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## SPEAKERS PANEL (PLANNING)

**Day:** Wednesday  
**Date:** 31 May 2023  
**Time:** 10.00 am  
**Place:** Guardsman Tony Downes House, Manchester Road,  
Droylsden, M43 6SF

Item No.	AGENDA	Page No
1.	<b>APOLOGIES FOR ABSENCE</b> To receive any apologies for absence from Members of the Panel.	
2.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest from Members of the Panel.	
3.	<b>MINUTES</b> The Minutes of the meeting of the Speakers Panel (Planning) held on 19 April 2023, having been circulated, to be signed by the Chair as a correct record.	1 - 2
4.	<b>OBJECTIONS TO THE PROPOSED TAMESIDE METROPOLITAN BOROUGH COUNCIL BUS STOP CLEARWAY (24 HOUR) UNION ROAD, KINGS ROAD AREA, ASHTON-UNDER-LYNE 2022</b>	3 - 14
5.	<b>PLANNING APPLICATIONS</b> To consider the schedule of applications:	
a)	<b>22/01046/FUL - 147-155 STAMFORD STREET CENTRAL, ASHTON-UNDER-LYNE, OL6 6XW</b>	15 - 62
6.	<b>APPEAL DECISION NOTICES</b>	
a)	<b>APP/G4240/Z/22/3311858 - ADVERTISING RIGHT ADJACENT TO 47 CLARENDON PLACE, HYDE, SK14 2ND</b>	63 - 64
b)	<b>APP/G4240/D/22/3313731 - 4 REINS LEE ROAD, ASHTON-UNDER-LYNE, OL7 9QB</b>	65 - 68
c)	<b>APP/G4240/W/23/3314599 - SUNNYSIDE ROAD STREET WORKS, SUNNYSIDE ROAD, DROYLSDEN, M43 7QP</b>	69 - 72
d)	<b>APP/G4240/W/23/3314454 - ASHTON MOSS JUNCTION STREET WORKS, ASHTON MOSS JUNCTION, AUDENSHAW, M34 5WP</b>	73 - 76
e)	<b>APP/G4240/W/23/3314551 - HOLLAND STREET WEST STREET WORKS, DENTON, M34 3GE</b>	77 - 80

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

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**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 28 June 2023.

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

# Agenda Item 3

## SPEAKERS PANEL (PLANNING)

19 April 2023

Commenced: 10:00am

Terminated: 10:25am

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

### 64. DECLARATIONS OF INTEREST

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

### 65. MINUTES

The minutes of the proceedings of the meeting held on 15 March 2023, having been circulated, were approved and signed by the Chair as a correct record.

### 66. PLANNING APPLICATIONS

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

#### RESOLVED

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

<b>Name and Application No:</b>	<b>22/00818/FUL</b> <b>Wiggett Construction</b>
<b>Proposed Development:</b>	<b>New residential development of 32no units consisting of 18no 3 bedroom houses and 14no 4 bedroom houses with associated car parking and landscaping.</b> <b>Land at the end of Fern Lodge Drive, Ashton-under-Lyne</b>
<b>Speaker(s)/Late Representations:</b>	<b>The case officer advised that the payment of the £50,000 commuted sum will be secured via a unilateral undertaking.</b>
<b>Decision:</b>	<b>That planning permission be granted, subject to the conditions as detailed within the submitted report and the payment of the £50,000 commuted sum via a unilateral undertaking.</b>

<b>Name and Application No:</b>	<b>22/01208/FUL</b> <b>Tameside College</b>
<b>Proposed Development:</b>	<b>Single storey building (with mezzanine floor) for automotive workshop college courses, including landscaping and access, following demolition of existing Newton Building.</b>

	<b>Tameside College of Technology, Beaufort Road, Ashton-under-Lyne</b>
<b>Speaker(s)/Late Representations:</b>	<b>The case officer informed the Panel that condition 8 was to be removed as the applicant had proposed utilising existing cycle parking provision and Highways had found this to be acceptable.  Kenneth Morris addressed the Panel objecting to the application.</b>
<b>Decision:</b>	<b>That planning permission be granted subject to the conditions outlined in the submitted report but with the removal of condition 8.</b>

**67. URGENT ITEMS**

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

**68. DATE OF NEXT MEETING**

**RESOLVED**

**That the next meeting of the Panel would take place on 31 May 2023.**

**CHAIR**


# Agenda Item 4

<b>Report to:</b>	<b>Speakers Panel (Planning)</b>
<b>Date:</b>	31 May 2023
<b>Reporting Officer:</b>	Emma Varnam, Assistant Director, Operations & Neighbourhoods.
<b>Subject:</b>	<b>OBJECTIONS TO THE PROPOSED TAMESIDE METROPOLITAN BOROUGH COUNCIL BUS STOP CLEARWAY (24 HOUR) UNION ROAD, KINGS ROAD AREA, ASHTON-UNDER-LYNE 2022</b>
<b>Report Summary:</b>	This report outlines the objections received to the proposed 24 hour bus stop clearway at bus stop EH2191 on Kings Road, Ashton-under-Lyne.
<b>Recommendations:</b>	It is recommended that the panel review the objections and that authority is given to implement the 24 hour Bus Stop Clearway in accordance with The Traffic Signs Regulations and General Directions 2016.
<b>Corporate Plan:</b>	Improvements to the highway network support the council in delivering all 8 priorities of the Corporate Plan.
<b>Policy Implications:</b>	None arising from the report.
<b>Financial Implications: (Authorised by the statutory Section 151 Officer &amp; Chief Finance Officer)</b>	The estimated cost of processing and implementing a bus stop clearway together with the associated road markings is £3,000. If the proposed scheme goes ahead it will be funded from the existing Traffic Management Revenue budgets within the Place Directorate.
<b>Legal Implications: (Authorised by the Borough Solicitor)</b>	Members should have regard to the council's statutory duty under S122 of the Road Traffic Regulation Act 1984 which is set out in <b>Appendix 1</b> .
<b>Risk Management:</b>	Non-implementation may put bus passengers at risk.
<b>Access to Information:</b>	Not confidential

**Background Information:**

<b>Appendix 1</b>	Section 122 of the Road Traffic Regulation Act 1984
<b>Appendix 2</b>	Plan of proposals
<b>Appendix 3</b>	Notice to frontagers
<b>Appendix 4</b>	Rule 243 of The Highway Code

The background papers relating to this report can be inspected by contacting Joanne Biddle, Engineer, Traffic Operations:

 Telephone: 0161 342 2879

 E-mail: [joanne.biddle@tameside.gov.uk](mailto:joanne.biddle@tameside.gov.uk)

## 1. INTRODUCTION

- 1.1 Kings Road is a busy, predominantly residential road that runs between Union Road and Gorse Lane, Ashton-under-Lyne. Bus stop EH2191 (Kings Road/ near New Lees Street) is located on the east side of Kings Road approximately outside property number 150 Kings Road, a plan of the proposals has been provided at **Appendix 2** to this report.
- 1.2 Bus stop EH2191 is served by the 396 bus service (Ashton to Middleton) that operates hourly between 07:44 and 22:18, Monday to Sunday.
- 1.3 In September 2022 bus stop EH2191 was upgraded to include a raised platform as part of Transport for Greater Manchester's (TfGM's) GD3 Bus Stop Accessibility project. To facilitate access to this and a number of other recently upgraded bus stops TfGM approached the council with regard to installing bus stop clearways.
- 1.4 A bus stop clearway is a box that consists of solid and dashed yellow lining on the carriageway together with the word 'BUS STOP'. With the exception of buses, vehicles must not stop or park within a bus stop clearway.
- 1.5 The council's formal procedure for the consultation and implementation of bus stop clearways is as follows:
  - a) Ward Members consultation;
  - b) Frontagers within the immediate vicinity of the proposed bus stop clearway are formally consulted by letter;
  - c) That there is a minimum consultation period of 21 days within which objections can be made in writing to Engineering Services;
  - d) That if no objections are received within this period of time then the proposals are implemented; and
  - e) That if objections are received during this period of time then a report outlining the objections will be considered by Speakers Panel.
- 1.6 In November 2022 Ward Members for Ashton St. Michael's were sent a copy of the combined Notice to introduce 24 hour bus stop clearways within the Union Road, Kings Road area of Ashton-under-Lyne (attached at **Appendix 3**). No objections from Ward Members were received.
- 1.7 Later that month frontagers within the immediate vicinity of the proposals were hand delivered a copy of the Notice. During the 28 day consultation period correspondence from one objector was received. The objections they have raised are summarised below.

## 2. REPRESENTATIONS OBJECTING TO THE PROPOSED SCHEME

- 2.1 One objector raised a concern that the proposed bus stop clearway will remove the on street parking spaces outside their property. They contend that the road is already busy due to a vast numbers of vehicles parking here and that the addition of a bus stop clearway will result in less available parking spaces that will exacerbate the situation further.
- 2.2 The same objector raised concerns that the proposals to install bus stop clearways at both bus stop EH2191 (Kings Road/ near New Lees Street) and bus stop EH2192 (outside Kings Park) on the opposite side of Kings Road could displace parking in the area leading to unsafe parking practices, potential conflicts with neighbours and an increase in crime levels as cars may be vandalised as a consequence.

- 2.3 The same objector has installed CCTV that they say will no longer be effective if the proposed bus stop clearway is installed and they cannot park their vehicle on the road outside their property.
- 2.4 The same objector claims that parking on New Lees Street as an alternative to parking on Kings Road is not safe as New Lees Street is quiet, unlit and the road condition is poor. However, they suggested that should New Lees Street be resurfaced their objection would be withdrawn.
- 2.5 The same objector suggested that the installation of a bus stop clearway will lower the value of their property.

### **3. OFFICER RESPONSE**

- 3.1 Whilst it is appreciated that parking in this area is at a premium and that it may be desirable for residents to park on the public highway outside or near to their properties there is no legal entitlement to do so. In addition Rule 243 of the Highway Code expressly dictates: "Do not stop or park: at or near a bus or tram stop or taxi rank", regardless of whether there is a clearway in place or not (relevant extracts attached at **Appendix 4**). The fact that this area is getting parked up reinforces the need for a bus stop clearway at this location. If vehicles other than buses continue to park here passengers using this stop will be forced to board and alight while the bus is stopped in a live lane of traffic. Not only is this an unsafe practice it could also cause further congestion on an already busy road.

Additionally, if buses are unable to pull up parallel to the boarding kerb this could restrict access for the mobility impaired or push chair users and the benefits of low-floor and "kneeling" buses are significantly reduced.

- 3.2 When parking on the public highway or elsewhere it is the responsibility of the road user to ensure that their vehicle is parked safely, legally and appropriately. If neighbour disputes, criminal activity or vandalism were to arise such incidents should be reported to the police.
- 3.3 There is no obligation on the council to provide parking spaces for residents for the purposes of CCTV coverage.
- 3.4 The section of New Lees Street, Ashton-under-Lyne that adjoins Kings Road and Swift Street is not adopted highway and therefore not maintained by Tameside Council.
- 3.5 There is no evidence to suggest that the implementation of a bus stop clearway would impact on property prices within the vicinity of the restriction.

### **4. FUNDING**

- 4.1 The cost for processing and implementing a bus stop clearway together with the associated road markings (approximately £3000.00) will be funded from the existing Traffic Management Revenue budgets within the Place Directorate.

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

- 5.1 It is recommended that the proposals are introduced as per the Notice attached at **Appendix 3** and illustrated in the plan attached at **Appendix 2**.

### **6. RECOMMENDATIONS**

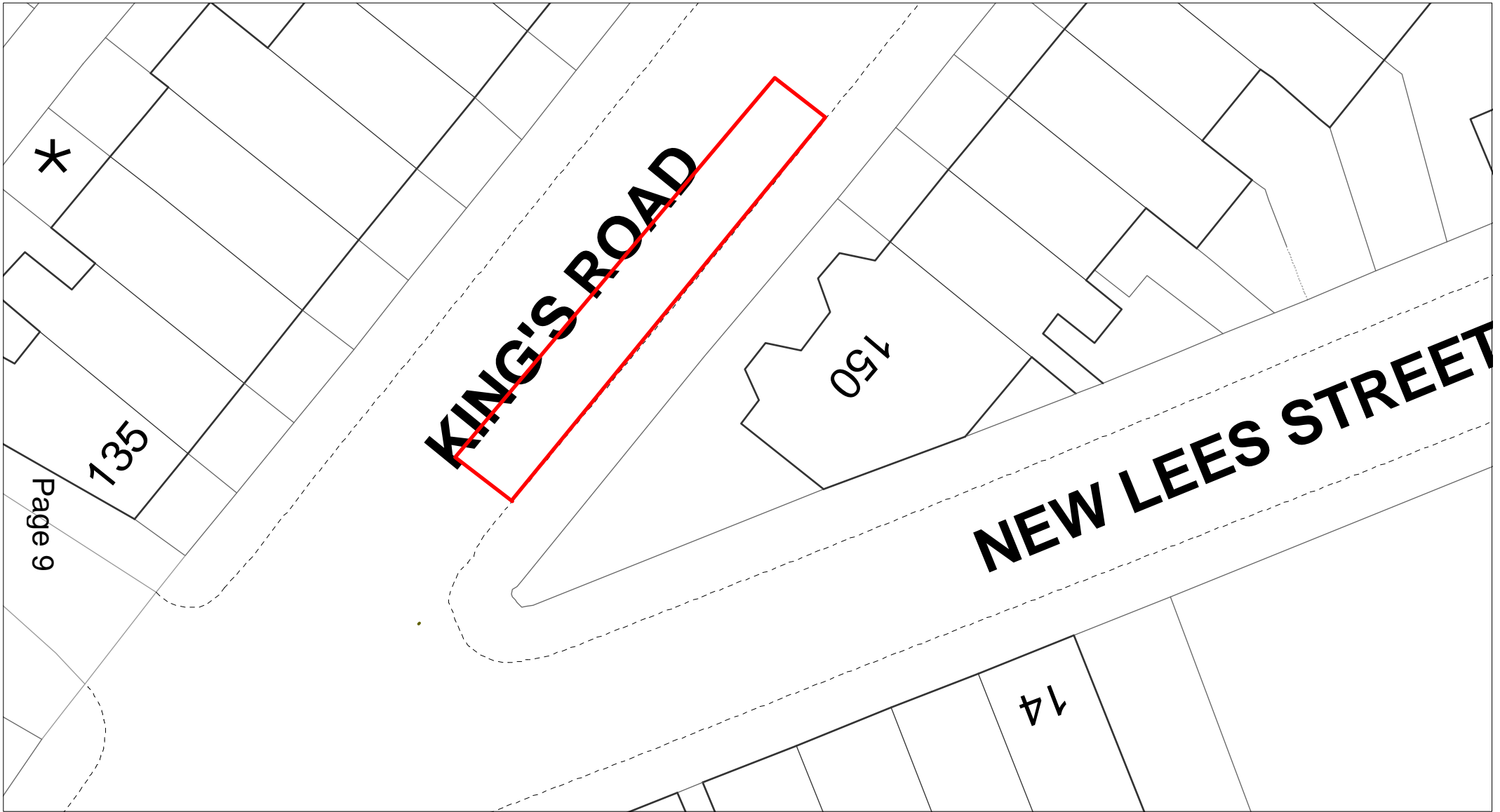
6.1 As set out at the front of the report.



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

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

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Kings Road (east side) - from a point 7 metres north of its junction with New Lees Street for a distance of 23 metres in a north easterly direction

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SCALE	1 : 250
DATE	17/11/2022
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## APPENDIX 3

### TAMESIDE METROPOLITAN BOROUGH COUNCIL BUS STOP CLEARWAY (24 HOUR) UNION ROAD, KINGS ROAD AREA, ASHTON- UNDER-LYNE 2022

Tameside Metropolitan Borough Council proposes to introduce a 24 hour bus stop clearway on:

Union Road south side	from a point 5 metres east of its junction with Cowhill Lane for a distance of 19 metres in a easterly direction.
Union Road west side	from a point 22 metres north of its northerly projected junction with Holden Street for a distance of 23 metres in a southerly direction.
Union Road south east side	from a point 32 metres south west of its junction with Whitworth Close for a distance of 23 metres in a north easterly direction.
Union Road, north west side	from a point 2 metres north east of the southerly projected kerbline of Whitworth Close for a distance of 19 metres in a south westerly direction.
Kings Road south east side	from a point 36 metres north of its junction with Curzon Road for a distance of 23 metres in a northerly direction.
Kings Road east side	from its junction with Alderley Street for a distance of 19 metres in a northerly direction.
Kings Road west side	from a point 4 metres south of its junction with Hilton Crescent for a distance of 23 metres in a southerly direction.
Kings Road east side	from a point 7 metres north of its junction with New Lees Street for a distance of 23 metres in a north easterly direction.
Kings Road west side	from a point 30 metres south west of the southerly projected kerbline of Swift Street for a distance of 23 metres in a south westerly direction.
Kings Road south side	from a point 40 metres southwest of its junction with Carr Street for a distance of 23 metres in a north easterly direction.

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

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

Date: 22 November 2022

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

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# The Highway Code

## Introduction to the Highway Code

'This Highway Code applies to England, Scotland and Wales. The Highway Code is essential reading for everyone.

The most vulnerable road users are pedestrians, particularly children, older or disabled people, cyclists, motorcyclists and horse riders. It is important that all road users are aware of the Code and are considerate towards each other. This applies to pedestrians as much as to drivers and riders.'

## Knowing and applying the rules

'Knowing and applying the rules contained in The Highway Code could significantly reduce road casualties. Cutting the number of deaths and injuries that occur on our roads every day is a responsibility we all share. The Highway Code can help us discharge that responsibility.

## Rule 243

**DO NOT** stop or park:

- near a school entrance
- anywhere you would prevent access for Emergency Services
- at or near a bus or tram stop or taxi rank
- on the approach to a level crossing/tramway crossing
- opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space
- near the brow of a hill or hump bridge
- opposite a traffic island or (if this would cause an obstruction) another parked vehicle
- where you would force other traffic to enter a tram lane
- where the kerb has been lowered to help wheelchair users and powered mobility vehicles
- in front of an entrance to a property
- on a bend
- where you would obstruct cyclists' use of cycle facilities

**except** when forced to do so by stationary traffic.

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<b>Application Number:</b>	22/01046/FUL
<b>Proposal:</b>	Change of use from retail/warehouse to five retail units at ground floor, and 33 apartments at ground and upper floors, alongside third and fourth floor rear extensions, and external alterations.
<b>Site:</b>	Ashton Discount Warehouse, 147-155 Stamford Street Central, Ashton-under-Lyne, OL6 6XW
<b>Applicant:</b>	Mr Blum
<b>Recommendation:</b>	Grant planning permission, subject to conditions.
<b>Reason for Report:</b>	A Speakers Panel decision is required because the application constitutes a major development.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

## 1. SITE & SURROUNDINGS

- 1.1 The application relates to an existing building, which is three storeys in height fronting Stamford Street Central, with a large two storey outrigger to the rear (itself fronting Fleet Street to the rear). The building was last used as a home furnishing retail store, with ancillary facilities such as storage and staff facilities. The business closed in August 2022, and the building has not been used since.
- 1.2 The building includes some attractive features to its front elevation. A modern glazed shop front with large fascia sign is in place at ground floor. Some traditional features at this level remain, including a wooden door and tiled pilasters separating the modern glazing. At the two upper floors of the frontage, the building is attractive with traditional window openings and original features such as stone cills and supports, and brick detailed headers. The windows are recessed and are in a uniform style, some with an arched header and some with a straight header, retaining consistency across the frontage.
- 1.3 The site is situated within Ashton Town Centre. It also lies within the Ashton Town Centre Conservation Area.

## 2. PROPOSAL

- 2.1 This full application seeks planning permission for the change of use of the building to five retail units at ground floor, and 33no. apartments at both ground and upper floor levels. A third and fourth floor extension is proposed to the rear of the building, atop the existing two storey outrigger. External alterations are proposed to the front of the building.
- 2.2 In terms of the external alterations, a new shop front is proposed to the ground floor, which would incorporate the five individual retail units, as opposed to one large unit as is existing.
- 2.3 The proposed extension would be built atop the existing two storey outrigger, and would measure an additional height of 8.8m, resulting in an extension to a total height of 15.6m. This would be 1.5m higher than the main section of the building, but it would be to the back of the building rather than to the roof, being set back from the ridge line by 4.8m with a slight overhang forwards. It would have a flat roof, with a mansard roof design. The extension would

include additional windows and doors, particularly to the rear elevation facing Fleet Street. These would include oriel windows with side facing views east and west along Fleet Street.

- 2.4 Internally within the extension would be situated a courtyard area, which would be landscaped and open air, and would be accessible to future residents usable as an outdoor space.
- 2.5 In terms of the proposed apartments, 29 would be one bedroomed, and four would be two bedroomed. Each would be self-contained. Some would include outlooks to the front or rear of the building, and some would face internally toward the proposed courtyard area.

### **3. PLANNING HISTORY**

- 3.1 05/01747/FUL (151-155 Stamford Street Central) – First floor extension to form a link between the original and extended building – Approved with conditions January 2006.

### **4. PLANNING POLICY**

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

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

#### **Development Plan**

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

#### Tameside Unitary Development Plan (2004)

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

- 1.3: Creating a Cleaner and Greener Environment;
- 1.4: Providing More Choice and Quality of Homes;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1.7: Supporting the Role of Town Centres;
- 1.9: Maintaining Local Access to Employment and Services;
- 1:10: Protecting and Enhancing the Natural Environment;

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

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

- C1: Townscape and Urban Form
- C2: Conservation Areas
- C4: Control of Development in or adjoining Conservation Areas
- C11: Shop Fronts
- H1: Housing Land Provision
- H2: Unallocated Sites
- H4: Type, Size and Affordability of Dwellings
- H5: Open Space Provision
- H6: Education and Community Facilities
- H7: Mixed Use and Density
- H10: Detailed Design of Housing Developments
- N3: Nature Conservation Factors
- N7: Protected Species
- OL10: Landscape Quality and Character
- MW11: Contaminated Land
- MW12: Control of Pollution
- S4: Retail Dominance and Shopping Frontages
- S9: Detailed Design of Retail and Leisure Developments
- 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 persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

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

## **5. PUBLICITY CARRIED OUT**

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

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

- 6.1 In response to the publicity carried out, there were 10 letters of objection. The concerns raised within the letters of objection are summarised below:

- The development proposes an insufficient amount of parking;
- The proposed development is too large and would be out of character;
- It would cause overshadowing and a loss of light to neighbouring properties;
- Noise and hours of operation would unduly affect neighbouring properties;
- The residential accommodation is substandard;
- The development would set an unwanted precedent;
- The amount of waste created from such a large development is a concern;
- The applicant has not been forthcoming and positive with neighbouring properties regarding the proposals;
- The number of proposed residential units is excessive;
- The loss of retail is regrettable;
- The development would attract anti-social behaviour;
- The development would include no amenity benefits for future occupiers.

- 6.2 Two letters of support have been submitted. The main points raised within those letters is summarised below:

- The development would assist the surrounding retail offer, bringing more customers into Ashton;
- The retention of retail at ground floor is supported;
- The proposal improves the building aesthetically.

## **7. RESPONSES FROM CONSULTEES**

- 7.1 Local Highway Authority (LHA) – No objections, subject to conditions requiring a scheme for secured cycle storage; a travel plan; a construction environmental management plan; and a surface water drainage scheme.
- 7.2 Transport for Greater Manchester - No objections. Refers to the LHA whether there is a requirement for a Travel Plan. Provides guidance regarding cycle storage provision.
- 7.3 Designing Out Crime Officer – Notes that the submitted Crime Impact Statement was not undertaken by a suitably qualified security consultant, and therefore recommends that a suitable version is provided for further assessment.

- 7.4 United Utilities – No comments to make.
- 7.5 Lead Local Flood Authority – Recommends a condition requiring a surface water drainage scheme to be submitted.
- 7.6 Greater Manchester Ecology Unit – No objections. Recommends an informative advising applicant of their responsibility regarding protected species. Recommends conditions requiring that demolition and clearance works are not undertaken during the bird nesting season unless surveys confirm that bird nests are not present, and advises that biodiversity enhancement measures should be considered.
- 7.7 Environmental Health – No objections, subject to conditions requiring restrictions on construction working hours; bin storage provisions; acoustic mitigation measures outlined within the submitted Noise Assessment to be implemented; and submission of further details for a soundproofing scheme due to noise from adjacent substations.
- 7.8 Contaminated Land – No objections, subject to a condition requiring a completion report including details of a contamination watching brief, and details of any long term monitoring and maintenance required. Also requires that if any contamination is encountered then a remediation strategy including details of remedial works shall be submitted.
- 7.9 Coal Authority – No objections. Notes that the site lies within the defined Development High Risk Area, but the nature of the development is exempt from providing a Coal Mining Risk Assessment.
- 7.10 Transport for Greater Manchester – No objections. Refers to the LHA whether there is a requirement for a Travel Plan. Provides guidance regarding cycle storage provision.
- 7.11 Waste Management – Provides guidance regarding bin store capacity and future requirements.
- 7.12 Education services – Seeks financial contribution towards primary and secondary school places.

## **8. ANALYSIS**

- 8.1 Policy S4 of the Unitary Development Plan (UDP) states that outside the primary shopping areas (of the town centres), the Council will permit a diversity of uses which contribute to the overall appeal of the town centre, help to minimise the extent of empty properties, and improve the appearance of the centre.
- 8.2 In terms of the principle of housing development, members will be aware that the council cannot demonstrate a deliverable five year supply of housing land. It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, the NPPF is clear that where no five year supply can be demonstrated, the presumption in favour of sustainable development identified at paragraph 11 of the NPPF should be used to determine planning applications. The opportunity to develop the site for 33 apartments would make a positive contribution to housing land supply, this should be apportioned due weight in the decision making process.
- 8.3 Section 5 of the NPPF requires local planning authorities to support the delivery of a wide choice of quality homes in sustainable locations. Policy H2 (Unallocated Sites) states that unless other considerations take precedence in a particular case, the Council will permit the redevelopment of previously developed land for residential use and the conversion of existing buildings to such use, where these are not specifically allocated for this purpose in the plan.

Paragraph 60 of the NPPF identifies the Government objective to significantly boost the supply of homes, stating that it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay. UDP policies 1.6, H1 and H2 promote the re-use of previously developed sites within accessible areas, given the sites location within walking distance of Ashton town centre, with links to services which would meet the sustainable policy objectives.

- 8.4 It is evident that the building has been vacant since August 2022. It remains that the site is undeveloped and unoccupied.
- 8.5 There is no doubt that the site constitutes previously developed land (PDL) for the purposes of the planning assessment. The proposal presents an opportunity to address this by instating long-term stewardship of the site. The opportunity to make a positive contribution to housing supply by the redevelopment of a brownfield site is considered to be highly sustainable and this is afforded significant weight in the determination of the application. Although the site is situated outside of the primary shopping area of Ashton Town Centre, the continuing retail use at ground floor would retain an active frontage to this area of Stamford Street Central, and would continue to support the viability and vitality of the town centre retail offer.
- 8.6 Being situated within the town centre, it is considered that the proposed residential accommodation would be sustainable within this location, within walking distance of the wider range of shops, services and public transport services offered. It is therefore considered an appropriate re-use of previously developed land.
- 8.7 The site is located within a highly accessible area within the town centre, connected to public transport which runs close to the site, and local services and employment uses within Ashton. In light of the above, the principle of residential and retail development in this location is considered to be acceptable.

## **9. DESIGN & LAYOUT**

- 9.1 Policies within the UDP, NPPF and the adopted Residential Design Guide SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making objectives. The NPPF emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 134).
- 9.2 The building consists of an existing three storey commercial building, fronting Stamford Street Central. To the frontage, there is a modern glazed shop front with large fascia sign in place. Some traditional features at ground floor remain, including a wooden door and tiled pilasters separating the modern glazing. At the two upper floors of the frontage, the building is attractive with traditional window openings and original features such as stone cills and supports, and brick detailed headers. The windows are recessed and are in a uniform style, some with an arched header and some with a straight header, retaining consistency across the frontage.
- 9.3 The majority of alterations to the building would be made at the ground floor to the frontage. The existing modern glazed frontage would be replaced with a similar style frontage, but each including a separate entrance door, to accommodate the five individual units given the building is proposed to be subdivided internally. The existing tiled pilasters would remain which would ensure the most attractive elements of the frontage are retained.
- 9.4 The majority of alterations to the building would be made at the ground floor, to the frontage. The existing shop front design, not considered practical for the future use of the building, would be replaced with new but smaller fenestration, including repositioned windows and doors. Traditional features, however would be retained in part, with vertical pilasters

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

- 9.5 A three storey extension is proposed to the rear of the building, facing Fleet Street. This section of the building is to be constructed atop an existing two storey outrigger to the rear of the building. The extension as proposed will be large and bulky, especially when viewed from the side elevations, however the existing two storey outrigger already runs to the back of the street. It is considered that the bulk of this is already significant to those using Fleet Street. In particular, the bulk of the extension would be most considerable when viewed from its gable elevations, to the east and west of Fleet Street. However, various extensions and additions are in place to the rear of buildings facing Stamford Street Central, and that the proposed large extension would not appear out of place along Fleet Street. Although the extension would be higher than the existing building, the set back would ensure it is not widely visible or prominent from the front of the building on Stamford Street Central.
- 9.6 In light of the above, the alterations to the building are considered appropriate in this location.

## **10. IMPACT UPON HERITAGE ASSETS**

- 10.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 10.2 Policy C2 of the UDP states that the character and appearance of the Borough's Conservation Areas will be preserved or enhanced through the control of development, the promotion of improvement measures, or both.
- 10.3 The site lies within the Ashton Town Centre Conservation Area.
- 10.4 As noted earlier, the alterations to the front of the building would consist primarily of replacement of an existing modern shopfront with one of a similar style, split to allow future use of the ground floor by five individual retail units. It is not considered that this would unduly affect the character of the Conservation Area, as an already existing modern shopfront would be replaced with a similar modern intervention.
- 10.5 The proposed extension works to the rear of the building would not unduly affect the character of the Conservation Area. Although large and bulky, the rear of properties fronting Stamford Street Central include a variety of extensions and interventions, and it is not considered that a particular character is in place along Fleet Street.
- 10.6 In light of the above, no harm is attributed to the identified Conservation Area.

## **11. RESIDENTIAL AMENITY**

- 11.1 Windows which would serve habitable rooms would be positioned within both the front and rear elevations of the building. Habitable room windows would also be positioned internally within a proposed courtyard area, and would face this rather than externally to the front and rear. Policy RD5 of the Residential Design SPD states that facing habitable room windows

should be positioned at least 14m apart on street frontages. For buildings of three or more storeys, this should be increased by an additional three metres extra (17m total) for each additional storey. The proposed extension to the rear would result in the building measuring a maximum of five storeys in height.

- 11.2 It is unclear if each of the properties directly facing the front of the building on Stamford Street Central (nos. 146-154) are used for residential purposes at upper floor levels. Habitable room windows would be positioned to the front elevation of the host building to the upper floors, which would face towards those opposite. Notwithstanding, a distance of 13.9m exists between the two, which is considered an acceptable relationship within this town centre location, in order to achieve adequate amenity and privacy for future occupiers.
- 11.3 To the rear of the building and proposed extension, residential properties exist to the opposite side of Fleet Street within a three storey building which itself fronts Church Street. This appears to include habitable room windows within the second and third floors to the rear overlooking Fleet Street, and which would directly face the proposed extension. Although the proposed extension would be an additional three storeys higher than is existing, the existing two storey outrigger in place to the host property already forms a blank wall facing the residential units opposite, and creates a low separation distance of 5m. Although higher than the existing, the distance between the two and lack of outlook beyond the 5m distance for those properties along Church Street, this would not change. It is not therefore considered that the amenity of those within the Church Street properties would be unduly affected by this development.
- 11.4 Proposed apartment nos. 10, 11, 12 (first floor) 20, 21, 22 (second floor), 25, 26, 27 (third floor) and 30, 31 and 32 (fourth floor) would all include outlooks from habitable rooms to the rear towards Fleet Street. However, in order to protect the amenities of those properties to the opposite side of Fleet Street, and the future occupiers of the apartments listed above, the scheme includes oriel (bay) windows, with only a side facing outlook. Although the rooms would not be provided with a direct facing outlook to the rear, these windows would face east and west along Fleet Street, thereby providing future occupiers with natural light and outlook, without compromising the privacy of these units which would otherwise be affected if they faced the apartments on Church Street. Although the outlooks from the oriel windows would face towards those serving other similar windows within the host building, the design of the windows would not result in a direct privacy or overlooking issue occurring due to their dual outlook, and would also ensure future occupiers benefit from a choice of outlook within those internal spaces. Bedrooms serving apartments 10, 20, 25 and 30 would include a window to the rear, but it would be positioned to the corner of the building and would therefore not directly face towards windows within the Church Street building. This relationship would be acceptable.
- 11.5 Windows are proposed to the rear elevation of the building at ground floor, serving apartment nos. 1, 2 and 3. These would not directly face windows within neighbouring properties, as none serve the Church Street apartments at ground floor level within the building opposite (and this is in effect a blank wall). But again the separation distance between the two would be 5.0m. Although windows immediately overlooking a highway at ground floor level are not considered ideal in terms of legibility and amenity in usual circumstances, it is acknowledged that Fleet Street is used at lower levels by pedestrians and vehicles as it acts primarily as a service access for neighbouring buildings. It is therefore not considered that the amenity and privacy of future occupiers of the ground floor units would be unduly affected by those passing on the highway.
- 11.6 Proposed apartments not listed above would be served with habitable room windows which would face an internal courtyard area, which would be landscaped at first floor level and could be used by future occupiers as a shared amenity space. The internal-facing windows would either face the side or rear section of the proposed extension to the building. The side facing apartments would benefit from a separation distance of 15.3m between habitable room



windows within the proposed complex, and the rear facing windows (within the rear of the main section of the building) would be positioned 11.8m from an elevation containing no habitable room windows. These distances are considered to be acceptable for amenity purposes, and would overlook an internal shared space which would unlikely be used by persons other than those residing within the development.

- 11.7 The buildings situated adjacent to the host property, fronting Stamford Street Central, do not contain residential uses. It is therefore considered that the projection of the proposed large rear extension would not unduly impact upon neighbouring uses through overshadowing or otherwise.
- 11.8 The creation of an internal courtyard area, which would be positioned at first floor level and landscaped, would provide a private amenity space for future occupiers of the development, It would be situated centrally within the building and extension, with no roof covering this area, ensuring it is available to the open air and elements. A condition is recommended which would require this facility to be completed prior to first occupation of any of the proposed residential units, as it would provide a valuable amenity space outside of the individual flats.
- 11.9 On balance, although the outlook for apartment nos. 10, 11, 12 (first floor) 20, 21, 22 (second floor), 25, 26, 27 (third floor) and 30, 31 and 32 would include oriel windows, which do not provide a typical outlook to the rear, and apartment nos. 1, 2 and 3 would include outlooks at street level, they are considered acceptable in this scenario. It is noted that the building is situated within an urban location, where considerably lower separation distances than usual are commonplace. This scheme would bring a vacant building back into a viable use, according with the aims of the NPPF wishing to achieve greater use of town centre living.
- 11.10 With regard to the amenity of future occupiers, it is noted that each of the one bed apartments would achieve at least 37 square metres (sqm) internally, and most would exceed this, which is the minimum size expected to achieve a reasonable standard of amenity, as outlined within the Government Technical housing standards document (nationally described space standard), for single bedrooms normally occupied by one person. Those apartments which have two bedrooms would exceed 61sqm internally, which is the minimum expected for that standard of accommodation. On this basis, the development is acceptable in this regard, providing adequate internal space for future occupiers.
- 11.11 The site lies within a busy urban location, with commercial uses situated within close proximity, including those within the ground floor of the host building. Highways also lie to both sides of the building, with Stamford Street Central operating as a busy thoroughfare. Associated background noise from those uses and highways are likely, and the applicant submitted a noise impact assessment with the application, which recommends a range of mitigation measures to ensure better soundproofing of the future accommodation. The application has been reviewed by the Council's Environmental Health officers, who recommend that the mitigation measures be implemented prior to occupation of the accommodation, and a relevant condition is thereby recommended. However, the Environmental Health officers furthermore consider that the submitted noise impact assessment does not adequately deal with noise from the adjacent substations, which it is noted can emit low frequency sounds, which can penetrate standard insulated walls and ceilings. It is likely that additional soundproofing would be required to the adjacent flats to the substations in order to mitigate against such low frequency sounds to ensure no undue impacts upon amenity, and a further condition is therefore recommended which requires additional soundproofing measures to be submitted.
- 11.12 The Council's Environmental Health officers have also recommended a condition restricting the hours of conversion of the proposed development to daytime hours only. As set out above, the site is in a busy mixed use location. For this reason, it is considered that such a condition is necessary to protect the amenities of residential properties.

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

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

- 12.1 The development proposes no dedicated car parking provision. The site is situated in a highly sustainable location, within the town centre of Ashton and therefore within walking distance of shops, services and public transport provision operating close to the site. The Local Highways Authority (LHA) noted that cycle parking provision would be required within the development, and that a travel plan is recommended to encourage future occupiers to use more sustainable transport modes than the private car.
- 12.2 The travel plan to be submitted would seek to raise awareness of opportunities for reducing travel by car and including a range of measures and initiatives promoting a choice of transport mode. The plan should also include a clear monitoring regime with agreed targets. Such a condition is therefore recommended.
- 12.3 The submitted plans demonstrate that cycle storage would be provided at ground floor level. The LHA considers that 33no. spaces should be provided for use by cycles. These are important matters to promoting sustainable travel and can be addressed by way of a condition.
- 12.4 The LHA further recommend that a construction environment management plan be provided, to ensure that the construction of the development would have no undue impacts upon highway safety. This is considered reasonable and a relevant condition is recommended.
- 12.5 In concluding highways matters, the proposed development would not result in an adverse impact on highway safety in terms of trip generation, and a travel plan would encourage use of sustainable transport methods for future users of the development, with cycle parking also provided. The site lies close to the town centre, within walking distance. Subject to the recommended conditions, the proposals would not result in a detrimental impact upon highway safety.

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

- 13.1 The site lies within flood zone 1, at the least risk of flooding. The site is a previously developed site, previously operating as a retail premises with ancillary storage and facilities.
- 13.2 The Lead Local Flood Authority (LLFA) has reviewed the submitted information, and considers that information should be submitted with regards to drainage including surface water management. United Utilities have not offered any comment on the scheme.
- 13.3 In light of the comments from the LLFA, it is appropriate to recommend a condition which requires a sustainable drainage scheme to be proposed and implemented. This would be submitted to the drainage body for their comment before it is implemented, and would ensure that the development is adequately drained and flood risk reduced.
- 13.4 Subject to imposition of the condition as set out above, the proposals would be adequately drained, subject to an acceptable scheme being agreed. The proposals would therefore not result in a detrimental impact upon flood risk or drainage capacity, in line with the provisions of national and local planning policy.

## **14. GROUND CONDITIONS**

- 14.1 The Coal Authority has noted that the site lies within the defined Development High Risk Area, however the nature of the development (change of use of building) exempts the application from providing further information, such as a Coal Mining Risk Assessment. No objections are therefore submitted in this regard.
- 14.2 The Environmental Protection Unit (EPU) have reviewed the submitted information. They note that following investigation into the historical use of the site and surrounding area, no sources of contamination have been identified which present a significant possibility of harm. However, they note that the submitted contamination information recommends that a watching brief be maintained throughout the development works, and any signs of contamination found be fully investigated, with appropriate remedial action taken as necessary. Therefore, a condition is recommended which requires details of the watching brief to be submitted, alongside any details of long term monitoring and maintenance if required. If contamination not already encountered is discovered, the condition also requires that further information to resolve this is also submitted.
- 14.3 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.

## **15. ECOLOGY**

- 15.1 Ecological information, including a preliminary roost assessment, was submitted alongside the application. This has been reviewed by Greater Manchester Ecology Unit (GMEU), who note that protected species (such as bats) can turn up in unexpected places, and any developer would be required to abide by legislation which safeguards biodiversity. An informative is thereby recommended which advises the applicant they must seek ecological advice should they find or suspect that the proposals would impact upon any protected species.
- 15.2 GMEU has noted that no works to demolish the building or remove features which support habitats should take place during the bird nesting season, unless adequate surveys to ensure no nesting birds are present has been undertaken. A relevant condition is thereby recommended.
- 15.3 GMEU have also advised that opportunities for biodiversity enhancement should be undertaken where possible. It is noted that an internal courtyard is proposed, and this may present opportunities to provide some small scale biodiversity enhancement. A relevant condition for such enhancement details is therefore recommended.
- 15.4 Subject to the recommended informatives and conditions, the application is considered acceptable, minimising risks to protected species. The application is thereby considered acceptable in these regards and complies with the provisions of national and local policy.

## **16. VIABILITY, AFFORDABLE HOUSING AND OTHER CONTRIBUTIONS**

- 16.1 In relation to developer contributions, any requirements in this regard must satisfy the following tests (as stated in paragraph 57 of the NPPF):
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.

- 16.2 The proposal is for a major development, as such there would normally be a requirement to meet affordable housing (15%), green space and education contributions as per the requirements of policies H4, H5 and H6 of the UDP.
- 16.3 Paragraph 65 of the NPPF identifies that all major residential developments (those of 10 units and above) should include the provision of affordable housing. This is below the threshold identified by policy H5 which set a threshold of 25 units. The Housing Needs Assessment identifies an expectation of provision of 15% of units on an affordable basis. The glossary of the NPPF provides a definition of affordable housing.
- 16.4 Policy H5 of the UDP identifies provision of open space and facilities, where there is a deficiency of children's play areas, informal local recreational open spaces or sports pitches in an area. Where it is not practical or desirable to accommodate some or all of the required open space and facilities as part of the development itself, the Council will seek an equivalent payment for the remainder or all of the provision.
- 16.5 With regard to open space facilities, there is an internal courtyard proposed to the first floor of the development, which would be landscaped and would be available to future occupants. This area would be open air, and it would ensure that an area of outdoor amenity space is available for occupants to enjoy outside of their individual apartments. It is considered that no further contribution to open space, off-site, is therefore warranted. Noting that the apartments would be primarily one bedroomed (aside from four which would be two bed), the development is not deemed to be suited to family accommodation. Contributions towards education facilities would therefore not be warranted.
- 16.6 The applicant has made a viability case to demonstrate that the proposed development would be unviable with the above required planning obligations, namely an on-site affordable housing contribution of 15%. An independent consultant was appointed to assess the viability evidence submitted by the applicant. The consultant assessed the applicant's evidence in accordance with the Planning Practice Guidance (PPG) on viability. For decision taking, the guidance essentially seeks to assess viability in a hypothetical world, rather than on individual circumstances, to provide a level playing field amongst developers. In this particular case, the independent consultant has assessed two possible scenarios – either the proposed apartments are sold on an individual basis, or as a retail investment sale to a single investor. In either scenario, the independent consultant notes that the development would be regarded as unviable, or at best only marginally viable, before any planning policies are factored in. In other words, the level of return for the developer from this scheme is below the minimum rate that the guidelines suggest are required to deliver a viable scheme, even before contributions are factored in. Technically, the proposal is therefore unviable as the developer return is below what would normally be tolerated.
- 16.7 The independent consultant notes that the viability guidance makes clear that there is no compulsion on the Council to reduce its planning policy requirement if an overbid has been made for a particular site or building involved. The Council's role is not to mitigate any reduced profit/loss incurred by a developer if an overpayment or similar has been made for a site. Whilst an overpayment for a site may put financial pressure on an applicant in terms of delivering a scheme, it is not the role of the Council to reduce planning policy requirements to mitigate a developer overpaying for a site.
- 16.8 Mindful of the above factors, the proposed development is unviable, and imposing the full contributions may increase the risk that the scheme will not be delivered. The context of the current housing supply position in the Borough, alongside the vacant nature of the site, are factors which weigh in favour of moving forwards with redevelopment of the site and putting the building to a viable future use. Paragraph 57 of the NPPF states the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

Having regard to all the circumstances in the case set out above, on balance it is considered that the viability case made by the applicant is sufficient.

- 16.9 In light of the above, the zero planning contribution is acceptable, in order to ensure the viability and delivery of the scheme. No Section 106 Obligation is therefore recommended in this case.
- 16.10 The fundamentals of the viability case are accepted and accord with the guidance set out in the PPG. The application therefore accords with Policies H4 and H5 of the UDP, and the NPPF.

## **17. OTHER MATTERS**

- 17.1 The submitted plans demonstrate that a bin store would be provided as part of the proposals. The Council's Waste Management officers have provided guidance regarding the requirements of the bin store, in terms of number of bins and apparatus which would need to be accommodated for the size of the development. Waste officers consider that the provision would need to be larger than that shown on the plans, or the types of bins provided would need to be altered. A condition is recommended therefore requiring further details of the bin store to be provided pre-occupation of the development, in order to ensure that adequate waste storage provision is provided. Assuming the condition is attached should the application be approved, it is considered that the proposals would meet the requirements of the National Planning Policy for Waste (NPPW).
- 17.2 The Greater Manchester Police Designing Out Crime Officer has reviewed the submitted Crime Impact Statement, but noted that there is no evidence to suggest it has been carried out by a suitably qualified security consultant, as would be required. A condition is thereby recommended to require submission of a document carried out by a suitably qualified professional, to ensure the development is constructed in order to minimise crime and the fear of crime.

## **18. CONCLUSION**

- 18.1 The application proposes the change of use and extension of a former retail building, which would be utilised for both retail and residential uses. The site is previously developed, brownfield land, and is not allocated for other purposes.
- 18.2 The site is situated within Ashton town centre, and therefore within walking distance of shops and services. Public transport links including bus, tram and train services run from the town centre, within close proximity to the site, providing sustainable connections to surrounding areas, reducing reliance upon the private car. Re-use of a brownfield site such as this accords with local and national policy, introducing a diversity of uses within these areas. The retention of retail uses at ground floor maintains the vitality and viability of Ashton, and the proposed residential use accords with the Government's strategy of increasing town centre living.
- 18.3 The design and scale of the development is appropriate for this location. The external alterations are considered to be visually acceptable, with relatively moderate alterations to the building and retention of original features where possible. The extension to the rear elevation is considered to be acceptable in this location.
- 18.4 The proposal is considered not to be detrimental to residential amenity, given the nature of the proposed use and the distance and intervening uses between residential uses. In particular, the relationship between the proposed flats to the rear and those within a neighbouring development have been assessed carefully and are considered to be appropriate.

- 18.5 The development would not cause undue impacts to highway safety, and would be considered acceptable subject to the imposition of conditions.
- 18.6 There are no objections to the proposals from the statutory consultees in relation to the proposals which is considered to be an efficient use of an existing site.
- 18.7 The proposal therefore complies with relevant development plan policies as well as those contained within the NPPF and is considered acceptable when taking into account other material planning considerations.

## RECOMMENDATION

Grant planning permission subject to the following conditions:

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

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

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

- Site location plan,
- Proposed site plan/roof plan (Dwg no. 22.2851.SC1.17A).
- Scheme 1 – fourth floor plan & section x-x (Dwg no. 22.2851.SC1.12J).
- Scheme 1 – Ground & first floor plans (Dwg no. 22.2851.SC1.10L).
- Scheme 1 – second & third floor plans (Dwg no. 22.2851.SC1.11K).
- Scheme 1 – existing & proposed site sections (Dwg no. 22.2851.SC1.15A).
- Proposed elevations 1 (Dwg no. 22.2851.SC1.13C).
- Proposed elevations 2 (Dwg no. 22.2851.SC1.14D).
- Proposed elevations 3 (Dwg no. 22.2851.SC1.18).

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

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

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

- 4) No development, other than site clearance, demolition and site compound set up, shall commence until a completion report, including full details of the contamination watching brief, has been submitted to and approved in writing by the Local Planning Authority. If required, the report shall include full details of the arrangements for any long term monitoring and maintenance in the verification plan. The scheme shall be implemented and verified 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 by the Local Planning Authority) shall be undertaken at the site until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be fully implemented and verified as approved.

For the avoidance of doubt, the discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the Local Planning Authority.

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 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.

- 6) Prior to the first occupation of the apartments hereby approved, details of secured cycle storage to be installed to serve the apartments shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of storage and details of the means of enclosure. The secured cycle storage shall be installed in accordance with the approved details prior to the first occupation of the apartments and shall be retained as such thereafter.

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

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

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

- 8) Prior to the first occupation of the apartments hereby approved, the noise mitigation measures outlined in the submitted Acoustic Survey and Assessment (undertaken by Martin Environmental Solutions Ltd, dated August 2022, ref: 2335-1) shall be implemented in full, with evidence of such implementation submitted to and approved in writing by the Local Planning Authority. The measures shall be retained as such thereafter.

Reason: In the interest of residential amenity in accordance with Policy H10 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 9) Prior to the first occupation of the apartments hereby approved, a scheme for soundproofing of the party walls and ceiling to apartment nos. 3 and 12, in order to deal with noise from the adjacent substations, shall be submitted to and approved in writing by the Local Planning Authority. The approved soundproofing scheme shall thereafter be implemented prior to the first occupation of apartment nos. 3 and 12 and shall be retained as such thereafter.

Reason: In the interest of residential amenity in accordance with Policy H10 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

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

Reason: In the interest of residential amenity in accordance with Policy H10 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 11) Prior to the first occupation of the development hereby approved, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be reviewed and updated on an annual basis in accordance with details that shall be outlined in the submitted plan; and all updates shall be produced in accordance with current national and local best practice guidance and shall include details on the method of operation, appointment of a travel plan coordinator/s, targets, infrastructure to be provided, measures that will be implemented, monitoring and review mechanisms, procedures for any remedial action that may be required and a timetable for implementing each element of the plan. The Travel Plan shall thereafter be implemented as per a timetable agreed within the approved details.

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

- 12) No development shall commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:

- Hours of work of construction and deliveries;
- Phasing of the development;
- Location of the site compound/offices (which shall be located to minimise disturbance to the amenity of existing residents outside of the site);
- Construction traffic management measures including details of access arrangements, turning and manoeuvring facilities, material deliveries, vehicle routing to and from the site, traffic management, signage, hoardings, scaffolding,



where materials will be loaded, unloaded and stored, contractor parking arrangements and measures to prevent the discharge of detritus from the site during construction works;

- Measures to control the emission of dust and dirt during construction;
- Measures to control noise levels during construction; and
- Details of any public relation measures e.g. Considerate Constructors Scheme.

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

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

- 13) There shall be no demolition, vegetation clearance works, or other works that may affect nesting birds on the development, 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.

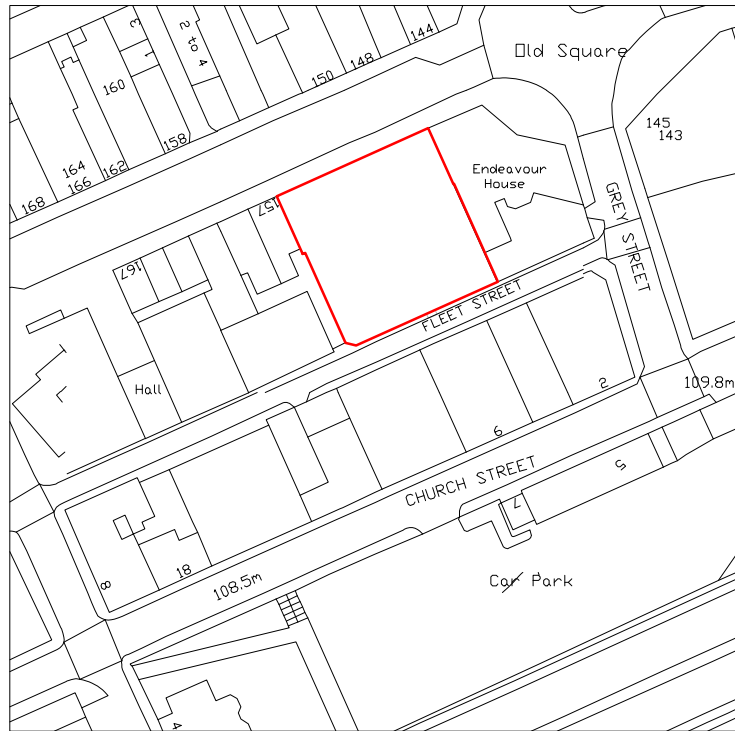
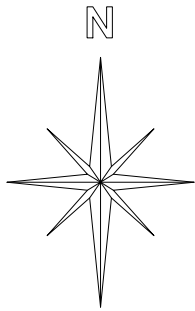
- 14) Prior to any above ground works commencing on the site, details of biodiversity enhancement measures to be installed as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a specification of the installations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

- 15) No development shall commence until a Crime Impact Statement has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the statement shall be undertaken by a Suitably Qualified Security Consultant (SQSC) or similar. The recommendations of the approved statement shall be undertaken prior to first occupation of the approved development, and shall be retained as such thereafter.

Reason: In order to ensure the design of the development minimises crime and the fear of crime.

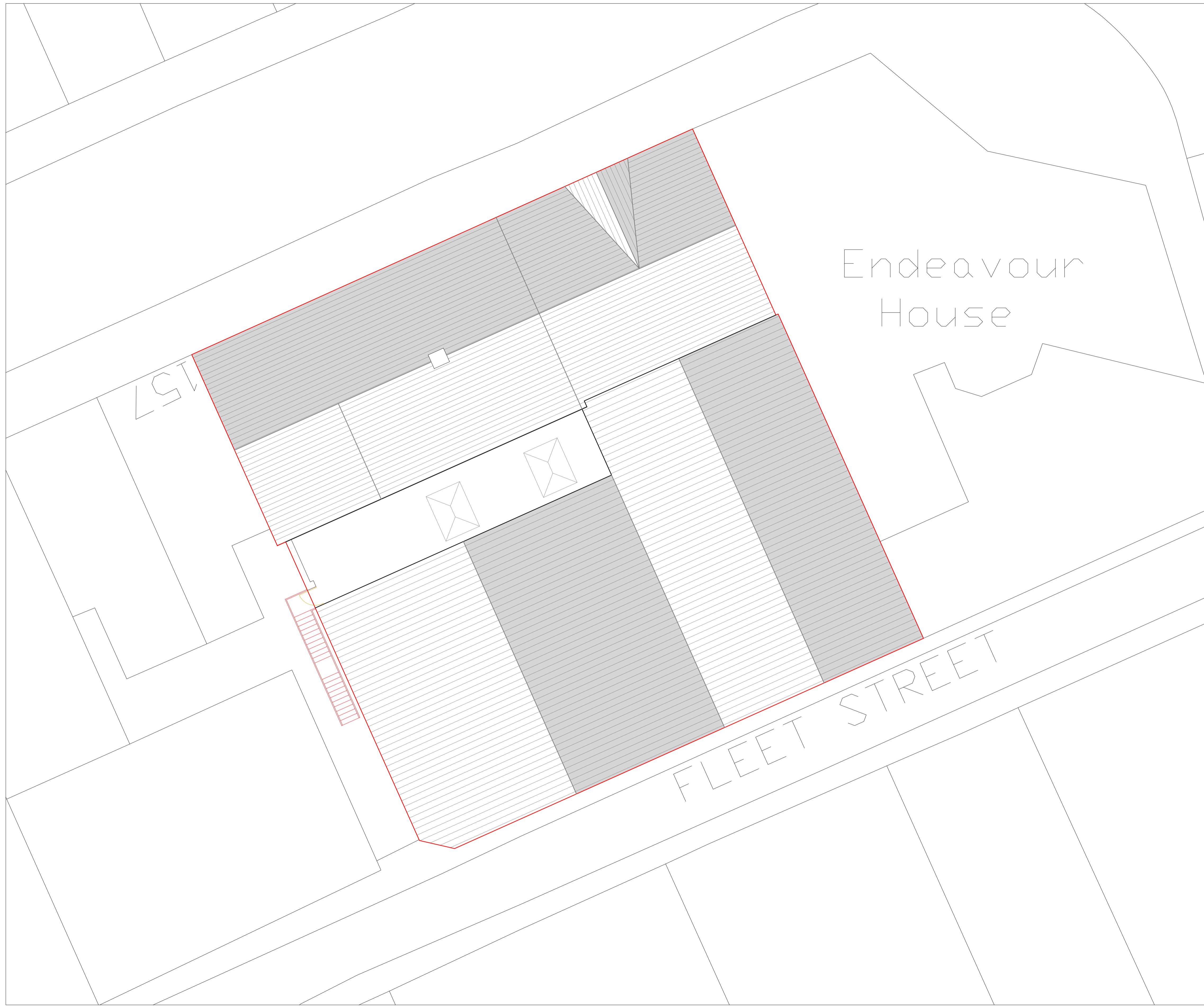
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**Scale 1:1250**

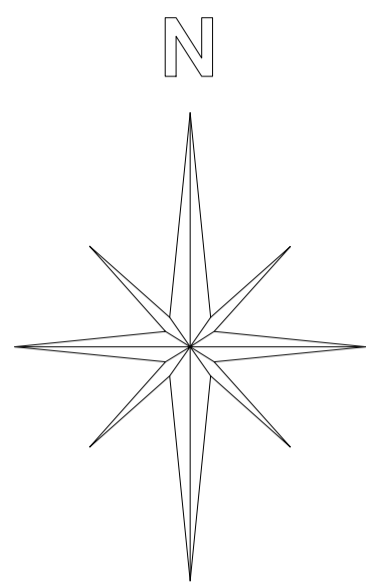
# **SITE LOCATION PLAN**

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**CONSTRUCTION NOTES:-**



**EXISTING SITE PLAN / ROOF PLAN**

**DRAWING TITLE**  
**EXISTING SITE PLAN / ROOF PLAN**

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 CHARTERED ARCHITECTURAL SERVICES

**CIOB** CIAT

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 Email: admin@jamescampbellassociates.co.uk  
 Web: www.jamescampbellassociates.co.uk

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

**LOCATION**  
**147 - 155 Stamford Street Central**  
**Ashton Under-Lyne**

<b>DRAWN:-</b>	Frank James Smith	<b>DRAWING NUMBER:-</b>
<b>DATE:-</b>	August 2022	<b>22.2851.SC1.16</b>
<b>SCALE:-</b>	1:100	
<b>ISSUE:-</b>		

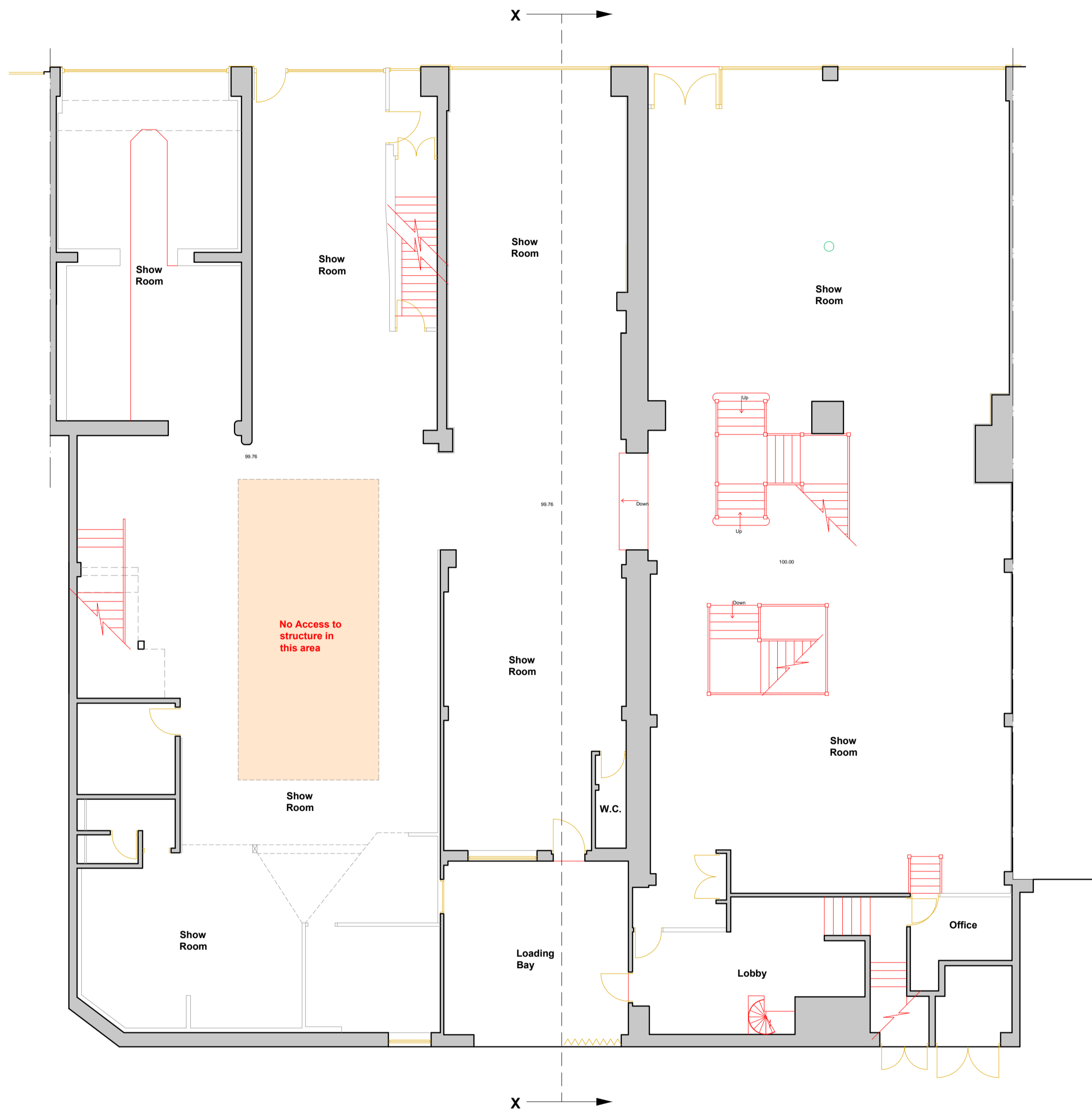
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**CONSTRUCTION NOTES:-**



EXISTING BASEMENT FLOOR PLAN



EXISTING GROUND FLOOR PLAN

DRAWING TITLE  
**EXISTING BASEMENT AND GROUND FLOOR PLANS**

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PROJECT  
**RESIDENTIAL DEVELOPMENT**

LOCATION  
**147 - 155 Stamford Street Central  
 Ashton Under-Lyne**

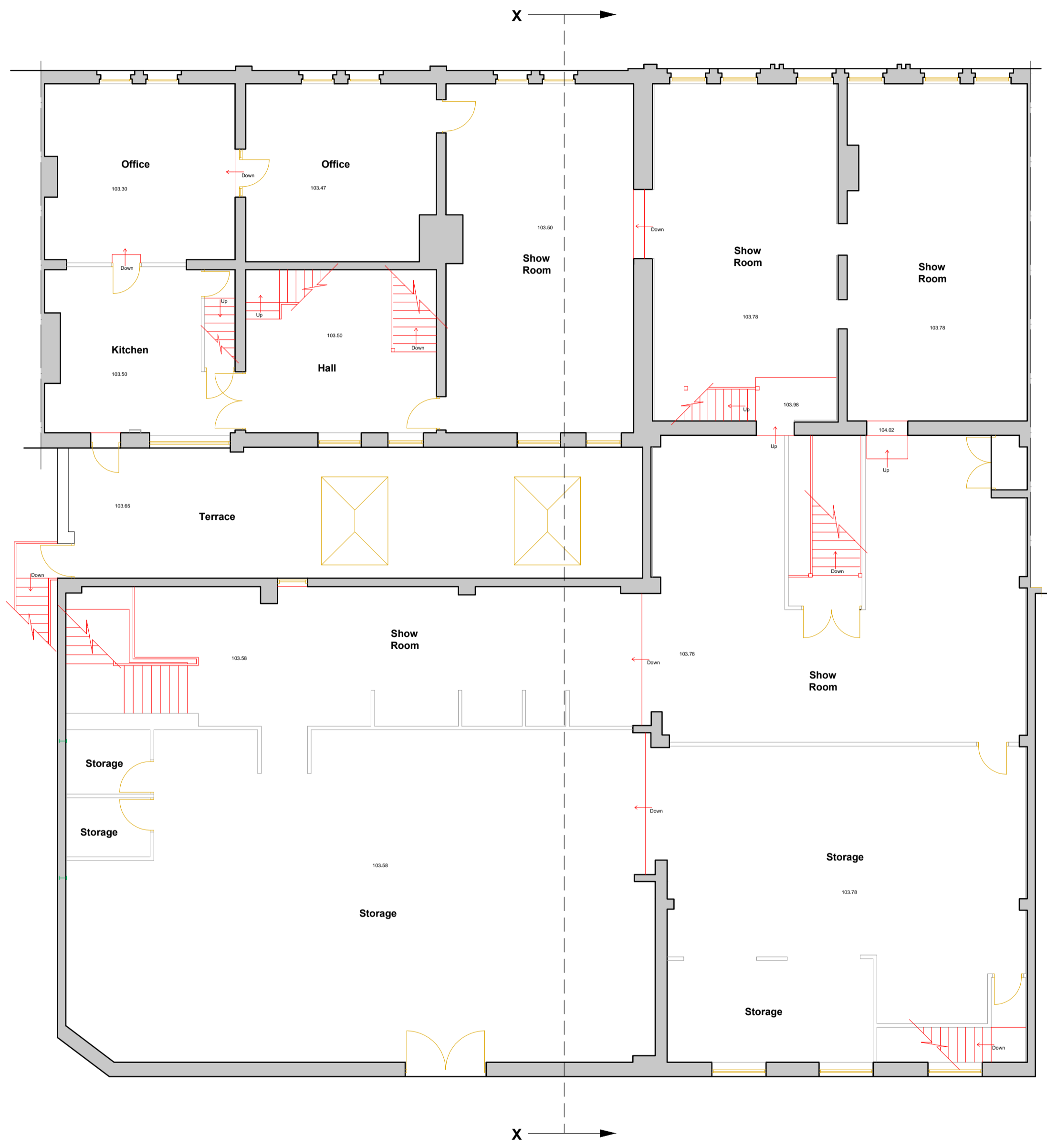
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DATE:-	August 2022	
SCALE:-	1:100 @ A1	
ISSUE:-	A	

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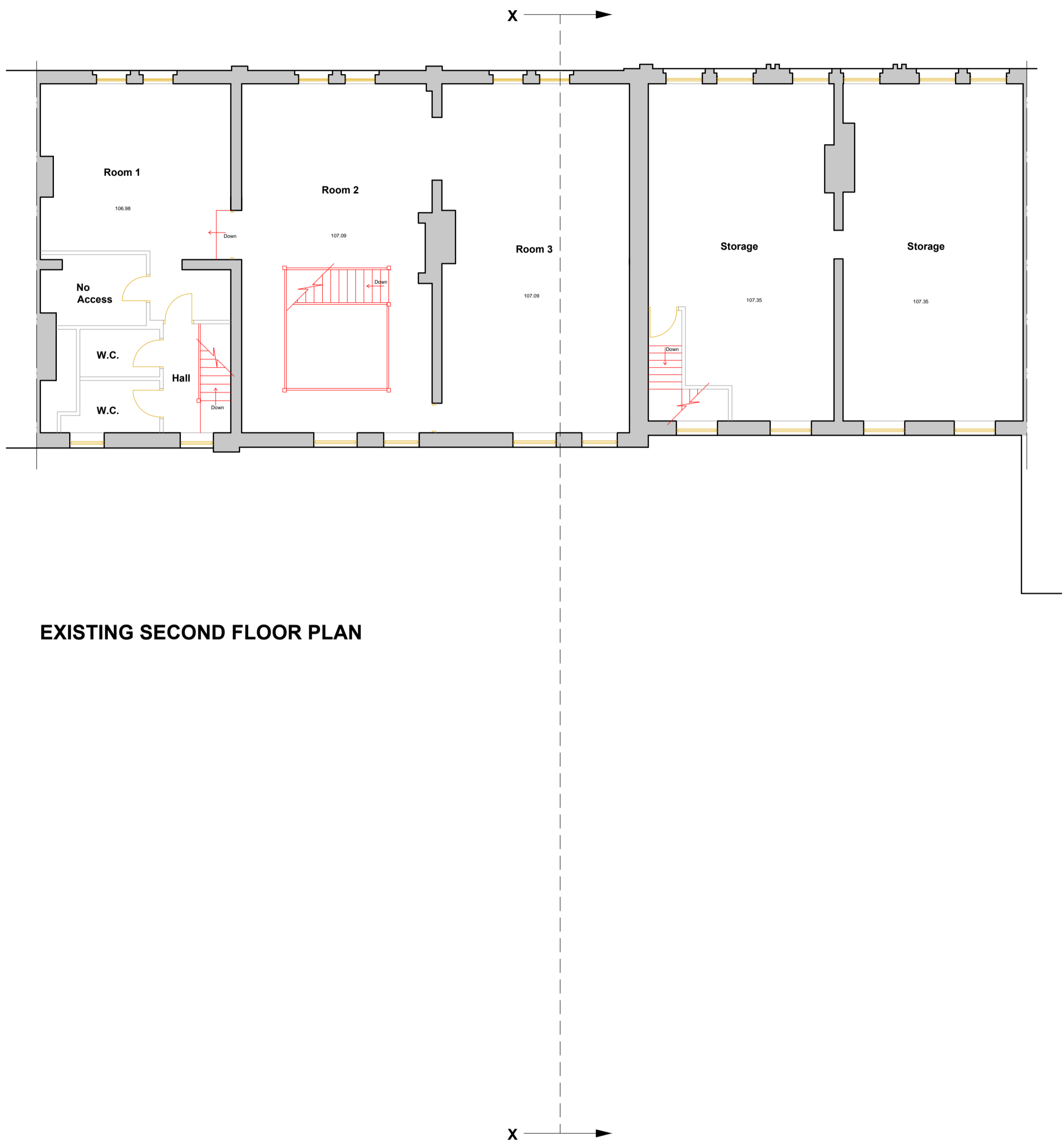


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**CONSTRUCTION NOTES:-**



**EXISTING FIRST FLOOR PLAN**



**EXISTING SECOND FLOOR PLAN**

Page 39

**DRAWING TITLE**  
**EXISTING FIRST AND SECOND FLOOR PLANS**

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 Web: www.jamescampbellassociates.co.uk

**PROJECT**  
**RESIDENTIAL DEVELOPMENT**

**LOCATION**  
**147 - 155 Stamford Street Central**  
**Ashton Under-Lyne**

<b>DRAWN:-</b>	MDA & APW	<b>DRAWING NUMBER:-</b>
<b>DATE:-</b>	August 2022	<b>22.2851.2A</b>
<b>SCALE:-</b>	1:100 @ A1	
<b>ISSUE:-</b>	A	

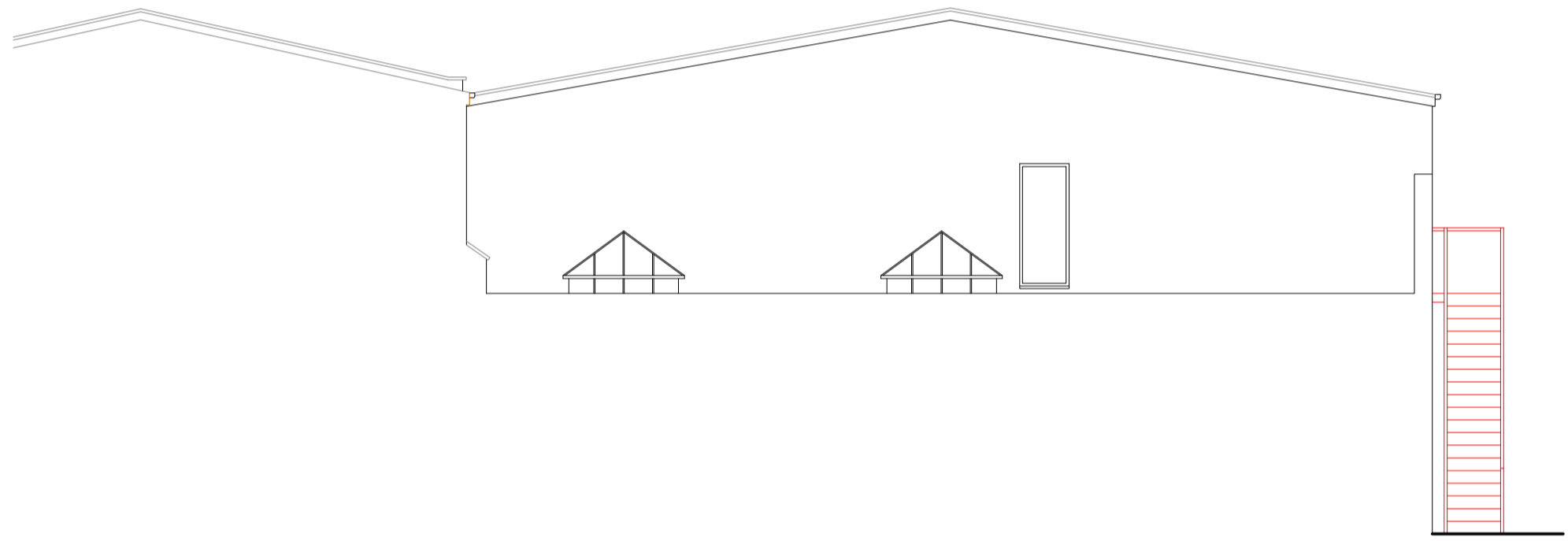
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**CONSTRUCTION NOTES:-**



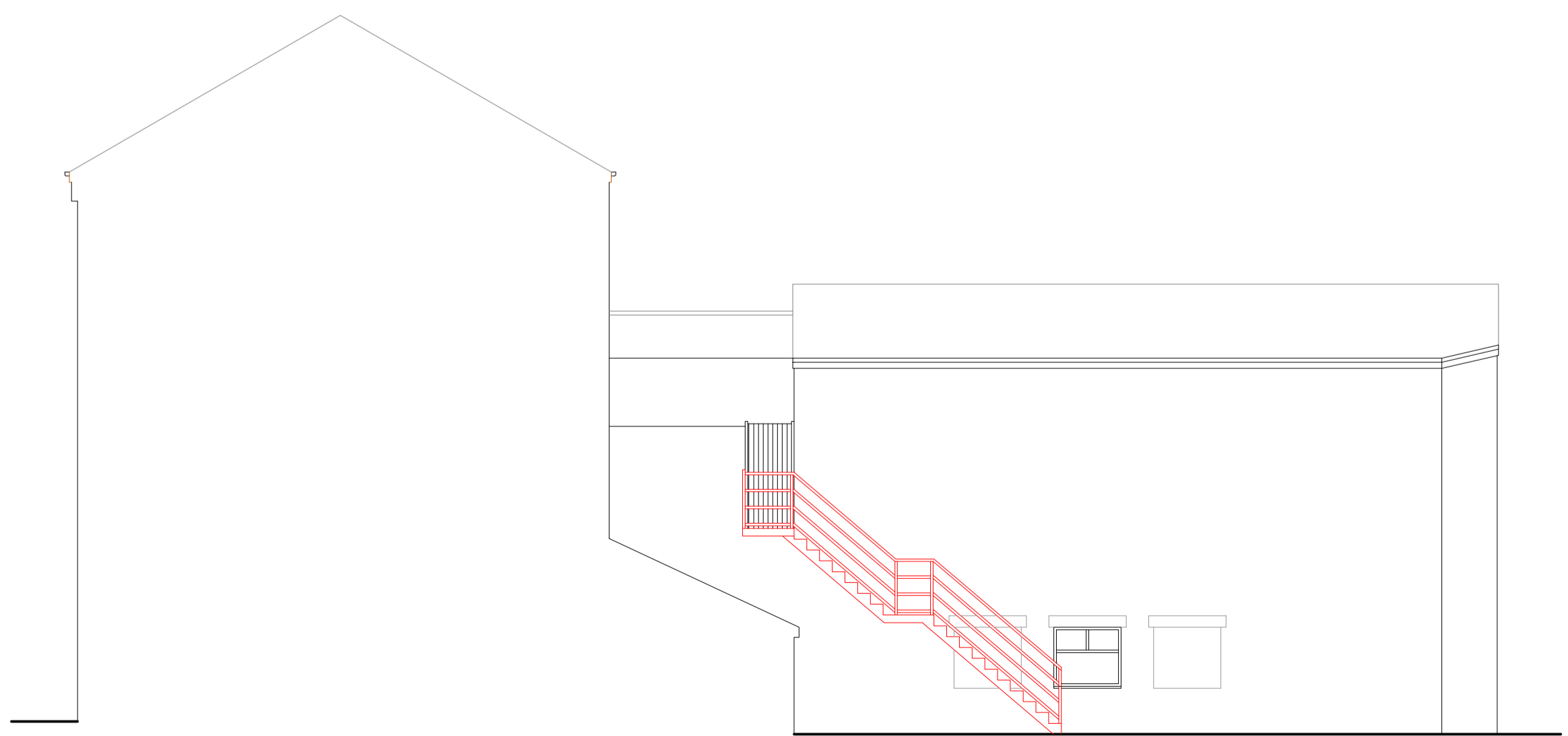
**EXISTING SOUTH FACING TERRACE ELEVATION**



**EXISTING NORTH FACING TERRACE ELEVATION**



**EXISTING FLEET STREET ELEVATION**



**EXISTING WEST FACING ELEVATION**

<b>DRAWING TITLE</b>	
<b>EXISTING ELEVATIONS 1</b>	
<b>Campbell House</b> 173 Rochdale Road Firgrove Rochdale OL16 3BN	
Tel: 01706 354888 Mob: 07817 623183 Email: admin@jamescampbellassociates.co.uk Web: www.jamescampbellassociates.co.uk	
<b>PROJECT</b>	
<b>RESIDENTIAL DEVELOPMENT</b>	
<b>LOCATION</b>	
<b>147 - 155 Stamford Street Central Ashton Under-Lyne</b>	
<b>DRAWN:-</b>	APW
<b>DATE:-</b>	August 2022
<b>SCALE:-</b>	1:100 @ A1
<b>ISSUE:-</b>	B
<b>DRAWING NUMBER:-</b>	
<b>22.2851.4B</b>	

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**CONSTRUCTION NOTES:-**



**EXISTING STAMFORD STREET ELEVATION**

<b>DRAWING TITLE</b>	
<b>EXISTING ELEVATIONS 2</b>	
<b>Campbell House</b> 173 Rochdale Road Fingrove Rochdale OL16 3BN	
Tel: 01706 354888 Mob: 07817 623183 Email: admin@jamescampbellassociates.co.uk Web: www.jamescampbellassociates.co.uk	
<b>PROJECT</b>	
<b>RESIDENTIAL DEVELOPMENT</b>	
<b>LOCATION</b>	
<b>147 - 155 Stamford Street Central</b> <b>Ashton Under-Lyne</b>	
<b>DRAWN:-</b>	APW
<b>DATE:-</b>	August 2022
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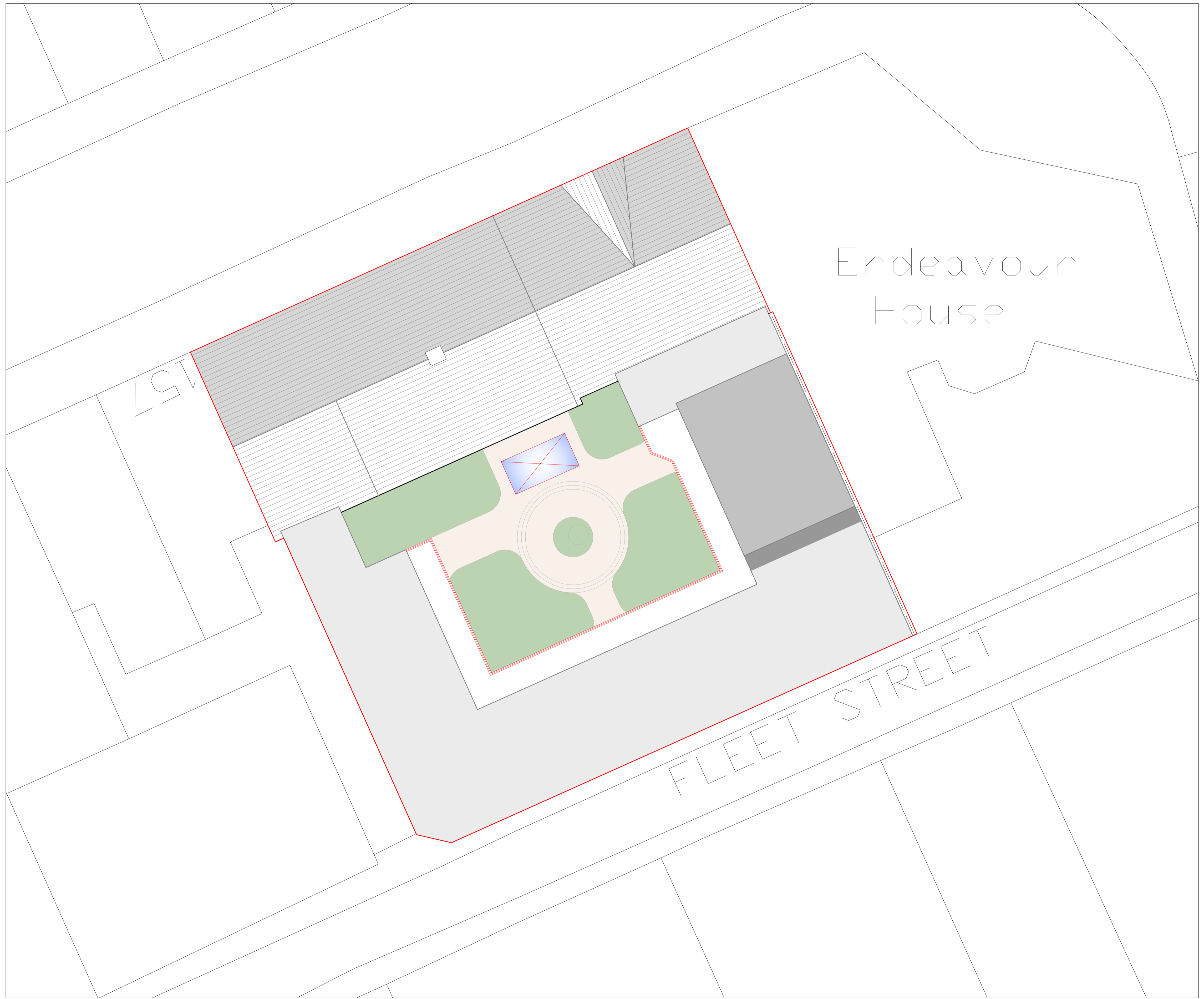
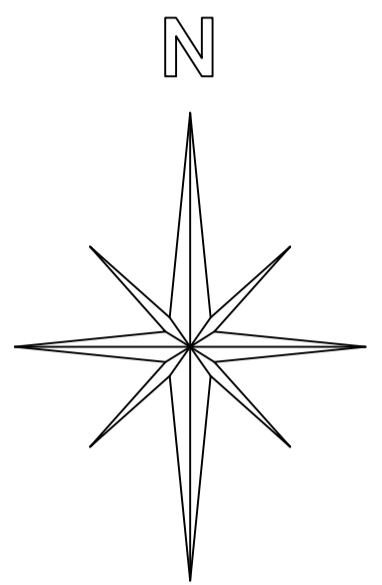
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**CONSTRUCTION NOTES:-**

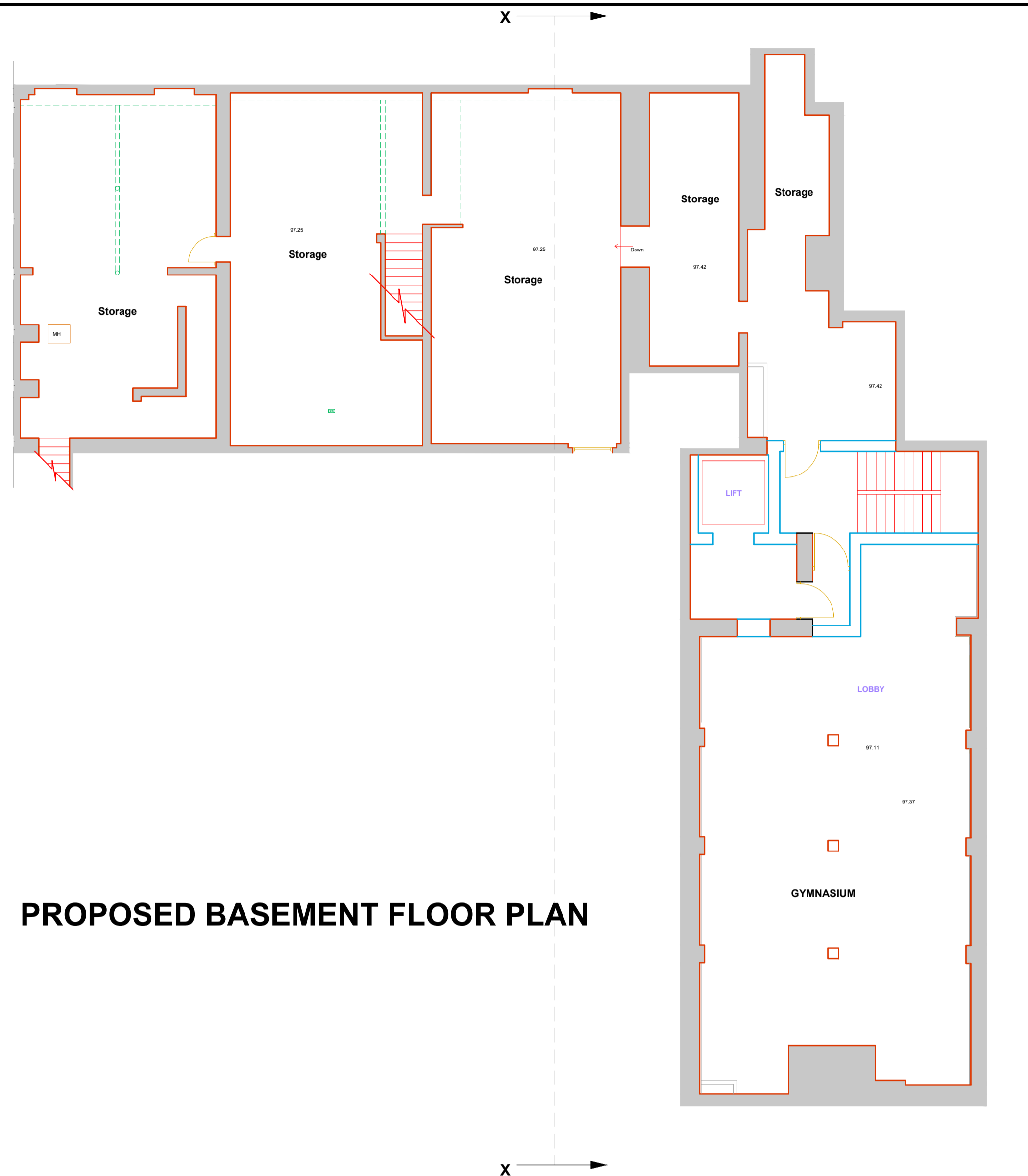


**PROPOSED SITE PLAN / ROOF PLAN**

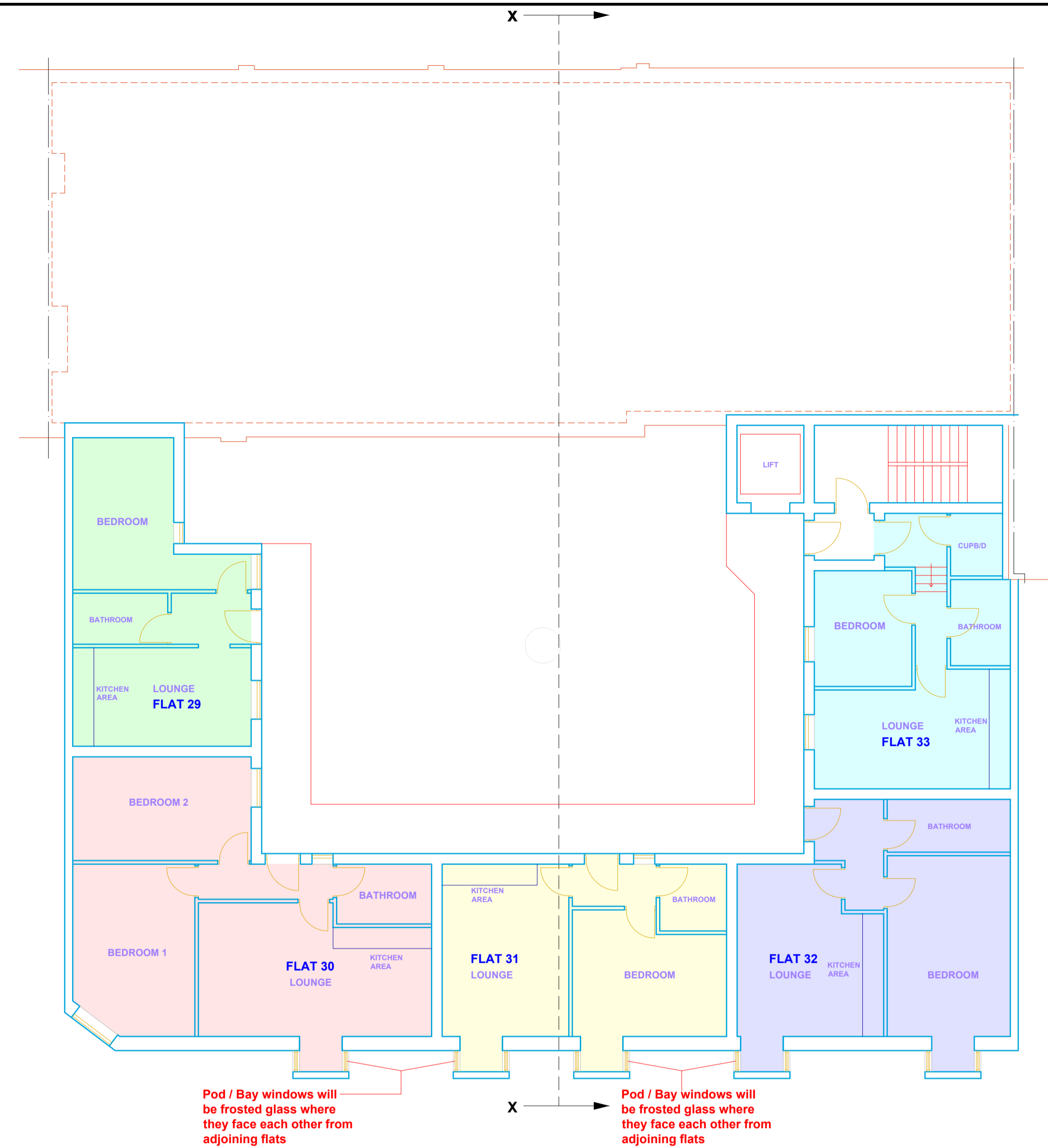
<b>DRAWING TITLE</b>	
<b>PROPOSED SITE PLAN / ROOF PLAN</b>	
<b>PROJECT</b>	
<b>PROPOSED RESIDENTIAL DEVELOPMENT</b>	
<b>LOCATION</b>	
<b>147 - 155 Stamford Street Central Ashton Under-Lyne</b>	
<b>DRAWN:-</b>	Frank James Smith
<b>DATE:-</b>	August 2022
<b>SCALE:-</b>	1:100
<b>ISSUE:-</b>	A
<b>DRAWING NUMBER:-</b>	<b>22.2851.SC1.17A</b>

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PROPOSED BASEMENT FLOOR PLAN



PROPOSED FOURTH FLOOR PLAN

APARTMENT SCHEDULE 29 - 33

- FLAT 29 - 37.18m<sup>2</sup>
- FLAT 30 - 65.9m<sup>2</sup>
- FLAT 31 - 42.3m<sup>2</sup>
- FLAT 32 - 51m<sup>2</sup>
- FLAT 33 - 40.2m<sup>2</sup>



PROPOSED SECTION X - X

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CONSTRUCTION NOTES:-

DRAWING TITLE  
 SCHEME 1 - FOURTH FLOOR PLAN & SECTION X - X

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PROJECT  
 RESIDENTIAL DEVELOPMENT

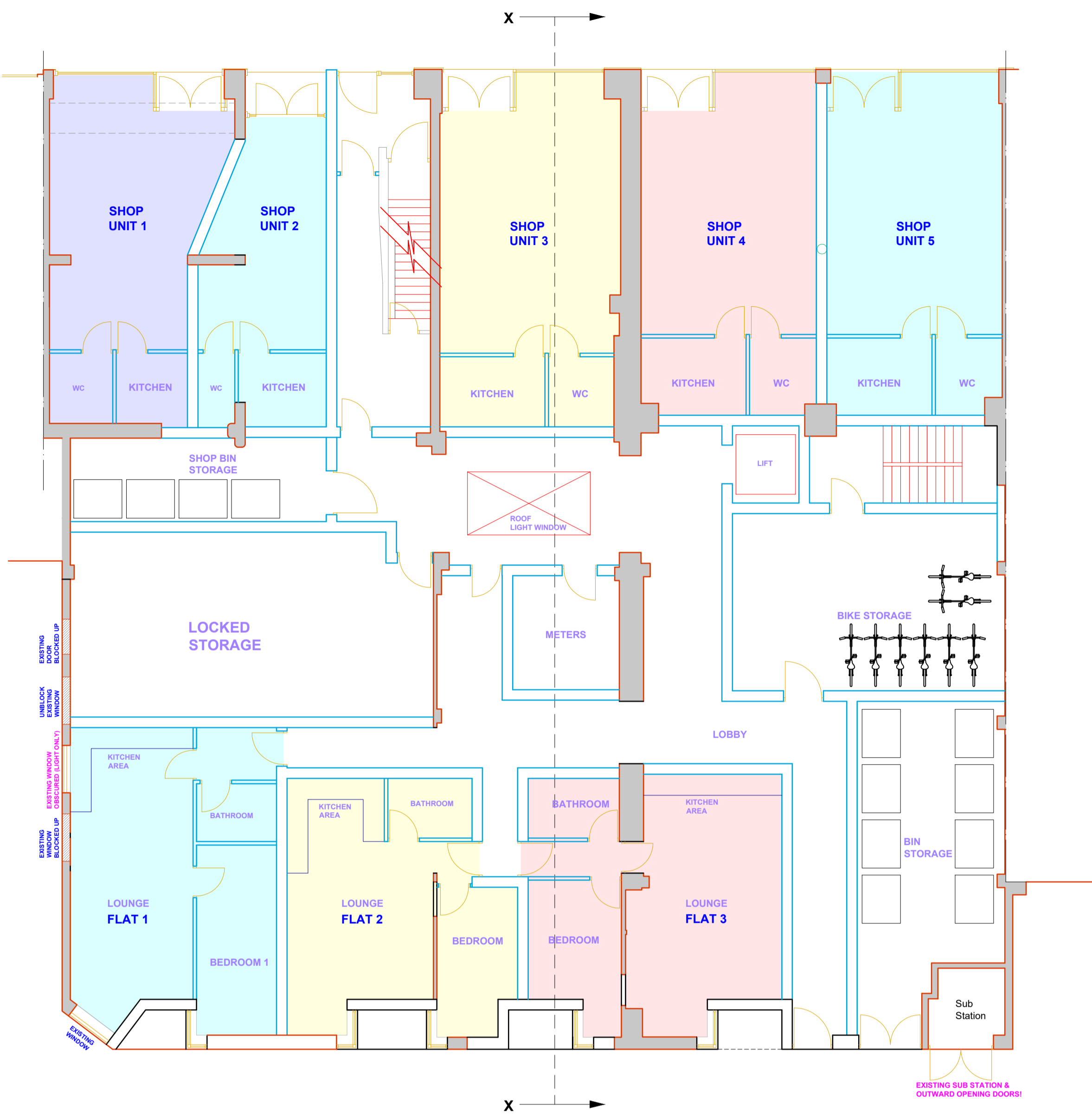
LOCATION  
 147 - 155 Stamford Street Central  
 Ashton Under-Lyne

DRAWN:-	Frank James Smith	DRAWING NUMBER:-	<b>22.2851.SC1.12J</b>
DATE:-	August 2022		
SCALE:-	1:100 @ A1		
ISSUE:-	J		

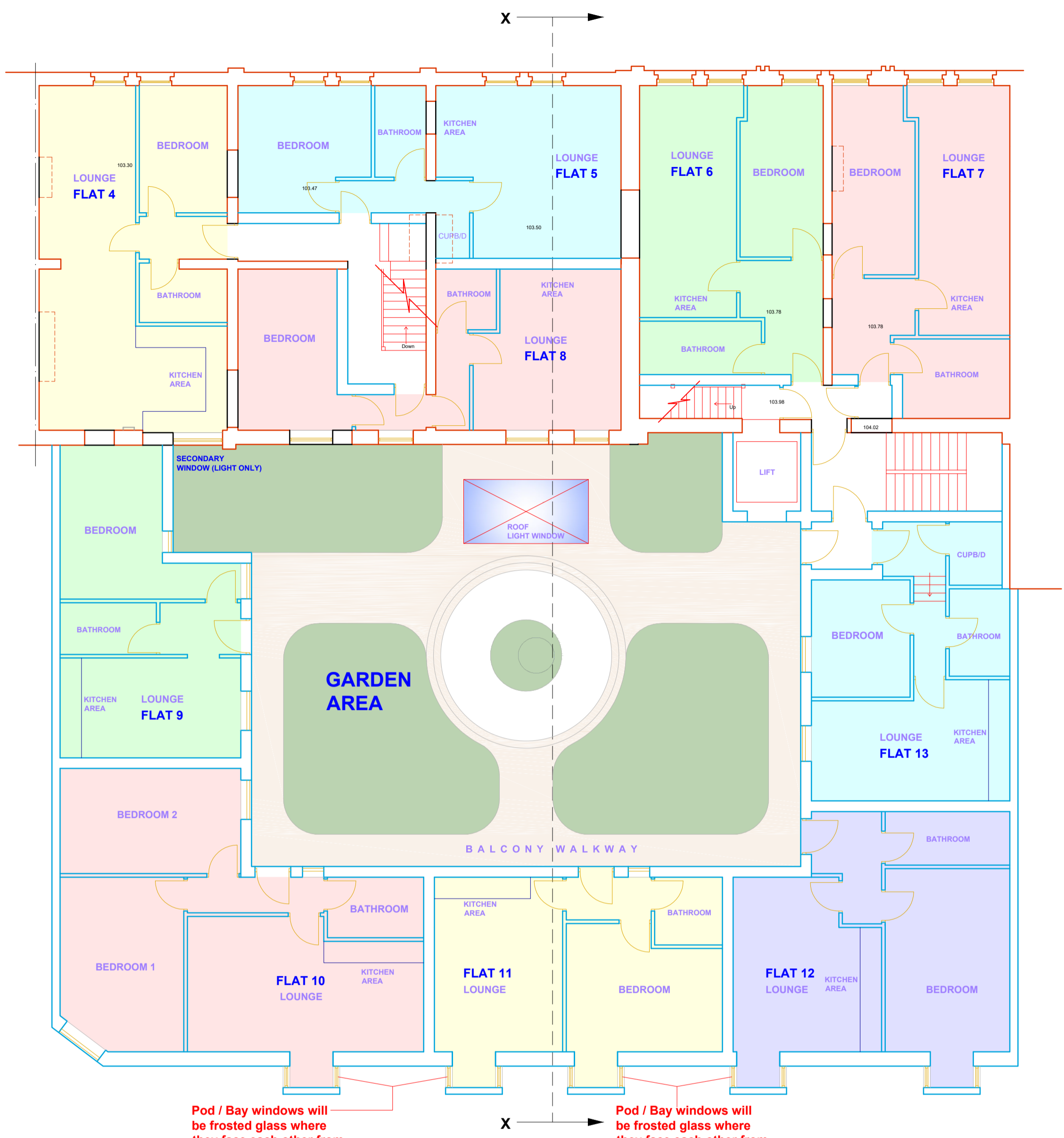
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**CONSTRUCTION NOTES:-**



**PROPOSED GROUND FLOOR PLAN**



**PROPOSED FIRST FLOOR PLAN**

Pod / Bay windows will be frosted glass where they face each other from adjoining flats

Pod / Bay windows will be frosted glass where they face each other from adjoining flats

Page 49

**APARTMENT SCHEDULE 1 - 13**

- FLAT 1 - 49.06m<sup>2</sup>
- FLAT 2 - 41.22m<sup>2</sup>
- FLAT 3 - 47.6m<sup>2</sup>
- FLAT 4 - 50.6m<sup>2</sup>
- FLAT 5 - 44m<sup>2</sup>
- FLAT 6 - 42m<sup>2</sup>
- FLAT 7 - 44.3m<sup>2</sup>
- FLAT 8 - 38.8m<sup>2</sup>
- FLAT 9 - 37.18m<sup>2</sup>
- FLAT 10 - 65.9m<sup>2</sup>
- FLAT 11 - 42.3m<sup>2</sup>
- FLAT 12 - 51m<sup>2</sup>
- FLAT 13 - 40.2m<sup>2</sup>

DRAWING TITLE  
**SCHEME 1 - GROUND & FIRST FLOOR PLANS**

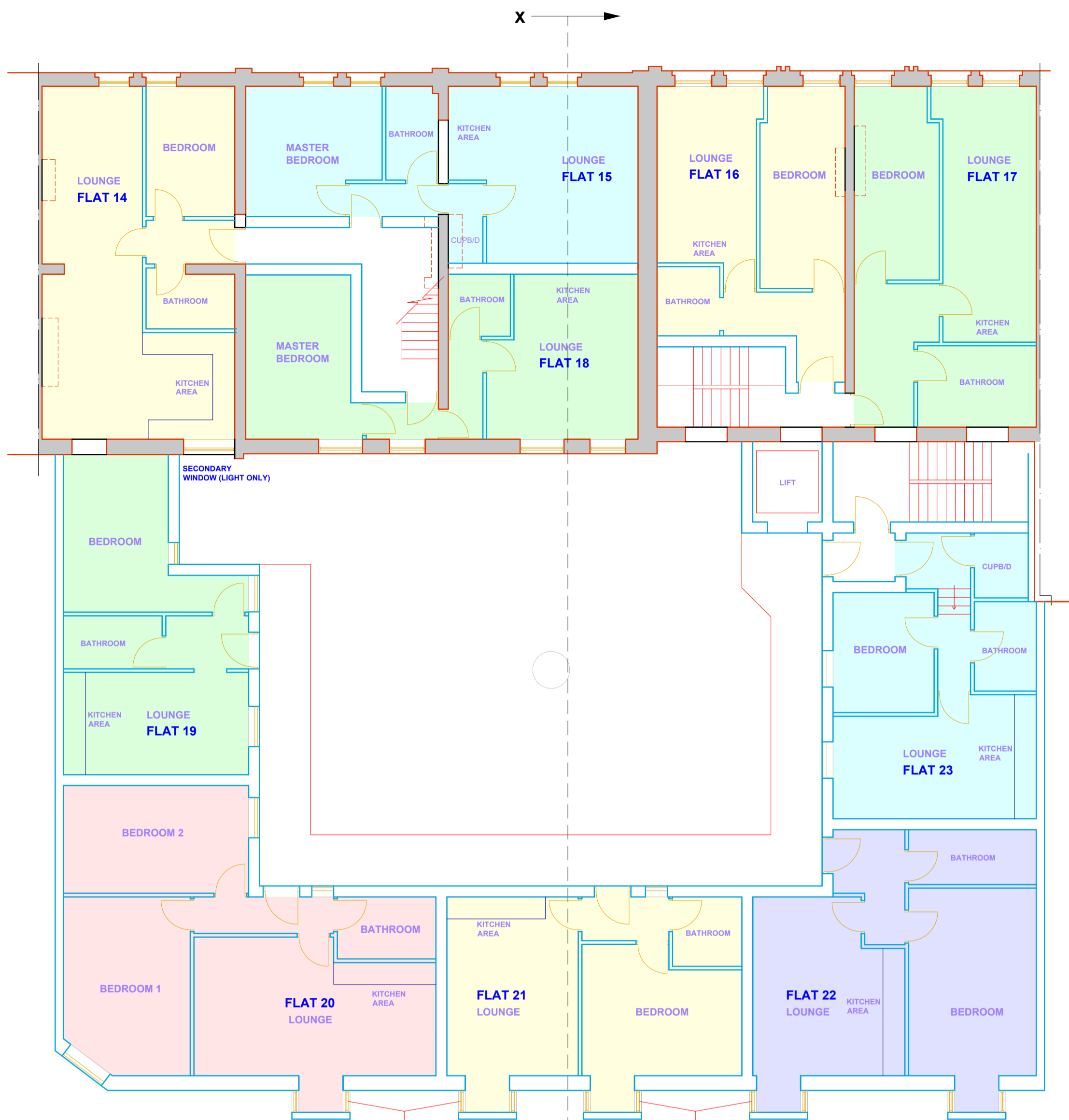
PROJECT  
**RESIDENTIAL DEVELOPMENT**  
 LOCATION

**147 - 155 Stamford Street Central  
 Ashton Under-Lyne**

DRAWN:- Frank James Smith  
 DATE:- August 2022  
 SCALE:- 1:100 @ A1  
 ISSUE:- L

DRAWING NUMBER:-  
**22.2851.SC1.10L**

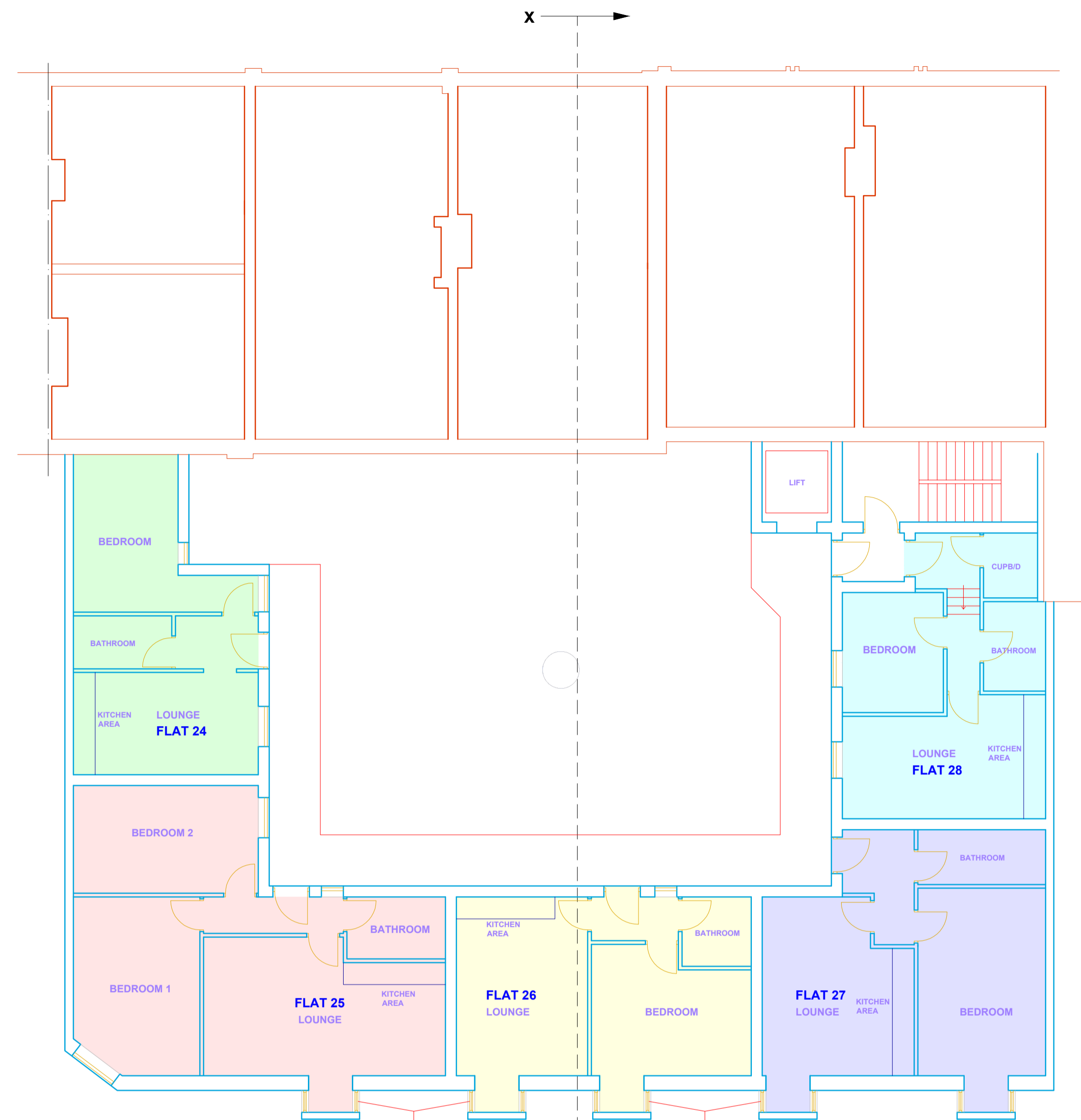
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Pod / Bay windows will be frosted glass where they face each other from adjoining flats

Pod / Bay windows will be frosted glass where they face each other from adjoining flats

**PROPOSED SECOND FLOOR PLAN**



Pod / Bay windows will be frosted glass where they face each other from adjoining flats

Pod / Bay windows will be frosted glass where they face each other from adjoining flats

**PROPOSED THIRD FLOOR PLAN**

**APARTMENT SCHEDULE 14 - 23**

- FLAT 14 - 50.6m<sup>2</sup>
- FLAT 15 - 44.2m<sup>2</sup>
- FLAT 16 - 37m<sup>2</sup>
- FLAT 17 - 46.6m<sup>2</sup>
- FLAT 18 - 39m<sup>2</sup>
- FLAT 19 - 37.18m<sup>2</sup>
- FLAT 20 - 65.9m<sup>2</sup>
- FLAT 21 - 42.3m<sup>2</sup>
- FLAT 22 - 51m<sup>2</sup>
- FLAT 23 - 40.2m<sup>2</sup>
- FLAT 24 - 37.18m<sup>2</sup>
- FLAT 25 - 65.9m<sup>2</sup>
- FLAT 26 - 42.3m<sup>2</sup>
- FLAT 27 - 51m<sup>2</sup>
- FLAT 28 - 40.2m<sup>2</sup>

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**CONSTRUCTION NOTES:-**

DRAWING TITLE  
**SCHEME 1 - SECOND & THIRD FLOOR PLANS**



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PROJECT  
**RESIDENTIAL DEVELOPMENT**

LOCATION

**147 - 155 Stamford Street Central  
 Ashton Under-Lyne**

DRAWN:- Frank James Smith  
 DATE:- August 2022  
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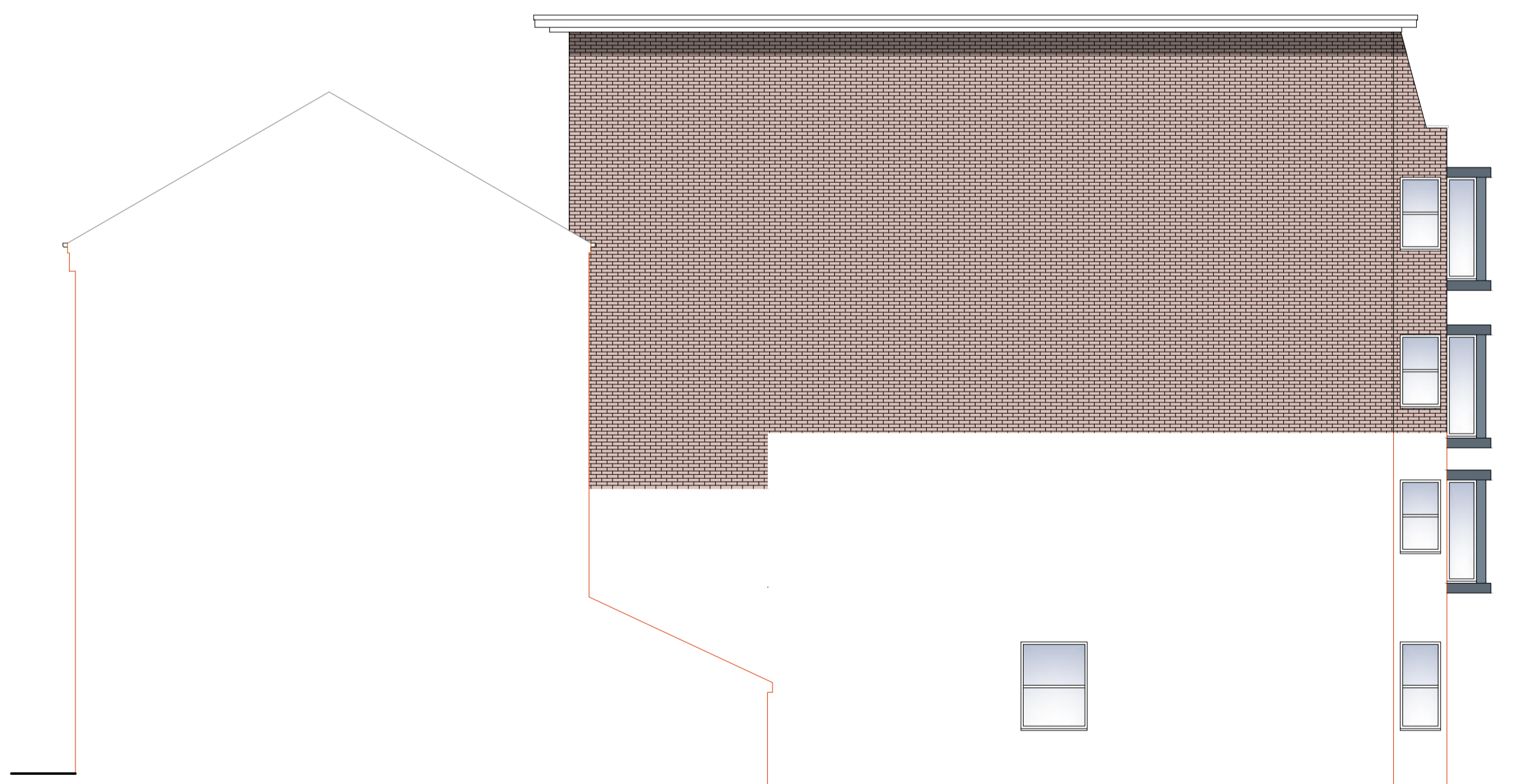
**CONSTRUCTION NOTES:-**



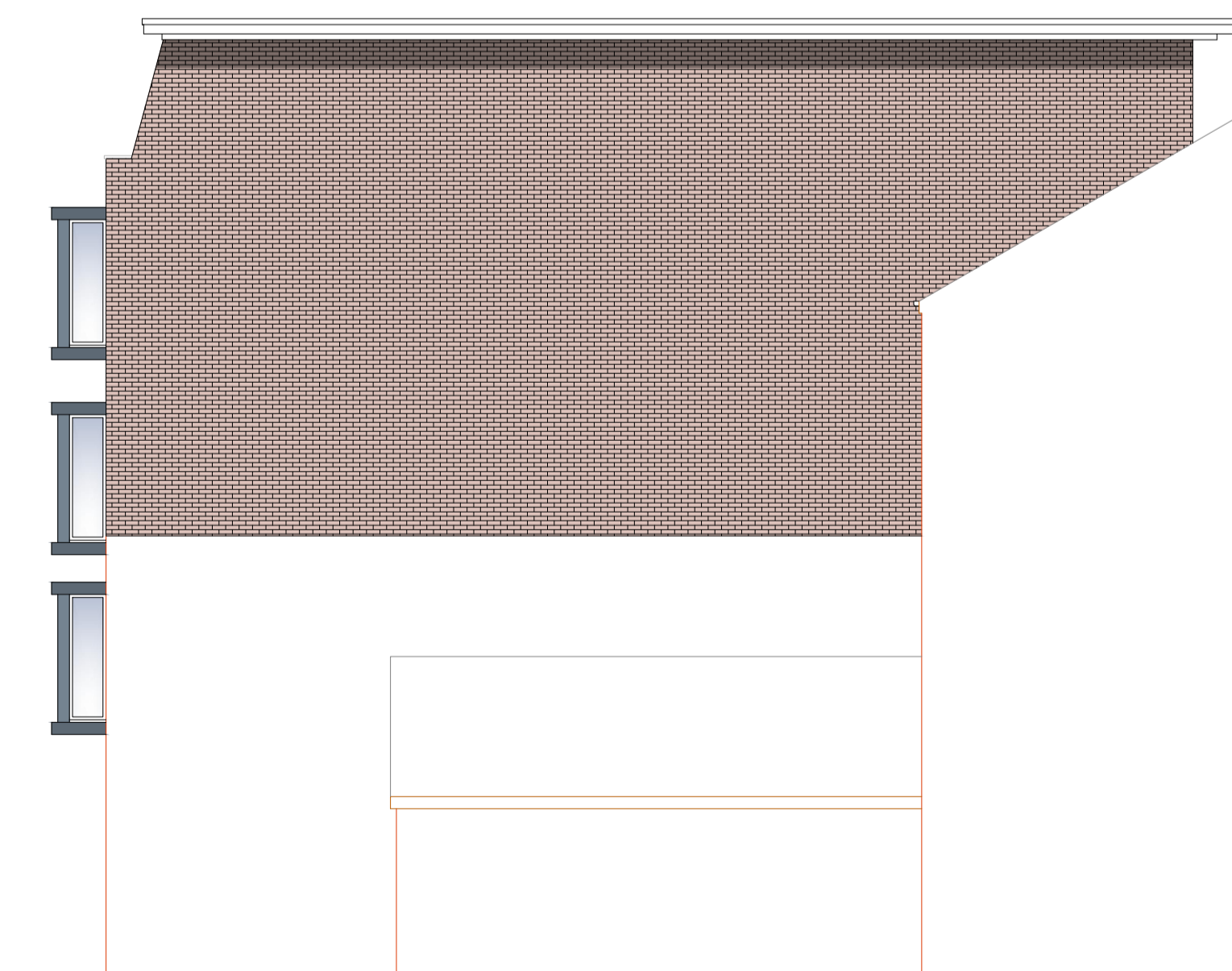
**PROPOSED SOUTH FACING TERRACE ELEVATION**



**PROPOSED FLEET STREET ELEVATION**



**PROPOSED WEST FACING ELEVATION**



**PROPOSED EAST FACING ELEVATION**

<b>DRAWING TITLE</b>		
<b>PROPOSED ELEVATIONS 1</b>		
<b>Campbell House</b> 173 Rochdale Road Firgrove Rochdale OL16 3BN		Tel: 01706 354888 Mob: 07817 623183 Email: admin@jamescampbellassociates.co.uk Web: www.jamescampbellassociates.co.uk
<b>PROJECT</b>		
<b>RESIDENTIAL DEVELOPMENT</b>		
<b>LOCATION</b>		
<b>147 - 155 Stamford Street Central Ashton Under-Lyne</b>		
<b>DRAWN:-</b>	APW	<b>DRAWING NUMBER:-</b>
<b>DATE:-</b>	August 2022	<b>22.2851.SC1.13C</b>
<b>SCALE:-</b>	1:100 @ A1	
<b>ISSUE:-</b>	C	

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

**CONSTRUCTION NOTES:-**



**PROPOSED STAMFORD STREET ELEVATION**



**PROPOSED NORTH FACING TERRACE ELEVATION**

<b>DRAWING TITLE</b>	
<b>PROPOSED ELEVATIONS 2</b>	
<b>Campbell House</b> 173 Rochdale Road Firgrove Rochdale OL16 3BN	
Tel: 01706 354888 Mob: 07817 623183 Email: admin@jamescampbellassociates.co.uk Web: www.jamescampbellassociates.co.uk	
<b>PROJECT</b>	
<b>RESIDENTIAL DEVELOPMENT</b>	
<b>LOCATION</b>	
<b>147 - 155 Stamford Street Central</b> <b>Ashton Under-Lyne</b>	
<b>DRAWN:-</b>	APW
<b>DATE:-</b>	August 2022
<b>SCALE:-</b>	1:75 @ A1
<b>ISSUE:-</b>	D
<b>DRAWING NUMBER:-</b>	
<b>22.2851.SC1.14D</b>	

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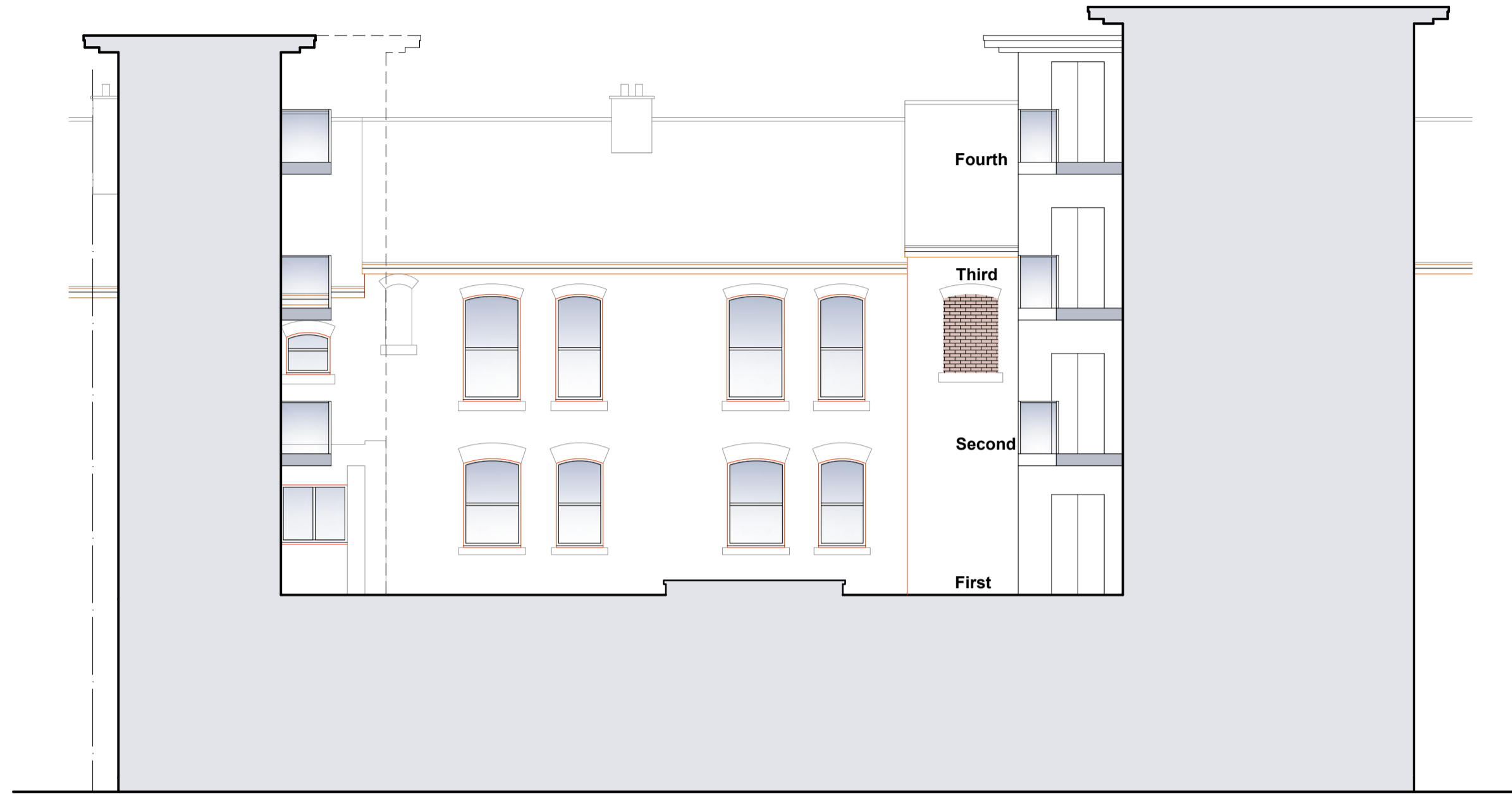
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Any discrepancies discovered or items found that were not visible at the time of the initial survey should be reported to James Campbell Associates Ltd for consultation with our client.

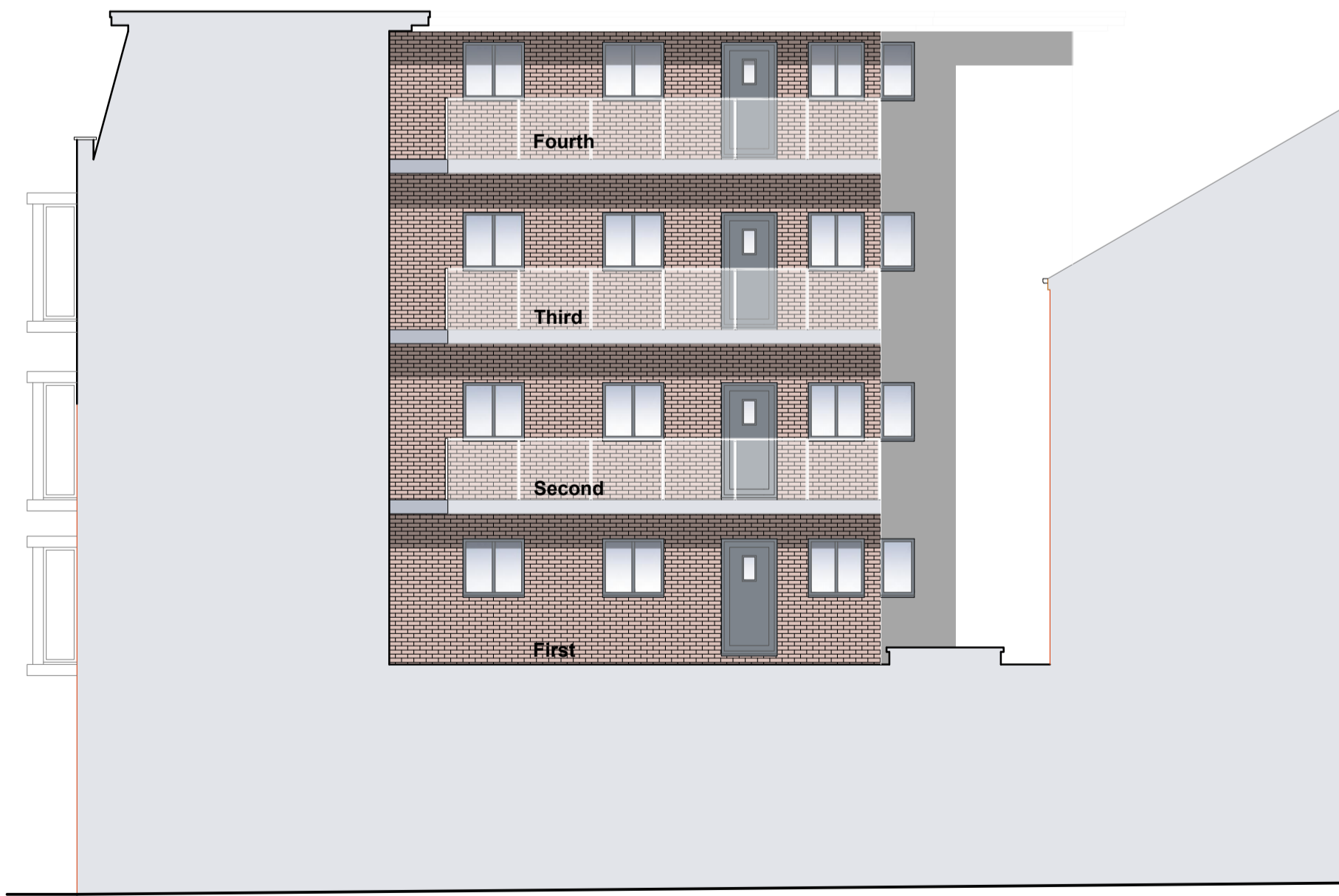
**CONSTRUCTION NOTES:-**



**PROPOSED SOUTH FACING TERRACE ELEVATION**



**PROPOSED WEST FACING TERRACE ELEVATION**



**PROPOSED EAST FACING TERRACE ELEVATION**

<b>DRAWING TITLE</b>	
<b>PROPOSED ELEVATIONS 3</b>	
<b>Campbell House</b> 173 Rochdale Road Firgrove Rochdale OL16 3BN	
Tel: 01706 354888 Mob: 07817 623183 Email: admin@jamescampbellassociates.co.uk Web: www.jamescampbellassociates.co.uk	
<b>PROJECT</b>	
<b>RESIDENTIAL DEVELOPMENT</b>	
<b>LOCATION</b>	
<b>147 - 155 Stamford Street Central</b> <b>Ashton Under-Lyne</b>	
<b>DRAWN:-</b>	FJS / APW
<b>DATE:-</b>	April 2023
<b>SCALE:-</b>	1:100 @ A1
<b>ISSUE:-</b>	
<b>DRAWING NUMBER:-</b>	
<b>22.2851.SC1.18</b>	

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Application Number 22/01046/FUL

**Change of use from retail/warehouse to five retail units at ground floor, and 33 apartments at ground and upper floors, alongside third and fourth floor rear extensions, and external alterations**

Photo 1: Aerial view of site



Photo 2: Front of building, viewed from Stamford Street Central





**Photo 3: Existing building and two storey outrigger, viewed from Fleet Street**



**Photo 4: Existing building and two storey outrigger, viewed from Fleet Street**



**Photo 5: Rear of existing two storey outrigger, viewed from Fleet Street**



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## Appeal Decision

Site visit made on 20 February 2023

**by N Duff BSc (Hons) MA MRTPI**

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

**Decision date: 11<sup>th</sup> April 2023**

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**Appeal Ref: APP/G4240/Z/22/3311858**

**Advertising Right Adjacent 47, Clarendon Place, Hyde, Tameside SK14 2ND**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Global against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 22/00825/ADV, dated 9 August 2022 was refused by notice dated 4 October 2022.
  - The advertisement proposed is non-illuminated timber poster panel.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed advertisement on the amenity of the area with specific regard to character and appearance.

### Reasons

3. The appeal site is located immediately adjacent to the gable end of 47 Clarendon Place, an end of terrace property on the corner of Clarendon Place and Clark Way, which is on a busy intersection. The uses in the immediate vicinity are predominantly commercial, with several businesses located within premises along Clarendon Place. A fast-food outlet is located on the corner of Clarendon Place and Union Street opposite the site, and a large supermarket is located off Mottram Road. There are residential flats located nearby on Mottram Road. The building has an existing small advertisement at first floor level advertising a carpet shop.
4. The proposed advertisement due to the extent of its width and height would be extremely prominent and would dominate the gable end and the immediate vicinity. This is especially the case when viewed on the approach from Mottram Road and Union Street. Due to its height and size, it would also be likely to be visible from more distant views.
5. Whilst the area has a mixed character with commercial and residential uses nearby, there are no advertising hoardings of this scale in the vicinity. I consider that the proposed poster panel would be at odds with the character of the area, where existing advertisements are mainly related to the premises they serve and are of a more proportionate scale.
6. For these reasons I conclude that the poster panel by virtue of its size and siting would result in an incongruous addition which would be visually harmful

to the amenity of the area having specific regard to character and appearance. I have taken into account Policy C1 of the Tameside Unitary Development Plan Written Statement Adopted Plan – November 2004 which seeks to protect amenity and so is material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with this policy and paragraph 136 of the Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

*Other Matters*

7. A previous appeal decision has been brought to my attention. Whilst this was for an illuminated advertisement at the same site, the Inspector dismissed the appeal due to concerns regarding amenity based on siting, design, height and type of illumination. I do not consider the alteration of the scheme, including the omission of illumination of the advertisement, to overcome the issues the previous Inspector raised against the proposal in relation to amenity.
8. The Appellant has provided details of email correspondence between the Appellant and the Council during the process of the application, where the Council's Officer appears to have been supportive of the scheme. However, this does not reflect the final decision of the Council, therefore this does not affect the considerations that have led to my decision.
9. In the evidence provided the Appellant has stated that the poster panel would utilise the area of land that does not have any other use. Whilst it would provide a use for the site this matter does not outweigh the harm identified in my reasoning above.

**Conclusion**

10. For the reasons set out above, I conclude the proposed non-illuminated timber poster panel would be harmful to the amenity of the area, and that the appeal should be dismissed.

*N Duff*

INSPECTOR



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## Appeal Decision

Site visit made on 22 March 2023

**by A.Graham BA(hons) MAued IHBC**

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

**Decision date: 18 April 2023**

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**Appeal Ref: APP/G4240/D/22/3313731**

**4 Reins Lee Road, Ashton Under Lyne OL7 9QB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Akmol Hussain against the decision of Tameside Metropolitan Borough Council.
  - The application Ref: 22/00915/FUL dated 13 September 2022, was refused by notice dated 5 December 2022.
  - The application is for part two/single storey rear extension, two storey side extension, front porch extension and other external alterations including roof canopy to front elevation.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of development in the heading above has been taken from the Councils Decision Notice and differs from that used on the Application Form. However, in Part E of the appeal form it is stated that the description of development has not changed. Accordingly, I have used the one given on the Council's Decision Notice that I feel more accurately describes the proposed development.

### Main Issues

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

### Reasons

4. The appeal property is a two storey semi detached ex local authority house of red brick. The character and appearance of the area is primarily one of similar houses that likely date to around the mid 20<sup>th</sup> century. To the side elevation of the property there is an existing store and former coal house that is set well back from the property's frontage. The front entrance has a simple concrete canopy that echoes others in the area.
5. To the rear the property has a reasonably good sized garden with a timber fence separating it from its neighbours. There are some modest trees but the majority of the garden is currently grass. The orientation of the garden is

- almost directly east/west with the appeal property, and its neighbour, being positioned on a north/south alignment.
6. Number 2 Reins Lee Road adjoins the appeal site and therefore sits almost immediately north of it. Due to the configuration of the original estate, number 2 occupies a corner plot but this has resulted in the rear garden space of number 2 being significantly smaller to that of the appeal property.
  7. As a result not only is the rear garden of number 2 immediately to the north of the appeal property, but it is also an awkward triangular shape, meaning that the garden offers relatively limited private amenity space for residents here.
  8. The proposed extensions seek both side and rear extensions to the appeal property. The side extension would replace the existing original store and create a side extension that extends around 2.1m from the property's gable end. It would offer a set back and set down with a projecting ground floor element linking to a new lean to porch that would extend towards a pitched roof entrance porch. To the rear the proposed extension would seek to extend by around 2.7m at two storeys with a further 1.4m from the extent of the two storey element.
  9. In assessing this appeal I am aware of Policies in the Tameside Unitary Development Plan (UDP) that states that proposals should respect the nature of surrounding buildings and that new development should be of a high quality design. Policy H10 of the UDP also states that extensions should not have unacceptable impacts upon the living conditions or amenity of neighbouring properties. These requirements are reflected in the Council's Residential Design Supplementary Planning Document (SPD).
  10. It appears common ground between the parties that the proposed side and front elements of the application would conform to the Council's policy on design. However, although the proposed rear extensions would technically meet the recommended 60/45 degree line rules as outlined in the SPD, the proposed extension would still introduce a large built form that would be located directly along the common boundary between the appeal site and number 2 Reins Lee Road.
  11. I saw on my site visit the modest relative size of the garden at number 2 and the amount of windows to the rear elevation here. I also took note of the orientation and direction of the midday sun in early Spring at the time of my visit. Despite a tree being located close to the neighbour's house and the common boundary, I consider that any sizeable extension along this boundary would result in significant overshadowing of the garden here. Added to this the presence of a two storey structure immediately adjacent to the common boundary would create an added overbearing impact upon the useable rear garden of number 2.
  12. This impact due south of the neighbour's property would therefore be combined with the close proximity and dominance of the proposed extensions to the rear. This would result in a harmful effect upon the living conditions of those living at number 2 Reins Lee Road through over dominance caused by the extensions proposed height and massing and the extent of the two storey element along the common boundary. Despite the sloping of the roof and the dual pitched nature of the extension, I do not concur that this is sufficient enough to alleviate the harmful impacts that I have identified above.

13. Although I consider that there would be ways to extend this property in a way that could potentially alleviate the impact upon the neighbours here, I find that the proposal before me would result in serious harm to the living conditions of those residents at number 2 Reins Lee Road. As such the proposal before me would be contrary to Policy H10 of the Ashton-Under-Lyne Unitary Development Plan and the aspirations for high quality design as advanced in The National Planning Policy Framework (NPPF).

**Conclusion**

14. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

*A Graham*

INSPECTOR

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## Appeal Decision

Site visit made on 2 May 2023

**by Paul Martinson BA (Hons) MSc MRTPI**

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

**Decision date: 05 May 2023**

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**Appeal Ref: APP/G4240/W/23/3314599**

**Sunnyside Road Street Works, Sunnyside Road, Droylsden M43 7QP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 22/01050/NCD, dated 24 October 2022, was refused by notice dated 7 December 2022.
  - The development proposed is described as: 'Proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets'.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), require an assessment of the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on that basis.

### Planning Policy

3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard 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 Issue

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

### Reasons

5. The appeal site is located towards the back edge of the pavement immediately forward of an extensive hardsurfaced area, located close to the junction of Sunnyside Road with Surrey Avenue. This area is bounded by the gardens of 23 and 24 Surrey Avenue and 143 Sunnyside Road. The site is within a relatively open part of the streetscene, situated close to two large open grassed areas located to either side of the road. The area is residential in

- character and predominantly comprises of a mix of two storey semi-detached and terraced dwellings.
6. Vertical street furniture is reasonably common and includes telegraph poles and lighting columns, although these rarely extend above 8 metres in height. A tree is located within an adjacent garden which is up to 10 metres tall and has a vertical presence in the streetscene. A group of similar sized trees are also located on the opposite side of Sunnyside Road.
  7. It is proposed to install a monopole mast and site associated equipment cabinets in a linear arrangement set between the hardsurfaced area and the pavement. This would be a relatively exposed position within the streetscene for such an imposing structure. This would lead to the proposed monopole appearing highly prominent and at odds with the prevailing open character of the vicinity.
  8. The height of the structure would not be comparable in scale with any nearby street furniture and at 16 metres high it would become the tallest such structure in the vicinity by a considerable margin. As such it would appear vastly out of scale with the otherwise low level residential surroundings. It would consequently appear as a discordant addition to the streetscene in views along Leicester Avenue, from the junction with Lancaster Road and for a considerable length of Sunnyside Road. The adjacent tree which is 6 metres lower than the proposed monopole would offer little mitigation in this respect and due to its position would be unlikely to break up any views of the structure.
  9. I have had regard to the support in the Framework for high quality communications and infrastructure. However, I must balance this against the Framework's aim for equipment to be sympathetically designed and camouflaged where appropriate, as well as the Framework's encouragement of development to achieve well-designed places for the long term.
  10. I accept that the scheme would enhance 5G coverage here. That said, other than the appellant's assertion to that effect, there is no substantive evidence before me of existing coverage, or lack thereof, in this particular location. That limits the weight that I can accord to the mast being proposed in this particular location as opposed to others. Nonetheless, I accept that the appellant has undertaken an assessment of potential alternatives. However, none of these include the Council's suggested alternative of Somerset Road and the appellant has not responded to this suggestion as part of the appeal. I visited this area and saw that buildings here were of more comparable heights to that of the proposed mast.
  11. Furthermore, the majority of the appellant's alternatives appear to have been discounted for the relatively vague reason of 'unsuitable pavements'. It is not clear if in each case this is related to the width of the pavement, nonetheless, I saw relatively wide pavements in the vicinity of Somerset Road.
  12. Therefore, whilst I acknowledge the benefits of the scheme in general terms, it has not been robustly demonstrated that the circumstances in this particular instance justify allowing the scheme. I am also not convinced that less harmful alternatives have been fully explored and it is my overall view that the need for the installation does not in this case, outweigh the harm.



13. I therefore conclude that the siting and appearance of the proposed monopole mast would be significantly harmful to the character and appearance of the area, and that the harm identified would not be outweighed by the need for that installation. The proposal would be contrary to Policy U2 of the Tameside Unitary Development Plan (2004) (the UDP) which seeks to ensure telecommunications equipment is sited and designed to minimise its visual intrusion and environmental impact. There would also be conflict with UDP Policy C1 which, in summary and amongst other things, seeks to ensure new development is appropriate in relation to the existing townscape and the character and appearance of the area.
14. There would also be conflict with paragraph 115 of the Framework which requires new telecommunications sites to be sympathetically designed and camouflaged, where appropriate.

**Conclusion**

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

*Paul Martinson*

INSPECTOR

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## Appeal Decision

Site visit made on 2 May 2023

**by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

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

**Decision date: 16 May 2023**

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**Appeal Ref: APP/G4240/W/23/3314454**

**Ashton Moss Junction Street Works, Ashton Moss Junction, Audenshaw M34 5WP**

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Thomas Gallivan (CK Hutchison Networks (UK) Ltd) against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 22/00995/NCD, dated 6 October 2022, was refused by notice dated 24 November 2022.
  - The development proposed is a 5G telecoms installation: H3G 17m street pole and additional equipment cabinets.
- 

### Decision

The appeal is dismissed.

### Procedural Matters

1. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking account of any representations received. My determination of the appeal has been made on the same basis.
2. The principle of development is established by the GPDO and 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 Tameside Unitary Development Plan Written Statement 2004 (UDP), and the National Planning Policy Framework (the Framework), in so far as they are a material consideration relevant to matters of siting and appearance. Although the appellant suggests the 2019 version of the Framework is applicable to the appeal scheme, it was last updated in July 2021. For the avoidance of doubt, it is this most recent version that I have had regard to in my decision.
3. The appellant's statement refers to the proposal including a 17m mast with wraparound cabinet at the base and 3 additional equipment cabinets. This contradicts the number and form of the cabinets shown in the submitted plans.<sup>1</sup> For the avoidance of doubt I have assessed the development as shown on the submitted plans.

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<sup>1</sup> Proposed site plan and elevations drawing numbers TMS21258\_TMS134\_88544\_M1298\_GA\_REV\_B Issue B.

## **Main Issues**

4. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether that harm would be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

## **Reasons**

### *Character and Appearance*

5. The appeal site comprises an area of pavement adjacent to a low stone wall alongside Audenshaw Road (B6390). It lies on the edge of the residential area of Audenshaw and to the north of the Audenshaw Reservoir. The grassed embankment to the raised reservoir, in combination with the trees that follow the line of the road, contribute positively to the verdant and spacious character of the street scene in this location.
6. Vertical features are present within the vicinity of the appeal site including streetlights, highway signs and trees. The existing street furniture is however, of modest height. The dwellings opposite are also predominantly small-scale 2-storey buildings. Whether or not such structures are designed to be installed upon pavements and are common in urban areas, in this case the proposed height of the mast at 17m would be taller than the existing vertical structures already present, including mature trees, greater in thickness and a noticeably different shape. It would therefore be out of context with the surrounding low-scale forms of development as described above.
7. Audenshaw Road is relatively straight to the west of the appeal site, such that drivers of approaching vehicles would have a clear line of sight of the proposed mast for some distance and slightly downhill. The trees which run along the rear of the boundary wall would provide a backdrop to the lower part of the mast in such views, particularly when in leaf. They would also provide some visual context in views from the east which are more immediate when emerging from underneath the railway line.
8. However, the proposed mast and the associated equipment cabinets would be light grey in colour, contrasting with the dark colours of the wall, trees and the streetlights which for the most part are coloured black. The proposed colour would accentuate the alien appearance and height of the mast and draw attention to the equipment cabinets, such that the trees and wall would not mitigate the visual impact. They would stand out more starkly particularly when the trees are not in leaf. I find that the mast and the associated equipment cabinets have not been sympathetically designed or camouflaged and would not appear discreet as a result.
9. In considering the need for the proposal, Government policy as set out in the Framework, recognises that advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. I have also noted the 'Collaborating for Digital Connectivity' communication from the Department for Digital, Culture, Media and Sport which the appellant has referred me to. I recognise that there is a need to support the expansion of electronic communications networks, including the specific support for 5G infrastructure. This is likely to have positive economic benefits for local

residents and businesses including facilitating growth and I attach considerable weight to these benefits accordingly.

#### *Availability of Suitable Alternatives*

10. An assessment of 6 other potential locations has been made but it is relatively limited and does not appear to have considered siting apparatus on existing buildings, as required by the Framework, nor sites on private land. The reasons given for dismissing the alternative sites are vague, referring to 'unsuitable pavements and visibility splay' issues and are not therefore interrogable. It is not readily apparent why proximity to a railway line would preclude the installation of a mast at location D5.
11. I note from the Council's officer report that a meeting was to be held to find alternative sites for the proposal. No further information has been supplied from either party to indicate the outcome of such a meeting, if it has taken place. Therefore, even with a confined cell search area, from the evidence before me, I cannot be certain that more suitable sites are not reasonably available, and that the chosen location is the least harmful in its visual effects.
12. For the foregoing reasons, I conclude that the proposed mast would represent an intrusive addition to the street scene, resulting in significant harm to the character and appearance of the area, that is not outweighed by the need for the installation to be sited as proposed, and its social and economic benefits. In so far as they are material considerations, the proposed mast would conflict with Policies U2 and C1 of the UDP. These policies amongst other things, collectively require new development, including telecommunications, to be sited to minimise visual impact in relation to the existing townscape. There would also be conflict with paragraphs 115 and 130 of the Framework, which seek to keep the environmental impact of new telecommunications development to a minimum through sympathetic design.

#### **Other Matters**

13. The appeal site is not located within a conservation area or subject to any other constraints. This is a neutral matter that does not alter my view on the acceptability of the proposed siting and appearance of the proposed mast for the reasons given above.
14. The appellant undertook pre-application consultation with the Council and notified the ward members. The Planning Practice Guide is clear that pre-application advice cannot pre-empt the democratic decision-making process, or a particular outcome in respect of a formal planning application.

#### **Conclusion**

15. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

*M Clowes*

INSPECTOR

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## Appeal Decision

Site visit made on 2 May 2023

**by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 18 May 2023**

**Appeal Ref: APP/G4240/W/23/3314551**

**Holland Street West Street Works, Tameside M34 3GE**

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr Cameron Wilson (CK Hutchison Networks (UK) Ltd) against the decision of Tameside Metropolitan Borough Council.
- The application Ref 22/01001/NCD, dated 6 October 2022, was refused by notice dated 30 November 2022.
- The development proposed is 5G 18m telecoms installation: H3G street pole and additional equipment cabinets.

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking account of any representations received. My determination of the appeal has been made on the same basis.
3. The principle of development is established by the GPDO and 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 Tameside Unitary Development Plan Written Statement 2004 (UDP), and the National Planning Policy Framework (the Framework), in so far as they are a material consideration relevant to matters of siting and appearance. Although the appellant suggests the 2019 version of the Framework is applicable to the appeal scheme, it was last updated in July 2021. For the avoidance of doubt, it is this most recent version that I have had regard to in my decision.
4. The appellant's statement refers to the proposal including an 18m mast with wraparound cabinet at the base and 3 additional equipment cabinets, despite this not being what is shown on the supplied plans.<sup>1</sup> For the avoidance of doubt, my decision is based on the proposal indicated in the submitted plans.

### Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm

<sup>1</sup> Proposed site plan and elevation drawing numbers TMS21257\_TMS141\_88612\_M1297\_GA\_REV\_A Issue A.

would occur, whether that harm would be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

## Reasons

### *Character and Appearance*

6. The appeal site comprises an area of pavement adjacent to an undeveloped parcel of land contained by a green palisade fence, close to the intersection of Foxhall Road, Holland Street West and Manchester Road North (A57). It sits on the edge of an industrial estate and to the south of a residential area. The M67 also lies to the south. The area is therefore mixed in character.
7. Nearby buildings consist primarily of 2-storey dwellings and commercial premises. Streetlights are also present within the vicinity of the appeal site and are coloured grey, similar to the proposed colour of the monopole mast. However, they are low-level, being circa 6m in height.<sup>2</sup> The proposed 18m mast would tower above the tallest structure in the street scene by a sizeable margin, including the neighbouring 3-storey commercial building, indicated on the submitted plans to be circa 10m to the ridge of the roof. The mast would also be greater in thickness and a noticeably different shape to the existing streetlights. The proposed mast would therefore become a dominant and highly prominent vertical feature, at odds with the scale of the surrounding development.
8. Although the A57 is a dualled one-way road, the mast, due to its height, would nonetheless be experienced by passing motorists and pedestrians for some distance, given the road's relatively straight alignment. Elevated views from the M67 would also be possible in which it would breach the skyline. Whilst there are some trees to the east of the appeal site on a small area of open space, they would provide only a partial backdrop to the lower level of the proposed mast when in leaf, and only in approaches from the west. Due to the vacant plot of land to the rear, there would be no comparable backdrop for pedestrian views from the east, given the separation distance to the nearest buildings.
9. The proposed equipment cabinets would be of a relatively low-scale. Although such structures are a typical piece of street furniture, the proposed light grey colour would accentuate their presence, rather than helping their assimilation against the backdrop of the dark green palisade fence. I find that the mast and the associated equipment cabinets have not been sympathetically designed or camouflaged such that they would blend into their surroundings.
10. Government policy as set out in the Framework, recognises that advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. I have also noted the 'Collaborating for Digital Connectivity' communication from the Department for Digital, Culture, Media and Sport which the appellant has referred me to, but predates the Framework. I recognise that there is a need to support the expansion of electronic communications networks, including the specific support for 5G infrastructure. This is likely to have positive economic and social benefits for local residents and businesses. However, other than the appellant's assertion that the

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<sup>2</sup> As indicated on the submitted plans drawing numbers TMS21257\_TMS141\_88612\_M1297\_GA\_REV\_A Issue A.



proposal would enhance 5G coverage, there is no substantive evidence before me of the existing coverage, or a lack thereof, in this particular location. In light of this, modest weight is afforded to these benefits.

#### *Availability of Suitable Alternatives*

11. An assessment of 6 other potential locations has been made, but the reasons given for dismissing the alternative sites are evasive, referring to 'unsuitable pavements and visibility splay' issues, such that they cannot be fully scrutinised. In addition, the alternative site selection does not appear to have considered siting the proposed apparatus on existing buildings or on private land such as the adjacent industrial estate, as required by the Framework.
12. The Council's officer report suggests an alternative site for the proposal on the extended pavement adjacent to the connecting road between Holland Street and Manchester Road North. No robust justification has been provided by the appellant as to whether the alternative site suggested by the Council would not be suitable. Consequently, on the evidence before me, I am not persuaded that less harmful alternative sites are not suitable or available within the locality.
13. For the above reasons, I conclude that the proposed mast would represent a conspicuous addition to the street scene, resulting in significant harm to the character and appearance of the area, that is not outweighed by the need for the installation to be sited as proposed, and its modest social and economic benefits. In so far as they are material considerations, the proposed mast would conflict with Policies U2 and C1 of the UDP. These policies amongst other things, collectively require new development, including telecommunications, to be sited to minimise visual impact in relation to the existing townscape. There would also be conflict with paragraphs 115 and 130 of the Framework, which seek to keep the environmental impact of new telecommunications development to a minimum through sympathetic design.

#### **Other Matters**

14. The lack of environmental designations and location of the proposal outside of any conservation area, does not justify the harmful impact on the character and appearance of the area arising from the siting and appearance of the proposed installation.
15. Pre-consultation is said to have occurred with the Council and ward members before the submission of the prior approval application. However, there is no evidence before me to indicate whether the Council had the opportunity to respond. Even if it did, the Planning Practice Guidance is clear that pre-application advice cannot pre-empt the democratic decision-making process, or a particular outcome in respect of a formal planning application.<sup>3</sup>

#### **Conclusion**

16. The harm arising from the siting and appearance of the proposed installation on the character and appearance of the area, would not be outweighed by the need for the installation to be sited as proposed, considering the potential for suitable alternatives. The appeal is dismissed.

*M Clowes* - INSPECTOR

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<sup>3</sup> Paragraph: 011 Reference ID: 20-011-20140306.

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