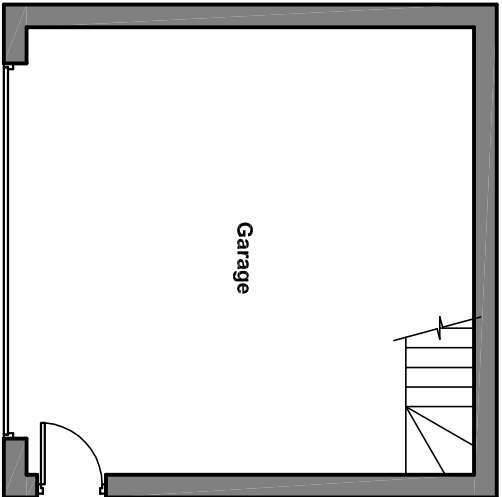
First Floor Plan



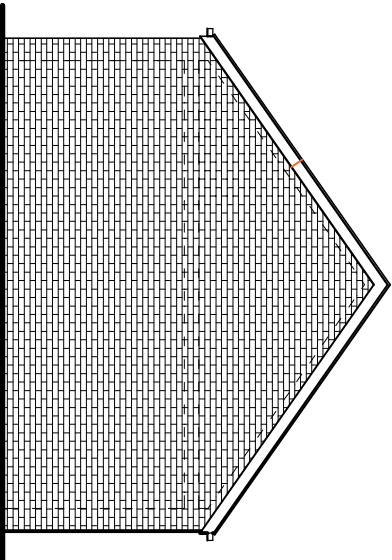
Front Elevation



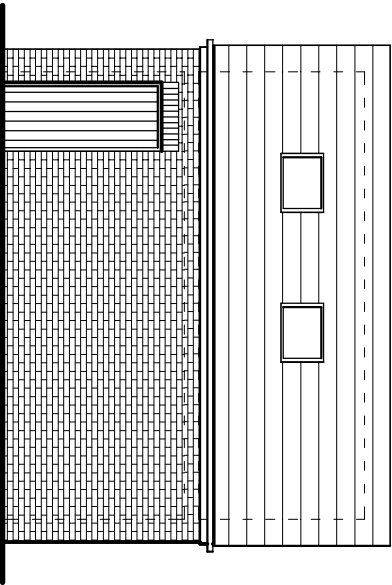
Side Elevation



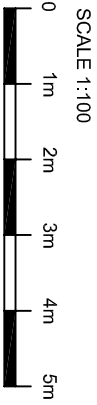
Ground Floor Plan



Rear Elevation



Side Elevation



CLIENTS/CONTRACTORS ARE ADVISED TO CLARIFY DIMENSIONS PRIOR TO SETTING OUT AND NOT TO SCALE OFF THE DRAWING

Use of Garage to be limited to that incidental to the enjoyment of Number 76 Currier Lane

Revision A 16.01.2023 Note relating to use added and Office space changed to storage.



Residential Development

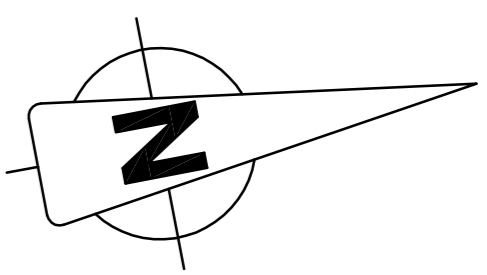
Currier Lane, Ashton-under-Lyne

HIGH PEAK ARCHITECTS LTD
 2nd Floor, Wharf House, Wharf Road, Whaley Bridge, High Peak, Derby's S623 7AD
 Tel: 01663 719717 Website: highpeakarch.com Email: hpa@highpeakarch.com

Proposed Garage

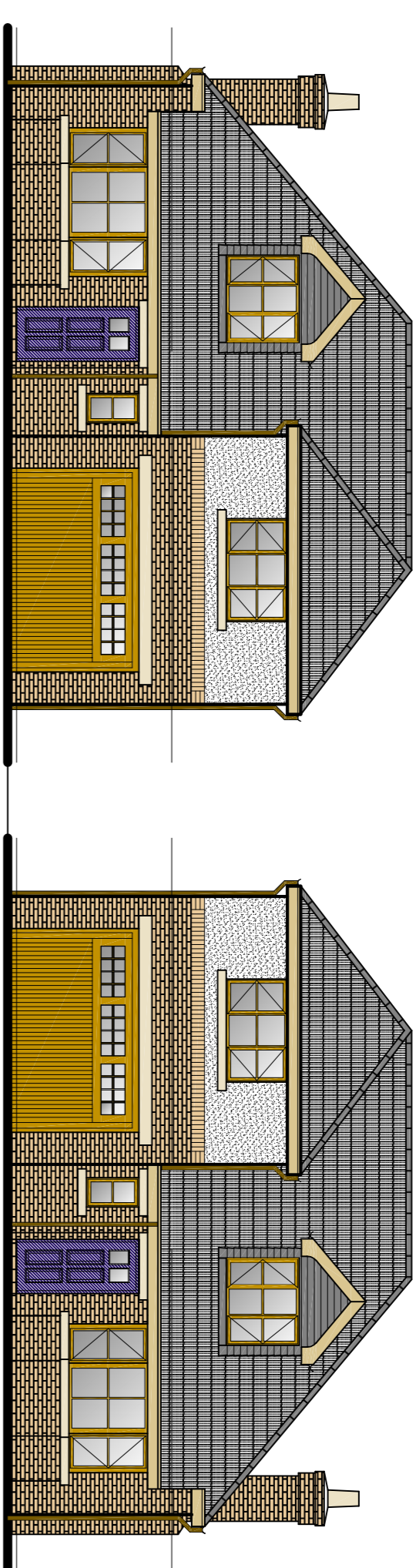
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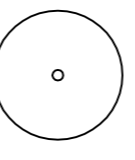

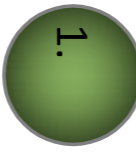
Approximate Site Area

Contents edged red - 0.14Ha (0.35 Acres)

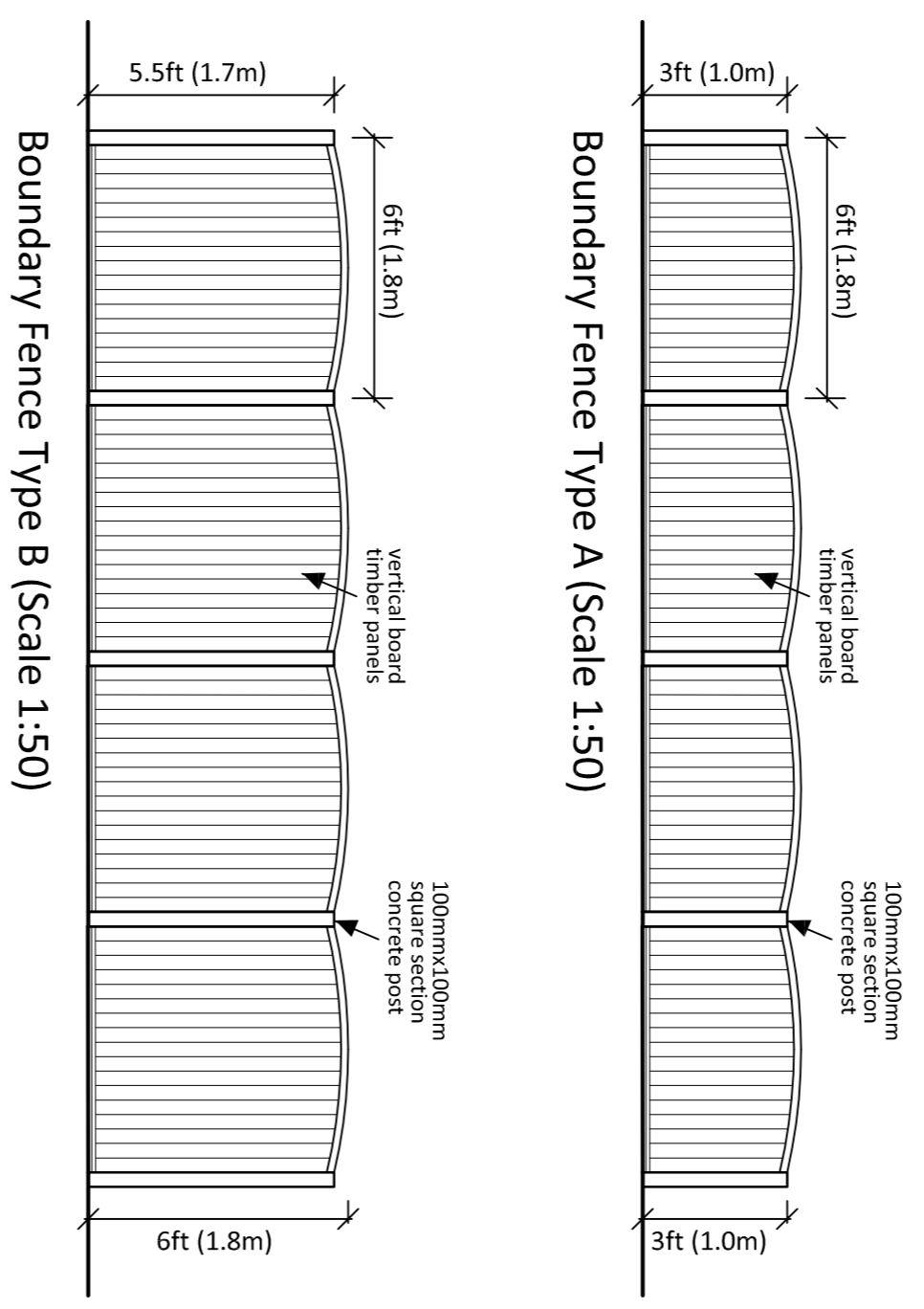


Proposed Street Scene

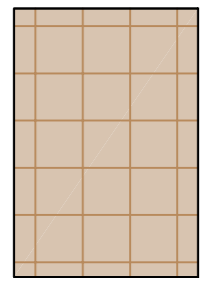
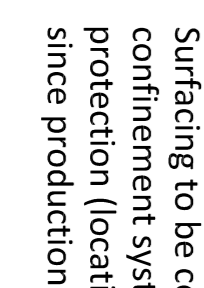
Proposed Landscaping Key


-  Existing trees to be retained
-  Existing trees to be removed
-  Proposed trees to be a mixture of :
 - 1. Field Maple
 - 2. Silver Birch
 - 3. Horn beam
 - 4. Rowan

Proposed Fence Details



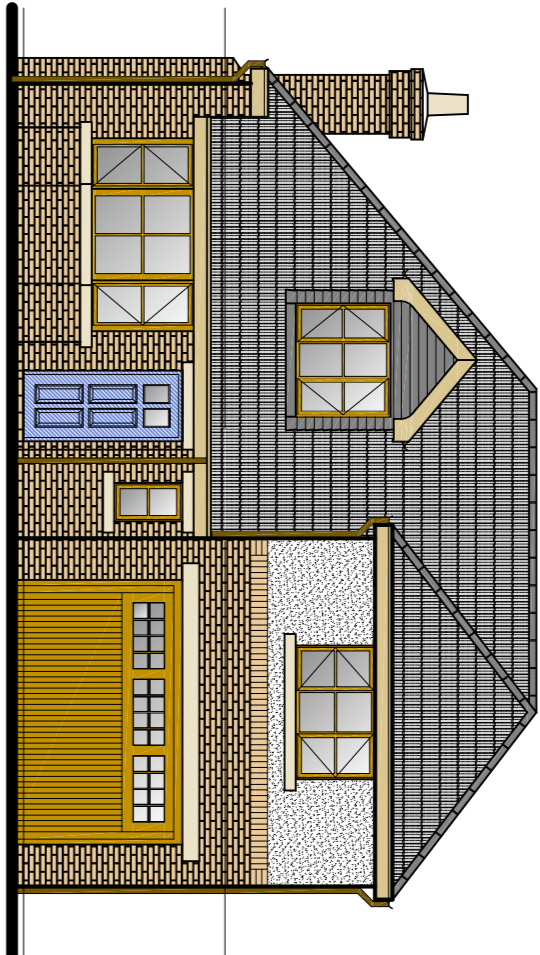
PLAN TO BE READ IN CONJUNCTION WITH BAGSHAW ECOLOGY ARBORICULTURAL IMPACT ASSESSMENT, METHOD STATEMENT & AND TREE PROTECTION ADVICE.

-  Surfacing to be constructed of a cellular confinement system to facilitate tree root protection (location of surfacing amended since production of Arboricultural Report)
-  Driveways to be constructed of a cellular confinement system to facilitate tree root protection

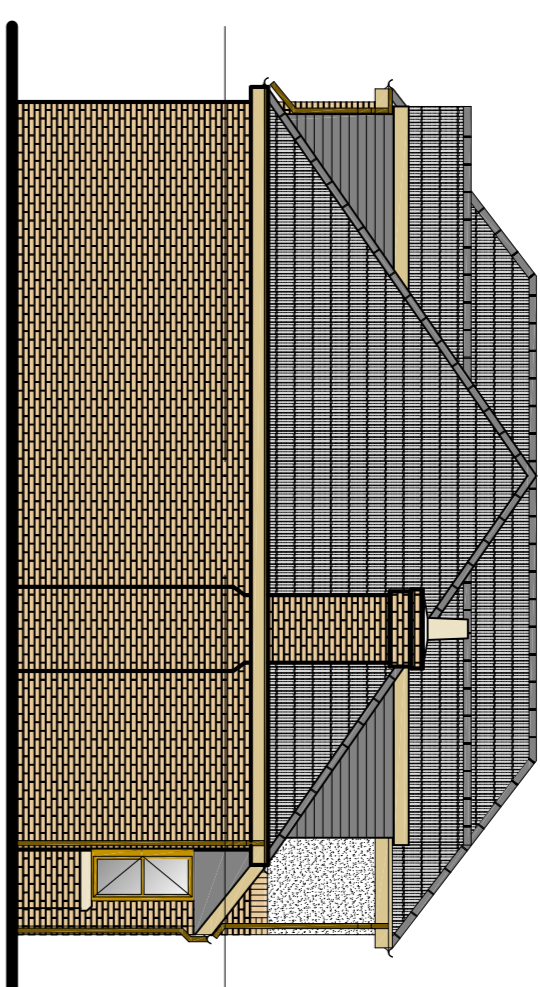
PSD CONSTRUCT LIMITED
 Client
 Project: Land to the rear of 80 Currier Lane Ashton-under-Lyne
PROPOSED SITE LAYOUT

 Chartered Surveyors & Estate Agents
 48 Wellington Road
 Ashton-under-Lyne OL15 6JQ
 Professional Services
 F: 0161 330 5192
 E: info@cordingleys.com
 Scale: 1 : 200 @ A1
 Drawn by: SD
 Checked by: Jan 2018
 Date: 3286/18E

E - Access Junction amendments - SD - 25.01.2019
 D - Reduction in width of dwellings AIN 26.9.18
 B - Reduction to two units AIN 11.9.18
 A - Reductions following Client's comments - 15.8.18
 Revision

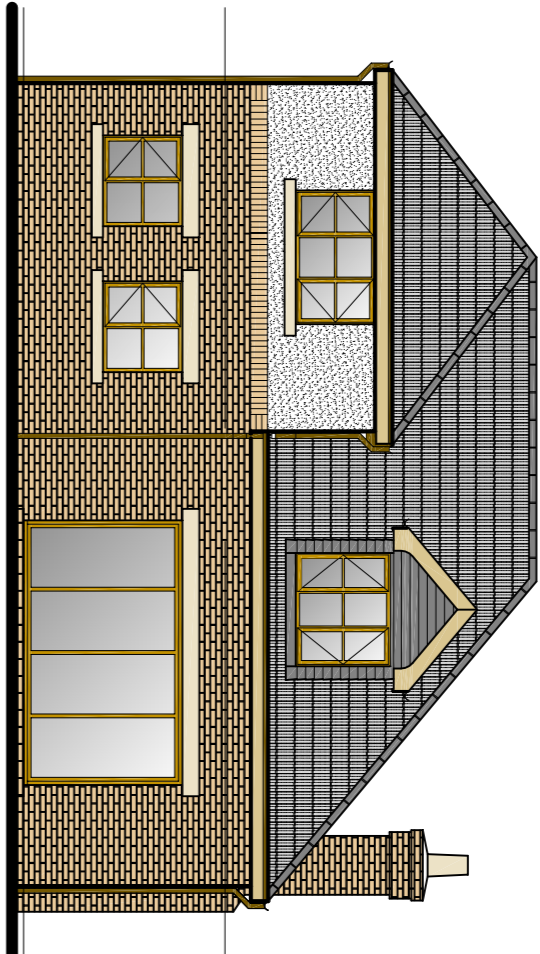
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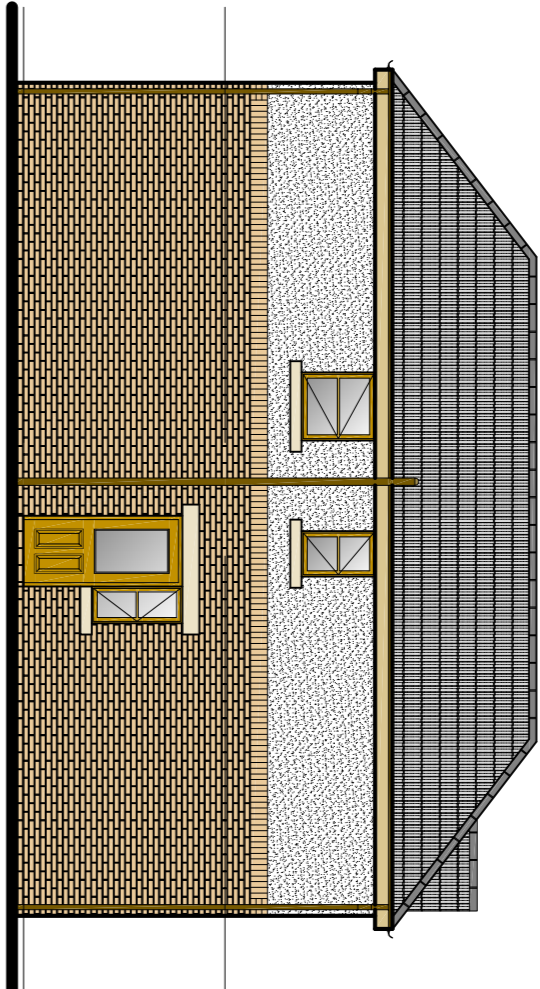
front elevation



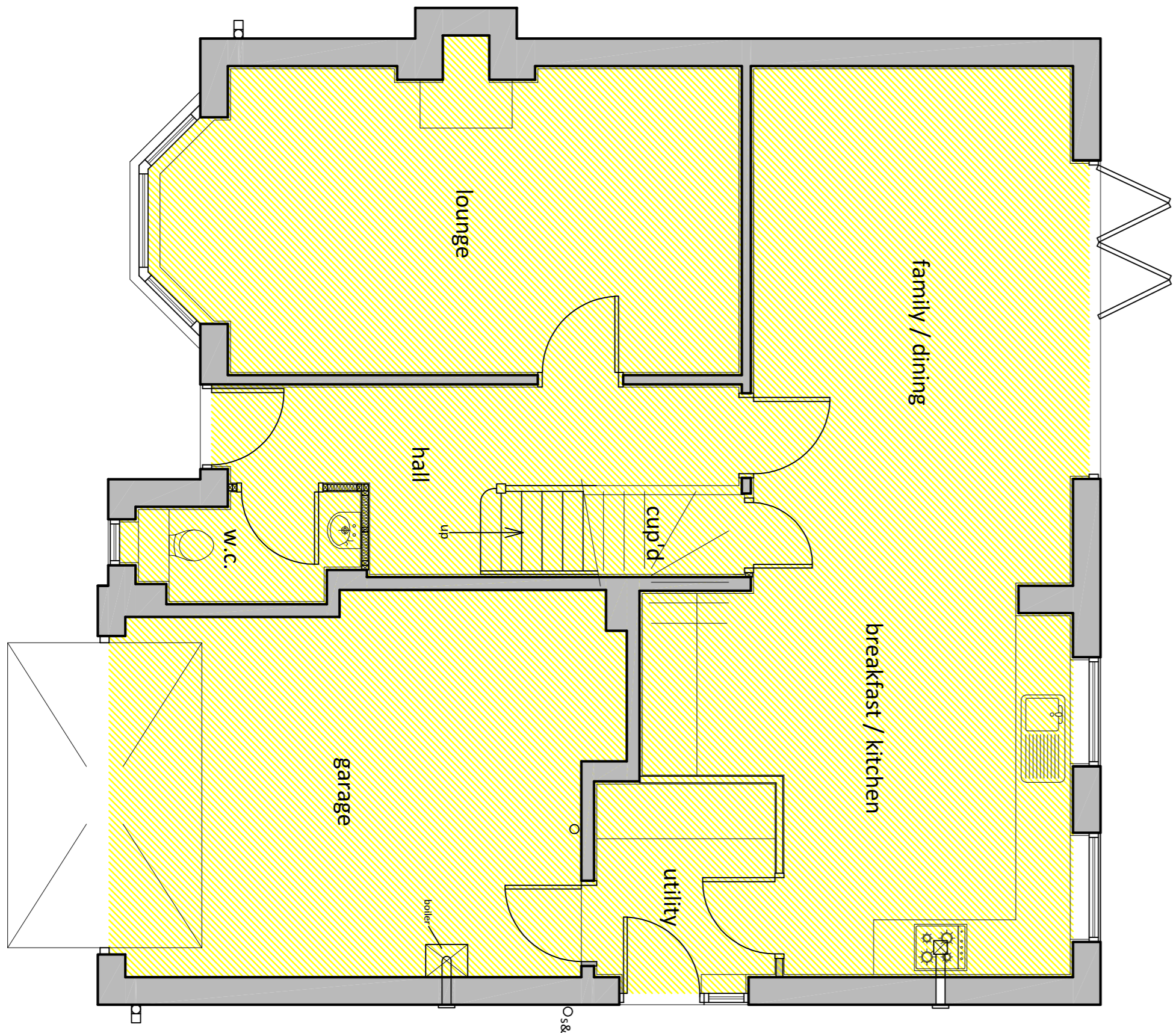
side elevation



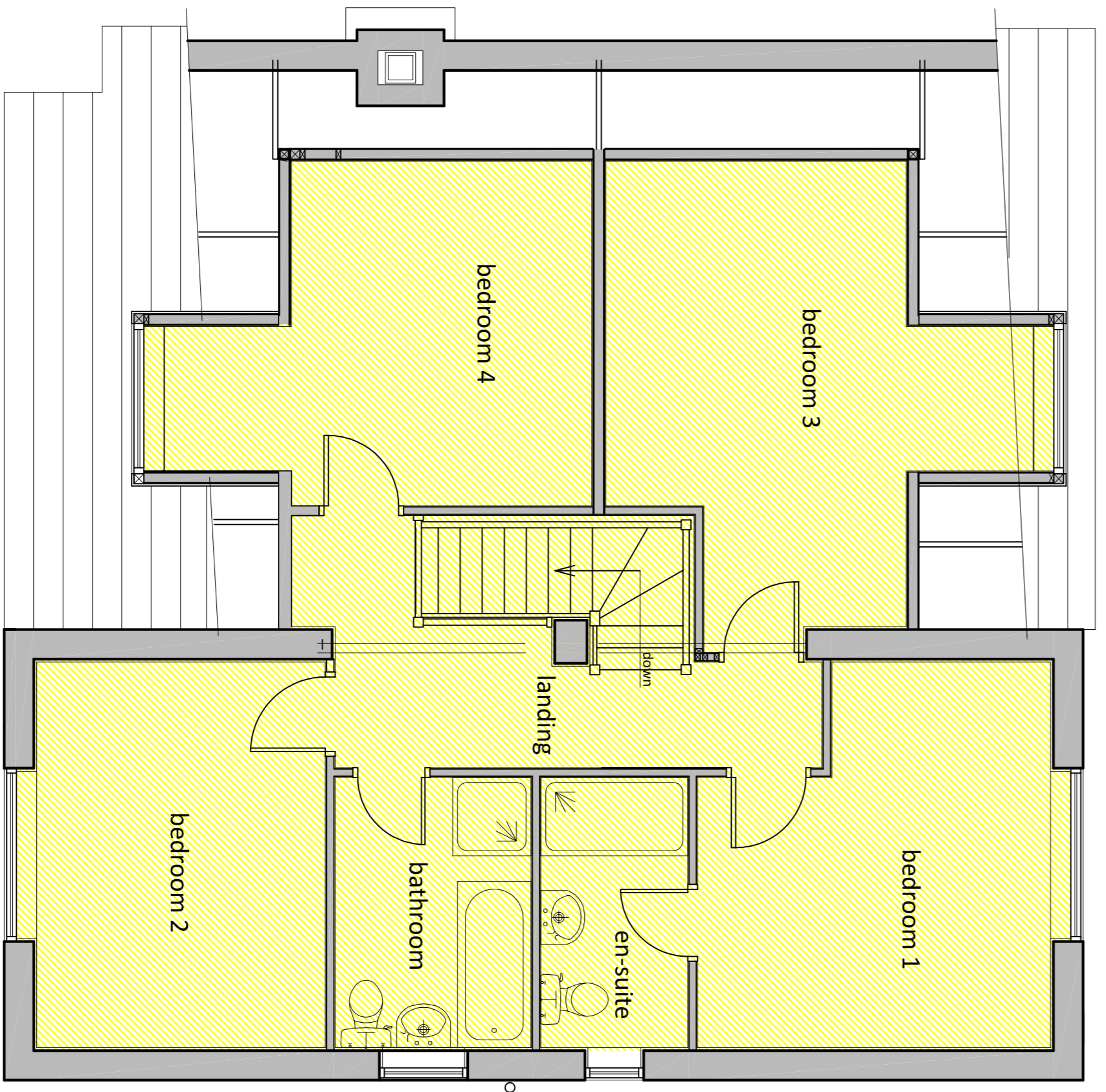
rear elevation



side elevation



ground floor



first floor

Proposed Materials Schedule

- Walls** - Main brickwork to be (Red) Daisimpel type facing brickwork, built with gauged mortar bucket handle joints and buff coloured artificial stone window and door dressings.
- Render** to be Ivory Stone by Sandtex
- Roofs** - Marley Modern smooth (Charcoal) Concrete interlocking tiles
- Dormer cheeks** - Plain clay tiles to match main roof colour
- Fenestration** - Oak effect UPVC double glazed, front door to be dark blue composite type. All handles and fittings to be chrome.
- Drainage goods** - brown UPVC square profiled gutters with square section rainwater down pipes
- Joinery** - Oak effect UPVC fascias, soffits and verges

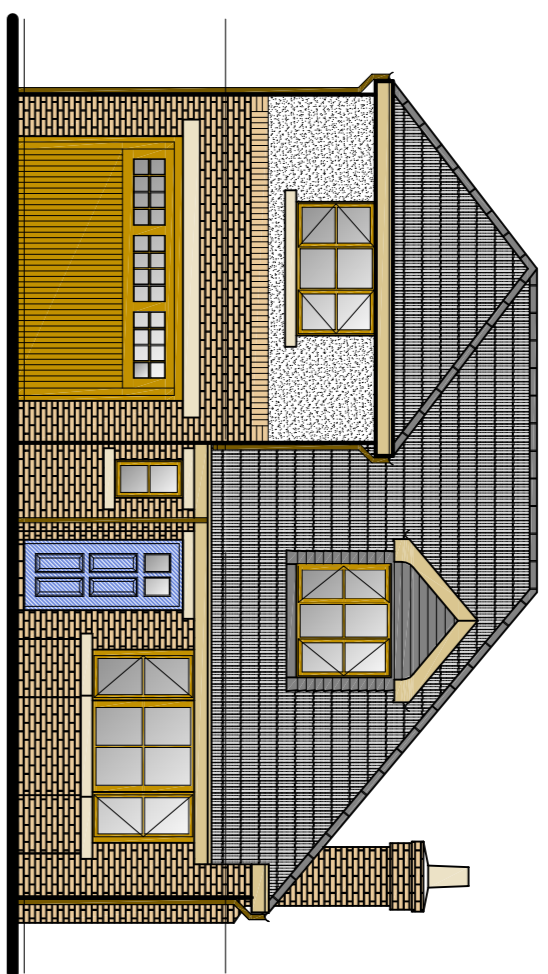
A: 750mm reduction in width and ridge height reduced by 486mm ARN 26,9,18
Revision

Client
PSD CONSTRUCT LIMITED
Project
Land to the rear of 80 Currier Lane
Ashton-under-Lyne, OL6 6TB.
PLOT 1 - HOUSE TYPE 1

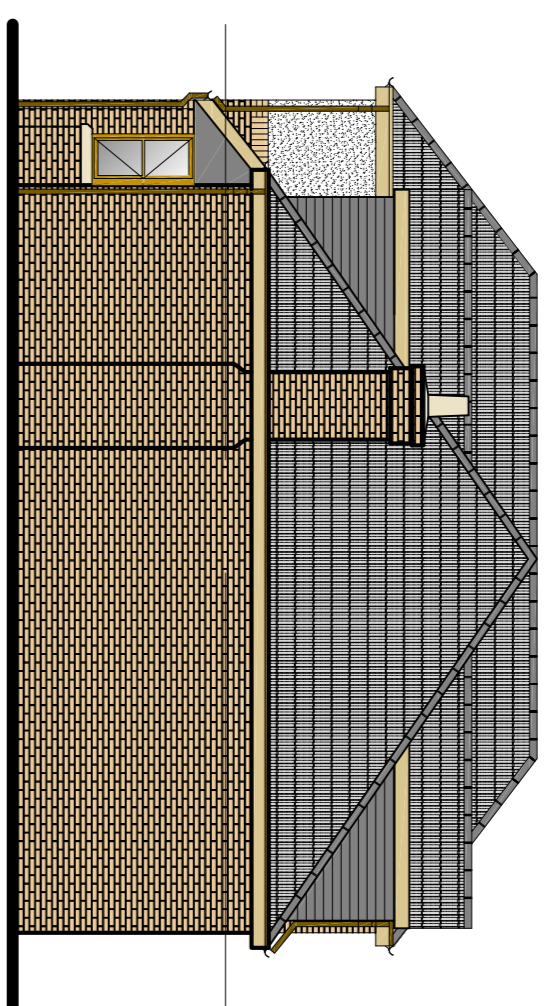
Cordingleys
Chartered Surveyors & Estate Agents
Established 1788
48 Wellington Road
Ashton-under-Lyne OL6 6DQ
Professional Services
F: 0162 339 1609
E: info@cordingleys.co.uk
www.cordingleys.co.uk
Estate Agents
T: 0162 339 2900
F: 0162 339 2900
E: info@cordingleys.co.uk
www.cordingleys.co.uk

Scale
1 : 50 & 1 : 100
Drawn by ARN Date
Checked by August 2018
Drawg. No. 3286/19A @ A1

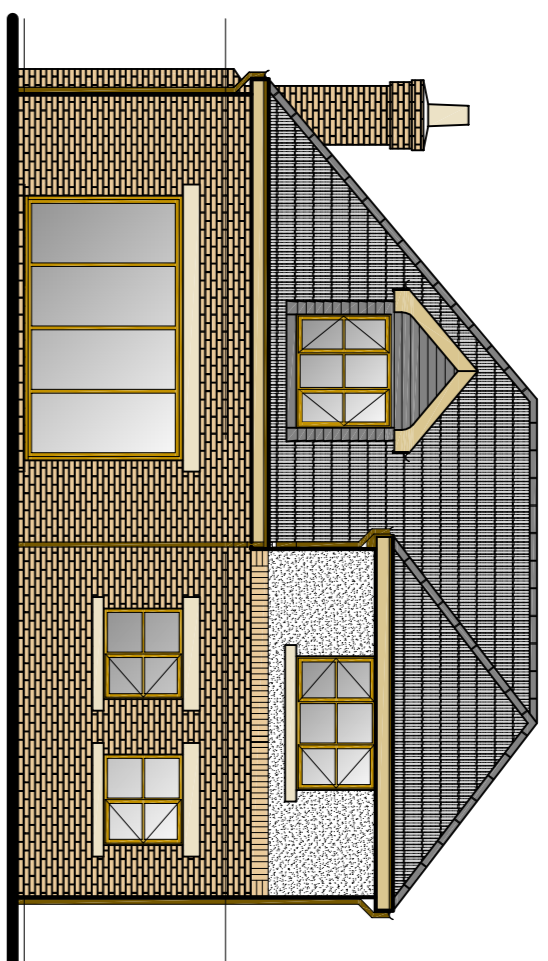
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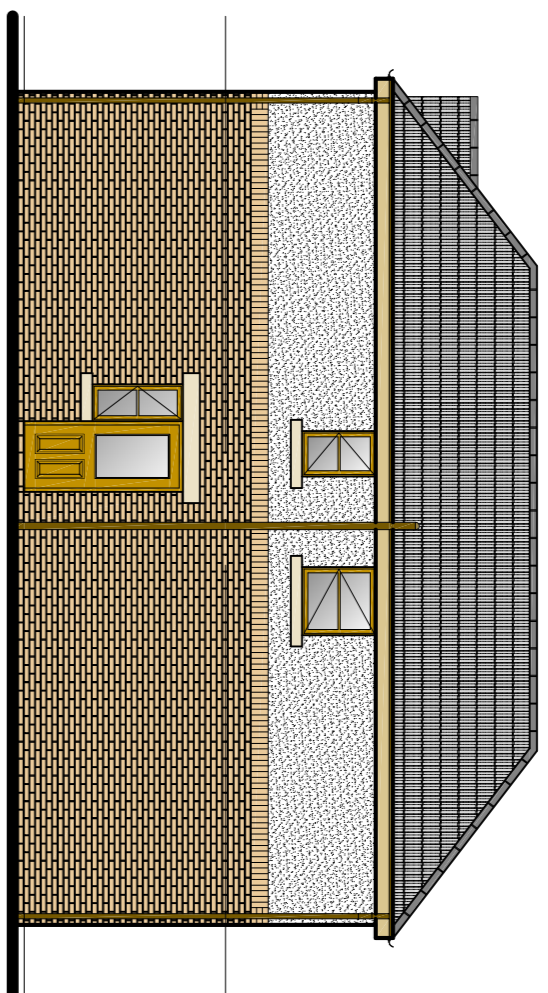
front elevation



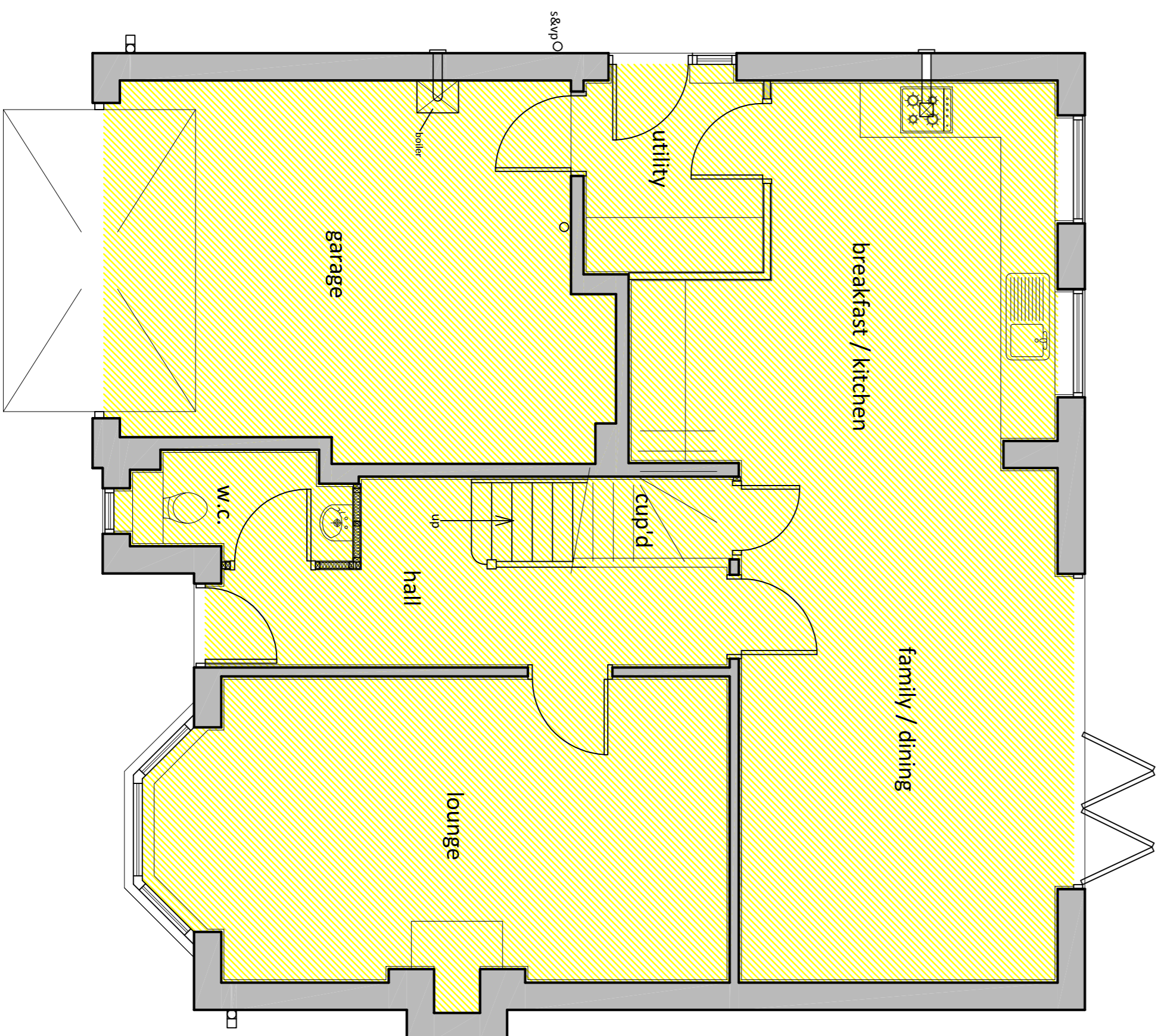
side elevation



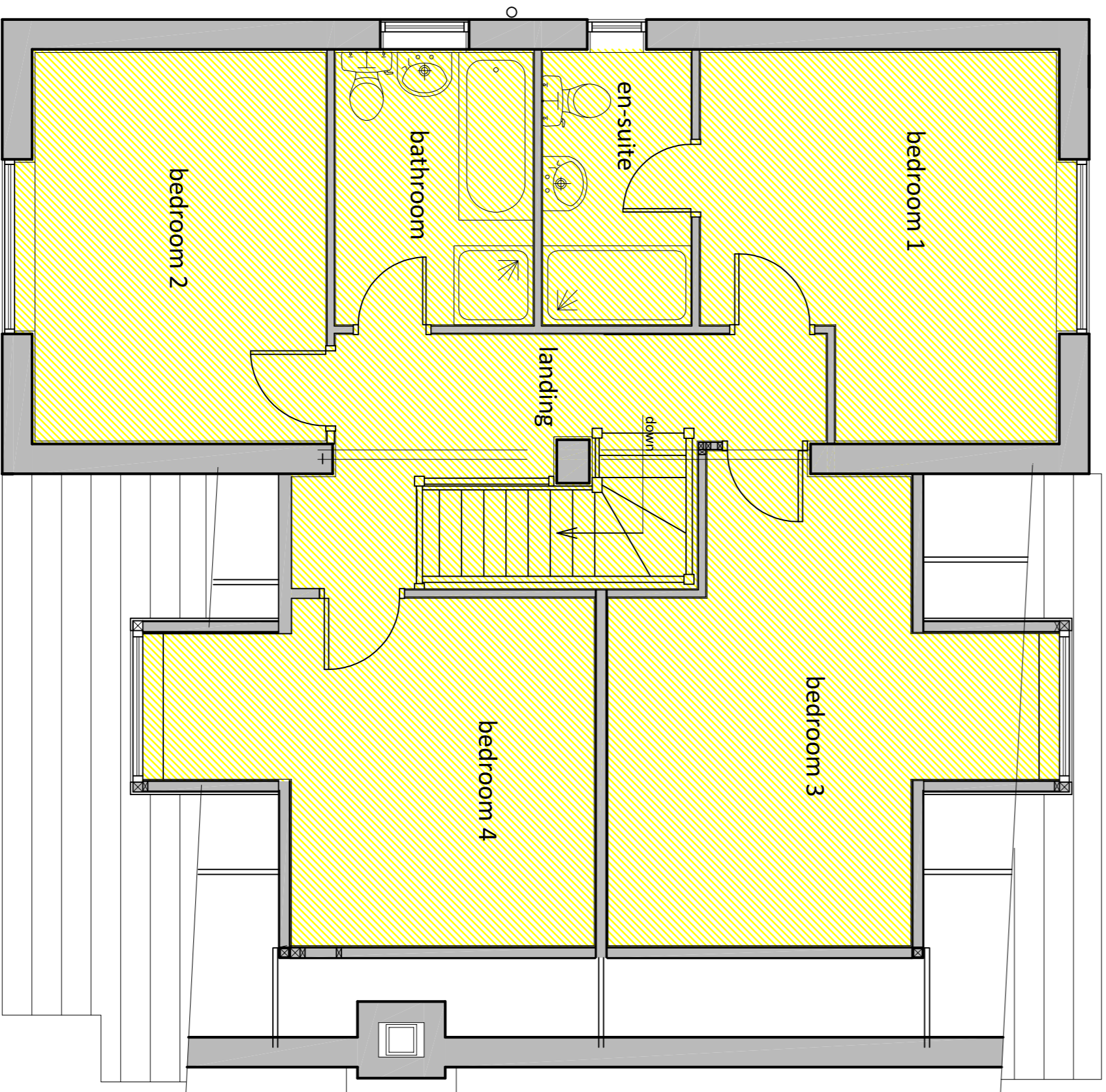
rear elevation



side elevation



ground floor



first floor

Proposed Materials Schedule

Walls - Main brickwork to be (Red) Desimpel type facing brickwork, built with gauged mortar bucket handle joints and buff coloured artificial stone window and door dressings. Render to be Ivory Stone by Sandtex.

Roofs - Marley Modern smooth (Charcoal) Concrete interlocking tiles

Dormer cheeks - Plain clay tiles to match main roof colour

Fenestration - Oak effect UPVC double glazed, front door to be dark blue composite type. All handles and fittings to be chrome.

Drainage goods - brown UPVC square profiled gutters with square section rainwater down pipes

Joinery - Oak effect UPVC fascias, soffits and verges

Revision

Client	PSD CONSTRUCT LIMITED
Project	Land to the rear of 80 Currier Lane Ashton-under-Lyne, OL6 6TB. PLOT 2 - HOUSE TYPE 2

Cordingleys
Chartered Surveyors & Estate Agents
48 Wellington Road
Ashton-under-Lyne, OL6 6DQ
Tel: 0161 330 8422 Fax: 0161 330 8400
www.cordingleys.co.uk

Scale	1 : 50 & 1 : 100
Drawn by	ANN
Checked by	ANN
Date	August 2018
Dwg. No.	3286/20

@ A1

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Streetscene Plan



Plot 1 & 2 Front View



Plot 2 Front



Plot 3 Front



Plot 2 Rear



Application Number 22/01132/FUL

Proposed Development of Demolition of existing Garage and construction of 3no. new dwellings and 1no. new double Garage, on land to rear of Number 80 Currier Lane

Photo 1: Aerial view of site



Photo 2: Site Access



Photo 3: View of the Existing site looking towards the north



Photo 4: View of the Existing site with no.1 The Churches in the background



Photo 5: View from the Existing site with no.2 The Churches in the background



Photo 6: View from the site towards the south and the back of no.80, 82 and no.84 Currier Lane



Photo 7: View from the site towards the south-east and the back of no.76 Currier Lane



Photo 8: View of the site and the existing garage



Application Number:	22/01204/FUL
Proposal:	Proposed glazed roof canopy to rear of property.
Site:	46 Fir Tree Crescent, Dukinfield, SK16 5EH
Applicant:	Mrs S Walker
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. SITE & SURROUNDINGS

- 1.1 The application concerns a single storey detached property on Fir Tree Crescent, located in Dukinfield.
- 1.2 The surrounding area is predominantly residential, comprising a mix of single storey detached properties and two storey semi-detached properties.
- 1.3 The application property has a pitched roof, with the gable end fronting the highway, and is constructed largely from light brown masonry.
- 1.4 To the front of the property is a modest landscaped area, and a paved area for off street parking provision, capable of serving 2no vehicles.
- 1.5 To the side of the property is a front porch, accessed via a series of steps. Adjoined to the rear of the porch is a flat roof garage to the rear.
- 1.6 A single storey rear extension has previously extended the property.
- 1.7 There is a generous garden to the rear, comprising a patio area and soft landscaping area set at a higher level.
- 1.8 Fir Tree Crescent decreases in gradient to the west, and so the ground floor level of no.44 Fir Tree Crescent is set approximately 1m lower, and the ground floor level of no.48 Fir Tree Crescent is set approximately 1m higher than that of the application property.
- 1.9 The properties on the south side of Fir Tree Crescent are of a staggered layout, and so no.48 Fir Tree Crescent is set in front of the application, whilst no.44 First Tree Crescent, is set behind.

2. PROPOSAL

- 2.1 Planning permission is sought for a glazed roof, open sided canopy to the rear of the property.
- 2.2 The structure would comprise 2no steel posts, affixed to the ground, with a glazed lean to roof, attached to the rear wall of the existing rear extension.

- 2.3 The structure would project 3m from the rear elevation of the existing rear extension and would have a width of 3.75m. The structure would have a maximum height of 2.4m.

3. PLANNING HISTORY

- 3.1 20/00538/FUL: Proposed stepped landscaping to the rear of the property, including level alterations (retrospective). Application approved August 2020.

4. PLANNING POLICY

National Planning Policy Framework

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

Planning Practice Guidance

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

Development Plan

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

Tameside Unitary Development Plan (2004)

Tameside Unitary Development Plan (UDP) Allocation

- 4.6 Unallocated, within the Dukinfield-Stalybridge ward.
- 4.7 **Part 1 Policies:**
- 1.3: Creating a Cleaner and Greener Environment;
 - 1.5: Following the Principles of Sustainable Development
- 4.8 **Part 2 Policies:**
- C1: Townscape and Urban Form

- H10: Detailed Design of Housing Developments

Supplementary Planning Documents

4.9 Residential Design Guide Supplementary Planning Document:

- RED1: Acknowledge Character
- RED2: Minimum Privacy and Sunlight Distances
- RED3: Size of Rear Extensions
- RED4: Design of Rear Extensions.

4.10 **National Design Guide (2021)**

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

Places for Everyone

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

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

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

Other Considerations

4.14 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a 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.

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

5. PUBLICITY CARRIED OUT

5.1 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Tameside Statement of Community Involvement, the adjoining owner or occupiers were notified of the proposed development by neighbour notifications. No site notice was erected.

6. SUMMARY OF THIRD PARTY RESPONSES

6.1 In response to the neighbour notification letters, there has been eight letters of representation received, from eight different households. Within the letters of representation, there were six letters of support, and two letters of objection.

6.2 The concerns raised within the two letters of objections are summarised as follows:

Amenity issues:

- The proposed development would have the biggest impact on no's 44 and 48 Fir Tree Crescent, due to their positions on the steep hill (no.44 being lower than no.46, and no.48 being higher than no.46);
- The ground level at no.44 is approximately 2.5m below no.46 patio base, which the proposed structure would stand;
- The extension has a different context than it would if it were a standalone project on a flat road;
- The impact of the height of the proposed extension on the light and privacy at no.44 Fir Tree Crescent; and
- The proposed structure would reduce light to bathroom and kitchen windows at no.44 Fir Tree Crescent.

On the basis of what has been submitted to the Council (an application for an extension to a dwellinghouse), other matters have been raised including:

- Noise/hours of operation of the use of the structure;
- Concerns that that structure could be a conservatory in the future;
- The structure, intended for social gatherings would increase noise levels, having a negative impact on someone sleeping in the bedroom window served by the side window at no.44 Fir Tree Crescent facing the application property;
- Wind tunnel potential – Fir Tree Crescent is very exposed to adverse weather conditions and prone to high winds and driving rain;
- Lack of guttering on the structure would result in excess rainwater, onto the patio surface, consequently draining down the hillslope;
- Plans do not indicate what type of glass would be used (e.g. clear or tinted); and
- Rain would hit the roof, making a noise.

7. RESPONSES FROM CONSULTEES

7.1 No consultees were consulted on this application.

8. ANALYSIS

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

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

9. PRINCIPLE

9.1 Extensions and alterations to dwellings within an unallocated established residential area, are acceptable in principle, where they would be of a scale and design, which harmonises

with the existing building, and surrounding area, and where they do not adversely effect the amenity of neighbouring properties. The principle of development in this case is acceptable.

10. DESIGN AND APPEARENCE

- 10.1 The Tameside UDP, guidance within the SPD, and the NPPF are clear in their expectations of achieving high quality development that enhances the locality and contributes to place making.
- 10.2 Amongst other matters, paragraph 130 of the NPPF requires new developments to function well and add to the overall quality of the area; be visually attractive, as a result of good architecture and layout, be sympathetic to the character and history and establish and maintain a strong sense of place.
- 10.3 Policies C1 and H10 of the UDP of the Tameside Unitary Development Plan (UDP) state proposals should respect the nature of the surrounding fabric and relationship between buildings and that housing developments should be of a high quality, complementing and enhancing the character and appearance of the surrounding area.
- 10.4 Policy RED1 of the Residential Design Guide Supplementary Planning Document (SPD) requires proposals to apply an architectural style that reflects the existing dwelling and surrounding area, and should not significantly alter the sale and mass of the existing dwelling.
- 10.5 Policy RED4 of the SPD states that extensions to the rear of a dwelling must not dominate the property, align in terms of scale and mass, and roof styles should align with the host dwelling.
- 10.6 The proposal involves a glazed roof canopy to the rear of the detached property. The structure would comprise a metal frame, with 2no posts affixed to the existing patio, and a glazed roof attached to the rear wall of the existing rear extension. The structure would be open sided to all elevations.
- 10.7 The proposed structure/canopy is proportionate and appropriate to the host dwelling and size of the plot, in regard to its size, scale, massing and design, and given its intended use, would not alter the scale or mass of the existing dwelling.
- 10.8 Given its location to the rear, the proposed structure/canopy would not be visible from public vantage points, and therefore would not significantly harm the visual amenity of the street scene. The lightweight structure and materials proposed are therefore acceptable in this residential setting.
- 10.9 Overall, the proposed development is not considered to unreasonably harm the character and appearance of the dwelling and surrounding area, and therefore deemed to meet the standards and guidelines set out under SPD policies RED1 and RED4, policies C1 and H10 of the UDP, and sections 2 and 12 of the NPPF.

11. RESIDENTIAL AMENITY

- 11.1 Paragraph 130(f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants.
- 11.2 Locally, the adopted Tameside UDP policy H10 requires any development, including house extensions, to not have an unacceptable impact on the amenity of neighbouring properties through loss of privacy or overshadowing.

- 11.3 In addition, the SPD contains specific standards and guidelines for different development types to ensure that no undue amenity impacts are to the occupiers of neighbouring properties. Policy RED2 of the SPD 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. Policy RED3 of the SPD states that if rear extensions are badly designed, they can result in overshadowing, loss of privacy and/or reduced outlook for neighbouring residents. In order to mitigate for such issues the Council will limit the size of single storey extensions using a 60 degree angle line rule. This line should be taken from the nearest ground floor rear habitable room window at adjacent/adjoining properties.
- 11.4 As per comments in section 6, a number of concerns/objections have been raised by neighbouring residents in relation to the proposed structure.
- 11.5 Due to the staggered layout of the properties on the southern side of Fir Tree Crescent, no.44 Fir Tree Crescent is set back from the front elevation of the application property. Although the application property has been previously extended to the rear, the existing rear elevation does not project beyond the rear elevation of no.44. With this in mind, and the fact the proposed structure is of a modest size, set away from the shared boundary with no.44 by approximately 5.25m, the 60 degree line rule, set out in policy RED3, would not be infringed upon. According to policy RED3, the proposed structure is not considered to appear oppressive to the neighbouring occupants, and thus would not cause any undue overshadowing or a reduced outlook from the rear of no.44.
- 11.6 That being said, the ground floor of no.44 Fir Tree Crescent is set significantly below that of the application property, and so a further assessment is required as to whether the proposed development would impact the amenity of the occupants at no.44.
- 11.7 Due to the difference in ground levels, the boundary fence would appear a much more oppressive feature than the proposed structure, when viewed from the rear elevation windows, or from the rear outdoor amenity space at no.44. Views of the proposed structure from this position are therefore screened, and so would not impact unduly on the light or outlook from the rear of no.44 Fir Tree Crescent.
- 11.8 There are 2no side elevation windows at no.44, which face the application property, serving a bathroom and bedroom. The bathroom would not be impacted upon, given the room is non-habitable and the window is installed with obscured glazing, thus no significant loss of light or reduced outlook is anticipated.
- 11.9 The bedroom window has a direct outlook towards the side elevation of the existing rear extension at the application property, and so as existing, the outlook from this window is reduced. Further, due to the difference in ground floor levels, natural light is already restricted into the bedroom. Although the proposed structure would be visible from the side habitable window, the structure is simple and lightweight, owing to its open sides. It is therefore considered that light into the bedroom and outlook from the window would not be significantly worsened, as a result of the proposed structure.
- 11.10 It is noted that there is an existing patio area to the rear of the application property. Given the difference in ground levels, when standing on the patio area at no.46, the side bedroom window at no.44 can be overlooked to some degree. The proposed canopy, although would encourage a seating out area even in bad weather conditions, would not increase the existing level of overlooking, and thus no undue loss of privacy to the occupants at no.44 is anticipated.
- 11.11 On balance, the proposed structure, by reason of its modest scale and lightweight structure, is not considered to appear overbearing to the occupants at no.44, and so would not

overshadow the neighbouring property. The proposed development would not significantly reduce the outlook from no.44 or cause an unreasonable loss of privacy.

- 11.12 The proposed structure would not infringe on the 60 degree line taken from the nearest habitable room window at no.48 Fir Tree Crescent. With this in mind, and the fact no.48 occupies a higher position on the street than the application property, the proposed canopy would not appear overbearing, result in a loss of light or reduced outlook to the neighbouring occupants.
- 11.13 The proposed structure would be visible from the properties to the east on Sunbury Close. However, given the neighbouring properties occupy a significantly higher position than the application property (due to the gradient of the surrounding area), the structure would not impact on the amenity of the occupants on Sunbury Close, in respect of light, overshadowing, outlook or privacy.
- 11.14 There are no residential properties directly to the rear of the application site, and therefore the proposed structure cannot impact on neighbouring amenity in this respect.
- 11.15 In light of the above, the proposed structure is not considered to significantly harm the amenity of neighbouring residents, meeting the standards and guidelines set out under policy RED2 and RED3 of the SPD, policies H10 of the UDP and section 12 of the NPPF.

12. OTHER MATTERS

12.1 Response to Neighbour Comments

Much of the concerns and objections to the proposed structure is with regard to its use, and the increase in noise disturbance this would involve. The use of such development is not a material consideration when determining the decision of an application as it will continue as a domestic property.

- 12.2 The proposed development would constitute an extension to an existing dwellinghouse. The proposed structure would adjoin to the rear elevation of an existing single storey rear extension, and due to the accumulative projection from the rear of the original dwelling, would fail to comply with paragraph (ja) of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

13. CONCLUSION

- 13.1 The proposed glazed roof canopy/structure is considered to be a sustainable form of development, under the terms of the NPPF, whilst also complying with the relevant policies of the Tameside Unitary Development Plan and 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 received 14 December 2022:

Proposed plans and elevations – 103.2

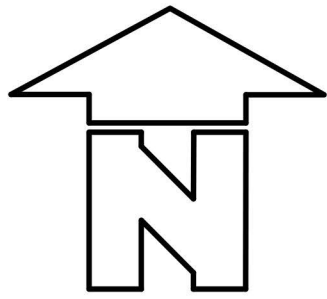
Proposed site and roof plan – 103.5

Location plan – 103.4

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, and sections 2 and 12 of the NPPF).

3. The external materials shall match those indicated on the approval plans and application form.

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



DRAWING TITLE

site plans

SCALE

as shown @ A3

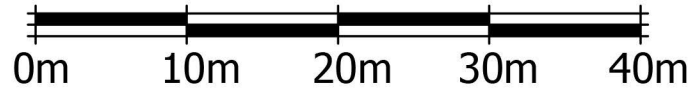


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SITE PLAN - 1:500



LOCATION PLAN - 1:1250



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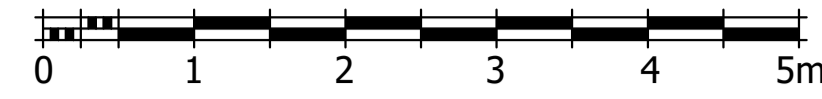
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PROJECT
46 Fir Tree Crescent
Dukinfield SK16 5EH

DATE Dec 22
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REVISION

NUMBER
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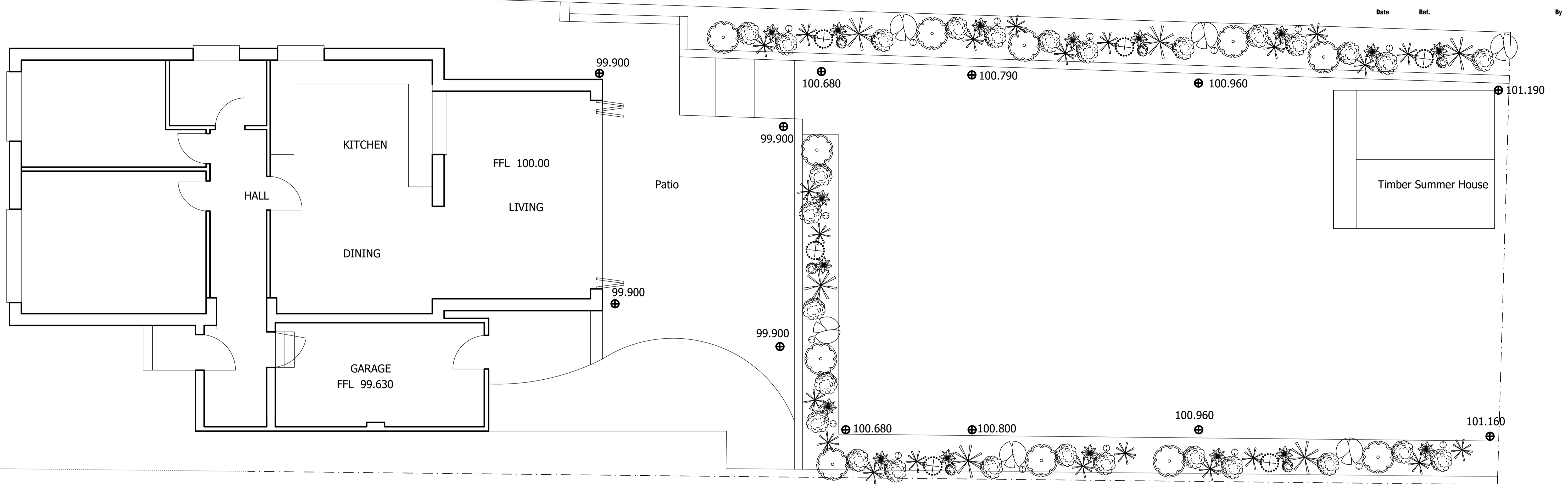
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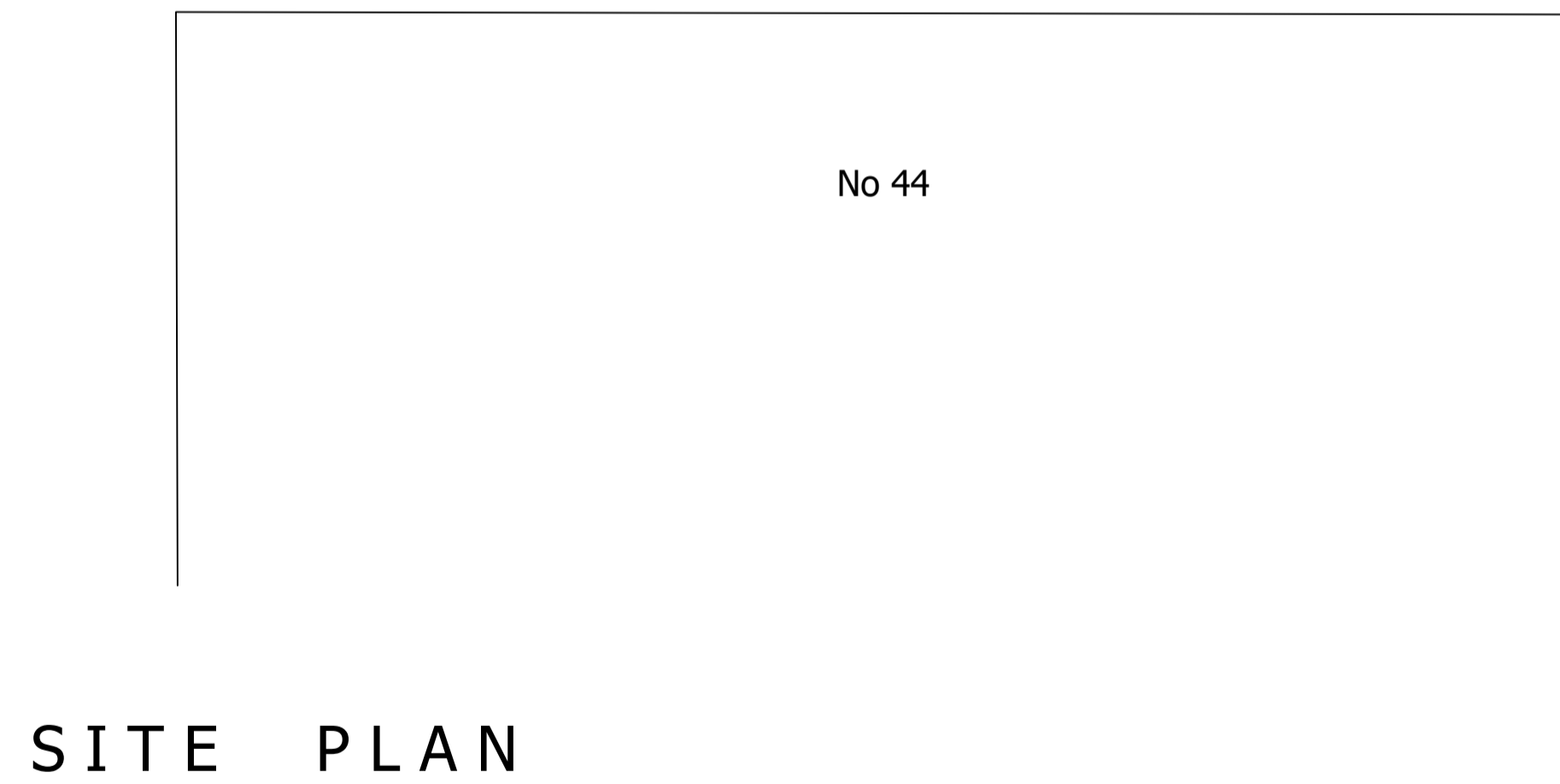
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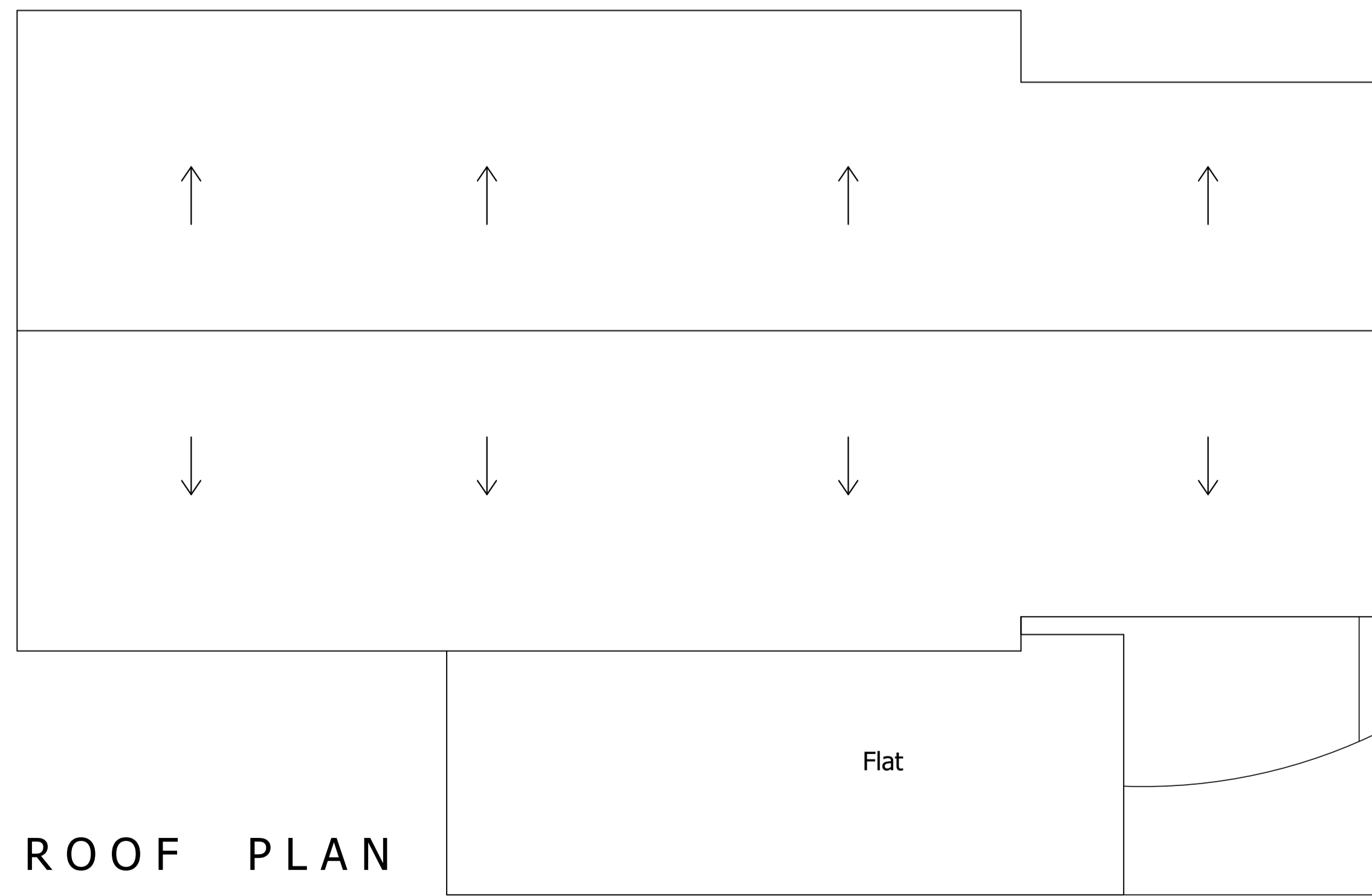
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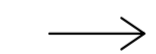


SITE PLAN



ROOF PLAN

Glazed



PROJECT
S Walker
 46 Fir Tree Crescent
 Dukinfield
 SK16 5EH

DRAWING TITLE
Site and Roof Plan
 As Existing

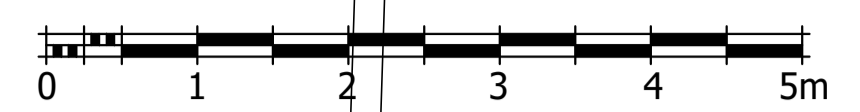
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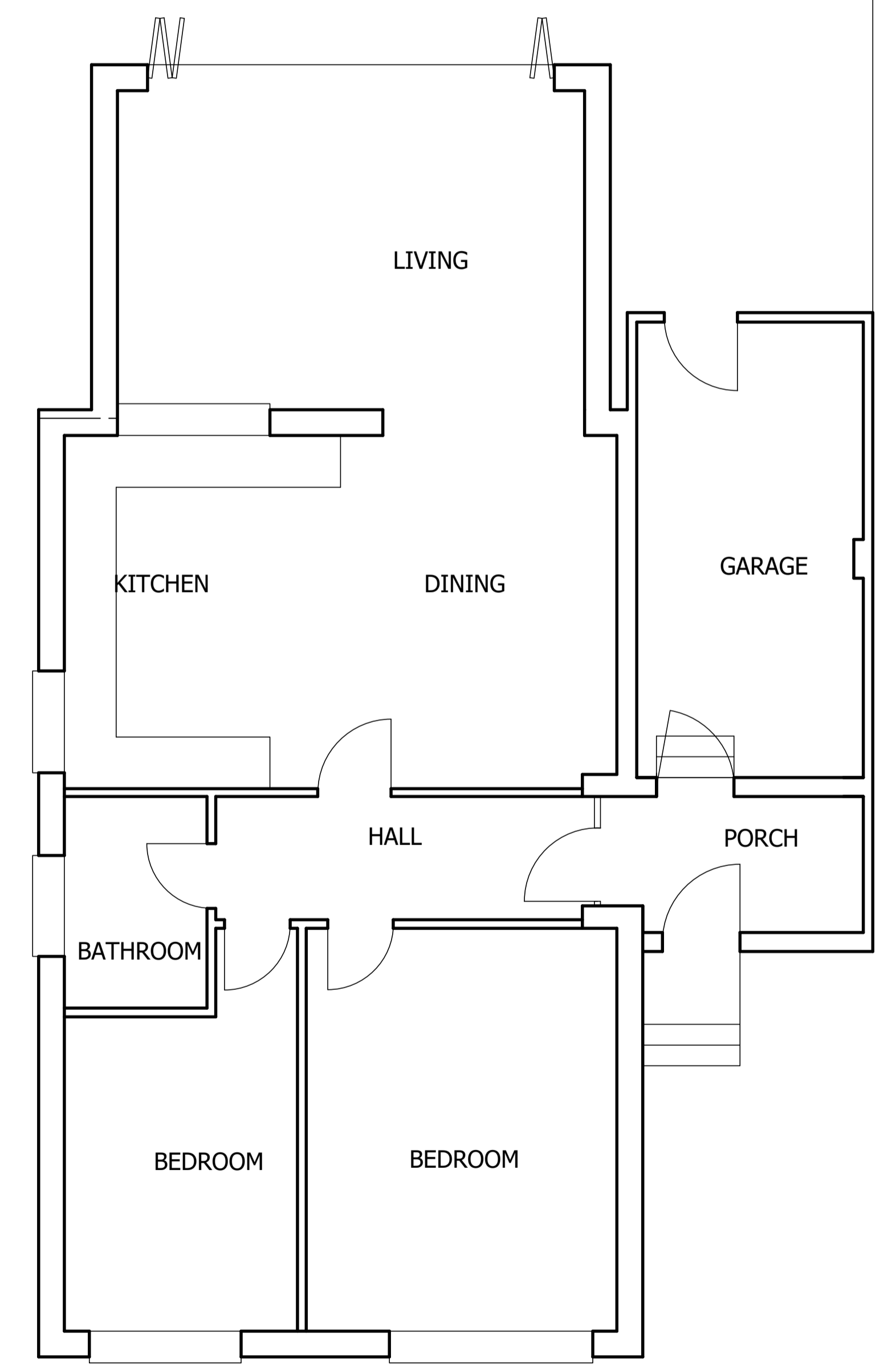
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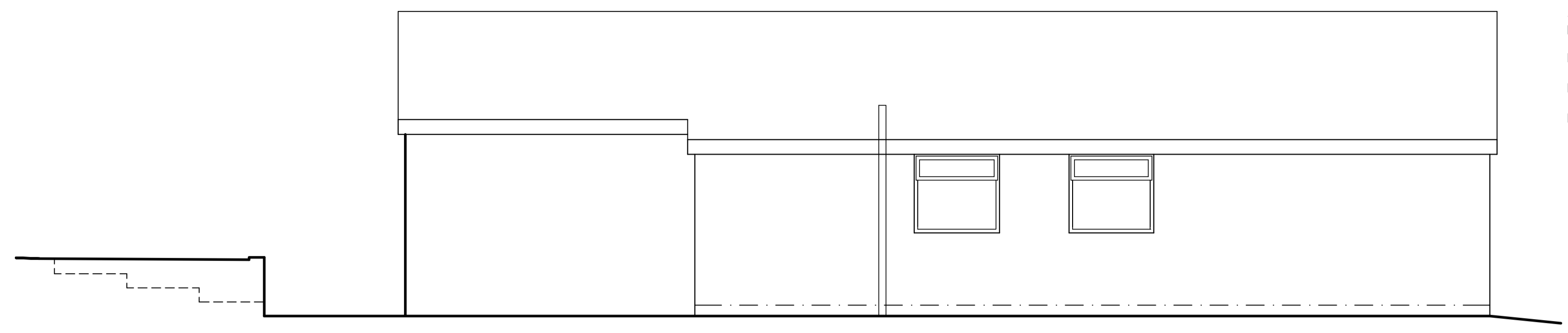


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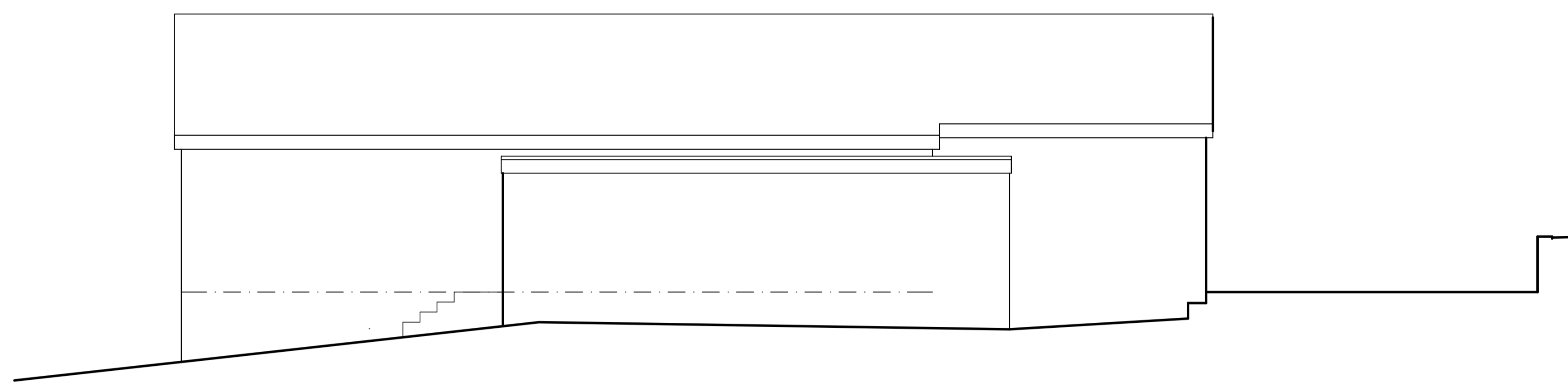
SIDE ELEVATION



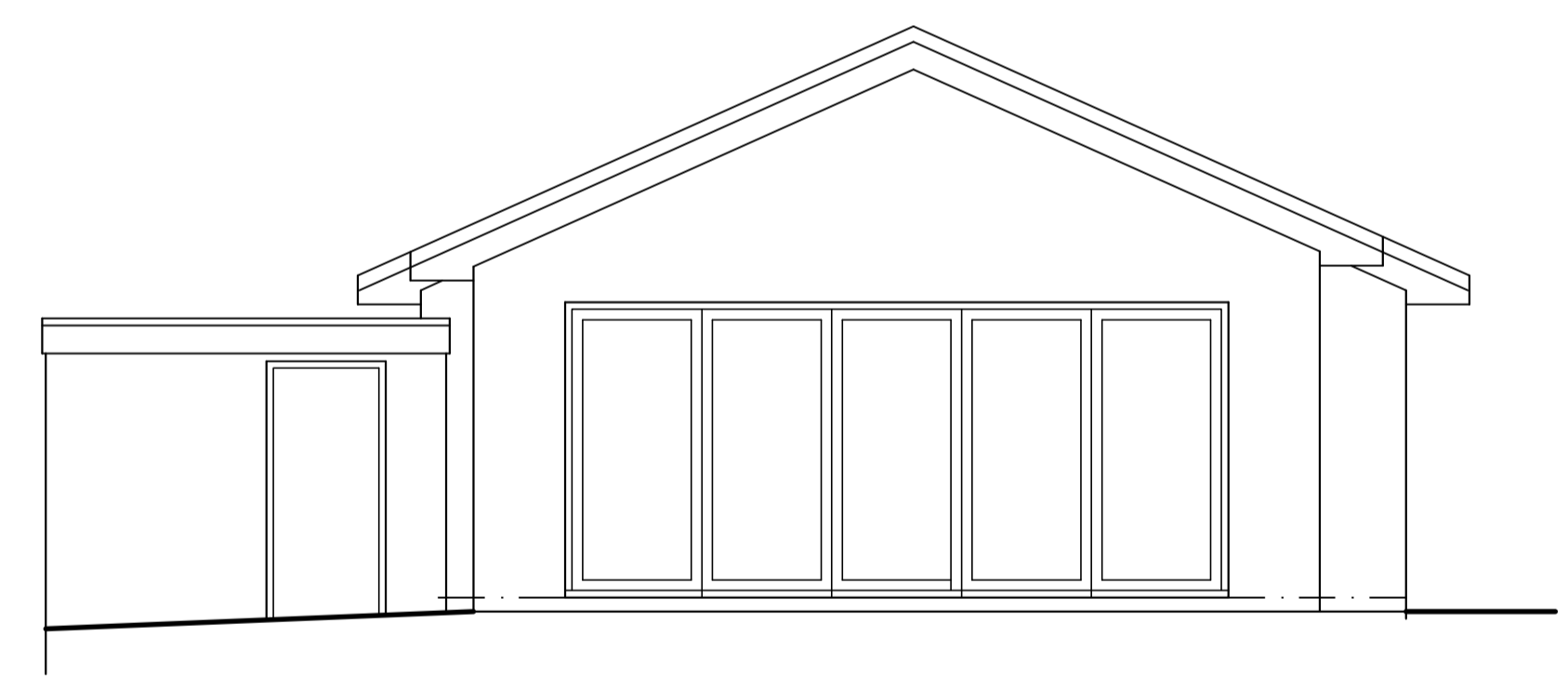
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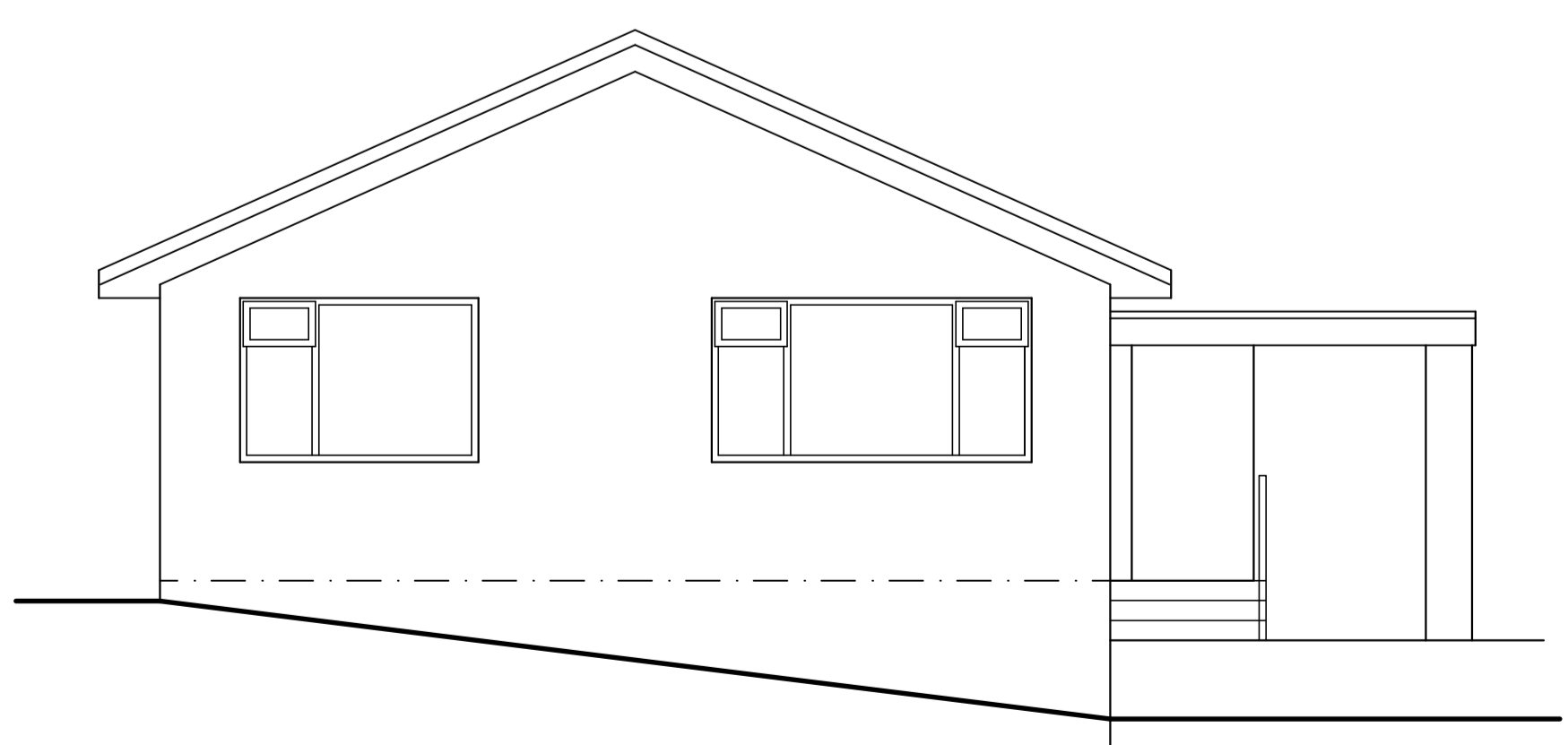
SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION

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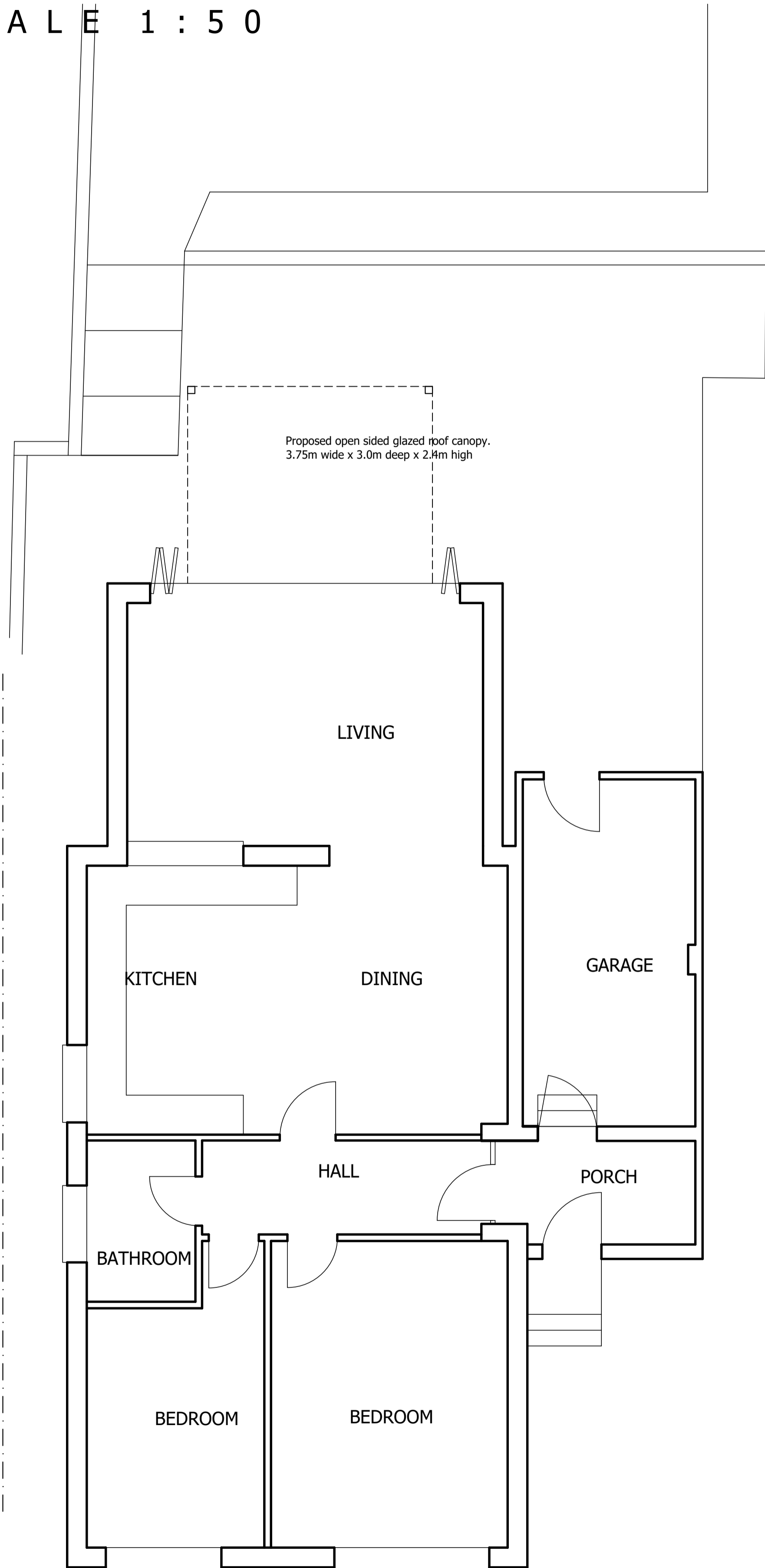
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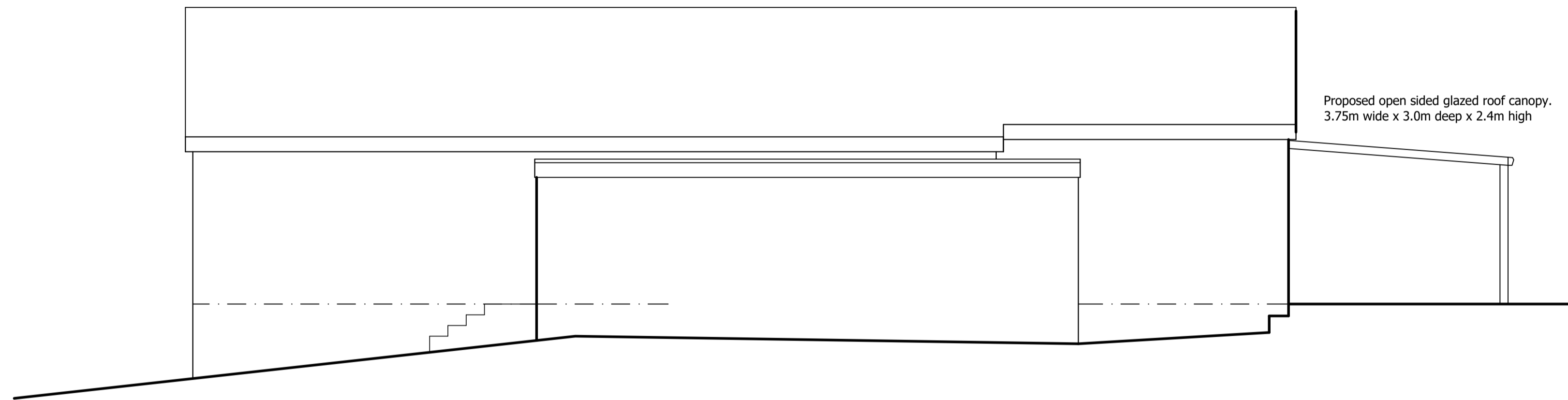
GROUND FLOOR PLAN

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Proposed open sided glazed roof canopy.
3.75m wide x 3.0m deep x 2.4m high

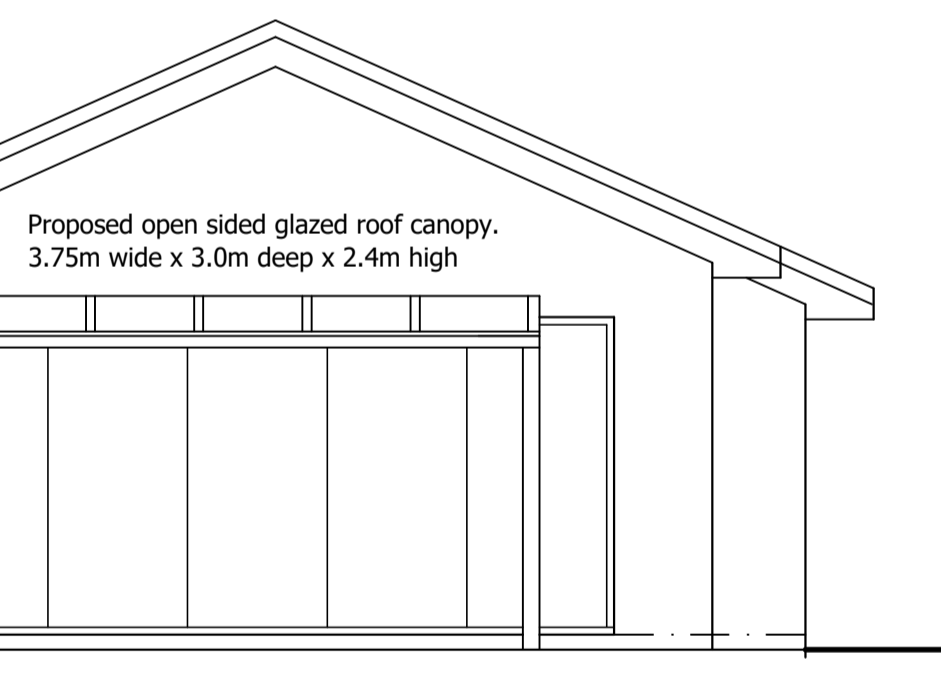
Proposed open sided glazed roof canopy.
3.75m wide x 3.0m deep x 2.4m high

SIDE ELEVATION



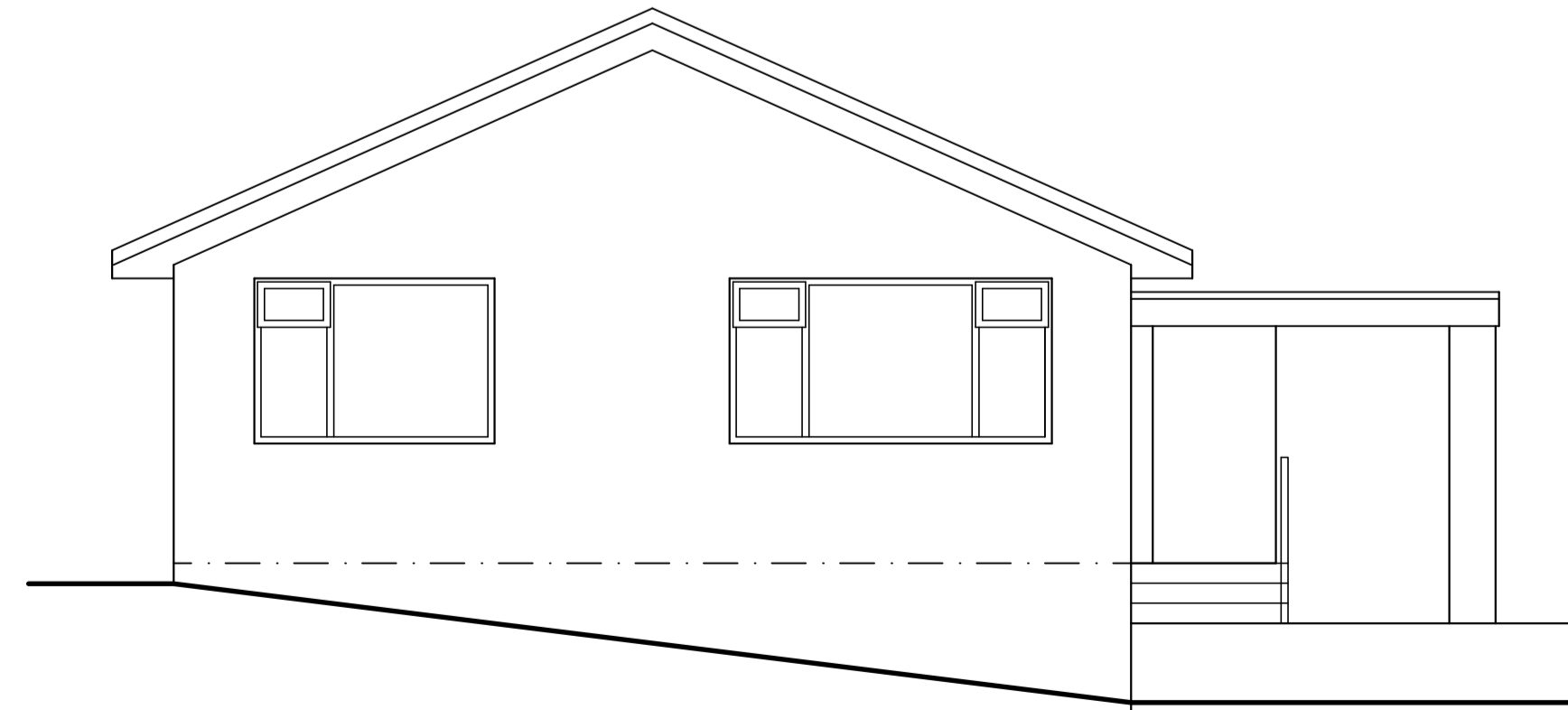
SIDE ELEVATION

Proposed open sided glazed roof canopy.
3.75m wide x 3.0m deep x 2.4m high



Proposed open sided glazed roof canopy.
3.75m wide x 3.0m deep x 2.4m high

REAR ELEVATION



FRONT ELEVATION



CANOPY EXAMPLE

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PROJECT
S Walker
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Dukinfield
SK16 5EH

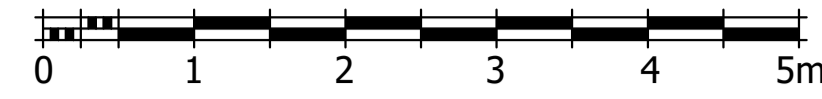
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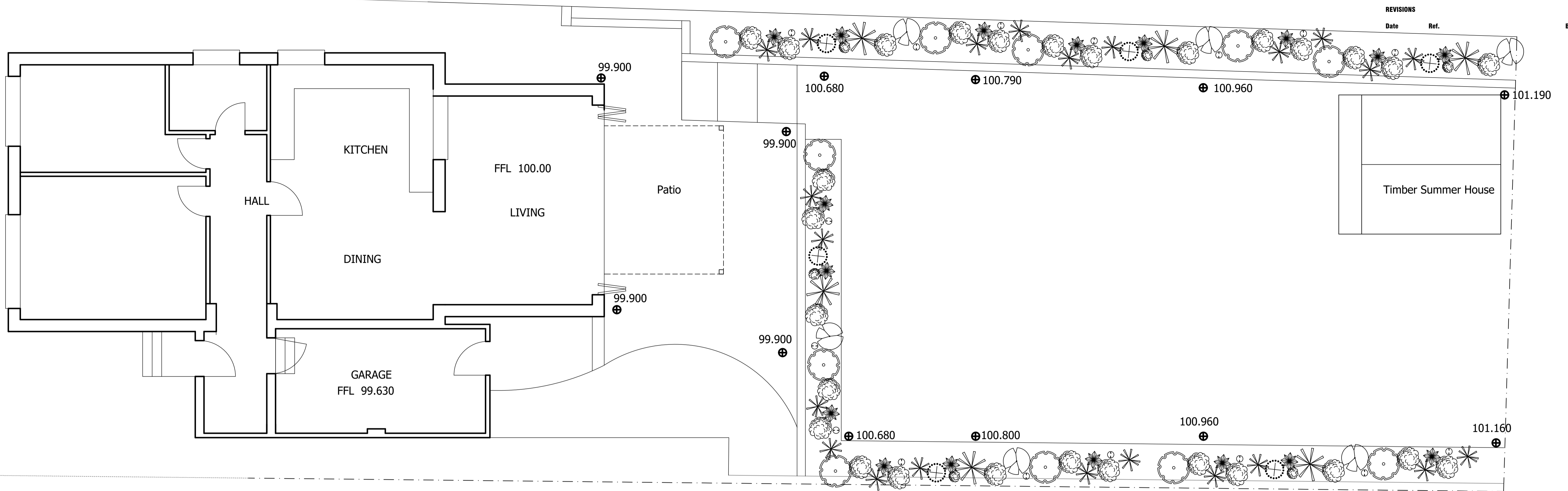
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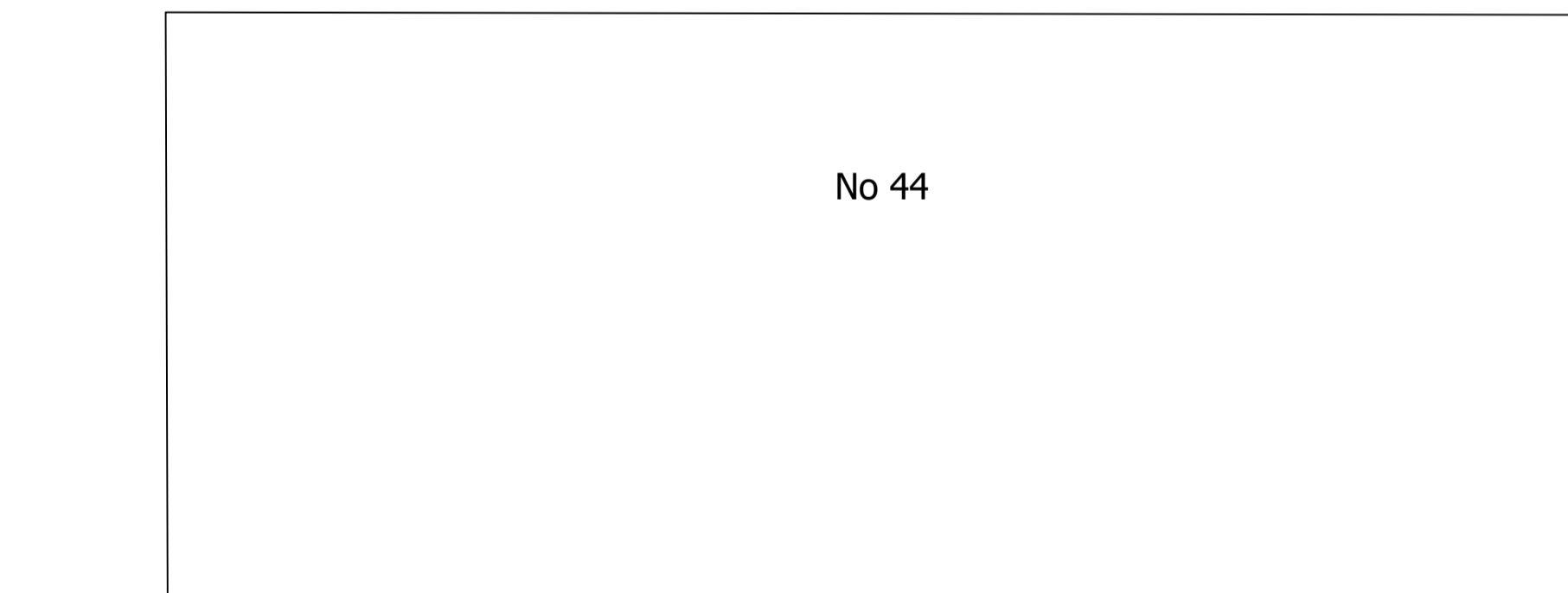
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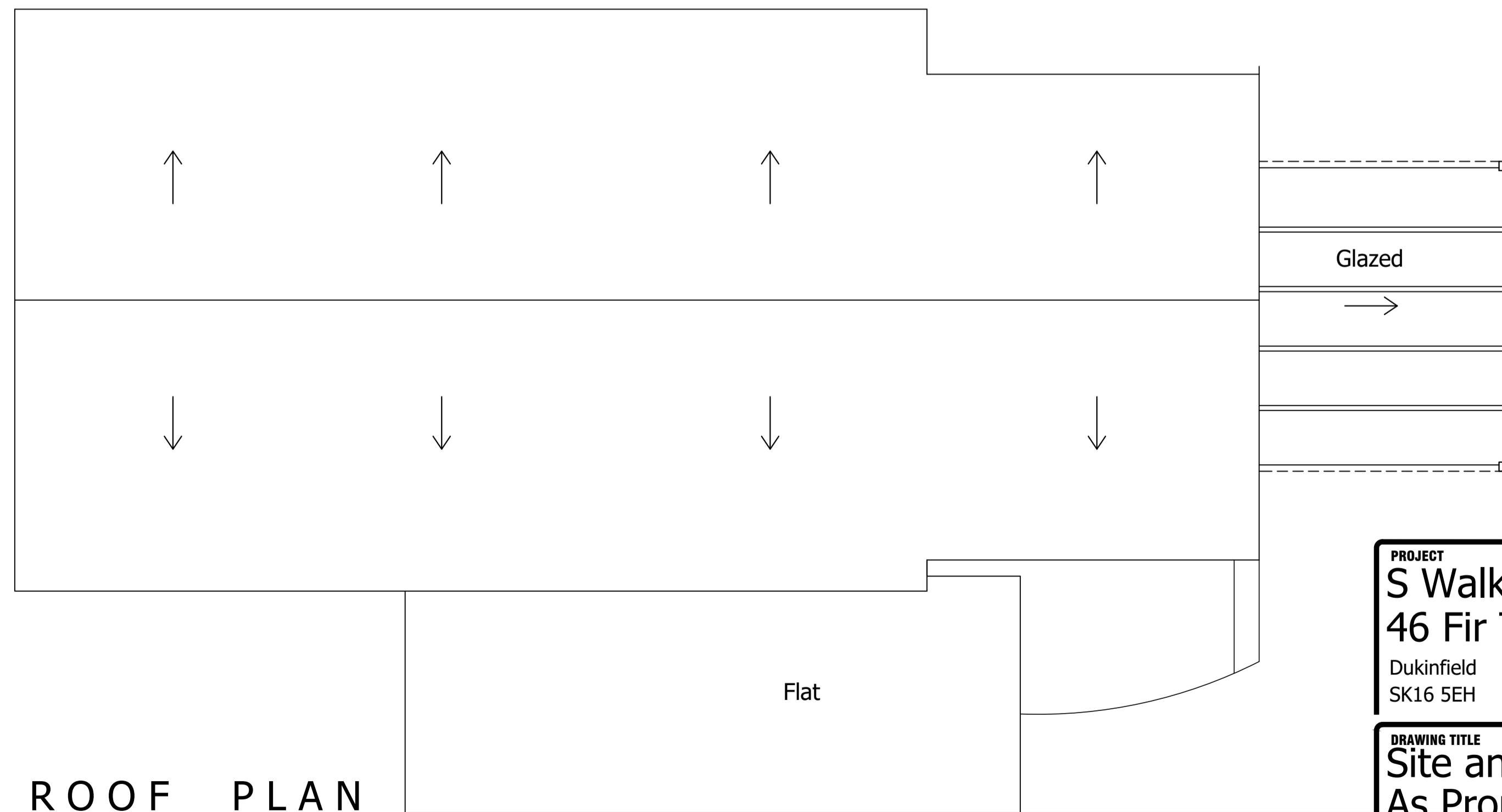
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SITE PLAN



ROOF PLAN

PROJECT	
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Site and Roof Plan As Proposed	
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Photos taken from the application property, no.46 Fir Tree Crescent:









Photos taken from the adjacent property, no.44 Fir Tree Crescent:



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Appeal Decision

Site visit made on 17 January 2023

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 February 2023

Appeal Ref: APP/G4240/W/22/3307835

St Lawrence Road, Denton, Tameside M34 6DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 22/00441/NCD, dated 28 April 2022, was refused by notice dated 21 June 2022.
 - The development proposed is a 5G telecoms installation: H3G Phase 8 20m high street pole, c/w wrap-around cabinet and 3 further additional equipment cabinets.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The principle of development is established by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The provisions of the GPDO require the local planning authority to assess the proposal solely based on its siting and appearance, taking account of any representations received. I have determined the appeal on the same basis. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have nevertheless had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

3. The main issues are:
 - the effect of the siting and appearance of the proposal on the character and appearance of the area and the setting of the nearby Grade II* listed building; and
 - if there is any harm, whether this would be outweighed by the need for the installation to be sited as proposed, having regard to the potential availability of alternative sites.

Reasons

Character and Appearance

4. The appeal site comprises an area of pavement close to the junction of St Lawrence Road and Stockport Road. It is adjacent to a small, landscaped public open space that contributes positively to the character and appearance of the area through the introduction of a green space in what is a densely built-up location. Nearby dwellings are predominantly two storeys in height. The Chapel House pub is a fairly substantial detached property across St Lawrence Road from the site. Vertical structures in the form of streetlights of regular height and spacing are apparent in the streetscape along St Lawrence Road, with taller ones along Stockport Road.
5. Although there are trees sporadically located on the adjacent open green space, these would provide no meaningful screening of the proposal. The monopole would be clearly visible within the immediate vicinity and from vantage points along St Lawrence Road for a considerable distance. Although the existing built form would provide some screening to the lower parts of the monopole from more distant vantage points including along Stockport Road, it would still appear conspicuously tall.
6. The monopole would appear as an obviously engineered feature of a significantly greater scale and bulk than the existing vertical structures in the area. The large size and utilitarian appearance of the monopole would appear out of scale and dominant within its context and would not sit comfortably within the streetscape. The site's location adjacent to the green space, which has a pleasant and open character and appearance, would exacerbate the visual dominance of the monopole.
7. Notwithstanding that the associated ancillary equipment cabinets may be within the size limits to be classified as permitted development without prior approval, they are shown on the plans and within the specification and would not be required if it were not for the proposed monopole. The cabinets and monopole would create a degree of clutter that would contrast with the well-spaced street furniture visible in the context of the street corridors and the open character of the adjacent green space.
8. The appearance of the proposal would not be mitigated by painting the equipment grey, which would not alter the fundamental issue of its scale, height and siting.
9. Accordingly, I conclude that the proposal would be an incongruous feature that would adversely affect the character and appearance of the area. Therefore, insofar as they are a material consideration, the proposal would conflict with the aims of Policies C1 and U2 of the Tameside Unitary Development Plan, adopted 2004 (the UDP). Amongst other matters, these policies seek to ensure that developments understand and respect the character and appearance of the Borough and require telecommunications development to be sited and designed so as to minimise its visual impact and result in no unacceptable impact on the appearance and amenity of buildings or townscape. Further conflict would arise with the Framework's aims for high quality design.

Setting of the Nearby Listed Building

10. The Church of St Lawrence (list entry no. 1067971) (the Church) is a Grade II* listed building that sits across Stockport Road from the site. Its significance as it relates to the proposal is derived mainly from its vernacular ecclesiastical multi-phased architecture, being an early survival at core of a late Medieval timber framed church, extended in the 19th century, and the evidence it provides of this architectural style, materials and building techniques that have developed over a considerable period of time.
11. The Church is visible and quite prominent from a distance to the south on Stockport Road, and given its location, it forms the central focus in views along much of St Lawrence Road. It is set within its own grounds with a low stone wall and relatively tall trees along much of its boundary. The Church's setting is influenced by the sense of openness around it, including at the junction of St Lawrence Road and Stockport Road which results in a large part from the green space adjacent to the site. This openness adds to the prominence of the Church within the streetscape. The green space frames views of the Church and gives it and the surrounding area a more verdant character, distinct from the densely built-up nature of the surrounding area. The green space therefore contributes positively to the setting of the listed building.
12. The monopole would form a highly conspicuous feature in views towards the Church from much of the length of St Lawrence Road, from nearby vantage points on Stockport Road, and looking outwards from it. Irrespective of the proposed colour, the monopole would appear as an obtrusive modern and utilitarian feature that would intrude into the setting of the listed building and would draw the eye away from it. As a result, the monopole would visually compete with the Church, would diminish its stature within the streetscape and would erode its open setting. It would therefore harm the significance of the Grade II* listed building.
13. In terms of the Framework, I assess the harm to the listed building as less than substantial. That is as only part of its setting would be affected. Even so, less than substantial harm does not equate to a less than substantial planning objection, especially where national policy expectations for conserving such assets have not been met. In such circumstances, paragraph 202 of the Framework states that the harm should be weighed against the public benefits of the proposal.
14. Paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The proposal would allow for the construction of infrastructure which would enable the roll out of 5G coverage, enhance network speeds and connectivity within the surrounding area. It would therefore contribute towards the Framework's objective of supporting high quality communications infrastructure such as 5G. Those implications may be considered public benefits and carry moderate weight in favour of the proposal.
15. Paragraph 199 of the Framework states that great weight should be given to the heritage asset's conservation, and the more important the asset, the greater the weight should be. Paragraph 200 requires clear and convincing justification for any harm to or loss of significance of a designated heritage asset. Consequently, the harm I have identified to the significance of the Grade II* listed building, which the Framework identifies as a heritage asset of the

highest significance, attracts considerable weight against the proposal. Given the weight that I attach to the public benefits, these would clearly not outweigh the harm that would be caused.

16. Consequently, insofar as they are a material consideration, the proposal would conflict with the requirements of Policies C1 and U2 of the UDP as described above, as well as UDP Policy C6 which states that development which fails to preserve, or detracts from, the setting of a Listed Building will not be permitted. There would also be conflict with the heritage aims of the Framework, the most relevant of which have been summarised above.

Alternative Sites

17. I recognise that the 5G cell search area is constrained, and that the location has been selected to be close to those who would benefit from the technology. I also appreciate that there may be a relatively limited number of site options given that the search area is densely populated, and that efforts have been made to avoid locating the proposal directly in front of residential properties, at sites where pedestrian use of the pavement would be adversely affected, or within designated areas. However, given the harm that I have identified, in particular to the significance of a Grade II* listed building which is a heritage asset of the highest significance, I need to be satisfied that alternatives have been thoroughly explored.
18. The Framework requires that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored.
19. The appellant refers to a sequential approach having been undertaken. While it is stated that all attempts to utilise existing structures have been employed, there is no detail provided in evidence of which other operators' sites or other buildings and structures have been considered or why they were ruled out. Four other ground level sites were considered, all of which appear to relate to public highway land. However, only limited information has been provided as to why these sites were discounted. In addition, the appellant does not advise why the discounted sites would be more harmful than the appeal site.
20. I am mindful that there is a limit to how far an operator can reasonably be expected to go to demonstrate no other less intrusive or harmful sites are available. However, the information before me does not provide sufficient explanation of the site selection process, and I am not satisfied that all alternative, potentially less harmful options have reasonably been explored and therefore that no more suitable sites are available.
21. Consequently, I conclude that the harm I have identified to the character and appearance of the area and to the setting of the nearby Grade II* listed building is not outweighed by the need for the installation to be sited as proposed, having regard to the potential availability of alternative sites.

Conclusion

22. For the above reasons, having had regard to all matters raised, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR

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