

SPEAKERS PANEL (PLANNING)

Day: Wednesday
Date: 28 June 2023
Time: 10.00 am
Place: Guardsman Tony Downes House, Manchester Road,
 Droylsden, M43 6SF

Item No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE To receive any apologies for absence from Members of the Panel.	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest from Members of the Panel.	
3.	MINUTES The Minutes of the meeting of the Speakers Panel (Planning) held on 31 May 2023, having been circulated, to be signed by the Chair as a correct record.	1 - 4
4.	PLANNING APPLICATIONS To consider the schedule of applications:	
a)	22/01080/FUL - 4 RICHMOND STREET, ASHTON-UNDER-LYNE, OL6 7TX	5 - 32
b)	22/00262/FUL - LAND ON STAMFORD ROAD, MOSSLEY	33 - 68
c)	22/00940/FUL - 3 DOWNING CLOSE, ASHTON-UNDER-LYNE, OL7 9LX	69 - 88
d)	22/00818/FUL - LAND AT THE END OF FERN LODGE DRIVE, ASHTON-UNDER-LYNE (UPDATE)	89 - 130
5.	APPEAL DECISION NOTICES	
a)	APP/G4240/W/22/3313168 - 57 YEW TREE LANE, DUKINFIELD, SK16 5DB	131 - 134
b)	APP/G4240/D/23/3316529 - 14 LUXOR GROVE, DENTON, M34 2NR	135 - 136
c)	APP/G4240/D/23/3317688 - 13 BUXTON LANE, DROYLSDEN, M43 6HL	137 - 140
6.	URGENT ITEMS To consider any other items, which the Chair is of the opinion should be considered as a matter of urgency.	
7.	DATE OF NEXT MEETING To note the next meeting of the Speakers Panel (Planning) will take place on	

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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26 July 2023.

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

SPEAKERS PANEL (PLANNING)

31 May 2023

Commenced: 10:00am

Terminated: 10:30am

Present: Councillor Mills (In the Chair)
Councillors Affleck, Boyle, Dickinson, Pearce and Quinn

Apologies: Councillors McNally, Owen and Quinn

1. DECLARATIONS OF INTEREST

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

2. MINUTES

The minutes of the proceedings of the meeting held on 19 April 2023, having been circulated, were approved and signed by the Chair as a correct record.

3. OBJECTIONS TO THE PROPOSED TAMESIDE METROPOLITAN BOROUGH COUNCIL BUS STOP CLEARWAY (24 HOUR) UNION ROAD, KINGS ROAD AREA, ASHTON-UNDER-LYNE

Consideration was given to a report of the Assistant Director, Operations and Neighbourhoods outlining the objections received to the proposed bus stop clearway at bus stop EH2191 on King's Road in Ashton-under-Lyne.

Members were informed that in September 2022, bus stop EH2191 had been upgraded to a raised platform as part of Transport for Greater Manchester's (TfGM) 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. It was explained that a bus stop clearway was a box that consisted of solid and dashed yellow lining on the carriageway together with the words 'BUS STOP'. With the exception of buses, other vehicles were not permitted to stop or park within a bus stop clearway.

Bus stop EH2191 was served by the 396 bus service (Ashton-under-Lyne to Middleton) that operated hourly between 07:44 and 22:18, Monday to Sunday.

Following a 28-day consultation period, one letter of objection was received to the proposals. The objector raised concerns that the proposals to install bus stop clearways at both bus stops EH2191 (Kings Road/near New Lees Street) and EH2192 (outside King's Park) on the opposite side of King's Road could displace parking in the area. They believed this could lead to unsafe parking practices, potential conflicts with neighbours and an increase in crime levels as cars could be vandalised.

The same objector had installed CCTV cameras and claimed that these would be ineffective if the proposed bus stop clearway was installed as they would be unable to park their vehicles outside their property. Concern was also expressed that the scheme would lower the price of their property if on street parking outside were no longer available.

The objector did not feel parking on New Lees Street was a viable alternative to parking on King's Road as the street was quiet, unlit and the road surface in poor condition. The officer explained that if New Lees Street were resurfaced then their objection to the proposal would be withdrawn.

Sumaiyah Hussain, on behalf of the objector, addressed the Panel highlighting these concerns.

In response, the officer acknowledged that parking in the area was at a premium and that it was desirable for residents to park on the public highway near to their property, but there was no legal entitlement to do so. The number of vehicles parked on the highway in this area heightened the need to introduce a bus stop clearway. There was also no obligation on the Council to provide parking spaces for residents for the purposes of CCTV coverage.

Regarding claims that there could be an increase in criminal activity and vandalism if the proposals were implemented, these were matters that should be reported to the police.

Members were advised that there was no evidence to suggest that the implementation of a bus stop clearway would impact on property prices within the vicinity of the restrictions.

Panel was informed that the section of New Lees Street that adjoined King's Road and Swift Street was not adopted highway and therefore not maintained by Tameside Council.

The cost for processing and implementing the bus stop clearway, together with the associated road markings, would cost approximately £3,000 and be funded from the existing Traffic Management Revenue budgets within the Place Directorate.

RESOLVED

That authority be given to implement the 24 hour bus stop clearway on King's Road (east side), from a point seven metres north of its junction with New Lees Street for a distance of 23 metres in a north easterly direction.

4. PLANNING APPLICATIONS

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

RESOLVED

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

Name and Application No:	22/01046/FUL Mr Blum
Proposed Development:	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. Ashton Discount Warehouse, 147-155 Stamford Street Central, Ashton-under-Lyne, OL6 6XW
Decision:	That planning permission be granted, subject to the conditions as detailed within the submitted report.

5. APPEAL DECISIONS

Application Reference/Address of Property	Description	Appeal/Cost Decision
APP/G4240/Z/22/3311858 Advertising Right Adjacent to 47 Clarendon Place, Hyde, SK14 2ND	Proposed non-illuminated timber poster panel.	Appeal dismissed.
APP/G4240/D/22/3313731 4 Reins Lee Road, Ashton-under-Lyne, OL7 9QB	Proposed part two/single storey rear extension, two storey side extension, front porch extension and other external alterations including roof canopy to front elevation.	Appeal dismissed.
APP/G4240/W/23/3314599 Sunnyside Road Street Works, Sunnyside Road, Droylsden, M43 7QP	Proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets.	Appeal dismissed.
APP/G4240/W/23/3314454 Ashton Moss Junction Street Works, Ashton Moss Junction, Audenshaw, M34 5WP	Proposed 5G telecoms installation: H3G 17m street pole and additional equipment cabinets.	Appeal dismissed.
APP/G4240/W/23/3314551 Holland Street West Street Works, Denton, M34 3GE	Proposed 5G telecoms installation: H3G street pole and additional equipment cabinets.	Appeal dismissed.

6. URGENT ITEMS

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

7. DATE OF NEXT MEETING

RESOLVED

That the next meeting of the Panel would take place on 28 June 2023.

CHAIR

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Application Number:	22/01080/FUL
Proposal:	Conversion of the existing property from 10 bedsits to 12 No. 1 bedroomed self-contained flats including associated works.
Site:	4 Richmond Street, Ashton-under-Lyne, OL6 7TX
Applicant:	Mr Bywater
Recommendation:	Refuse planning permission.
Reason for Report:	A Speakers Panel decision is required because the application is major development.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 No.4 Richmond Street, known as Enville House, is a large detached red brick property which has been subdivided to accommodate bedsit accommodation. The property is an imposing building which sits at the junction of Richmond Street with Dale Street. To the rear there is a private enclosed rear garden which borders Margaret Street. There are trees and shrubs within the front garden which have heavily overgrown. The surrounding area is characterised by Victorian housing stock. This includes examples of two and three storey dwellings which includes detached, semis and terraces. Beyond the property on the opposite side of Margaret Street is Margaret House which is a 13 storey residential tower block.
- 1.2 The site is located within Ashton Conservation Area.

2. PROPOSAL

- 2.1 The application seeks full planning permission for the change of use of the building from 10 bedsits to 12 no. 1 bedroom self-contained flats including associated works.
- 2.2 External alterations include minor repointing works, minor roof maintenance works, creation of an external bin store and the formation of new openings and insertion of new windows.
- 2.3 To facilitate the proposed use, the internal works comprise a revised internal layout at both ground and upper floors to create 12no. 1 bed self-contained flats. The proposed accommodation would be as follows (approximate):

Flat 1	22.2m2	Flat 7	18.3m2
Flat 2	21.1m2	Flat 8	25.6m2
Flat 3	26.7m2	Flat 9	20.2m2
Flat 4	16.2m2	Flat 10	15.9m2
Flat 5	19.3m2	Flat 11	19.2m2
Flat 6	18.3m2	Flat 12	22.8m2

- 2.4 Each of the self-contained flats would have a bedroom/kitchenette area with en-suite bathroom. All habitable living spaces would have access to natural light/ventilation. Within the building there would be a ground floor office space and separate laundry rooms connected via a communal corridor.

- 2.5 The supporting statement identifies that the building, which was last in use as providing 10no. bedsits, has been empty for the last six years but has been occupied by “property guardians” who have been living there to prevent the property becoming derelict. This type of accommodation is no longer required, the proposals are aimed at providing targeted affordable accommodation for social rent.
- 2.6 There is a shortage of social housing in the area and it is the intention that the revitalisation of the scheme will bring an empty property back into use for social housing. The size and nature of the accommodation is important to enable the support agencies to work with the cohort to help them manage a long-term home in the future.
- 2.7 The supporting statement provided with the application confirms that the viability hangs on the ability of the accommodation to be converted to no fewer than 12 flats/apartments.

3. PLANNING HISTORY

- 3.1 18/00737/FUL - Conversion of the existing property from 10 bedsits to 8No. 1 bedroomed self-contained flats including associated works. – Approved 12 October 2018
- 3.2 22/00634/FUL - Conversion of the existing property from 10 bedsits to 8No. 1 bedroomed self-contained flats including associated works - Approved 5 August 2022

4. PLANNING POLICY

National Planning Policy Framework

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 4.4 The following chapters within the Framework are considered relevant:
- Section 2: Achieving Sustainable Development;
Section 5: Delivering a sufficient Supply of Homes;
Section 8: Promoting Healthy and Safe Communities;
Section 11: Making Effective Use of Land;
Section 12: Achieving Well-Designed Places;
Section 15: Conserving and Enhancing the Natural Environment; and

Section 16: Conserving and Enhancing the Historic Environment

Planning Practice Guidance (PPG)

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

Development Plan

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

Tameside Unitary Development Plan (UDP):

- 4.7 The site is located within Ashton Town Centre Conservation Area.

4.8 Part 1 Policies

- Policy 1.3: Creating a Cleaner and Greener Environment
- Policy 1.4: Providing More Choice and Quality Homes.
- Policy 1.5: Following the Principles of Sustainable Development
- Policy 1.6: Securing Urban Regeneration
- Policy 1.10: Protecting and Enhancing the Natural Environment.
- Policy 1.11: Conserving Built Heritage and Retaining Local Identity.
- Policy 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.9 Part 2 Policies

- C1: Townscape and Urban Form
- C2: Conservation Areas
- C4: Control of Development in or adjoining Conservation Areas
- OL4: Protected Green Space
- H4: Type, size and affordability of dwellings
- H7: Mixed Use and Density.
- H10: Detailed Design of Housing Developments
- MW11: Contaminated Land
- T1: Highway Improvement and Traffic Management.
- T10: Parking

Supplementary Planning Documents

- 4.10 The following are relevant:
- Residential Design Supplementary Planning Document;

4.11 Other Relevant Guidance

- Ministry of Housing, Communities and Local Government: National Design Guide (2021)
- Department for Communities and Local Government: Technical housing standards – nationally described space standard

Places for Everyone

- 4.12 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.
- 4.13 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).

- 4.14 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

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

5. PUBLICITY CARRIED OUT

- 5.1 Neighbour notification letters were issued and a notice was displayed adjacent to the site for 21 days, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement.
- 5.2 The representations received are summarised below within section 6 of this report.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 One representation, neither objecting to nor supporting the planning application, was received raising the following comments (summarised):
- Development too big;
 - Out of character;
 - Traffic/ Parking Matters;
 - Concern with the tenants;
 - Trees to the front need trimming down – overgrown and pedestrians passing by have difficulty; and
 - If all above are looked upon, then support the proposal.

7. RESPONSES FROM CONSULTEES

- 7.1 Housing Growth
In support of the proposal.
- 7.2 Air Quality
No comments received.
- 7.3 Conservation Officer
No comments received.

- 7.4 Environmental Protection Unit (Contaminated Land)
No objection to the proposal. Recommends informative note relating to land contamination risks.
- 7.5 Environmental Health
No objections to the proposals subject to a condition controlling the hours of work during the construction phase of the development and details of the means of storage and collection of refuse to be submitted to and approved in writing.
- 7.6 Local Highway Authority (LHA)
Plans are required to be updated in order to show secure/covered cycle storage provision for each of the 1 bedroom bedsits to mitigate for the lack of off street parking.
- 7.7 United Utilities (UU)
No comments received.
- 7.8 Waste Services
Bin sizes shown are insufficient.

8. ANALYSIS

- 8.1 The key issues to be assessed in the determination of this planning application are:
- 1) The principle of development;
 - 2) The impact of the proposed development on the character of the site and surrounding area;
 - 3) The impact on the residential amenity of neighbouring properties and amenity of the future occupiers;
 - 4) The impact on highway safety; and.
 - 5) Any other material planning considerations.

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 208 - 219 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies.
- 9.2 Paragraph 213 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development and Section 5 of the NPPF requires Local Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations.
- 9.3 The site has an established residential use, and a change of use from bedsit accommodation to private apartments would be a qualitative improvement.
- 9.4 The planning history of the site sets a strong precedent, it remains that the proposals represent an acceptable use of the property in principle which would be fully compatible with neighbouring uses. The contribution to affordable housing supply is also favourable, there is proven need for additional social rent properties.

- 9.5 The location near to Ashton town centre and its associated facilities ensure that it is highly accessible. This aligns with principles of sustainability which seeks to direct housing development to the identified town centres as promoted by policies 1.4, 1.7 and H1 of the UDP which also look to regenerate vacant and under used sites.
- 9.6 Following the above assessment, the principle of development is considered to be acceptable, subject to all other material planning considerations being satisfied.

10. CHARACTER AND APPEARANCE

- 10.1 The conversion would result in minimal external alterations to the existing building. New ground floor windows would be reinstated to the east facing elevation with a new window installed at first floor level on the western elevation. Other external alterations comprise the replacement of all existing windows with new UPVC windows (colour: black), as well as brickwork repairs and new upvc rainwater goods.
- 10.2 To the rear garden and surrounding curtilage, it is proposed to insert a new access gate for bin collection along Dale Street West, construct a bin store, cut back the existing tree to the front garden (satisfying third party concerns) and remove the existing ramp and make good to paving.
- 10.3 The application site is located wholly within the Ashton Conservation Area but is not within the setting of any listed buildings. The building is an example of one of the more interesting historic buildings located on Richmond Street it being an example of large Victorian Villa. The building is showing signs of deterioration.
- 10.4 Section 16 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 194 provides guidance on the desirability of enhancing the significance of heritage asset. Specifically the potential for 'new development' to make a 'positive contribution to local character and distinctiveness'. Local policies C4 and C7 permit changes of use to existing buildings whereby the use is appropriate to the character of the building/conservation area.
- 10.5 The proposals relate to the full conversion of the building. The redevelopment would contribute to the buildings continued conservation without imposing negatively upon its external appearance.
- 10.6 Overall, the proposed alterations would enhance the appearance of the building and its surrounding gardens. The proposal is therefore found to be acceptable in respect of visual amenity in accordance with policies C1, C2, C4 and H10 of the UDP, which amongst other things, seek high quality design and require proposals for built development to respect the townscape, topography and urban form of an area.

11. RESIDENTIAL AMENITY / RESIDENTIAL ENVIRONMENT CREATED

Existing Occupiers

- 11.1 The adopted Residential Design Guide (RDG) requires 21 metres to be retained between corresponding elevations of properties of the same height that contain habitable rooms, reducing to 14 metres where properties face each other across a highway. A separation distance of 14 metres is also required to be retained where an elevation with an opening serving a habitable room and a corresponding blank elevation.
- 11.2 The RDG also requires a separation distance of 14 metres where developments face each other across a highway. Policy RD5 does include a caveat that variations from these standards may be applied to infill plots, where existing spacing between buildings should be taken into account.

- 11.3 The property is detached with its gardens to the front, side and rear. The continued residential use of the building would be compatible with the surroundings and is not anticipated to cause undue noise and disturbance. As is evidenced by the lack of objection from Environmental Health in this regard.
- 11.4 The proposed development seeks to install a new window to the western elevation at first floor level which would serve a habitable room (bedroom/kitchenette). This new window would face onto the gable of no.6a Richmond Street, whilst this would follow an established pattern of windows, it is nonetheless recommended that it should be obscurely glazed. This same room is also served by two additional windows to the principal elevation of the building, as such officers are satisfied that this room would be served by an acceptable quality of outlook.
- 11.5 The two new windows to be re-instated to the eastern elevation would serve the corridor and store room at ground floor level. These windows would not unduly affect the living conditions of neighbouring occupiers at No.2 Richmond Street in respect of overlooking/loss of privacy.
- 11.6 Following the above assessment, it is considered that the proposal would not have an unduly harmful impact on the occupiers of any neighbouring properties with regards to overlooking, outlook and loss of privacy. The proposal is therefore found to be acceptable in respect of neighbour amenity.

Future Occupiers

- 11.7 Although it is noted that the proposed development would bring back into use a currently vacant building, in order for it to be considered a sustainable development, and reflecting on the requirement of Section 12 of the NPPF, that developments create places with a high standard of amenity for existing and future users, UDP policy H10(a) requires that the design of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, meets the needs of the potential occupiers. To this end, policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. Internal space is interpreted by reference to the nearest equivalent new national technical standard which is given in the Government's Technical Housing Standards – nationally described space standard document (THS).
- 11.8 The proposal seeks permission for 12 no.1 bedroom self-contained flats. The THS requires that as a minimum, a 1-bedroom, 1 person, 1 storey dwelling provides at least 37m² gross internal floor space and 1.0m² of built in storage. As indicated on the proposed ground and first floor plans, each of the apartment provides the following minimum gross internal floor space (approximate):
- | | | | |
|--------|--------------------|---------|--------------------|
| Flat 1 | 22.2m ² | Flat 7 | 18.3m ² |
| Flat 2 | 21.1m ² | Flat 8 | 25.6m ² |
| Flat 3 | 26.7m ² | Flat 9 | 20.2m ² |
| Flat 4 | 16.2m ² | Flat 10 | 15.9m ² |
| Flat 5 | 19.3m ² | Flat 11 | 19.2m ² |
| Flat 6 | 18.3m ² | Flat 12 | 22.8m ² |
- 11.9 Every flat fails to achieve the minimum internal space standards by a significant amount. With the minimum national standard being 37m², flat 10, for example, fails to achieve the minimum standard by around 21.1m². The largest flat, being no.3, still also fails to achieve the minimum standards with a large deficit of 10.3m².
- 11.10 The significantly substandard floor areas for each flat would result in an uncomfortably cramped and enclosed living environment for its future occupiers. The proposed individual self-contained units, comprising a bedroom/kitchenette and bathroom only, leave little-to-no space for other 'normal' residential amenities such as a living room, desk space or

seating/dining area at a minimum. All but one of the proposed flats also do not provide for built in storage, or sufficient space for a chest of drawers or wardrobe (in conjunction with the other amenities noted above). Additionally, the kitchenettes demonstrated on the floor plans comprise solely of a two unit workspace occupied by both a hob and sink area, leaving no space for food preparation or even an under counter fridge/freezer. Although the applicant is not required to demonstrate this level of detail on the plans, it is not clear how such basic amenities detailed above could be accommodated satisfactorily within the provided space.

- 11.11 Quite separate to the internal living space standards, in considering the quality of private amenity space provided within the site to serve the proposed dwellings, regard has been had to Policy RD11 within the Tameside Residential Design Guide SPD. This policy outlines that all residential properties should have access to private or communal outdoor space whatever the type or location. It is noted that gardens, terraces and balconies provide residents with outdoor areas for relaxation, leisure and clothes drying, and contribute considerably to resident wellbeing. All houses should have private amenity space of a size and function suitable for its intended occupants. As indicated on the proposed site plan, the apartments would benefit from a large enclosed rear garden which would adequately support the needs of its intended occupants.
- 11.12 However, as considered above, the shortfall in floor space to be provided for each of the proposed self-contained units is so substandard that it would render the internal space arrangements unacceptable which would generate a harmful and overbearing living environment. The application is therefore contrary to UDP Policy H10 and Section 12 of the NPPF, in particular paragraph 130, and would fail to meet the needs of potential future occupiers in this regard.

12. HIGHWAY SAFETY

- 12.1 As concluded within the two previous approvals, the works will not impede adversely on the access or manoeuvring of vehicles nor have an influence upon pedestrian safety who will continue to access the property in an identical manner. It is recommended that secure cycle storage is provided for the future residents, this is a matter which can be adequately conditioned.
- 12.2 It is considered that the proposals would not result in a detrimental impact on highway safety or have a residual cumulative impact on the highway network which would be considered severe. The proposal is therefore considered in accordance with the contents of paragraph 111 of the NPPF and policies T1 and H10 of the Tameside Unitary Development Plan (2004).

13. OTHER MATTERS

- 13.1 The planning history is acknowledged and the proposed use of the apartments for short stay accommodation for rough sleepers, is noted. It is also acknowledged that the proposal would make use of a vacant building within Ashton Town Centre Conservation Area in a central location which is accessible via sustainable transport modes. Its sub division may also attract further investment and the increased footfall may improve natural surveillance, albeit to a limited extent given the existing natural surveillance provided by existing residential accommodation surrounding the site. Nonetheless, these matters are not considered sufficient to determine that future occupiers should be subjected to substandard living conditions and therefore would not otherwise make the proposal acceptable.
- 13.2 It is accepted that Tameside has a shortfall in housing land supply; however four additional units (above the 8 units which have already gained planning consent) would make a limited contribution and therefore be of only limited benefit. This would not be sufficient to weigh in favour of the proposal or against the identified harms.

- 13.3 The Environmental Protection Unit (EPU) Contaminated Land team have been consulted on the application. The EPU have confirmed that the building appears to have been present on site since the earliest mapping (mid – late 1800's). No significant sources of contamination and / or ground gas have been identified on site or within the immediate surrounding area. As is the case for the majority of sites in the borough, there is also the potential for made ground to be present. This type of ground is commonly associated with a range of contaminants including asbestos, heavy metals (e.g. arsenic, lead etc) and PAH's. Depending on the nature and depth of any made ground it may also pose a potential ground gas risk. That being said, it is noted that there are to be no changes to the end use of the site (e.g. it is currently being used for residential purposes and will continue to be used as such) and that the works proposed are unlikely to require any significant excavations or groundworks. In order to ensure that the EPU are informed if any evidence of contamination is encountered during the development works, a suitably worded contaminated land informative note is recommended to be attached to the decision, if approved.
- 13.4 The Council's Environmental Health consultee has no objection to the proposal but if approved, recommends two conditions – one controlling construction/conversion hours, and the other requiring the submission of storage and collection details for refuse. This is due to the fact that the Council's Waste Services department have identified that the current provision indicated on the proposal site plan, is insufficient.

14. CONCLUSION

- 14.1 The proposal to convert the building to residential use is considered acceptable in principle and the proposed works to facilitate that conversion are considered to be appropriate, and it is accepted that this would not result in there being an unacceptable impact on highway safety, or the residual cumulative impacts on the road network being severe. Nevertheless, the proposals fall short of providing a residential environment that would meet the basic needs of occupiers.
- 14.2 The proposals are therefore considered to be contrary to the aims and objectives of policy H10 of the Tameside UDP. The development would also not be in the form of sustainable development that the NPPF sets out a presumption in favour of, as it would be contrary to paragraph 130 of the NPPF, which seeks, amongst other matters, a high standard of amenity for existing and future users.

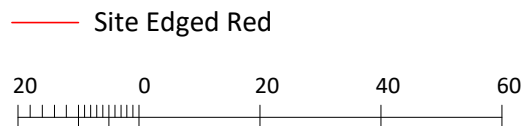
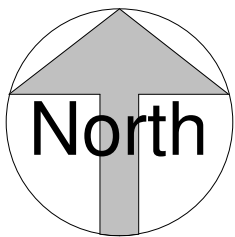
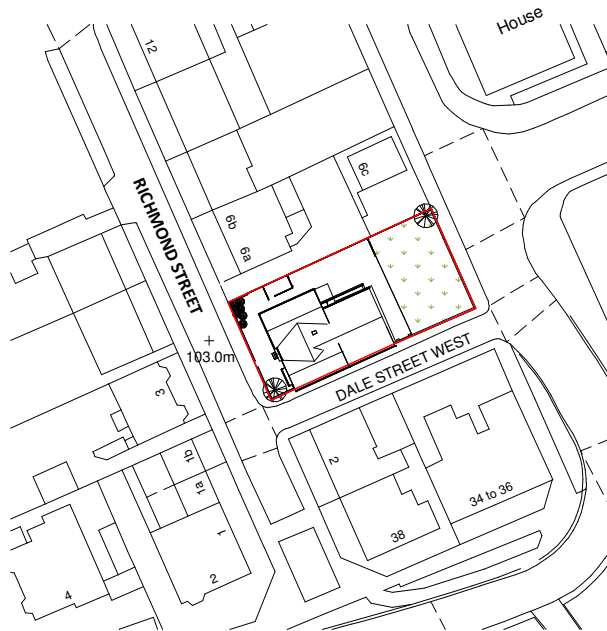
RECOMMENDATION

Refuse planning permission for the following reason:

1. The significantly substandard floor areas for each flat would result in an uncomfortably cramped and enclosed living environment for its occupiers, falling unacceptably below the minimum space standards as outlined within the Technical Housing Standards. The shortfall in floor space would render the internal space arrangements unacceptable which would generate a poor quality, overbearing and unsustainable living environment, thus failing to meet the needs of potential future occupiers. The proposals are therefore considered to be contrary to the aims and objectives of policy H10 of the Tameside UDP. The development would also not be in the form of sustainable development that the NPPF sets out a presumption in favour of, as it would be contrary to paragraph 130 of the NPPF, which seeks, amongst other matters, a high standard of amenity for existing and future users.

Informative notes:

- 1) This decision relates to the following:
 - a. Drawing number 200 (Location Plan)
 - b. Drawing number 201 (Site Plan as Existing)
 - c. Drawing number 202 (Site Plan as Proposed)
 - d. Drawing number 204 rev 2 (Ground Floor GA Plans)
 - e. Drawing number 205 rev 1 (Elevations as Existing)
 - f. Drawing number 206 (First Floor GA Plans)
 - g. Drawing number 208 rev 1 (Elevations as Proposed)
 - h. Design and Access Statement rev A dated December 2022 received 06.06.2023
 - i. Supporting Statement dated 30 May 2023



Rev	Date	Int	Description
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RIBA 
Chartered Practice

Client:
Ashton Pioneer Homes

Job No:
3300

Scale @ A4:
1 : 1250

Project:
Enville House, Richmond Street, Ashton under Lyne

Description:
Location Plan

Drawn By: ST Checked By: KW Date: 27/10/22 Status Code: S0 Drawing No: **200** Rev:

Purpose of Issue:
Planning

File Identifier:
ENV-BTP-00-LP-DR-A-3300_200

Page 15

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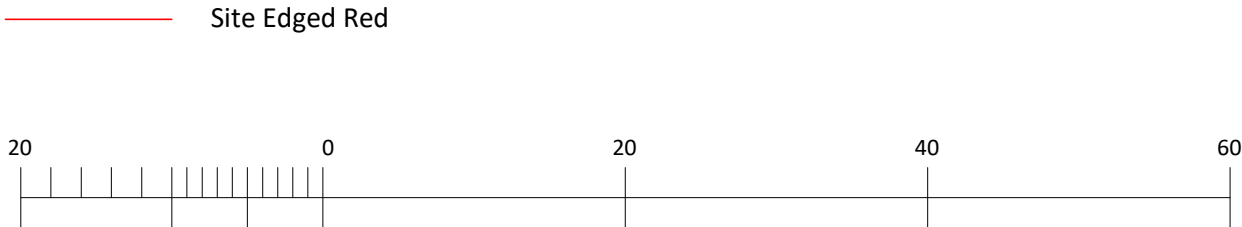
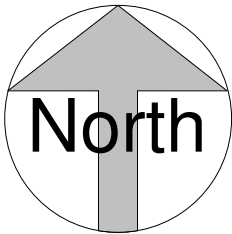
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KEY	
RWP	Rain water downpipe
SVP	Soil Vent pipe
	Co-ordinate point
	Drainage

00 Site Plan as Existing

1 : 500



Client:	Ashton Pioneer Homes	Job No:	3300	Scale @ A3:	As indicated
Project:	Envile House, Richmond Street, Ashton under Lyne				

Description:
Site Plan as Existing

Drawn By:	Checked By:	Date:	Status Code:	Drawing No:	Rev:
ST	KW	27/10/22	S0	201	

Purpose of Issue:
Planning

File Identifier:
ENV-BTP-00-XSP-DR-A-3300_201

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KEY

RWP Rain water downpipe

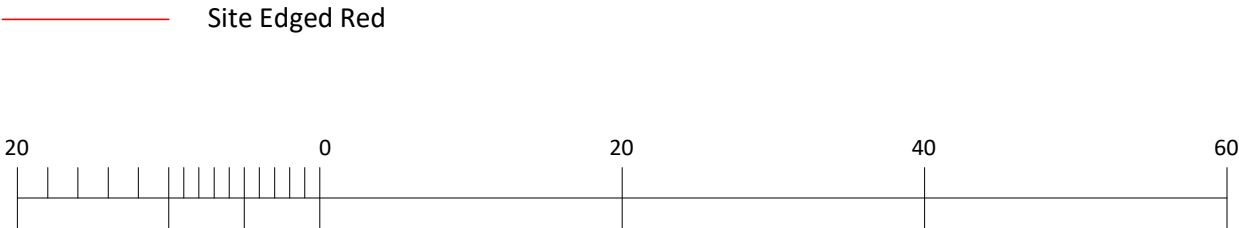
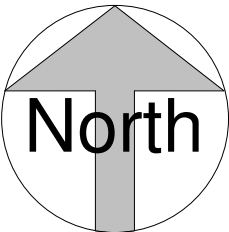
SVP Soil Vent pipe

Co-ordinate point

Drainage

00 Site Plan as Proposed

1 : 500



Rev	Date	Int	Description
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RIBA
Chartered Practice

Client:
Ashton Pioneer Homes

Job No:
3300

Scale @ A3:
As indicated

Project:
Envile House, Richmond Street, Ashton under Lyne

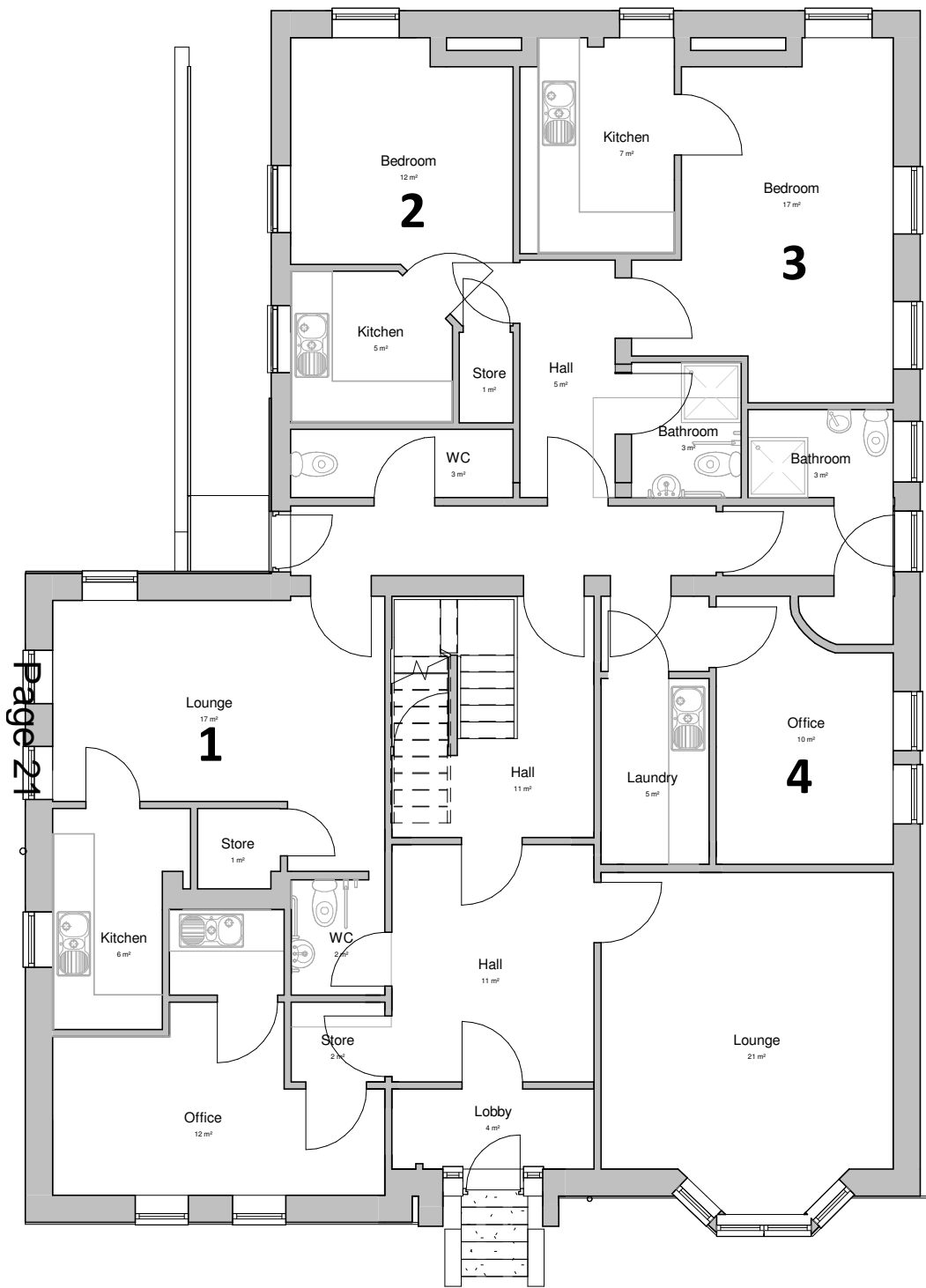
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Purpose of Issue:	File Identifier:
Planning	ENV-BTP-00-SP-DR-A-3300_202

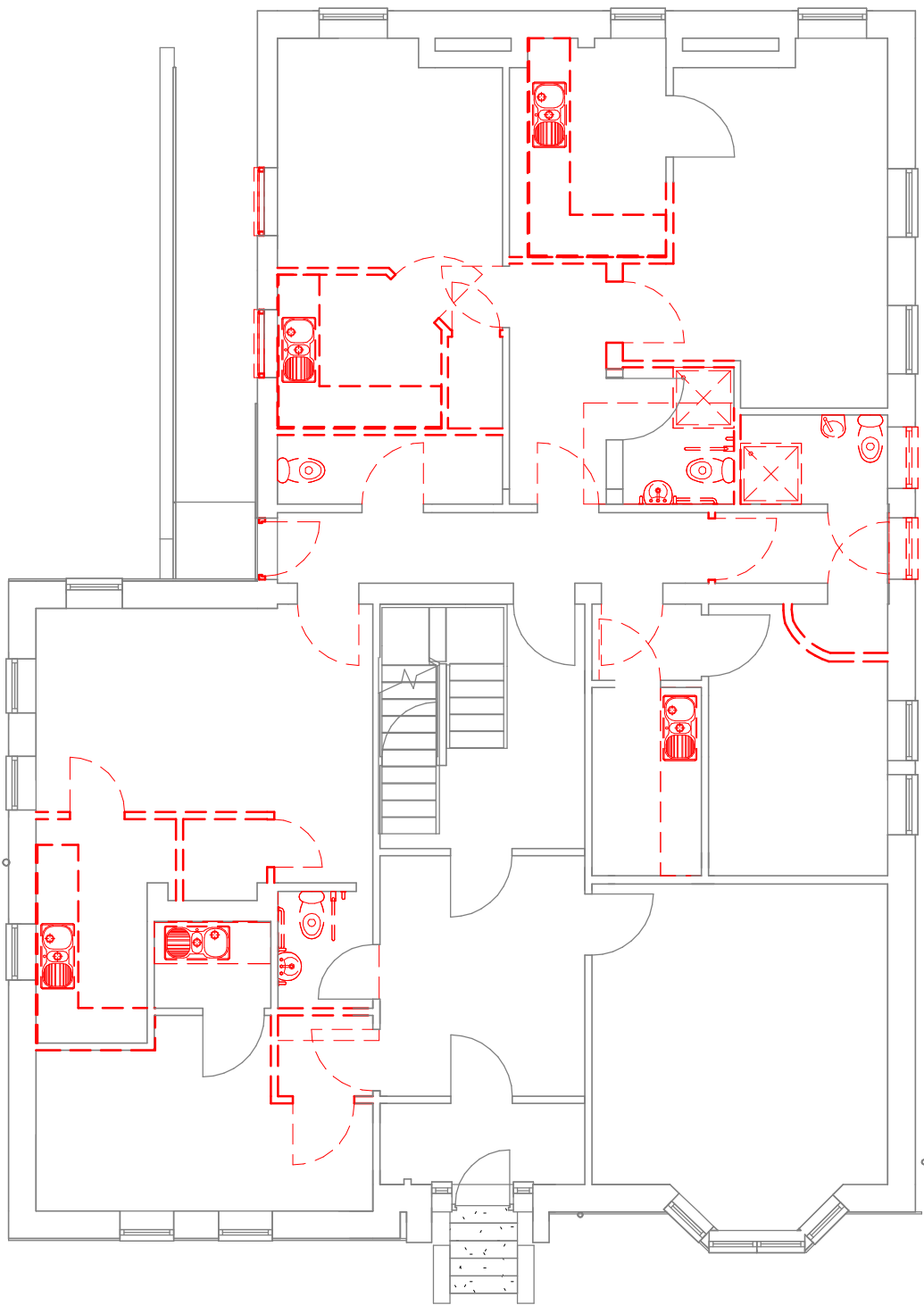
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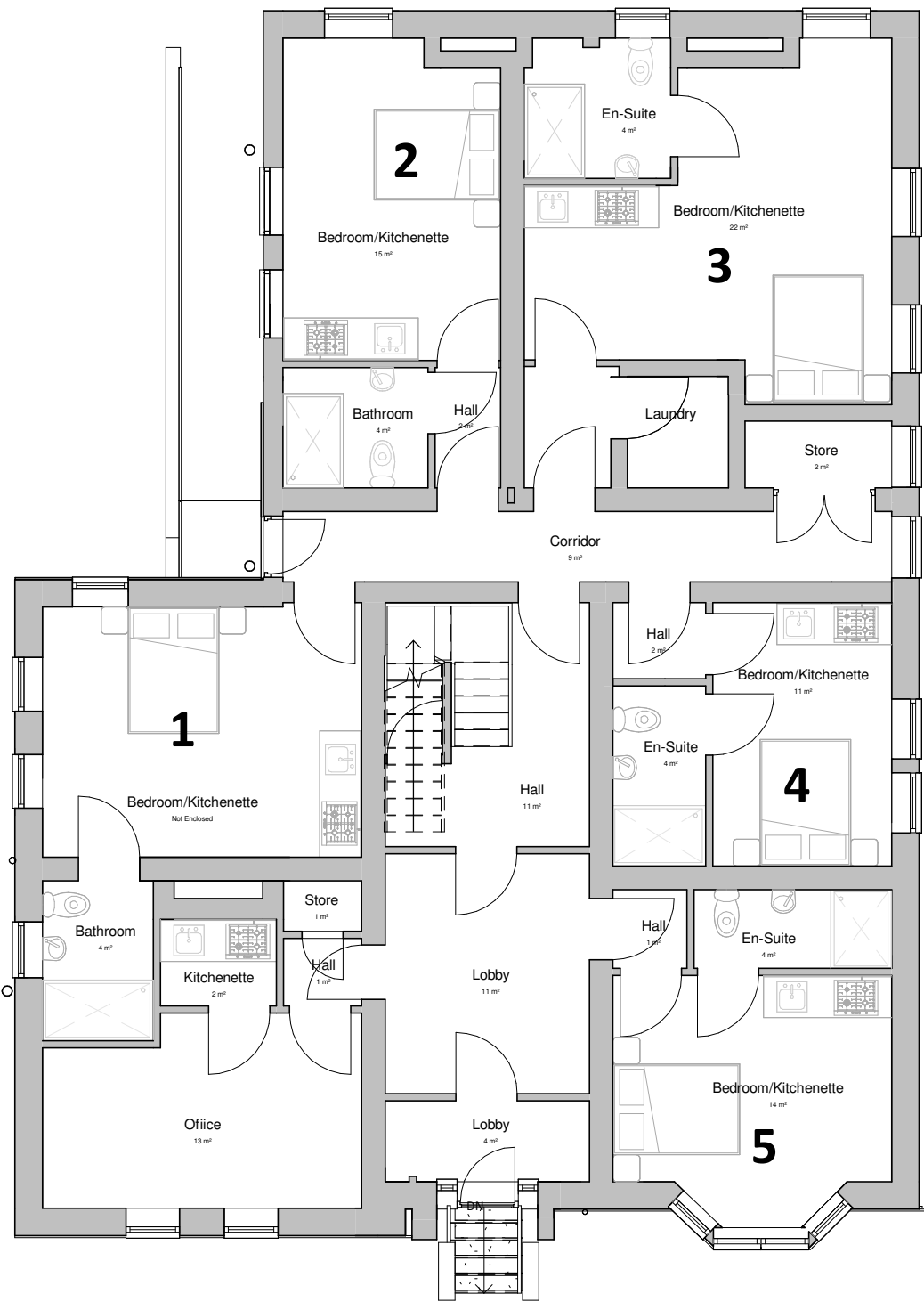
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00 Ground Floor (Existing)
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00 Ground Floor (Demolition)
1 : 100



00 Ground Floor (Proposed)
1 : 100

2	08/11/2022	ST	Proposed ground floor east windows amended to show correctly.
1	31/10/2022	ST	Four ground floor window fenestrations are omitted. Reversion back to existing style.
Rev	Date	Int	Description

btp
ARCHITECTS

RIBA
Chartered Practice

CLIENT:

Ashton Pioneer Homes

PROJECT:

Envile House, Richmond Street, Ashton under Lyne

DESCRIPTION:

Ground Floor GA Plans

PURPOSE OF ISSUE:

Planning

DRAWN BY:	CHECKED	DATE:	SCALE @ A2:
ST	KW	31/10/22	1 : 100

JOB NO:	STATUS CODE:	DRAWING NO:	REV
3300	S0	204	2

FILE IDENTIFIER:

EH-BTP-01-GF-DR-A-3300_204.2

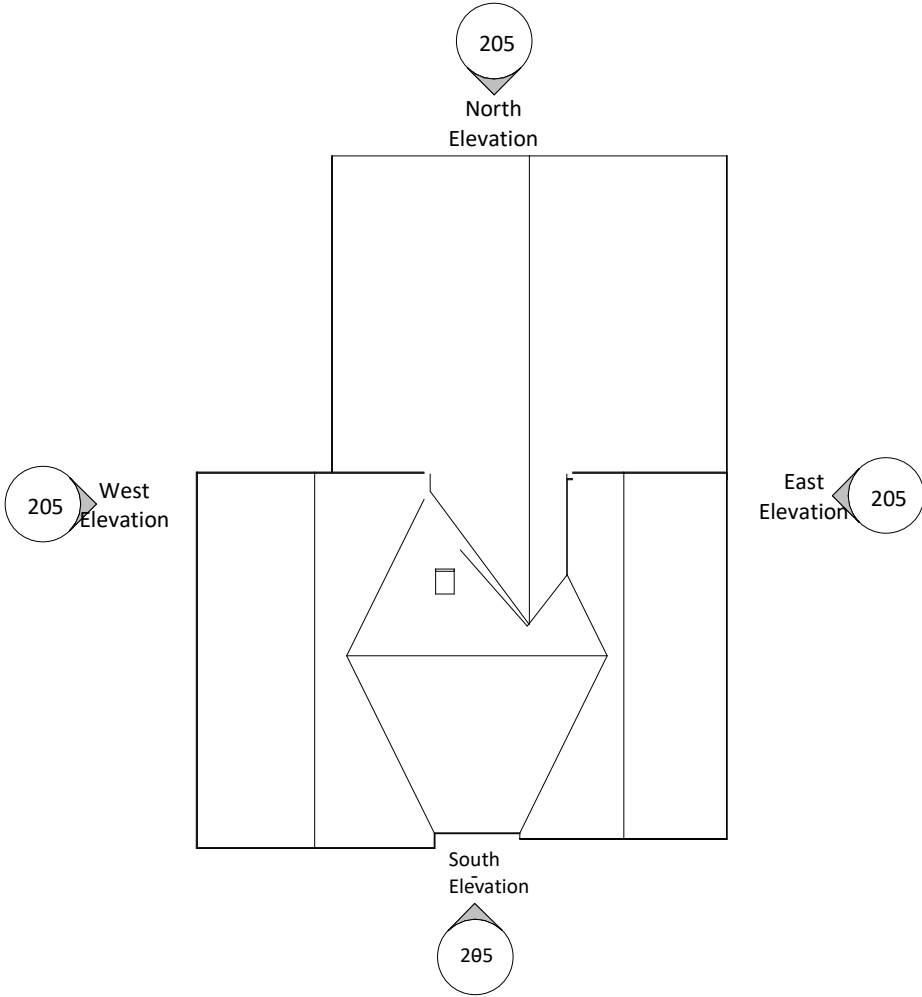
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South Elevation as Existing
1 : 100



East Elevation as Existing
1 : 100



North Elevation as Existing
1 : 100



West Elevation as Existing
1 : 100

1	31/10/22	ST	Four ground floor window fenestrations are omitted. Reversion back to existing style.
Rev	Date	Int	Description



Client:
Ashton Pioneer Homes

Project:
Enville House, Richmond Street, Ashton under Lyne

Description:
Elevations as Existing

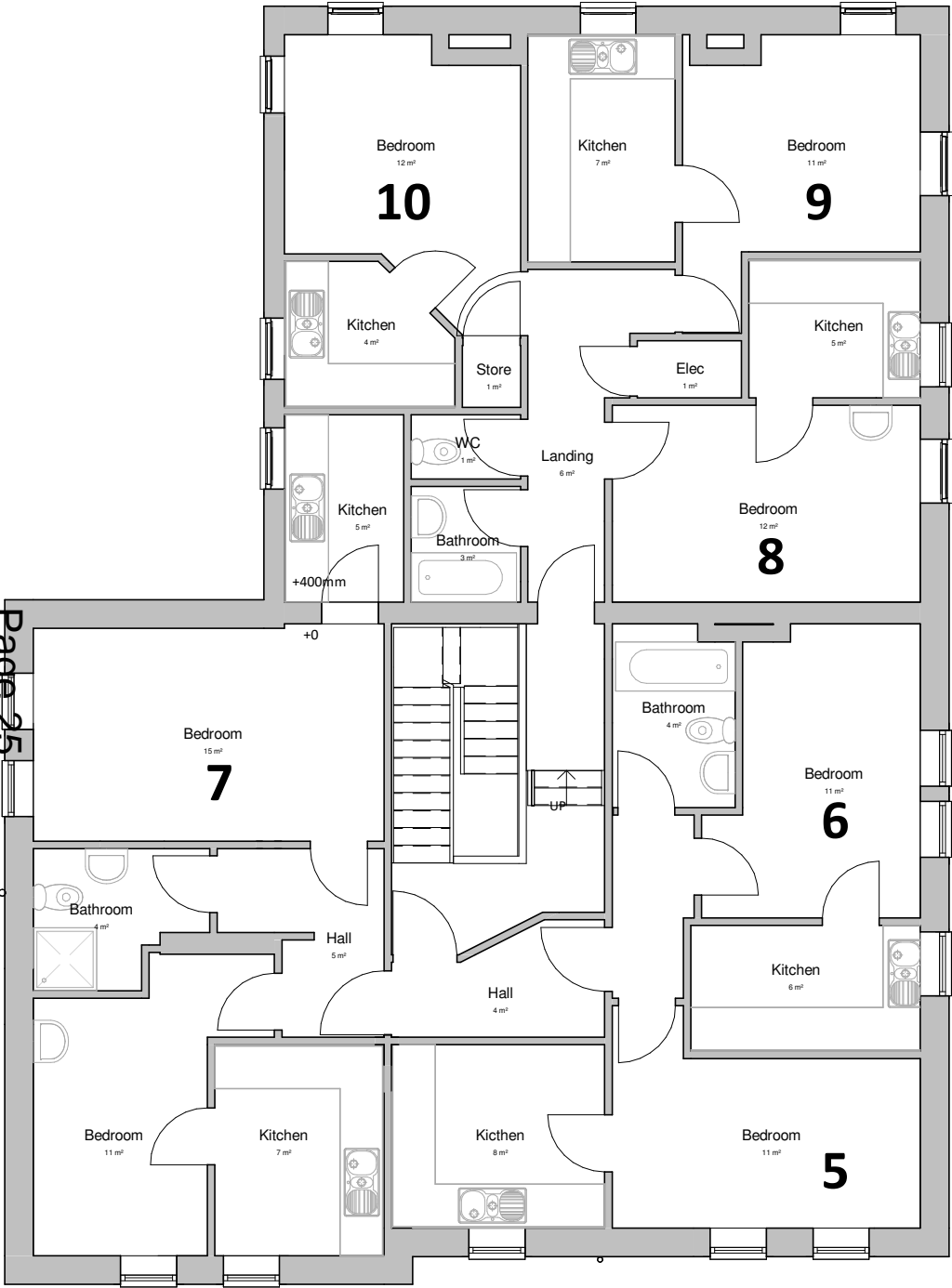
Purpose of Issue:			
Planning			
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ST	KW	31/10/22	As indicated
Job No:	Status Code:	Drawing No:	Rev:
3300	S0	205	1
File Identifier:			
EH-BTP-01-XE-DR-A-3300_205			
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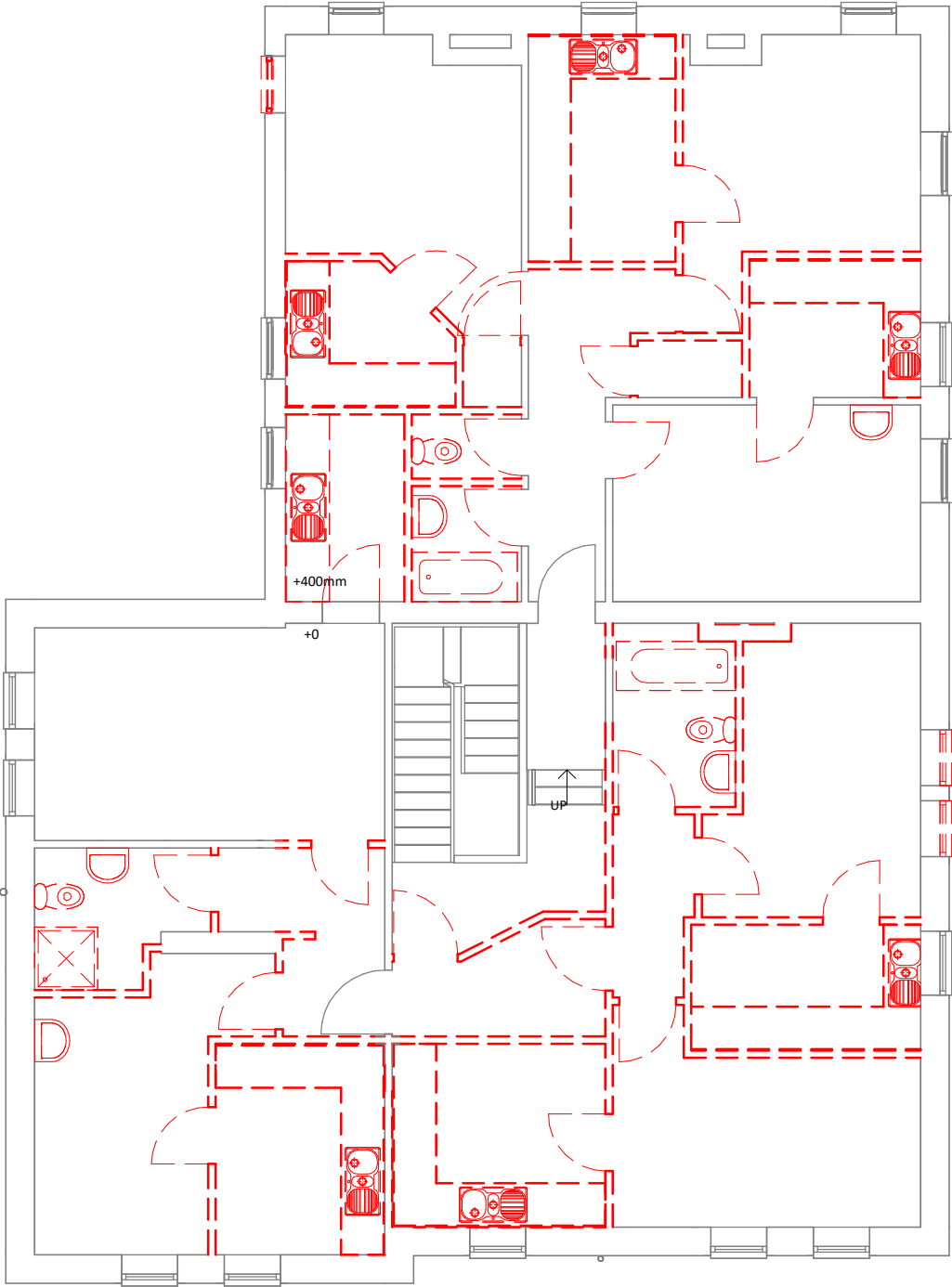
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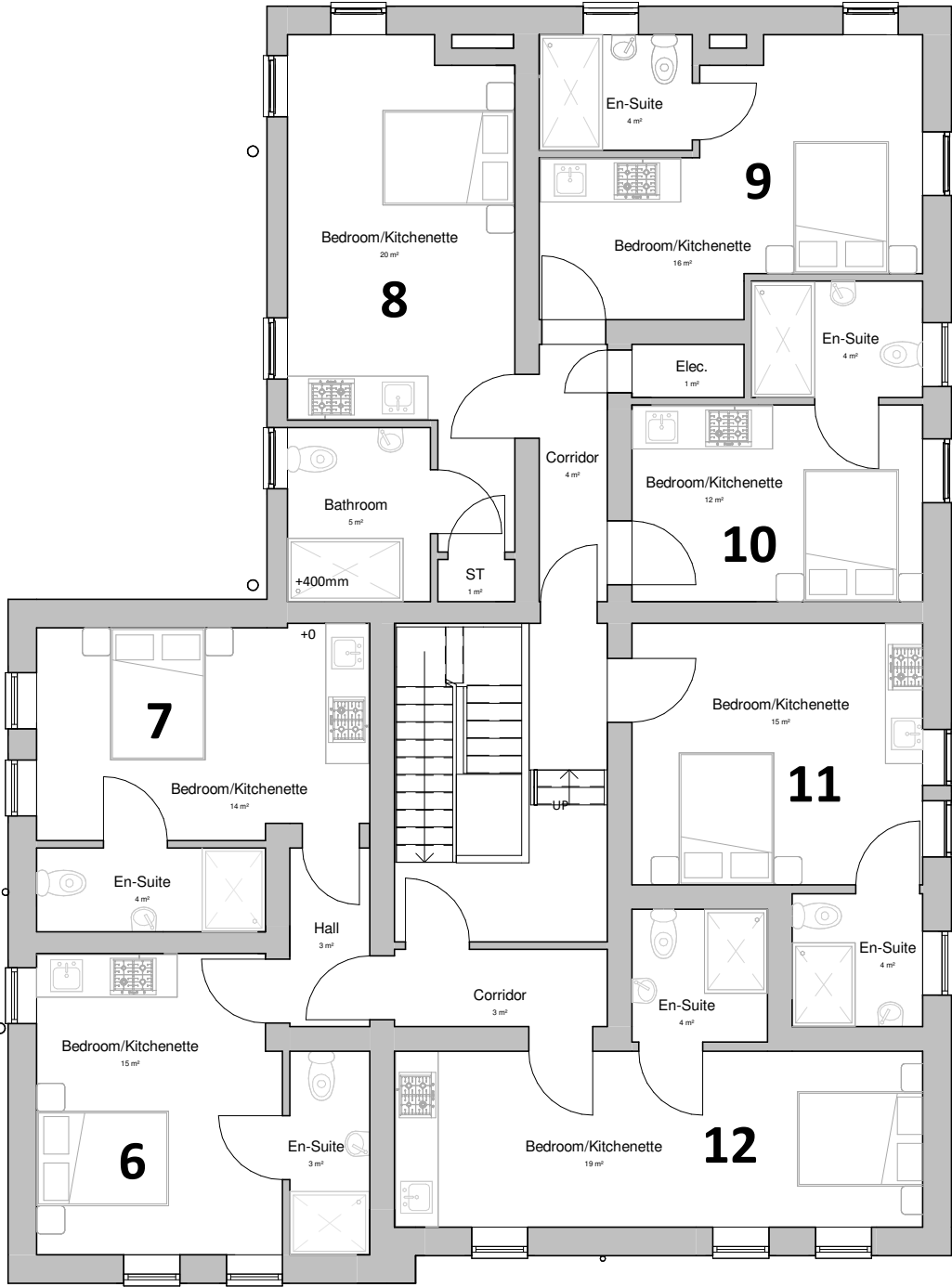
Page 25



01 First Floor (Existing)
1 : 100



01 First Floor (Demolition)
1 : 100



01 First Floor (Proposed)
1 : 100

Rev	Date	Int	Description
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ARCHITECTS

RIBA
Chartered Practice

CLIENT:

Ashton Pioneer Homes

PROJECT:

Enville House, Richmond Street, Ashton under Lyne

DESCRIPTION:

First Floor GA Plans

PURPOSE OF ISSUE:

Planning

DRAWN BY:	CHECKED	DATE:	SCALE @ A2:
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JOB NO:	STATUS CODE:	DRAWING NO:	REV
3300	S0	206	

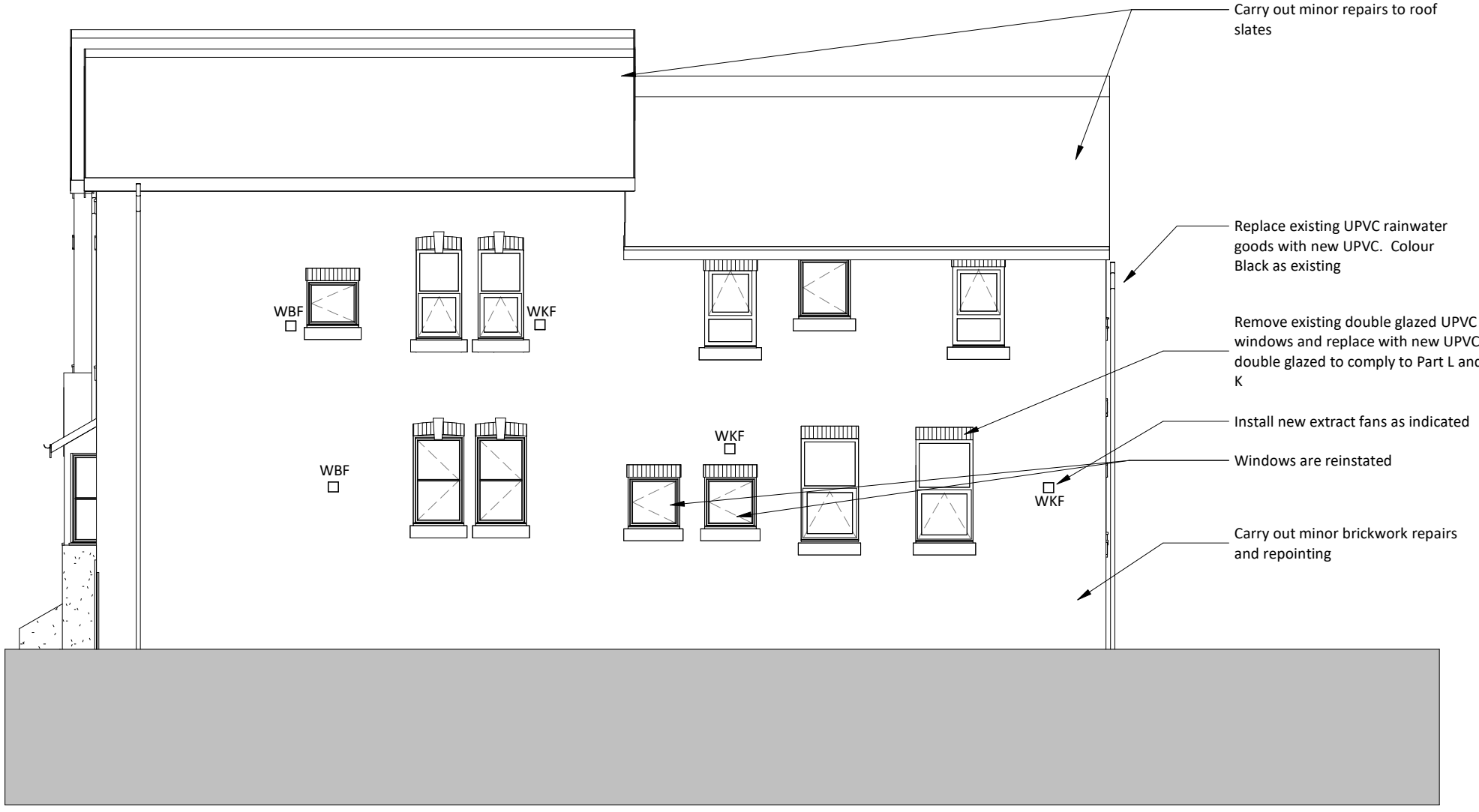
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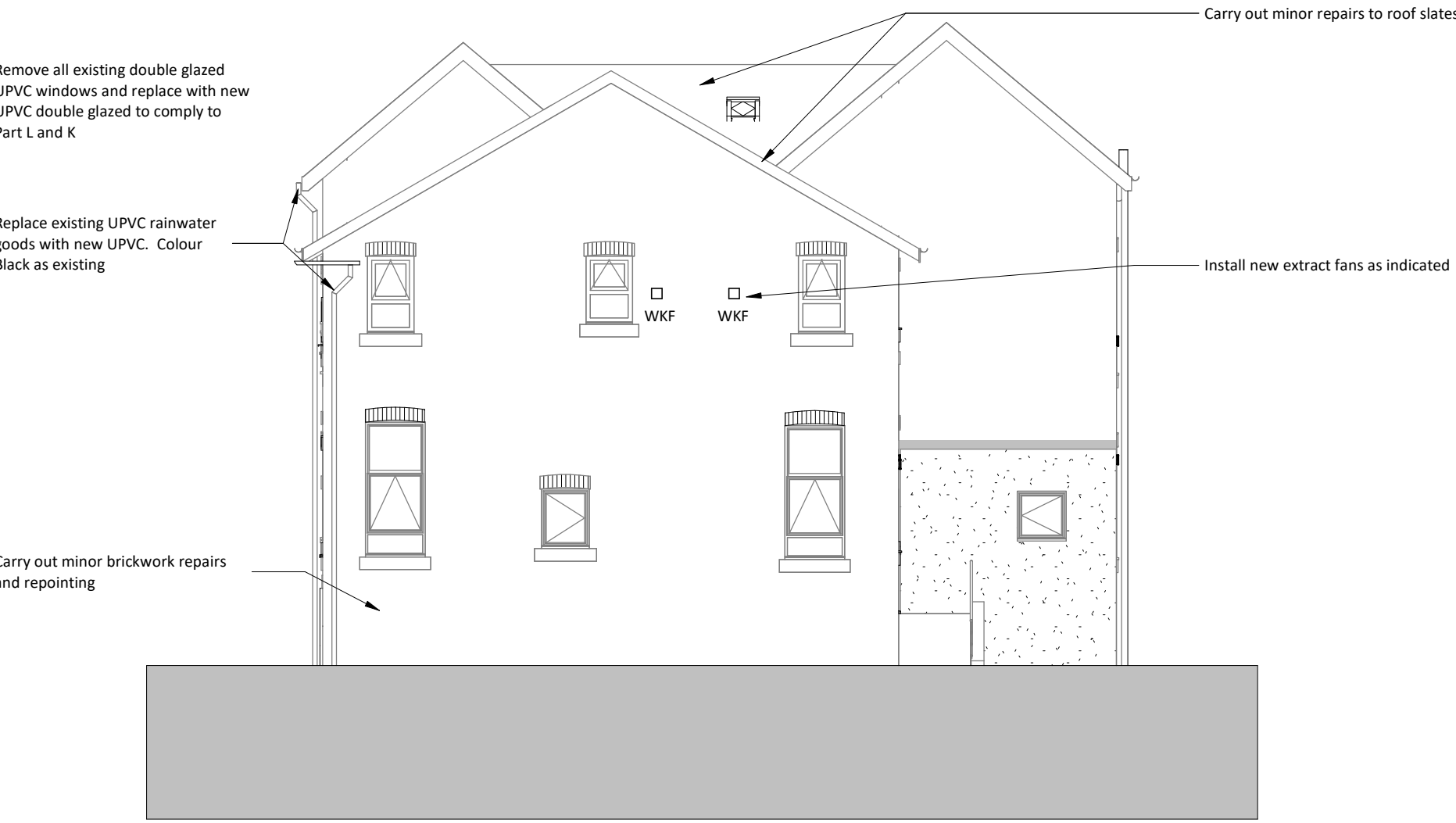
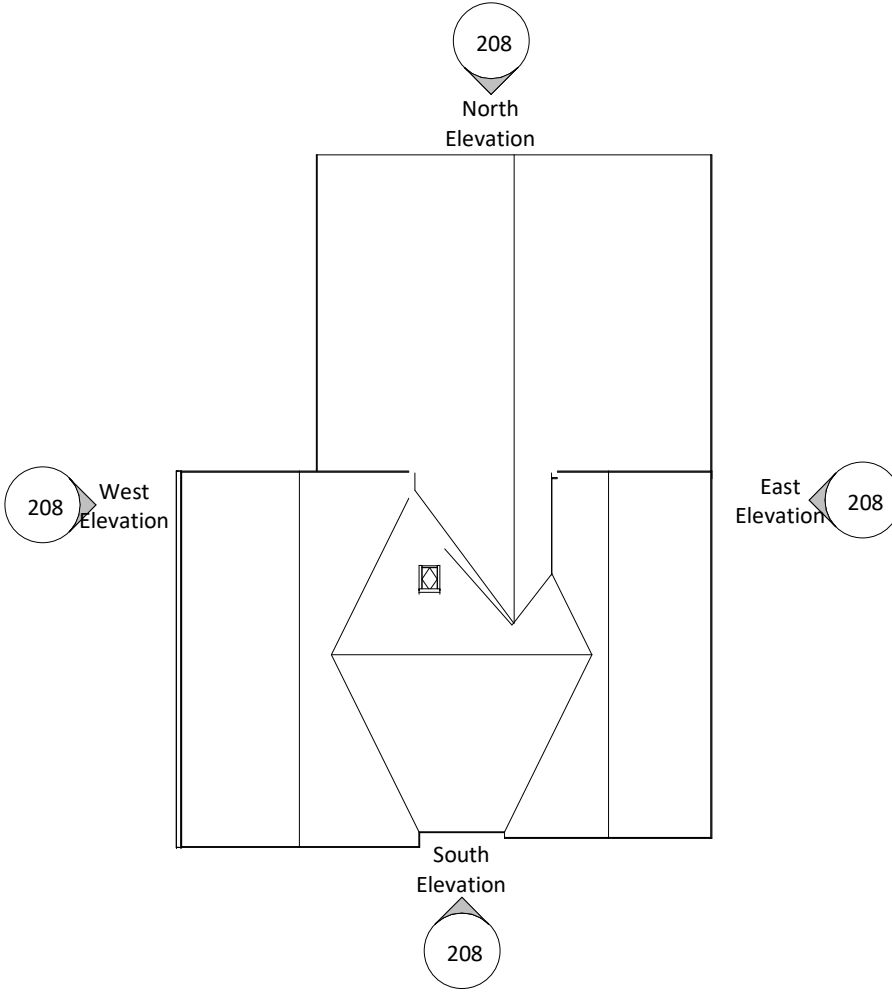
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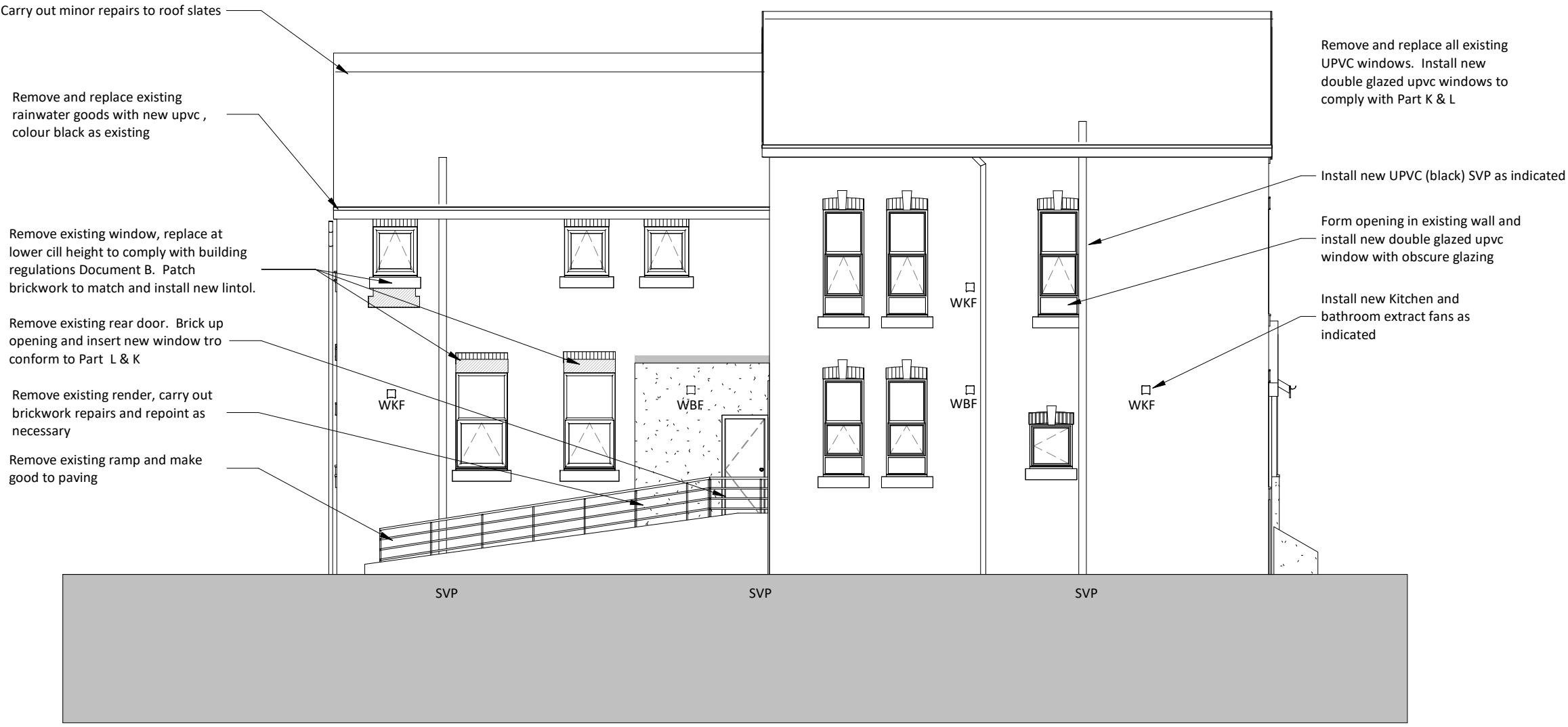
South Elevation as Proposed
1 : 100



East Elevation as Proposed
1 : 100



North Elevation as Proposed
1 : 100



West Elevation as Proposed
1 : 100

1	31/10/22	ST	Four ground floor window fenestrations are omitted. Reversion back to existing style.
Rev	Date	Int	Description



Client:
Ashton Pioneer Homes

Project:
Enville House, Richmond Street, Ashton under Lyne

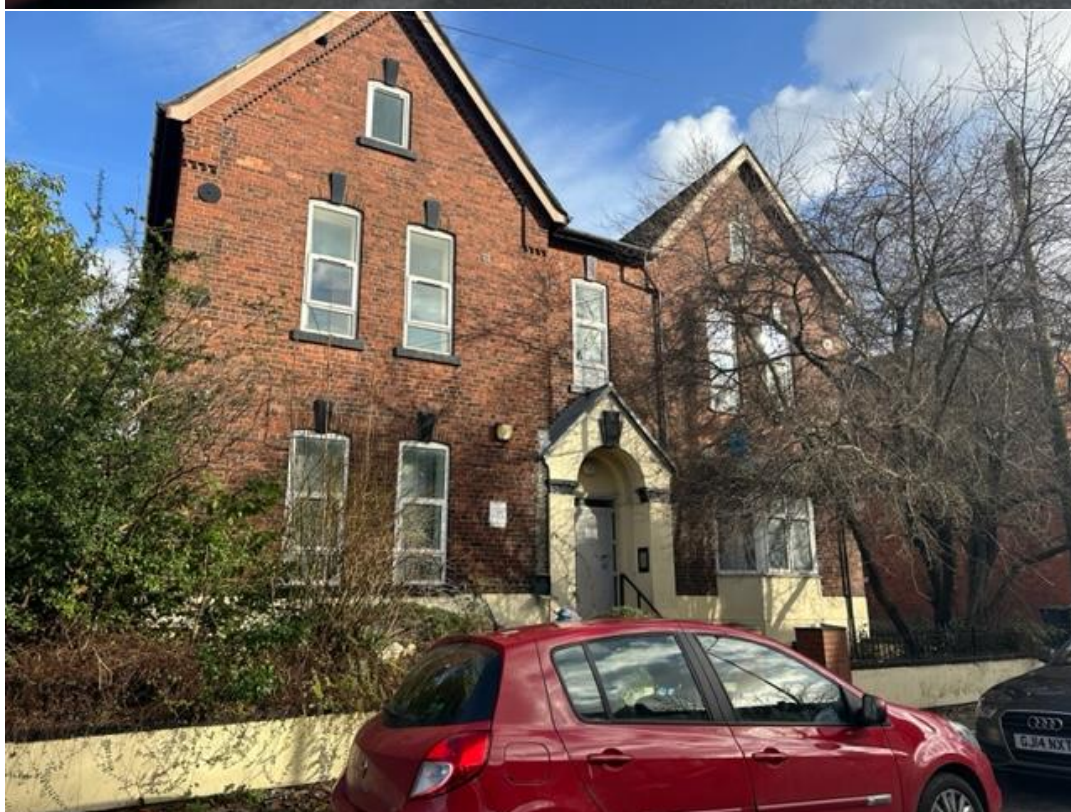
Description:
Elevations as Proposed

Purpose of Issue: Planning			
Drawn By:	Checked By:	Date:	Scale @ A1:
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Job No:	Status Code:	Drawing No:	Rev:
3300	S0	208	1
File Identifier: EH-BTP-01-E-DR-A-3300_208			
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Application Number:	22/00262/FUL
Proposal:	Construction of 3no. 3 bed dwellings and 6no. 2 bed dwellings including ancillary works/excavation.
Site:	Land on Stamford Road, Mossley
Applicant:	Mr D Wilcox
Recommendation:	Refuse planning permission.
Reason for Report:	A Speakers Panel decision is required because the application has been called in for a decision by Councillor T Sharif.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

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

2. PROPOSAL

- 2.1 As originally submitted, the applicant sought full planning permission for the construction of 9no. 3 bed dwellings including ancillary works/excavation to a plot of land on Stamford Road in Mossley. During the course of the application, amendments to the house types and general plot layout were undertaken, as such the application now seeks planning permission for a revised scheme of 3no. 3 bed dwellings and 6no. 2 bed dwellings, including ancillary works/excavation.
- 2.2 With the exception of plot 9, which is a detached two storey 3-bed dwelling, the remaining 8 dwellings would form a terraced row, staggered in three blocks and be set back from the footpath at varying distances. The dwellings would be 2 storeys in height and would each be constructed of equal widths and proportions. The ridge heights of the properties would increase (stagger upwards) moving in a westerly direction reflecting the changes in ground levels along Stamford Road. Private amenity space would be provided for each dwelling at the rear, facing the properties on George Street to the south. The front boundaries to plots 1-6 would be marked by low rise stone walls.

- 2.3 The dwellings are proposed to be constructed with artificial stone external elevations, dark grey pitched slate roofs (with central roof light) and dark grey window frames with stone heads/window cill detailing.

3. PLANNING HISTORY

- 3.1 07/01602/FUL – Erection of 1 pair of semi-detached dwellinghouses (site area limited to the north eastern corner of the land that is the subject of this current application) – approved
- 3.2 20/00463/FUL - Construction of 2 number 4 Bedroom Town Houses 2 number 2 bedroom town houses and 12 apartments – refused. The reasons for refusal are as follows:

1. *In the opinion of the Local Planning Authority, the proposed development would be of a scale and design that would be detrimental to the character of the surrounding area. The variation in the widths of each bay of the building results in an inconsistency to the principal elevation of the development. This element of the design, along with the height of the scheme and the inclusion of dormer windows on the principal elevation are factors which are considered to contrast negatively with the simple, regular character and two storey scale of the properties that face the site on the opposite side of Stamford Road. The proposal are therefore considered to be contrary to policies H10 and C1 of the Tameside UDP and the NPPF.*
2. *In the opinion of the Local Planning Authority, the proposed development would result in a detrimental impact on the residential amenity of the properties on the northern side of Stamford Road, given the fact that the building would be 3 storeys in height and would include dormer windows serving habitable rooms in the roofspace. The separation distance between the front elevation of the proposed development and the corresponding elevation of 90-94 Stamford Road is just below 9 metres. Given the limited nature of the separation distance to be retained and the fact that the properties on the opposite side of Stamford Road are only 2 storeys in height, it is considered that the proposal would result in harmful overlooking and an overbearing impact on the amenity of those neighbouring properties. The proposal are therefore considered to be contrary to policies H10 of the Tameside UDP, policy RD5 of the Residential Design Guide SPD and the NPPF.*
3. *In the opinion of the Local Planning Authority, the proposed development would result in a detrimental impact on highway safety, due to the necessary movements within Stamford Road associated with the garages within the houses that form part of the development. Access to the proposed garages would require either performing a manoeuvre in the narrow highway on Stamford Road (adjacent to the traffic light controlled junction of Stamford Road and Stamford Street) to reverse into the spaces, or reversing out of the garages into the highway. The conflict with traffic within the highway associated with either scenario is considered to result in a highway safety hazard. In accordance with the contents of paragraph 109 of the NPPF, planning permission should therefore be refused.*

- 3.3 21/00344/FUL – Construction of 2 number 4 bedroom town houses 2 number 2 bedroom town houses and 12 apartment (Resubmission of application 20/00463/FUL) – Appealed on non-determination. Recommendation that the application be refused (appeal reference APP/G4240/W/21/3277156 - appeal dismissed and planning permission refused.

4. PLANNING POLICY

National Planning Policy Framework

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

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

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

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

4.4 The following chapters within the Framework are considered relevant:

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

Planning Practice Guidance (PPG)

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

Development Plan

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

Tameside Unitary Development Plan (UDP):

4.7 The northern part of the site is located in Mossley Town Centre according to the UDP Proposals Map, the remainder is unallocated.

Part 1 Policies

- Policy 1.3: Creating a Cleaner and Greener Environment
- Policy 1.4: Providing More Choice and Quality Homes.
- Policy 1.5: Following the Principles of Sustainable Development
- Policy 1.6: Securing Urban Regeneration
- Policy 1.10: Protecting and Enhancing the Natural Environment.
- Policy 1.11: Conserving Built Heritage and Retaining Local Identity.
- Policy 1.12: Ensuring an Accessible, Safe and Healthy Environment.

Part 2 Policies

- C1: Townscape and Urban Form
- H1: Housing Land Provision.

- H2: Unallocated Sites (for housing)
- H4: Type, size and affordability of dwellings
- H5: Open Space Provision
- H6: Education and Community Facilities
- H7: Mixed Use and Density.
- H10: Detailed Design of Housing Developments
- MW11: Contaminated Land
- MW12: Control of Pollution
- MW14 Air Quality
- N3: Nature Conservation Factors
- N4: Trees and Woodland
- N5: Trees Within Development Sites
- N7: Protected Species
- OL4: Protected Green Space
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management.
- T10: Parking
- T11: Travel Plans
- T13: Transport Investment
- U3: Water Services for Developments
- U4: Flood Prevention.
- U5: Energy Efficiency

Supplementary Planning Documents

4.10 The following are relevant:

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

4.11 **Other Relevant Policies**

- Ministry of Housing, Communities and Local Government: National Design Guide (2021)

Places for Everyone

4.12 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.

4.13 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).

4.14 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

4.15 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.

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

5. PUBLICITY CARRIED OUT

- 5.1 Neighbour notification letters were issued and two notices were displayed adjacent to the site, both on Stamford Road and George Street, for 21 days, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement.
- 5.2 Following design amendments to the scheme, on two occasions in January 2023 and May 2023, consultation was carried out for a further 14 days. The representations received are summarised below within section 6 of this report.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 Following the first round of consultation (21 day period), 30 letters of objection were received from neighbouring residents, raising the following concerns (summarised):
- The scheme proposes to high a density of development on the site, which result in a detrimental impact on the character of the area, highway safety and the residential amenity of neighbouring properties;
 - Development too big;
 - Concerns regarding the impact of overlooking into and overshadowing of neighbouring properties, which would be harmful to the amenity of the existing residents;
 - Concerns regarding highway safety. Three bedroom houses are family houses – each is likely to have at least one car. The development of this site will cause traffic chaos and disruption for a significant period of time. This situation would be detrimental to highway safety;
 - Problems for any emergency vehicles to get through the traffic lights during construction.
 - The proposals do not make adequate provision for car parking. Reliance on on-street parking is not a feasible option and the size of the units will result in increased pressure for parking in the locality;
 - The scale of the development would result in a population increase that would have a detrimental impact on the capacity of services and facilities e.g. schools, doctor surgeries;
 - The proposed development would result in the loss of open space that has both amenity and biodiversity value.
 - The scale of the proposed development would have a detrimental impact on the character of the area;
 - Sets a precedent;
 - Concerns regarding the impact of traffic and noise generated during the construction phase of the development on the residential amenity of neighbouring properties.
 - The proposal to have lawned areas to the front of these properties is ludicrous - there is queuing traffic for the traffic lights at all hours of the day and night. Air pollution would make the utilising of these lawns very unpleasant (at best).
 - Re-routing of the public right of way – concerns as to the location of the public right of way and associated noise and nuisance - as it will become a gathering point.
 - Drainage strategy is deficient.

- No fundamental objection to the land being used for housing but parking is an issue. A more appropriate alternative would be smaller houses for demographics less likely to have a car e.g. older people and social housing tenants.
- The site would be better suited to a single or pair of dwellings with parking for two cars to reflect the needs of modern society.

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

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

6.3 Councillor Homer objects to the application, raising the following concerns (summarised):

- Chaos during construction period in relation to highway safety.
- Further chaos once construction as the homeowners try to access their parking spaces.
- Land should remain as green space and left to nature as any development is not practical due to the proximity of the site to the traffic lights at the busiest junction in town.

6.4 Mossley Town Council – objects to the proposal, noting the following concerns (summarised):

- The Town Council strongly objects to this proposal on the grounds of: 1. inappropriate siting and layout 2. Inadequate parking provision 3. Impact on local commercial and residential amenity 4. Potential for unsafe parking and turning on a main road.

6.5 Following the additional rounds of consultation, the subsequent further comments were received (summarised):

- development too big;
- Traffic/parking matters (school runs, refuse collections, commuters, main bus route and transport route for large heavy goods vehicles etc.) More importantly it is the only way up and down between top and bottom Mossley for emergency vehicles which are frequent. Any disruption on this road can be extremely chaotic for not only the residents of Mossley but the surrounding areas of Tameside and Saddleworth.
- visual amenity;
- Loss of Green space which locals attend to;
- The safety of residents could be put at risk by closures and disruption to this busy road as a result of a development of this nature.
- The proposed properties themselves seem to be of stone material and are only 2 storey, much like the others on the road, however none of the other houses have front gardens. Not only does there not seem to be enough room for a garden (the land isn't deep enough) but there are safety issues to be taken into account as this road is too busy to sit near or for children to play out next to;

- There is no parking proposed for the potential 9+ vehicles that will come with 9 properties, nor is there adequate bin storage for the 30+ bins that will be added to a road where bins and parking is already a massive issue. Bins left on this road are often tipped over for amusement or blown over by the wind resulting in litter cascading down the road;
- Loss of light;
- Loss of privacy through existing front facing windows;
- The challenges that come with excavating and developing the heavily sloping area, the removal of large trees etc. far outweighs the need for 9 new properties. I believe it would be ludicrous to allow this proposed development to go ahead;
- The land here is prone to movement. Building here could endanger one of the town's most successful businesses which is situated on land directly above and behind the site.
- Please no more fake stone houses. They look dreadful and stick out horribly against the natural stone and red brick of the original buildings. They also stand up poorly to the weather conditions.
- This plan indicates three car parking spaces, how dangerous would be for vehicles to reverse into the road causing potential accidents to both passing pedestrians, cyclists and other vehicles directly at a busy traffic junction;
- Highly probable that the owners will start 'pavement parking'
- Although the document states about the economic benefits from this build to the local community it doesn't address the economic strain of even more households being built in a very compact, already saturated area;
- We agree to the public footpath being moved and improved as it is currently in a poor state however it is still used as we see people accessing this regularly. This is contrary to the planning application which states it is disused.
- Unspecified period of time for excavation.

6.6 Further comments were received from Mossley Town Council:

- The development of the site in question land which will inevitably involve excavations due to the topography, deliveries or construction would be totally inappropriate and cause chaos at the 5-way junction. This was exemplified during the recent temporary road closure during re-cabling works.
- The development site plot is bisected by a marked footpath leading from Stamford Road to George Street adjacent to The Blazing Rag public house. There is a series of stone steps ascending to George Street which possibly predate Stamford Road itself. The developers are proposing to divert the short footpath and to replace the historic steps with a new set of concrete steps which will be detrimental to the character of not only the development but also locality;
- The land survey refers to the development of 4 apartments and 2 town houses. The current proposals seem to envisage households comprising a significant number of occupiers using cycles. However laudable, the is unrealistic; and,
- It appears that the revised application deletes all parking from some of the houses and then left some of them with in-front parking directly onto Stamford Road. This will result in vehicles driving into and reversing out of driveways on a very busy and dangerous part of the road, exacerbated by the likelihood of insufficient parking for all occupiers of the proposed development.

6.7 Further comments were received from Councillor Stephen Homer:

- Any attempt to develop that land would cause chaos for the town;
- Only recently the road was closed for 3 days while essential gas works were carried out causing mayhem with traffic and cutting the town in half;
- As this is the only road from top to bottom Mossley that you can travel in both directions and the only road suitable for all emergency vehicles its essential we do all we can to avoid its closure;
- Street scene photos do not show the fact the site is right at the traffic lights.

7. RESPONSES FROM CONSULTEES

7.1 Local Highway Authority (LHA)

No objection to the proposal subject to conditions. Initial objections relating to disturbance/highway safety during the construction period, lack of parking and the realignment of the public right of way have been addressed through the submission of a construction environment management plan and revised plans reducing 6 of the properties down to 2 bedrooms, and proposing off-street parking for the remaining 3no. 3 bed properties.

7.2 Lead Local Flood Authority (LLFA)

The submission of further details regarding surface water drainage is considered to be necessary, prior to the determination of the application. No updated comments received following second round of consultation.

7.3 United Utilities (UU)

No objections to the proposals subject to the imposition of conditions requiring the submission and approval of a sustainable surface water drainage strategy and that foul and surface water are drained from the site via separate mechanisms. No updated comments received following second round of consultation.

7.4 Environmental Health

No objections to the proposals subject to details of soundproofing scheme to be installed to mitigate the impact of external noise sources on the residential amenity of future occupants and a limitation on the hours of work during the construction phase of the development being secured by conditions. No updated comments received following second round of consultation.

7.5 Contaminated Land

No objections to the proposals subject to the imposition of a condition requiring an intrusive investigation into potential sources of ground contamination of the site and the approval of a remediation strategy prior to the commencement/ first occupation of development. No updated comments received following second round of consultation.

7.6 Tree Officer

No objection to the proposal. There are a number of trees on site but these are low value and in relatively poor condition, growing out of stonework / walls etc. These would not be considered a constraint to development.

7.7 Transport for Greater Manchester (TfGM)

No objection to the proposal. The quantum of development in this instance does not trigger TfGM's requirement for a highway impact review.

It is noted that TfGM have previously provided comments relating to similar residential proposals at this site under Applications 20/00463/FUL and 21/00344/FUL. As part of these proposals, car parking provision and vehicle access have been removed from the scheme and as such TfGM's previous concerns relating to vehicle access arrangements are now no longer relevant. It is anticipated that servicing associated with the dwellings will take place on Stamford Road, as per existing arrangements for the surrounding properties. TfGM would refer to the Local Authority to determine whether the proposals in terms of the stepped access and the realignment to the public right of way conform to current standards and are acceptable.

TfGM offer the following other comments:

- The footway fronting the site on Stamford Road would benefit from renewing / resurfacing and any redundant vehicle crossings bordering the site should be reinstated as continuous footway.
- Given the development's close proximity to the traffic signals on Stamford Road, the applicant will need to liaise with TfGM UTC to discuss any potential impacts during construction and once the development is complete.

Confirmed: no additional comments to make in respect of the revised plans following the second round of consultation.

7.8 Greater Manchester Police (Designing out Crime Officer)

No objection to the proposal. Comments advising that the proposed development should be designed and constructed to Secured By Design standards; all garden boundary treatments adjacent to publically accessible land in particular to the side and rear should be 2100mm; dusk till dawn lighting should be installed on all external doors; and, any external bin store should be a secure, lockable and fire resistant enclosure. No updated comments received following second round of consultation.

7.9 Greater Manchester Archaeological Advisory Service (GMAAS)

No objections to the proposals on the grounds of archaeological significance and no conditions considered necessary in this regard. No updated comments received following second round of consultation.

7.10 Environment Agency (EA)

Unable to provide a site specific review due to high workload. Recommend referral to guidance notes. Confirmed: no additional comments to make in respect of the revised plans. No updated comments received following second round of consultation.

7.11 Greater Manchester Ecology Unit (GMEU)

No objection to the proposal subject to conditions relating to protected species, nesting birds and invasive species (Japanese knotweed). Confirmed: no additional comments to make in respect of the revised plans.

8. **ANAYLSIS**

8.1 Before considering the key issues at hand in relation to this application, it is important to reflect upon the differences between the previously refused applications (20/00463/FUL; 21/00344/FUL) and the current scheme. The main differences are summarised as follows:

- An increase in the number of dwellings from 4 town houses to 9 dwellinghouses;
- No apartments are now proposed (previously 12);
- 3 dedicated car parking spaces;
- A reduction in the height of the units from 3 storeys to 2 storeys; and,
- External alterations to the dwellings including design, form and layout across the site.

8.2 The key issues to be assessed in the determination of this planning application are:

- 1) The principle of development;
- 2) The impact of the proposed design and scale of the development on the character of the site and surrounding area;
- 3) The impact on the residential amenity of neighbouring properties;
- 4) The impact on highway safety;
- 5) The impact on the ecology and trees;
- 6) The impact on flood risk/drainage; and
- 7) Other matters

9. PRINCIPLE OF DEVELOPMENT

Loss of open space:

- 9.1 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 208 - 219 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies.
- 9.2 Paragraph 213 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development and Section 5 of the NPPF requires Local Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations.
- 9.3 Policy OL4 of the UDP seeks to retain areas of protected green space, including not only designated spaces (this site is not designated in this regard) but also 'areas of land in similar use but which are too small to be shown as Protected Green Spaces on the 'Proposals Map'.
- 9.4 Criterion (d) of the policy states that an exception to the policy requirement to retain green space can be made where the retention of a site or facilities for sport or recreational use is not necessary and the site has no special significance to the interests of sport and recreation. Tameside has a Playing Pitch Strategy and Action Plan report which does not identify the application site as being necessary to deliver the Council's aspirations to develop leisure space in the long term (next 6 years+).
- 9.5 There are a number of protected areas of open space within 10 minutes walking distance of the proposed development sites, which is the recommended walking distance threshold for Tameside, including Mossley Park to the south of the site.
- 9.6 Paragraph 97 of the NPPF states that Local Green Space designation will not be appropriate for most green areas or open space and that the designation should only be used where the following criteria apply:
- Where the green space is in reasonably close proximity to the community it serves;
 - Where the green space demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and,
 - Where the green area is local in character and does not apply to an extensive tract of land.
- 9.7 Whilst the land would comply with criterion 1 and 3, it is considered that the land does not hold the value required by criterion 2. The site itself is not designated as a site of ecological or historic significance (either nationally or locally and the gradient of the land limits its value for recreational use).
- 9.8 The site does currently provide a visual break in development along Stamford Road. However, given the relatively dense nature of development surrounding the site and the fact that the site is within the built up centre of Mossley, the undeveloped space is appreciated only from public views immediately adjacent to the site. The undeveloped nature of the land does not perform the role of a landscaped buffer on the edge of a settlement or provide a transition between areas of varying density or character.

- 9.9 Following the above assessment, the loss of the open space would not result in harm that would significantly and demonstrably outweigh the benefits of the scheme, in respect of policy OL4, including the provision of new housing in a sustainable location, as discussed below.

Redevelopment for housing:

- 9.10 The applicant has made reference to the fact that the site has been included in Strategic Housing and Employment Land Availability Assessments (SHELAA) produced by the Council. It is correct that the site was previously identified within the Council's SHELAA, but it was subsequently discounted from the Council's 2021 residential land supply due to the minimum yield threshold - as outlined within the methodology in the document. Paragraph 1.8 of the 2021 SHELAA states that: *'It is important to clarify that identification of land in this assessment does not imply that either planning permission will be granted or that a site will be allocated in the local plan. All land and future development proposals remain subject to the plan making and development management processes. The assessment does not preclude land from being developed for uses other than that identified in this assessment, nor does it preclude the possibility of development being granted on sites that have not been included in this assessment.'*
- 9.11 It is acknowledged that there is historic evidence of housing development on the site. However, it is also the case that the definition of previously developed land, as set out in the NPPF, excludes land that '....was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape' from being considered brownfield land. This exclusion is considered to apply to this site, in which the predominant characteristic of the site is of open space between existing development on the Stamford Road street scene.
- 9.12 Notwithstanding the above, the site is primarily within the allocated Mossley Town Centre boundary and is situated within close proximity of regular bus services and within a 15 minute walk of Mossley train station. Section 7 of the NPPF refers to residential development enhancing the viability of town centres and that consideration is relevant to this location.
- 9.13 It is accepted that a five year supply of housing land cannot currently be demonstrated and as such, the redevelopment of the site for residential purposes in a sustainable location is worthy of significant weight in the determination of this application.
- 9.14 Following the above assessment, the principle of development is considered to be acceptable, subject to all other material planning considerations being satisfied.

10. CHARACTER AND APPEARANCE

- 10.1 The previous applications related to three storey townhouses/apartments which were refused partly on design grounds. As outlined in the refusal reasons above, the scale of the development was unacceptable, with the height and varying widths of the properties to the principal elevation considered to be irregular and uncomplimentary to the existing streetscape. The photographic evidence of the development which once occupied the site (four storey development with commercial units on ground floor) is noted, however this development was demolished a number of years ago and the character of the site has evolved into one that appears largely undeveloped. The current undeveloped site does add a valued sense of openness/greenery to the visual quality of the street (although not worthy of protection under policy OL4 for the reasons identified above).
- 10.2 The current scheme seeks to address previous issues and proposes 8no. two storey terraced dwellings put together in a staggered block form with varying distances from the footpath along Stamford Road, with one detached 3 bedroom property. However, after undertaking multiple site visits to Stamford Road and the surrounding area, officers are not satisfied that the proposed dwellings would integrate sympathetically within the existing street scene. This is explored in more detail below with reference to the National Design Guide (NDG). To note,

the NDG supports paragraph 130 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 10.3 The NDG emphasises that the underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities. This includes people who use a place for various purposes such as: to live, work, shop, for leisure and recreation, and to move around between these activities; and those who visit or pass through. Paragraph 13 states that 'in a well-designed place, an integrated design process brings the ten characteristics together in a mutually supporting way. They interact to create an overall character of place. Good design considers how a development proposal can make a contribution towards all of them.'
- 10.4 At paragraph 25, the NDG states: A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout (or masterplan);
 - the form and scale of buildings;
 - their appearance;
 - landscape;
 - materials; and
 - their detailing.
- 10.5 In this instance, in considering only the external appearance of the proposed dwellings, Officers are satisfied that the general architectural style, height and individual width of the buildings is acceptable and would somewhat reflect the character of the existing terraced properties in the locality.
- 10.6 Given the limited size of the plot and the number of units proposed, the dwellings have been arranged in a terraced row formation with the exception of plot 9 which is detached. However, unlike the existing terraces which primarily exist in a parallel formation along Stamford Road, the proposed terrace properties are staggered back from the pavement in three different sections creating an uneven building line. This layout/alignment does not reflect the overarching grain and pattern of existing development along this section of the streetscape in which it would be primarily viewed, and so officers do not consider that the proposal would integrate sympathetically.
- 10.7 The staggered principal elevations and creation of inconsistent front gardens of different depths, would also be at odds with the general linear character of the terraced properties within the immediate vicinity which front the footpath. The proposed boundary treatment used to demark the edges of the front gardens, although shown to be natural stone, would also be at odds with the character of the street and would not be conducive to the surrounding make-up of the area, having a cluttered visual impact.
- 10.8 Additionally, the dominance and perceived density of the development would be exacerbated by the staggered form/positioning of the dwellings - particularly when viewed travelling west up Stamford Road. The resultant exposed gable elevations of plots 3 and 6 would be widely visible, creating an additional unwarranted perception of mass and bulk on this slim-line site.
- 10.9 In order to retain the existing alignment of the public right of way through the site, the position of plot 9 has been amended and now sits separately as a detached property to the east. It is positioned at an askew angle from both the highway and plot 8 (and adjoining terraced dwellings). The general siting/ orientation of this property would be at odds with/ bear a very poor relationship with the adjacent new terraces and overall would be discordant in its appearance and would fail to assimilate successfully into its surroundings.

- 10.10 The overall cumulative scale and mass of the 9 dwellings, in its proposed form/layout, would be of detriment to the existing visual quality of the streetscape in this location.
- 10.11 Although third party representations have raised concerns relating to the proposed materials, officers are satisfied that the specific detailing (fenestration, roof style etc.) and materials of the buildings are acceptable, compatible with policy RD20 of the SPD. Despite this, in line with paragraph 25 of the NDG, these parameters alone are not sufficient to create a visually successful scheme.
- 10.12 In the interests of working towards an acceptable solution, officers discussed different design proposals on site with the applicant and reviewed a number of draft revisions. However, an acceptable design solution was not forthcoming and the amendments proposed are not significant enough to overcome the identified harm to the character and appearance of the street scene. It was found that where one issue was addressed, another arose.
- 10.13 For these reasons, the layout, scale and form (massing) of the proposals would result in a detrimental impact on the character of the surrounding area. As such, the proposal consequently conflicts with UDP Policies H10 and C1 which, amongst other things, seek high quality design and require proposals for built development to respect the townscape, topography and urban form of an area. Conflict would also arise with advice contained in Policy RD2 of the Council's Residential Design Guide Supplementary Planning Document 2010 (SPD) which requires a consideration be given to how a proposal would align with the height, width and scale of surrounding buildings when assessing an area's character. In addition, it would also fail to accord with the design objectives of the Framework, specifically Section 12 and the aims and aspirations of the National Design Guide.

11. RESIDENTIAL AMENITY / RESIDENTIAL ENVIRONMENT CREATED

Existing Occupiers

- 11.1 The adopted Residential Design Guide (RDG) requires 21 metres to be retained between corresponding elevations of properties of the same height that contain habitable rooms, reducing to 14 metres where properties face each other across a highway. A separation distance of 14 metres is also required to be retained where an elevation with an opening serving a habitable room and a corresponding blank elevation.
- 11.2 The RDG also requires a separation distance of 14 metres where developments face each other across a highway. Policy RD5 does include a caveat that variations from these standards may be applied to infill plots, where existing spacing between buildings should be taken into account.
- 11.3 The proposed development would be 2 storeys in height but would include habitable room windows in the roof space (with roof lights to the front roof plane). It is considered reasonable to assess this proposal as the development of an infill site and it is the case that development extending to the back of the footway forms the predominant character of development along Stamford Road.
- 11.4 In this case, because some of the front elevations of the proposed development have been staggered back from the footway, the separation distance between the proposal and the corresponding front elevations of the properties to the opposite side of Stamford Road ranges from 11m – 16.5m. Given that the existing and proposed properties are of a similar height, the minor shortfall of the distance required by the RDG is accepted and the caveat which allows variations to the standard requirements can be exercised in this case. It is not considered that the proposal would result in harmful overlooking nor have an overbearing impact on the amenity of those neighbouring properties.

- 11.5 The section plans submitted by the applicant indicate that the eastern portion of the proposed development would be at a level where only a small portion of the upper section of the roof of the scheme would be visible over the height of the treatment on the common boundary with that neighbouring property, due to the substantial change in levels between the sites. This would prevent direct opportunities for significant overlooking into the rear garden of no.9 George Street.
- 11.6 Whilst the height of the development would increase from east to west, the degree of land level change ensures that opportunities for clearer overlooking across the common boundary would be sufficiently oblique to prevent an adverse impact on the residential amenity of that neighbouring property.
- 11.7 The other buildings that back on to the southern boundary of the site are in use as a doctor's surgery and a public house. Given the nature of those established uses, the proposed development would not result in an adverse impact on the amenity of those neighbouring properties.
- 11.8 The property to the west of the site (on the junction of Stamford Road and Stamford Street) is a three storey building which has an established use as a restaurant. The western gable elevation of the proposed development would include one window opening at ground floor level, but would be separated from the main corresponding elevation of that neighbouring property by the stairwell and rear yard associated with that building. Given this situation and the established use of that building that is situated in a densely developed edge of centre location, the proposed development would not result in an adverse impact on the amenity of that neighbouring property.
- 11.9 The gable end elevation of the neighbouring property to the east, no 75 Stamford Road, is currently screened by mature trees on the eastern edge of the application site. Given this situation and the fact that the corresponding gable elevation of the proposed building would not contain any openings and would be set off the common boundary with a common space and bin storage area/set back from the highway, the proposals would not result in harm to the amenity of that neighbouring property.
- 11.10 Following the above assessment, the proposal would not have an unduly harmful impact on the occupiers of any neighbouring properties with regards to overlooking and loss of privacy. The height of the development is such that it would also not appear unduly overbearing or oppressive – reflecting the two storey height of the majority of the existing properties along Stamford Road. The proposal is therefore found to be acceptable in respect of neighbour amenity.

Future Occupiers

- 11.11 Reflecting on the requirement of Section 12 of the NPPF, that developments create places with a high standard of amenity for existing and future users, UDP policy H10(a) requires that the design of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, meets the needs of the potential occupiers. To this end policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. Internal space is interpreted by reference to the nearest equivalent new national technical standard which is given in the Government's Technical Housing Standards – nationally described space standard document (THS).
- 11.12 This requires that as a minimum, a 2-bedroom (3 person), 2-storey dwelling provides at least 70 square metres gross internal floor space and 2 square metres of built in storage, whilst a 3-bedroom (4 person), 2-storey dwelling provides at least 84 square metres gross internal floor area and 2.5 square metres of built in storage. For a 3-bedroom, 4 person, 3 storey

dwelling, a minimum gross internal floorspace of 90 square metres is required. The proposal achieves the minimum requirements and is therefore found to be acceptable in this regard.

- 11.13 Quite separate to the internal living space standards, in considering the quality of private amenity space provided within the site to serve the proposed dwellings, regard has been had to Policy RD11 within the Tameside Residential Design Guide SPD. This policy outlines that all residential properties should have access to private or communal outdoor space whatever the type or location. It is noted that gardens, terraces and balconies provide residents with outdoor areas for relaxation, leisure and clothes drying, and contribute considerably to resident wellbeing. All houses should have private amenity space of a size and function suitable for its intended occupants.
- 11.14 To facilitate the proposed development, significant earthwork removal would be required and the existing rock face would be further exposed marking the rear boundary of the site. Due to the layout of the buildings within the site, the rock face and neighbour boundary fencing to the south would be up to 5.7m in height above the finished garden level and in some cases be less than 3m in distance away from the rear kitchen windows of the proposed dwellings. The dominance of the rock face, arising from its height and close proximity, would create an undesirable, enclosed and compromised living environment for the future occupiers and a poor quality of outlook, contrary to policies H10 and C1 of the UDP. The development would also not be the form of sustainable development that the Framework sets out a presumption in favour of, as it would be contrary to paragraph 130 of the Framework which seeks, amongst other matters, a high standard of amenity for existing and future users.
- 11.15 Upon further consideration of the quality of outlook to be created, it is noted that plot 1 has an additional window to the west facing gable and the ground floor 'open plan' layout to all units allows for additional light from the front facing windows to pass through. It is also noted that the first floor rear facing windows to all properties serve non-habitable rooms, and each dwelling has a front garden. However, these factors do not significantly outweigh the identified harm with regards to the overbearing impact/sense of enclosure. Situated at a busy road junction within the town centre of Mossley, the front gardens do not provide necessary 'outdoor areas for relaxation, leisure and clothes drying' or provide suitable mitigation for the substandard rear garden space for the proposed dwellings, contrary to Policy RD11.
- 11.16 In addition to the above, due to the constrained plot sizes of some of the units, around half of the proposed properties have insufficient space to potentially expand in the future, whilst also retaining an acceptable outdoor amenity space – for example through exercising permitted development rights for a single storey rear extension. Although not a reason for refusal, the NPPF highlights the importance of achieving sustainable development, as outlined within section 7, the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 11.17 As such, the proposal would fail to create a high standard of amenity contrary to paragraph 130 of the NPPF, creating an undesirable enclosed living environment particularly at the rear when considering the resultant poor quality of outlook. The proposal is also in conflict with UDP Policies H10 which, amongst other things, seeks to achieve a design which meets the needs of the potential occupiers.

12. HIGHWAY SAFETY

- 12.1 As originally submitted, the proposal did not make provision for any off-street parking for the 9no 3 bed dwellings. As part of revisions, in order to address the initial objection from the Local Highway Authority (LHA), the following revisions have been made:

- Plots 1-6 have been reduced to 2 bed properties;
 - Off-street parking provision for one vehicle has been included (each) for plots 7-9 (these dwellings have been retained as 3 bed); and,
 - Submission of a construction environment management plan.
- 12.2 Policy RD8 of the Residential Design Guide requires 2 car parking spaces per 2 and 3 bedroom unit and 3 spaces for units of 4 or more bedrooms and the scheme would therefore fall some way below those standards.
- 12.3 It is noted that the site is within a sustainable location, within a 15 minute walk of Mossley railway station, with regular bus services to and from Ashton and Oldham operating along Stamford Road within a shorter walk of the site. A range of services and facilities, including a foodstore and the public open space at Mossley Park are also within reasonable walking distance of the site.
- 12.4 In light of the above amendments made, the LHA have removed their objection to the proposal on highway safety grounds.
- 12.5 In terms of design/geometry, the LHA are satisfied that the access/egress from the proposed 3 bedroom dwellings drives onto Stamford Road is satisfactory and meets the LHA requirements for max gradients of 1 in 14 and the visibility splays comply with Manual for Streets/LHA requirements.
- 12.6 In respect of capacity, after reviewing the supplied information, the LHA is satisfied that the vehicle trips generated by the proposed development of the site is expected to generate a minimal increase in vehicular trips over the course of an entire day, therefore in the LHA's opinion the additional traffic generated by the proposed residential development should be accommodated on the local highway network without any significant detrimental impact.
- 12.7 Stamford Road is a main route through the locality to locations farther afield. It is therefore acknowledged that any problems during construction could cause major traffic disruption and could have an unacceptable impact on highway safety and a severe cumulative impact on the road network. In order to address previous highway safety concerns, a construction environment management plan (CEMP) has been provided upfront by the applicant for the consideration of the LHA. The LHA has noted that Stamford Road is traffic sensitive, with any restriction to the free flow of traffic by the developer would be unacceptable, apart from the agreed spoil removal conditioned for Saturday mornings only. Within the CEMP it is noted that all deliveries will be accessed off Birberry Court and times restricted to off peak hours to minimise disruption to the adjacent residents. This arrangement has been agreed by the LHA to be acceptable.
- 12.8 In terms of parking arrangements, the development proposes 1 No. off Street vehicle parking spaces for each of the 3 bedroom dwellings and no off street parking provision for the other 6no. 2 bed properties. This is below the requirement set out in the SPD, however the LHA is satisfied that the development is located within Mossley Town Centre which has access to various modes of sustainable transport and this along with conditioned cycle storage would mitigate for the reduced off parking required. Electric vehicle charging could be the subject of a condition to promote sustainable vehicle trips by the residents. Additionally it is noted that no off-street parking was proposed as part of application 21/00344/FUL and the deficit in this case was deemed to be acceptable.
- 12.9 Public footpath MOS/189 crosses part of the site. As detailed above, in order to ensure that the public right of way (PRoW) was not affected, plot 9 has been separated from the row of terraced properties and now sits as a detached property to the east of the site. The LHA has confirmed that there is no objection to the PRoW remaining on its current alignment. In the event of an approval, the LHA would require the PRoW to be upgraded to a satisfactory

construction to improve permeability through the development and promote walking trips within the vicinity of the development. The alignment of the public right of way has also been considered by the Sustainable Travel Officer where the alignment is acceptable but no development should take place which affects this right of way in the absence of an appropriate closing or diversion order.

- 12.10 Following the above assessment, and in the absence of an objection from the LHA, the proposals would not result in a detrimental impact on highway safety or have a residual cumulative impact on the highway network which would be severe, subject to the provisions of the submitted CEMP. The proposal is therefore considered to accord with paragraph 111 of the NPPF and policies T1 and H10 of the Tameside Unitary Development Plan (2004).

13. ECOLOGY AND TREES

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

14. FLOOD RISK/DRAINAGE

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

15. OTHER MATTERS

- 15.1 The condition recommended by the Environmental Health Officer in relation to a scheme for soundproofing of the accommodation to preserve the amenity of future occupiers and the restricting of the hours of work during the construction phase of the development could have been appropriately dealt with by condition, should the scheme been considered acceptable in all other regards.
- 15.2 A condition requiring further investigation into sources of potentially contaminated land on the site and any necessary remediation could also be dealt with by condition.
- 15.3 Whilst the comments of the Designing out Crime Officer are noted, a condition could be imposed on a planning permission requiring details of the specific crime reduction measures to be installed within the development, had the scheme been considered acceptable in all other regards.
- 15.4 When considering the structural implications of the proposal, had the scheme been considered acceptable in all other regards, the LPA would have required geotechnical

information about the rock face at the back including local and global stability to be submitted for considerations as well as the stability of all properties above the rock face.

- 15.5 Details relating to the new external steps forming the PRow through the site and a supporting wall design, would also be required to be submitted to the LHA for approval. Subject to details, an Agreement in Principle may also be required by the LHA.

16. CONCLUSION

- 16.1 The site is situated in a sustainable location for housing and as such the principle of development is considered to be acceptable. However, for the reasons detailed in the main body of this report, the scale and design of the development are considered to be detrimental to the prevailing character of the surrounding area and would provide substandard/compromised outdoor amenity space for the proposed dwellings, resulting in a poor quality of outlook and an undue sense of enclosure for the future occupiers.
- 16.2 The proposals are therefore considered to be contrary to the aims and objectives of policies C1, H10 and T1 of the Tameside UDP, policy RD5 of the Residential Design Guide SPD and section 12 of the NPPF.

RECOMMENDATION

Refuse planning permission for the following reasons:

1. The proposed development, by reason of its layout, scale and form (massing), would be detrimental to the character and appearance of the surrounding area. In particular, the staggered principal elevations would fail to reflect the consistent linear form of the neighbouring terraced properties on Stamford Road and the staggered front gardens would be an inconsistent and uncharacteristic feature within the immediate locality. The proposal is therefore contrary to Policies H10 and C1 of the Tameside Unitary Development Plan. Conflict would also arise with advice contained in Policy RD2 of the Council's Residential Design Guide Supplementary Planning Document 2010 (SPD) and would fail to accord with the design objectives of the Framework, specifically Section 12 and the aims and aspirations of the National Design Guide.
2. Arising from its height and proximity and due to the site layout/ resultant topography of the land, the dominance of the exposed rock face and fencing above, which would form the rear boundary to the south of the site, would create an undesirable, enclosed and compromised living environment for the potential future occupiers and a poor quality of outlook, from both within and outside the dwelling. The proposal is therefore contrary to Policy RD11 within the Tameside Residential Design Supplementary Planning Document and Policies H10 and C1 of the Tameside Unitary Development Plan. The development would also not be the form of sustainable development that the Framework sets out a presumption in favour of, as it would be contrary to Paragraph 130 of the Framework which seeks, amongst other matters, a high standard of amenity for existing and future users.

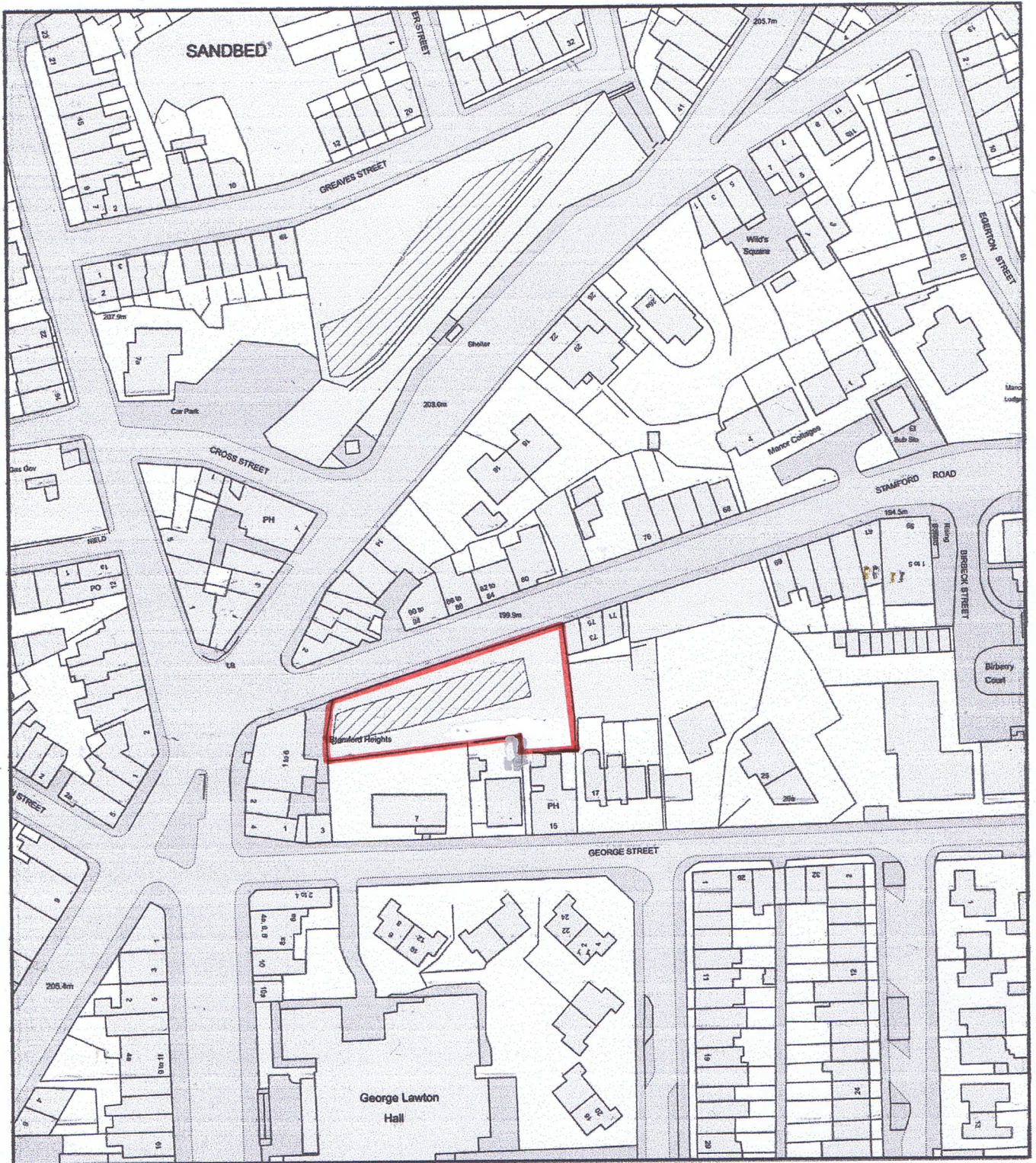
Informative Notes

- 1) This decision relates to the following:
 - a. Site Location Plan 1:1250 received 7 March 2023
 - b. Drawing number PA/02/2022/01 revision L – Site Layout received 12 June 2023
 - c. Drawing number PA02/2022/02 revision C - Proposed Elevations received 15 June 2023
 - d. Drawing number PA02/2022/05 – Typical Floor Plans 2 bed house plots 1 to 6 received 23 January 2023

- e. Drawing number PA02/2022/04 revision A – Typical Floor Plans 3 bed houses 7, 8 & 9 received 15 June 2023
- f. Drawing number PA02/2022/03 revision A – Elevation and Typical House Section plots 1 to 8 received 15 June 2023
- g. Drawing number PA/02/2022/05 – Sections through site Plots 1 to 3 received 23 January 2023
- h. Bin Storage Specification Document
- i. Planning Support and Access and Design Document June 2023 received 15 June 2023
- j. Preliminary Construction Management Plan received 27 September 2022
- k. Drainage Strategy received 15 March 2023
- l. Topographical Survey received 15 March 2023
- m. Arboricultural Impact Assessment received 15 March 2023
- n. Phase 1: Preliminary Risk Assessment received 15 March 2023

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Stamford Road



Plan Produced for: Paul Judge

Date Produced: 28 May 2020

Plan Reference Number: TQRQM20149161243434

Scale: 1:1250 @ A4

Page 53

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

9 no 2 and 3 bedroom
dwellings
total floor area
each dwelling 95.4m2



Note rock face
existing dwellings
1 metre from

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Date		Revisions

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Client

Job Title

Proposed Development
at Stamford Road
Mossley

Drawing Title

Site Layout

Scale

1:200 @A3

Date

Drawn by

Drg No.

PA/02/2022/01

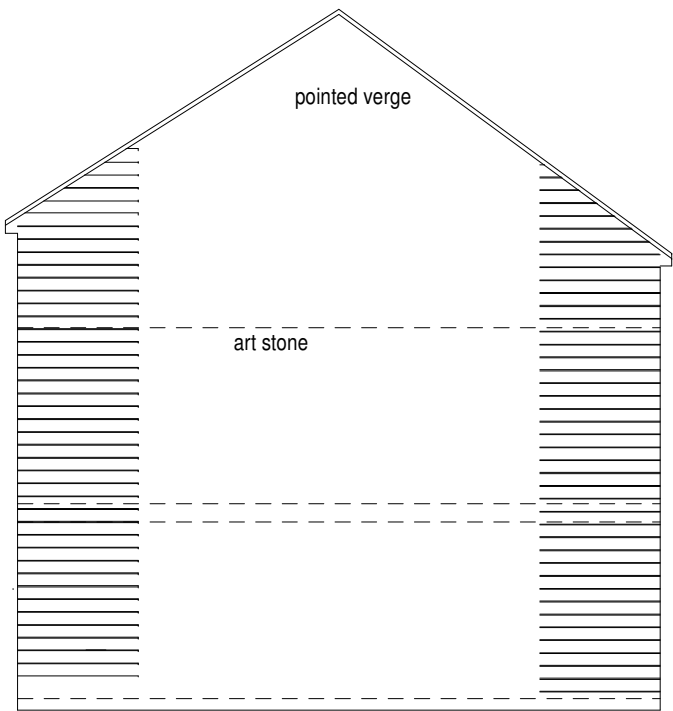
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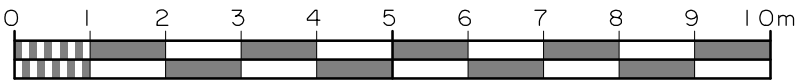
Rear Elevation



Side Elevation plot 9



Front Elevation



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

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Client
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Job Title
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Development at
Stamford Road
Mossley

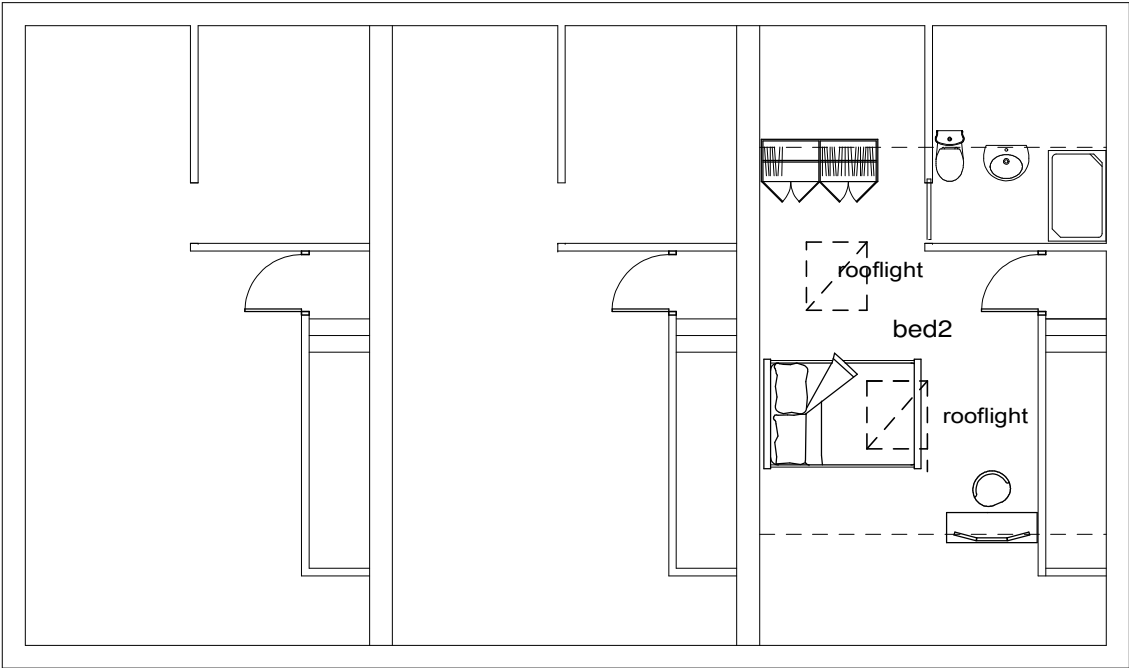
Drawing Title - Elevations

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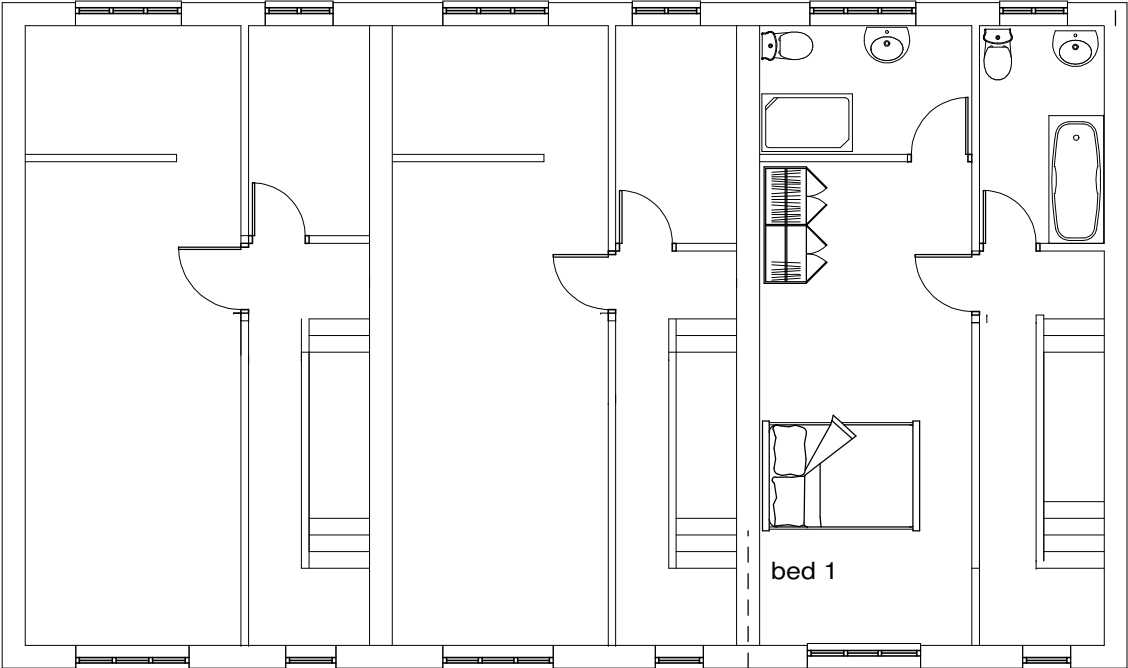
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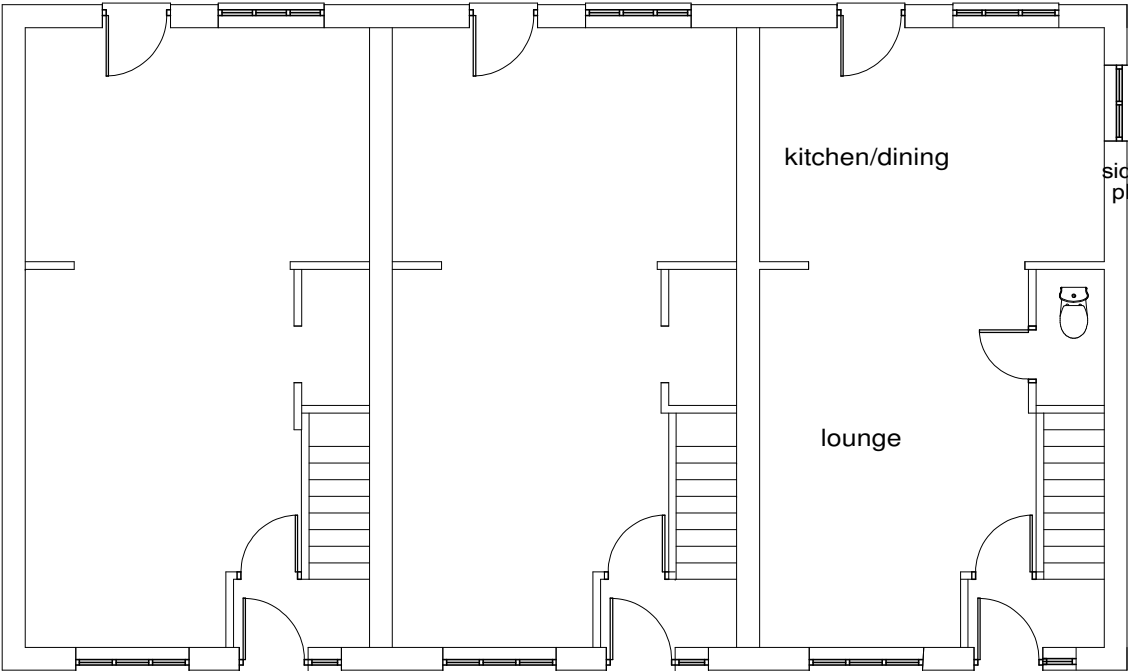
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second



First



Ground

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

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Client
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Job Title
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Proposed Evelopment at
Stamford Road
Mossley

Drawing Title
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Typical Floor
Plans
2 Bed House
Plots 1 to 6

Scale
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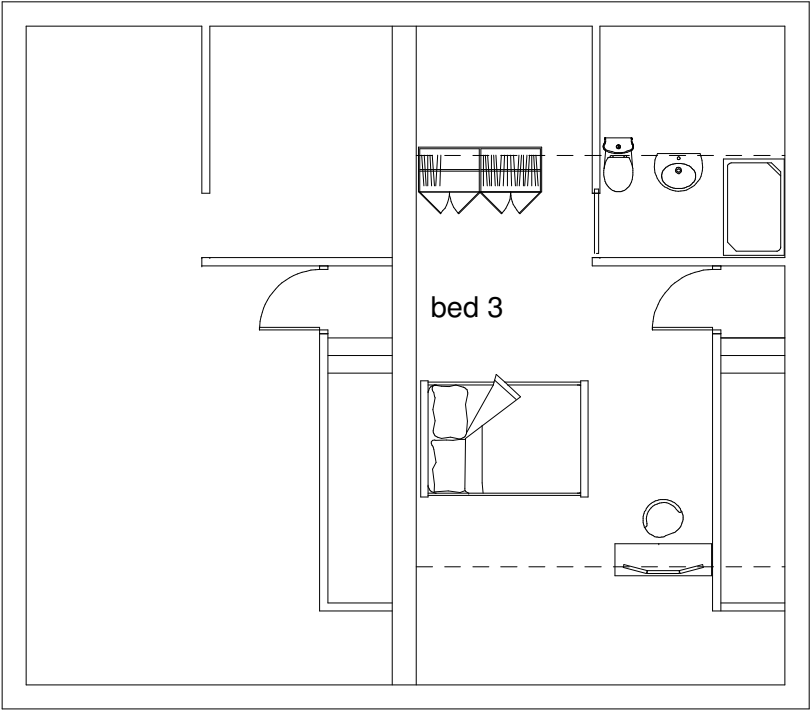
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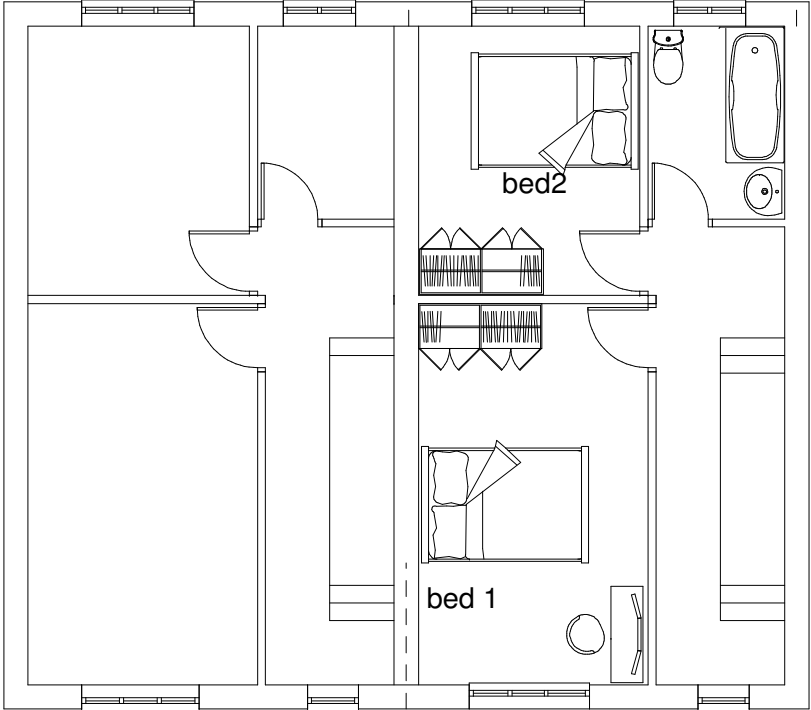
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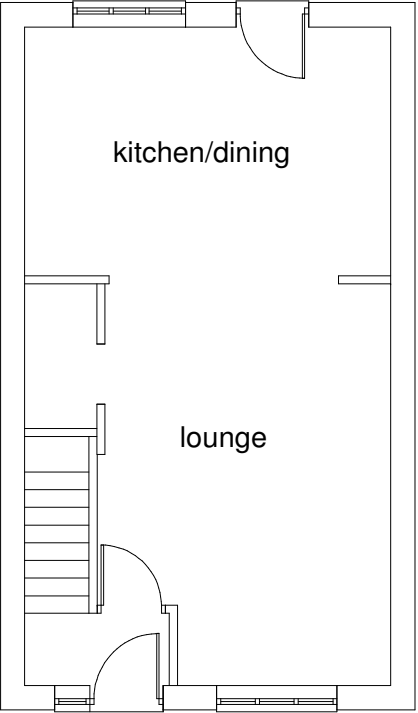
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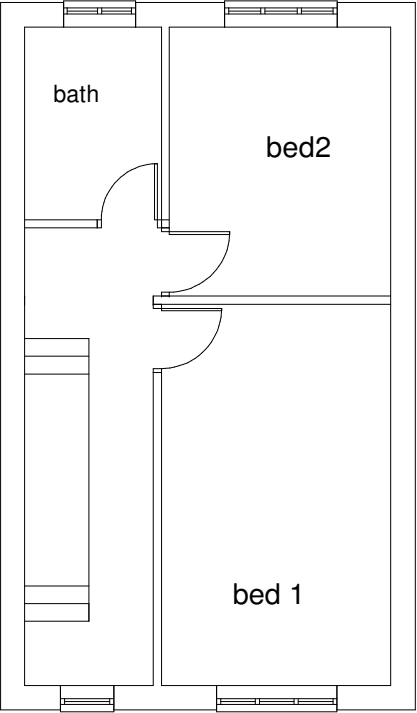
Plots 7 & 8 Second Floor



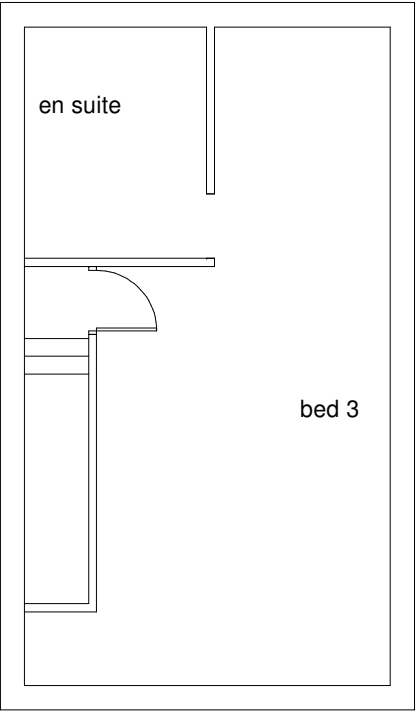
Plots 7 & 8 First Floor



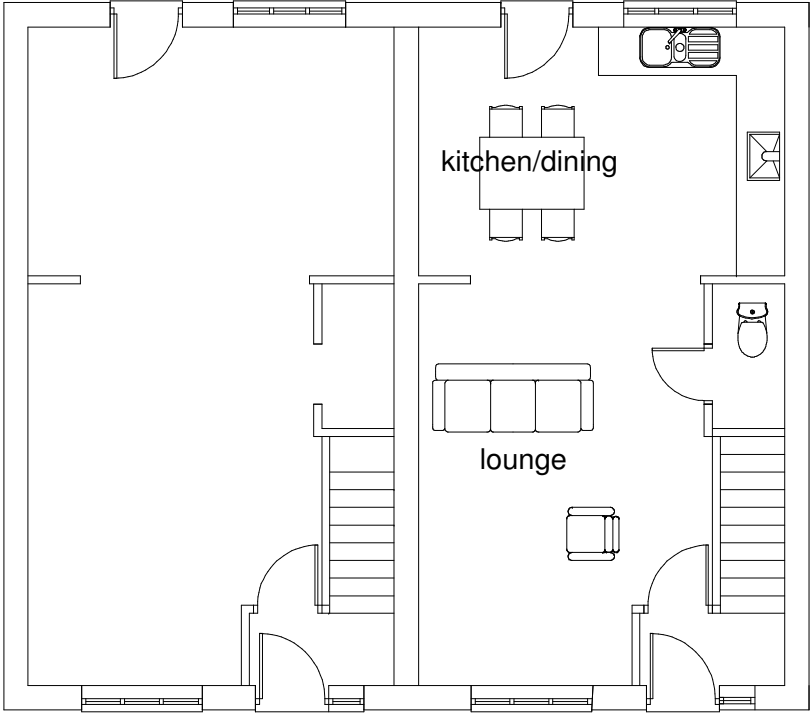
Plot 9 Ground Floor



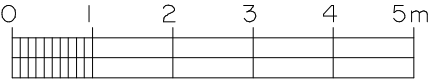
Plot 9 First Floor



Plot 9 Second Floor



Plots 7 & 8 Ground Floor



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

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	Date	Revisions

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Client
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Job Title
Proposed Development

Stamford Road
Mossley

Drawing Title
Typical Floor Plan
3 bed Houses
Plots 7,8&9

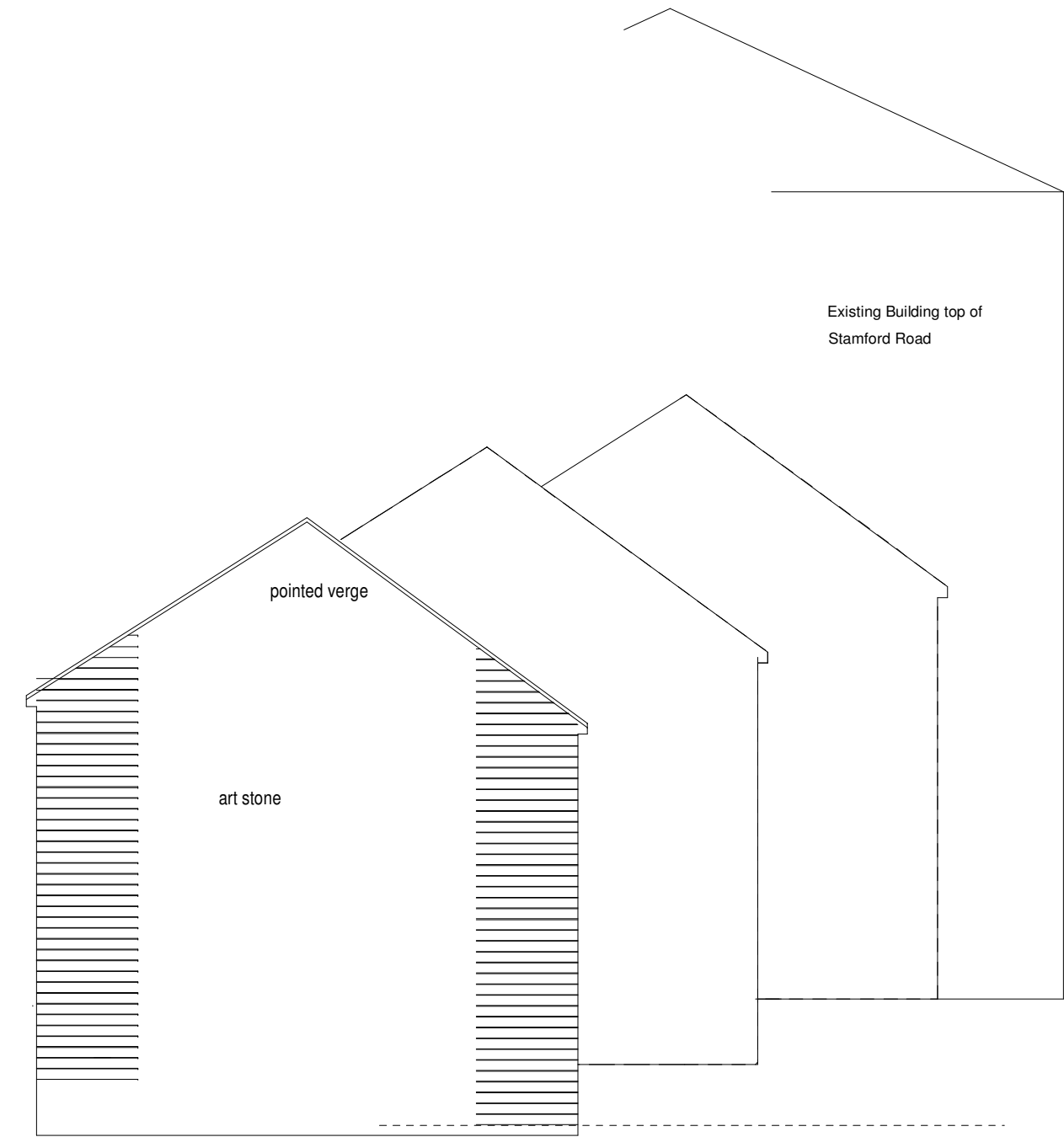
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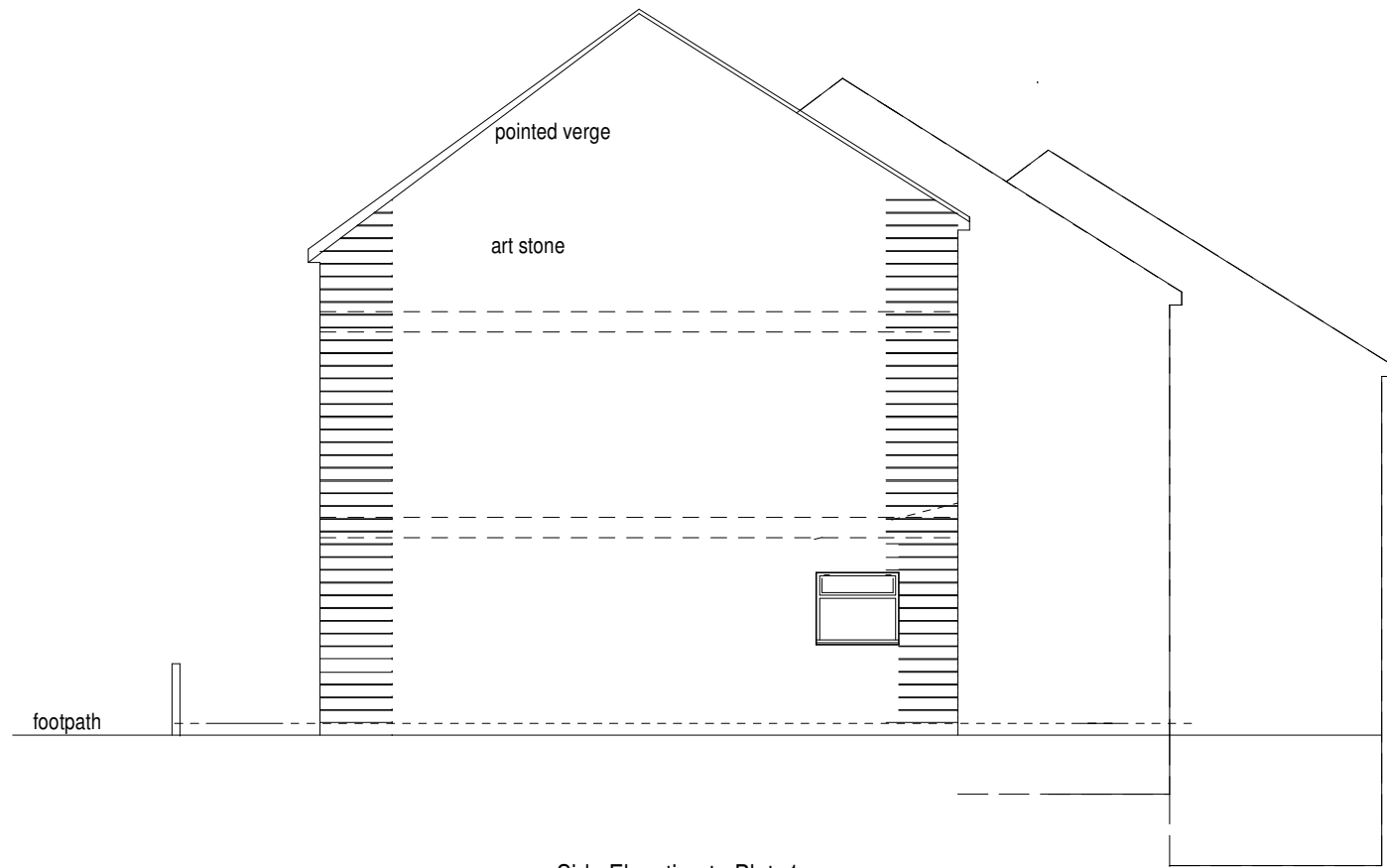
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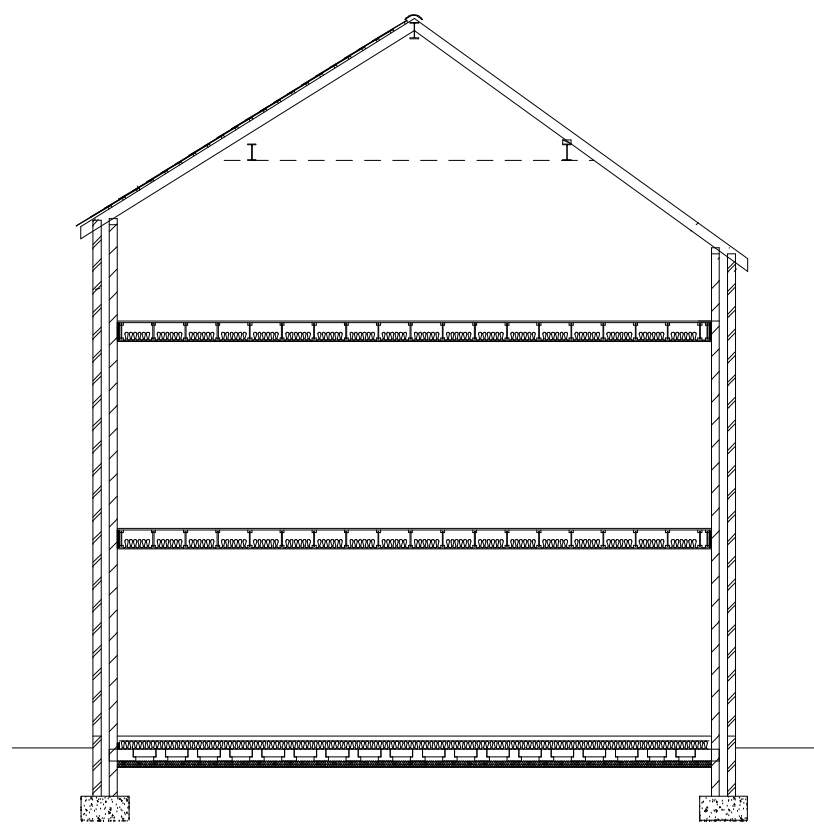
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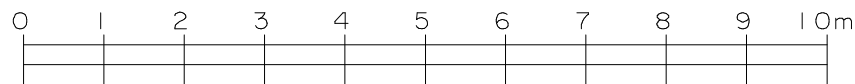
Side Elevation to Plot 8



Side Elevation to Plot 1



Typical Section



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

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Date		Revisions

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Client

Job Title

Development at
Stamford Road
Mossley

Drawing Title

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Elevation and
Typical House Section
Plots 1 to 8

Scale

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Date

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Drg No.

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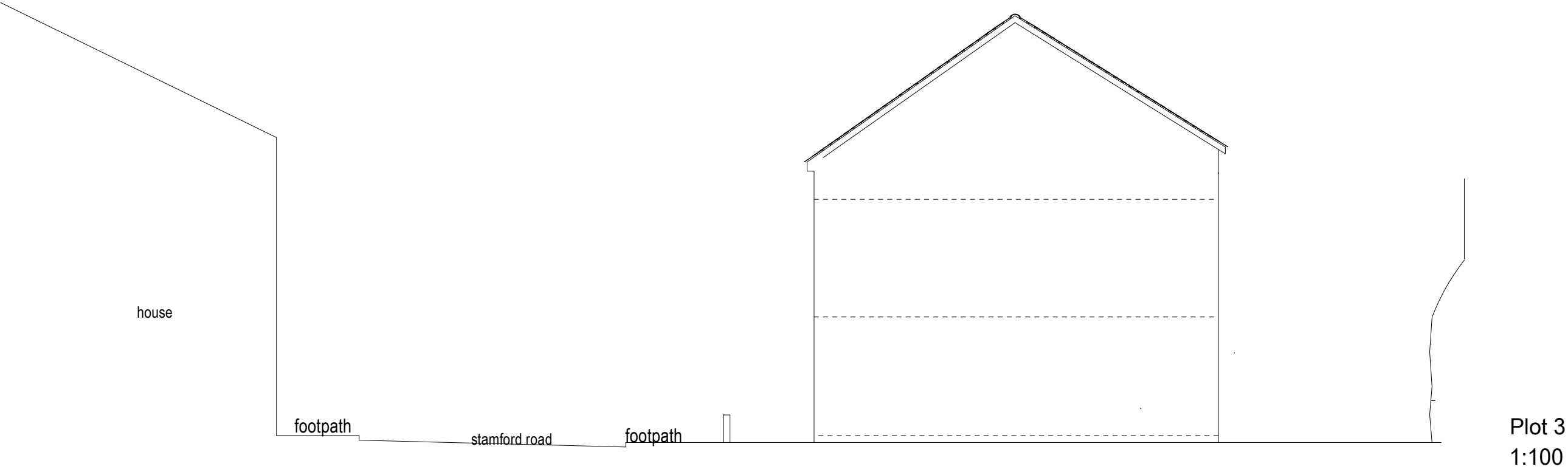
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Rev.

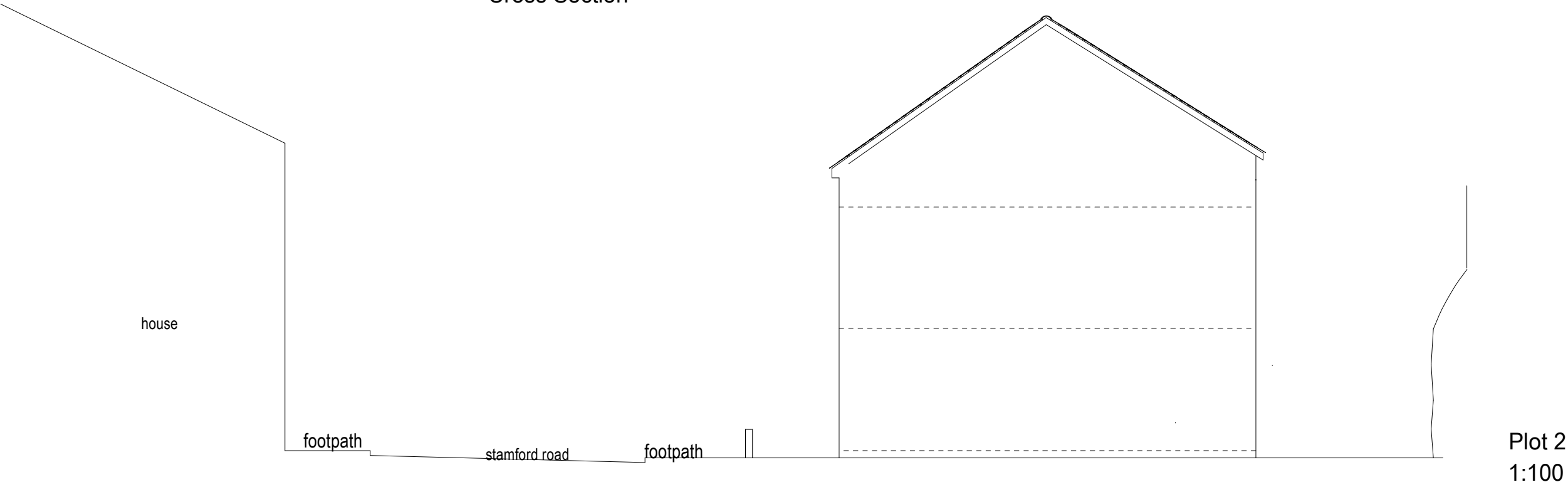
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Cross Section



Cross Section



Cross Section

Note sections taken through middle of each plot

NOTES
Plans prepared for Local Authority approval
All dimensions must be checked on site and not scaled from this drawing.

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	Date	Revisions

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Job Title
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Proposed Development
at Stamford Road
Mossley

Drawing Title
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Sections thro Site
Plots 1 to 3

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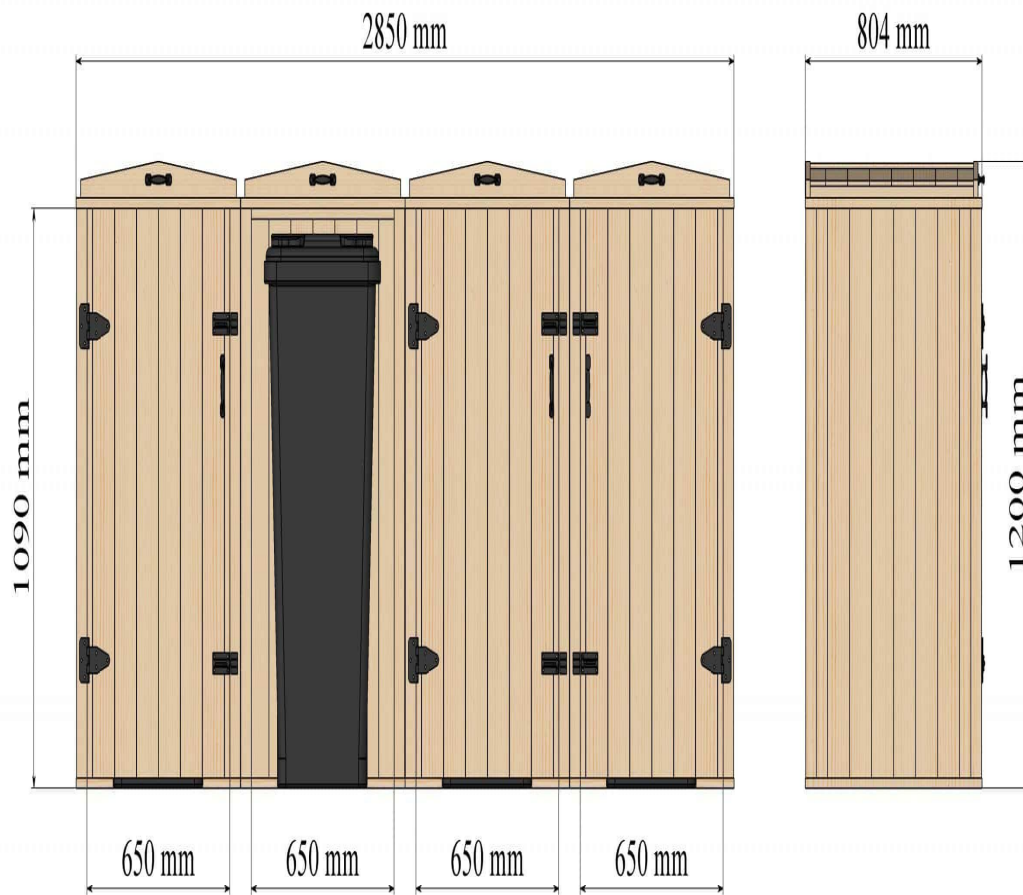
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Bellus Quad Wheelie Bin Storage For 240 Litre Bin Dimensions



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Application Number:	22/00940/FUL
Proposal:	Two storey extension at rear.
Site:	3 Downing Close, Ashton-under-Lyne, OL7 9LX
Applicant:	Mr Frank Tinnirello
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	A Speakers Panel decision has been requested by a member of the Council.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. BACKGROUND

- 1.1 Members will recall that this application was considered at the meeting of Speaker's Panel held on the 16 November 2022. Members decided that the application be deferred, to allow officers to carry out a site visit in order to ascertain whether an unlawful change of use has occurred at the property following reports that the property is being used primarily for business purposes.
- 1.2 A full site visit was carried out at the property on 30 November 2022, including complete inspections of the main dwelling, attached garage to the side of the property and the detached outbuilding/garage to the rear of the property. It was observed that there was no evidence of the main dwelling, nor the attached garage to the side of the property being used for business purposes, with visible signs that the property is used as a dwelling. Within the detached outbuilding/garage to the rear, 1no. ice cream van was being stored, as well as the storage of stock in relation to an ice cream business.
- 1.3 Another full site visit was undertaken in January 2023 by a planning officer and principal planning officer, who found no activity.
- 1.4 The case officer undertook a further full site visit and investigation on 23 May 2023. It was observed that there was no evidence of the main dwelling being used for business purposes, with visible signs that the property is used as a dwelling. Within the detached outbuilding/garage to the rear, 2no. ice cream van were being stored, as well as the storage of a variety of stock in relation to an ice cream business. There is an extant enforcement notice which requires that only two ice cream vans may be stored at the site at any time. In addition to the visit by the case officer, an enforcement officer has undertaken a site visit on a regular basis at different times of the day to check the applicant is complying with an enforcement notice and will continue to do so.
- 1.5 It is acknowledged that there are ongoing enforcement matters and concerns regarding potential breaches of planning at the application site. The applicant is aware of the enforcement notice, has been provided with a copy and has also been advised during the site visit on 23 May 2023 that no more than two ice cream vehicles can be stored at the property at any one time. If it is proven that there are more than two ice cream vehicles being stored at the property on a regular basis then the applicant is in breach of the enforcement notice and the local council may take further action.

- 1.6 This application is for a two-storey/single-storey rear extension to the main dwelling. On the basis of the above, the application should be considered on its own merits, based upon the information submitted.

2. SITE & SURROUNDINGS

- 2.1 The application relates to 3 Downing Close, a two storey detached dwelling set within a predominantly residential area of Ashton-Under-Lyne. The application property is brick built with a gable roof above and benefits from an existing single storey garage extension to the side of the property and a single storey detached garage to the rear.
- 2.2 The site shares a common boundary with properties along Manor Farm Close to the south. The topography of the site is uneven, with ground levels increasing from north to south and from west to east. The properties along Manor Farm Close to the south sit at a higher ground level to the application site.

3. PROPOSAL

- 3.1 The application seeks planning permission for the erection of a two-storey/single-storey extension to the rear of the property.
- 3.2 This application is a resubmission of the previous refused planning application under reference 22/00283/FUL. The current proposal is broadly the same as the previous scheme ('Two storey extension at rear'), but the two-storey rear extension is now set back from the common boundary shared with neighbouring property, no.10 Manor Farm Close by approximately 1.7m at the first floor level. Additionally, the windows proposed to the north and south facing side elevations of the original dwelling at the first floor level have been removed from the scheme.
- 3.3 The proposal will require the demolition of an existing conservatory.
- 3.4 The extension will project approximately 4m from the existing rear elevation at its further point with a maximum height of approximately 5.9m and an eaves height of approximately 5m.
- 3.5 In order to address concerns regarding scale and mass and undue impact by virtue of loss of light on the neighbouring property, new drawings were submitted by the agent on 3 November 2022, setting the rear extension away from the boundary shared with no.10 Manor Farm Close at the first floor level.

4. PLANNING HISTORY

- 4.1 18/00761/FUL Demolition of existing canopy and construction of single storey garage extension to front, side and rear of property. Single storey rear extension with external staircase to detached garage located to rear of property - Approved 5 November 2018.
- 4.2 22/00283/FUL Two storey extension at rear – Refused 13.06.2022.

5. PLANNING POLICY

National Planning Policy Framework

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

Planning Practice Guidance (PPG)

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

Development Plan

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

Tameside Unitary Development Plan (2004)

Tameside Unitary Development Plan (UDP) Allocation

- 5.6 Unallocated, within the Ashton Waterloo Ward
- 5.7 **Part 1 Policies:**
- 1.3: Creating a Cleaner and Greener Environment;
 - 1.5: Following the Principles of Sustainable Development
- 5.8 **Part 2 Policies:**
- H10: Detailed Design of Housing Developments
 - C1: Townscape and Urban Form

Supplementary Planning Documents

- 5.9 Residential Design Guide Supplementary Planning Document:
- RED1: Acknowledge Character
 - RED2: Minimum Privacy and Sunlight Distances
 - RED3: Size of Rear Extensions
 - RED4: Design of Rear Extensions
- 5.10 **National Design Guide (2021)**

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

Places for Everyone

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

Other Considerations

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

6. PUBLICITY CARRIED OUT

- 6.1 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Tameside Statement of Community Involvement, the adjoining owner or occupiers were notified of the proposed development by neighbour notification letters and display of a site notice.

7. SUMMARY OF THIRD PARTY RESPONSES

- 7.1 In response to the neighbour notification letters, there have been 13 letters of representation received from 10 different households, one of which was from Councillor Choksi and included a call in request. The following concerns have been raised within individual objection letters, which are summarised as follows:

Design issues:

- Development too big;
- Unwanted precedent;
- Visual amenity;

- The proposal is out of character.

Amenity issues:

- Loss of Sun/Day Lighting/ Overshadowing;
- Impact on privacy.

Parking issues:

- Concerns regarding parking provision and traffic coming and going from the property.

Other matters:

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

- Outstanding/ongoing enforcement issues – reports of the property being used as a business as well as works not carried out in accordance with the approved plans in relation to the previous approved planning application under reference 18/00761/FUL;
- Concerns that development will be used as a business;
- Noise and hours of operation;
- Surface water/drainage;
- Concerns regarding noise and safety due to site traffic;
- Conflict with land use policy;
- Matters regarding land ownership (Removal of trees outside of the curtilage of the application property);
- Obscuring of view;
- Concerns regarding vermin; and
- Concerns regarding structural works and stability considerations.

8. RESPONSES FROM CONSULTTEES

- 8.1 No consultees were consulted on this application.

9. ANALYSIS

- 9.1 The main issues to consider in the determination of this application are:
- The principle of the development;
 - Design and local character;
 - Residential amenity; and
 - Other matters (parking).

10. PRINCIPLE

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

11. DESIGN AND APPEARANCE

- 11.1 Policies C1 and H10 of the Tameside Unitary Development Plan (UDP) state proposals should respect the nature of surrounding fabric and relationship between buildings and that

housing developments should be of high quality, complementing and enhancing the character and appearance of the surrounding area.

- 11.2 Policy RED1 requires that proposals should apply an architectural style that reflects the existing dwelling and surrounding area and should not alter the scale and mass of the existing dwelling. Policy RED4 of the Residential Design Guide states that extensions to the rear of a house must not dominate the host dwelling, align in terms of scale and mass and roof styles should align with the host dwelling.
- 11.3 The proposed removal of the existing single storey rear conservatory presents no concerns in terms of design and appearance.
- 11.4 The proposed addition to the application property is to the rear elevation. As such, it would not be expected that this proposal would cause any undue impacts to the character and appearance of the street scene along Downing Close, by virtue of being obscured from view from this location.
- 11.5 The proposed two-storey/single-storey rear extension will increase the scale and bulk of the application property. However, overall, the increase is not considered a disproportionate addition, with the two-storey/single-storey rear extension being a subordinate addition overall.
- 11.6 The use of a gable roof is an appropriate roof type, complementing the existing gable roof to the host dwelling. The roof of the proposed extension is reduced in relation to the main roof ridge, achieving subservience. The ground floor portion of the rear extension to the rear is likewise topped with an appropriate pitched roof.
- 11.7 Proposed materials and fenestration are to match the existing throughout, which is suitable and reduces any impact the proposal would have on the character and appearance of the host dwelling.
- 11.8 Overall, the proposed two storey rear extension is deemed to meet the standards and guidelines set out under SPD Policies RED1 and RED4, Policies C1 and H10 of the adopted Tameside UDP and the NPPF.

12. RESIDENTIAL AMENITY

- 12.1 Paragraph 130 (f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants.
- 12.2 Locally, the adopted Tameside UDP Policy H10 requires that any development, including extensions, should not have unacceptable impacts on the amenity of neighbouring properties through loss of privacy nor overshadowing.
- 12.3 In addition, Tameside Residential Design Supplementary Planning Document (March 2010) (the SPD) contains specific standards and guidelines for different development types to ensure that no undue amenity impacts are caused to the occupiers of neighbouring properties. Policy RED2 establishes guidelines for privacy and sunlight distances; in order to ensure that developments do not cause unacceptable overshadowing, loss of natural light, or reduce privacy to neighbouring properties, minimum distance allowances have been implemented between new extensions and existing properties. Policy RED3 of the SPD states that if rear extensions are badly designed they can result in overshadowing, loss of privacy and/or a reduced outlook for neighbouring properties and their inhabitants. In order to avoid such issues, the Council will limit the size of extensions using 45 and 60 degree angle line rules. If a neighbour has an existing extension and this is the nearest habitable room window, the rule should be applied from the extension.

- 12.4 The Council acknowledges the concerns/objections that have been raised by neighbouring residents.
- 12.5 It is noted that neighbouring property, no.2 Downing Close is set at a lower level in relation to the application property, due to the relief of the land in this locality. The single storey element of the proposed rear extension adjacent to the common boundary shared with no.2 Downing Close projects approximately 4m from the rear elevation of the application property and projects 3m at the first floor level. Given that the neighbouring property, no.2 Downing Close benefits from a single storey rear extension, Officers are satisfied that the two-storey/single-storey rear extension is compliant with the 60/45 degree rules as found under SPD Policy RED3.
- 12.6 The element of the proposed extension adjacent to the common boundary shared with neighbouring property, no.10 Manor Farm Close is set away from the boundary by approximately 3.4m at the ground floor level and by approximately 5.1m at the first floor level. The proposed height of the eaves is approximately 5m, with the highest part of the roof set approximately 7.6m away from the common boundary with no.10 Manor Farm Close. It is noted that no.10 Manor Farm Close benefits from an elevated position in relation to the application property.
- 12.7 In respect of SPD Policy RED2, the requisite separation distance between the proposed rear extension and the habitable room window of the rear extension of no.10 Manor Farm Close is 14m when measuring to the sidewall of the first floor element of the proposed extension and 10m when measuring to the sidewall of the single storey element. The proposed rear extension meets the standards and guidelines set out under SPD Policy RED2 at both the ground and first floor levels. The proposed extension would not be projecting any closer to the common boundary shared with no.10 due to being located entirely to the rear of the application property. Moreover, noting the raised positioning of the neighbouring dwellings on Manor Farm Close and the siting of no.10 Manor Farm Close to the south of the application property, it is not expected that there would be a significant loss of light to the neighbouring property as a result of the proposed extension.
- 12.8 The proposed windows meet separation distances as outlined in Policy RED2 and Officers are satisfied that the proposed extension would not cause undue harm to the amenities of the neighbouring residents.
- 12.9 In light of the above, the separation distance and impact upon resident's amenity is fully policy compliant, meeting the standards and guidelines set out under SPD Policies RED2 and RED3 and Policy H10 of the adopted Tameside UDP and the NPPF.

13. OTHER MATTERS (HIGHWAYS)

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

14. CONCLUSION

- 14.1 The proposed two-storey/single-storey rear extension is considered to be sustainable development under the terms of the NPPF, whilst also complying with relevant policies of the Tameside Unitary Development Plan, as well as meeting the standards and guidelines set out in the Tameside Residential Design Supplementary Planning Document.

RECOMMENDATION

Grant planning permission, subject to the following conditions:

1. The development hereby permitted must begin before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in full accordance with the following amended plans/details:

Site Location Plan 00 Rev F (received by the Council 3 November 2022)

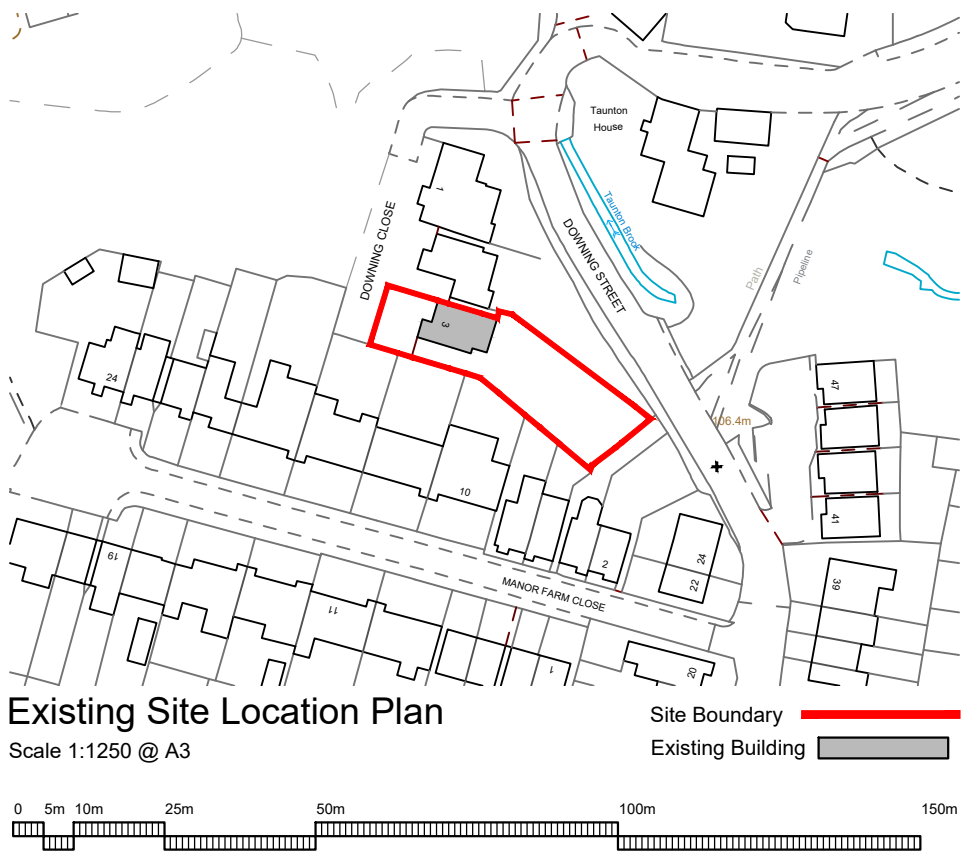
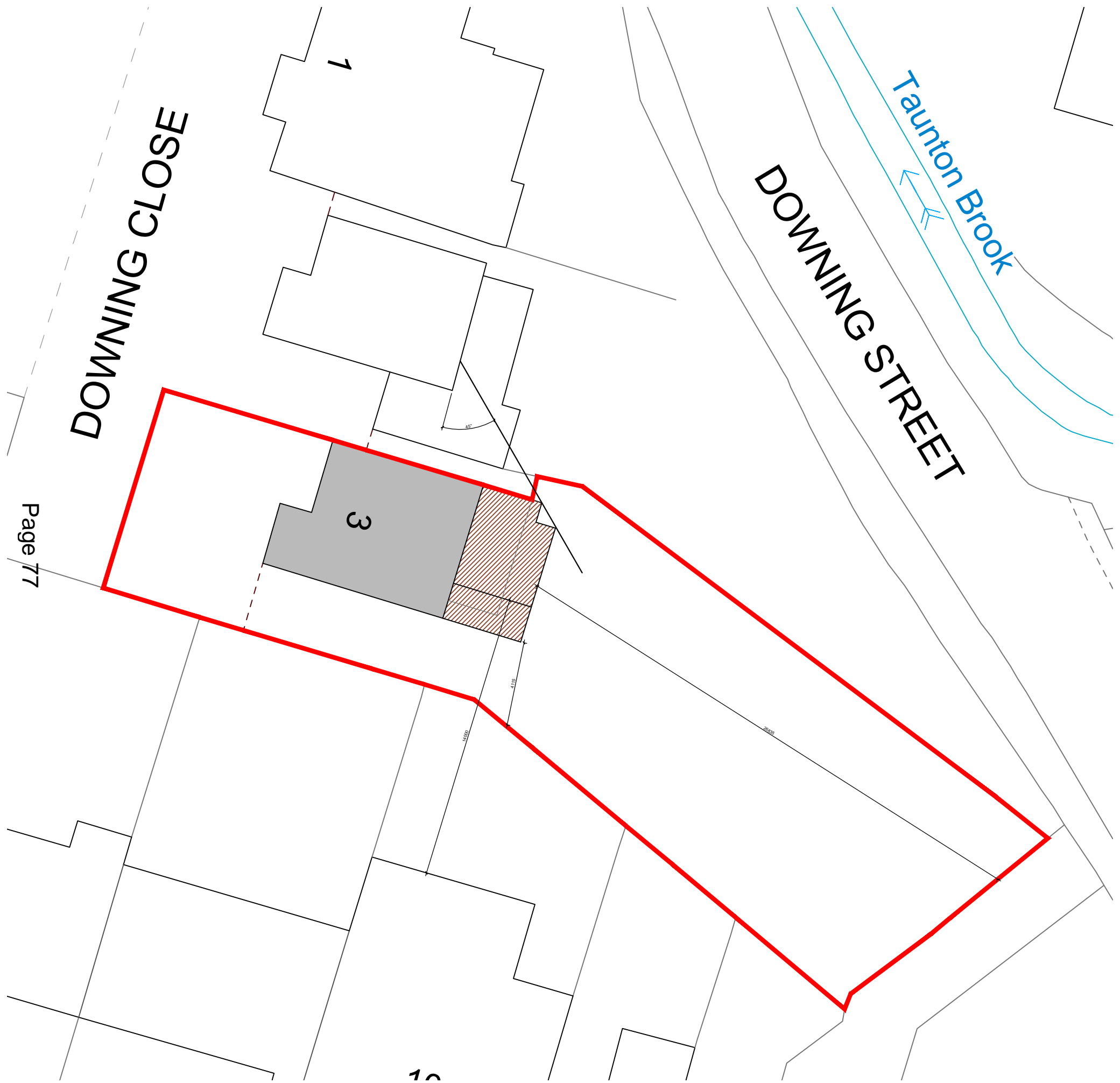
Existing Plans and Elevations 01 (received by the Council 21 September 2022)

Proposed Plans and Elevations 02 Rev F (received by the Council 3 November 2022)

Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policies and relevant national Planning Guidance (Policies RED1, RED2, RED3 and RED4 of the Tameside Residential Design SPD; Policies C1 and H10 of the Tameside UDP).



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

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

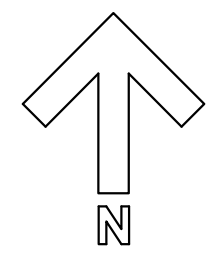


Proposed Site Plan
Scale 1:200 @ A3

Site Area - 524 SqM/ 5635 SqFt

Existing Building 
Proposed Extension 

Site Boundary 



NOTES:

No scaling or dimensions other than those figured are to be taken from this drawing. All dimensions to be checked on site

This drawing is for use at the named location and for Planning Permission purposes only and as such should not be used at any other location or for any other purposes

Project Location:

3 DOWNING CLOSE,
ASHTON-UNDER-LYNE,
GREATER MANCHESTER,
OL7 9LX

Drawing:

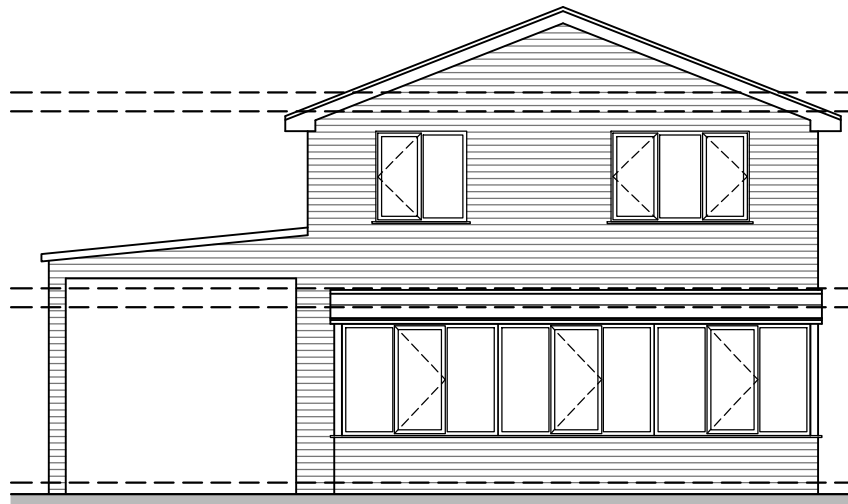
00 Site Location
REV F

Scale:	Size:	Date:
Varies	A3	10/22

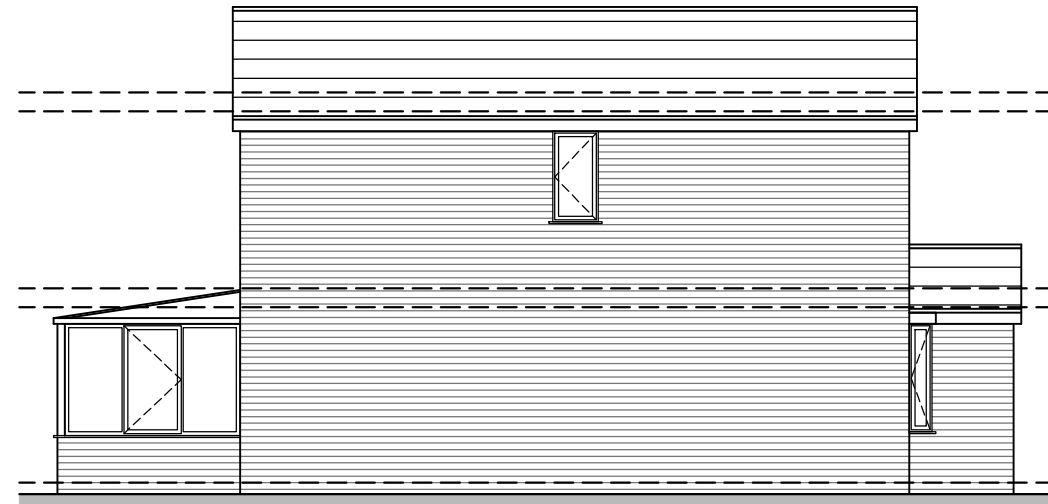
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FRONT ELEVATION
1:100

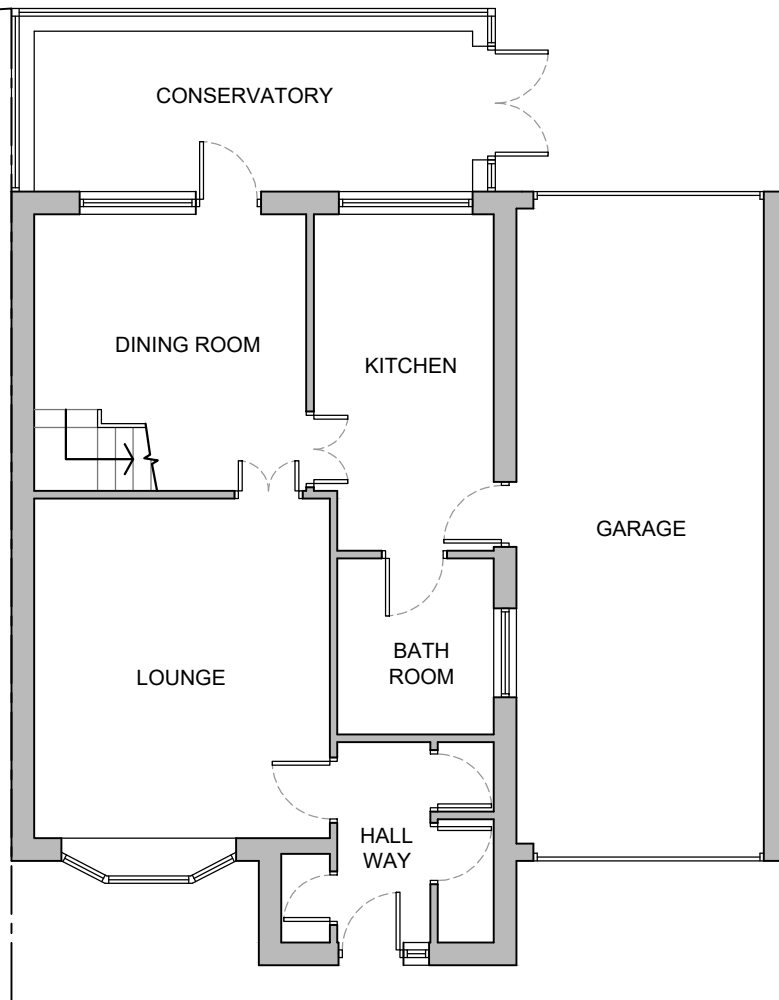


REAR ELEVATION
1:100

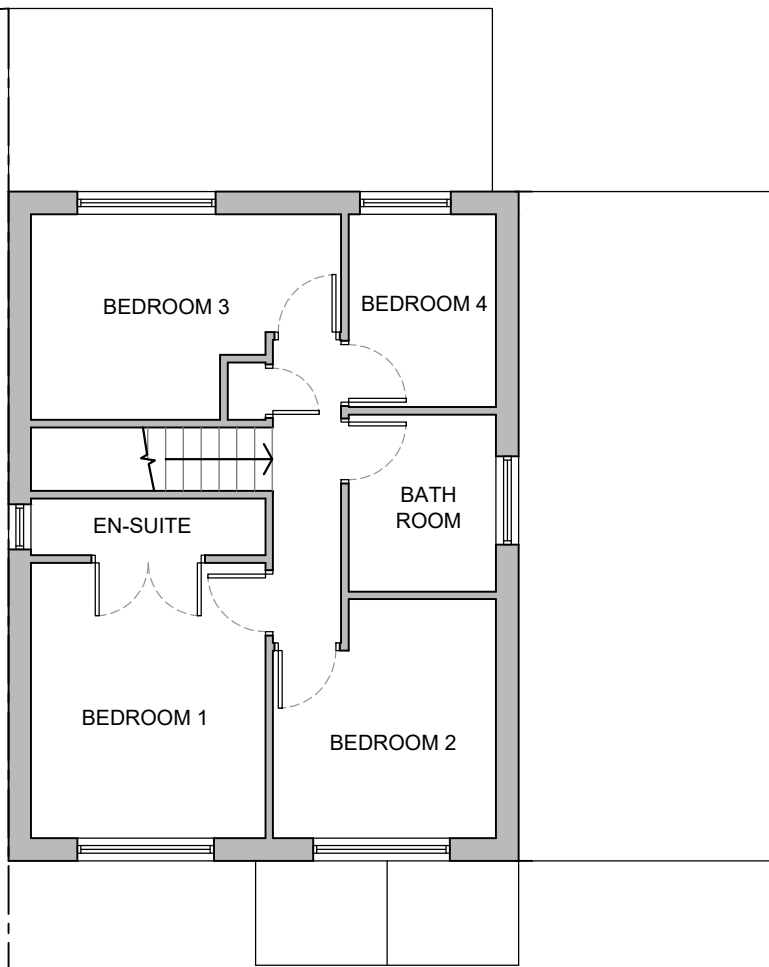


SIDE ELEVATION
1:100

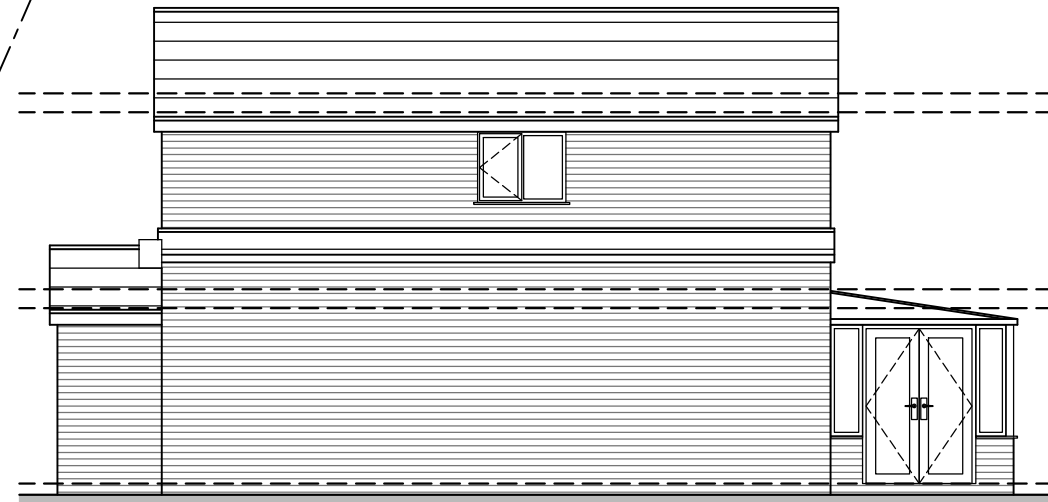
Page 79



GROUND FLOOR
1:100



FIRST FLOOR
1:100



SIDE ELEVATION
1:100

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Project Location:
3 DOWNING CLOSE,
ASHTON-UNDER-LYNE,
GREATER MANCHESTER,
OL7 9LX

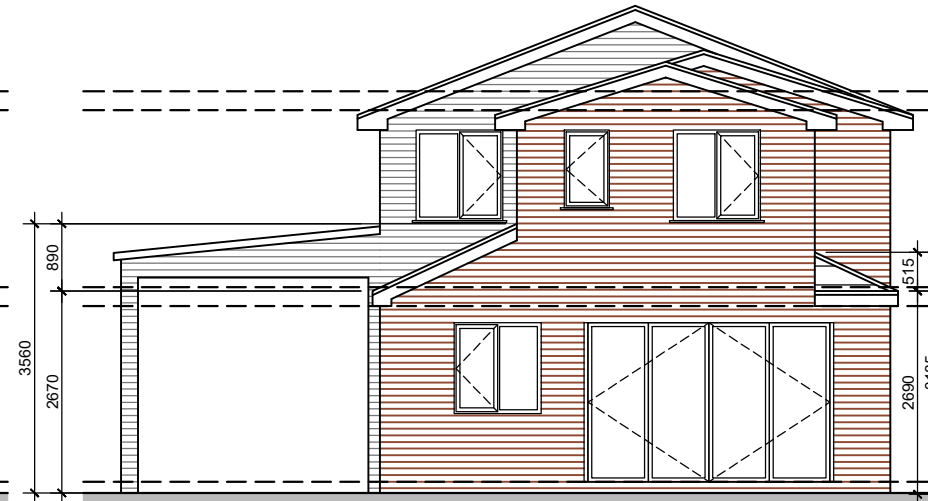
Drawing:
01 Existing Building

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

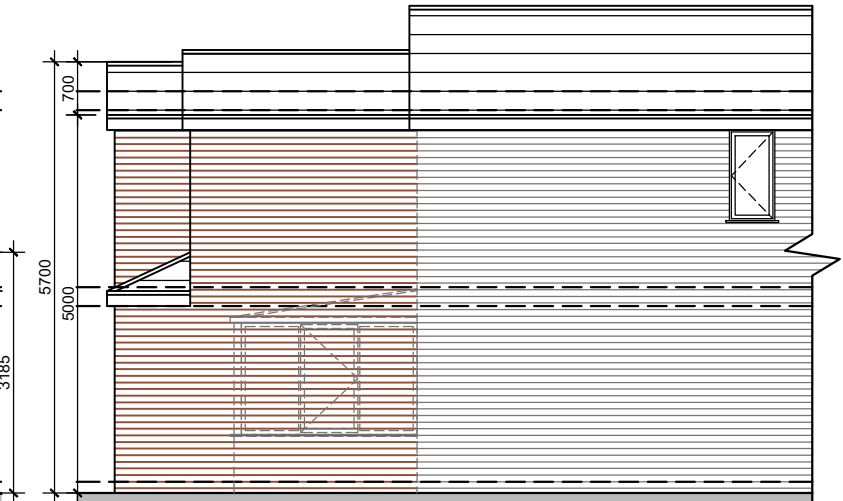
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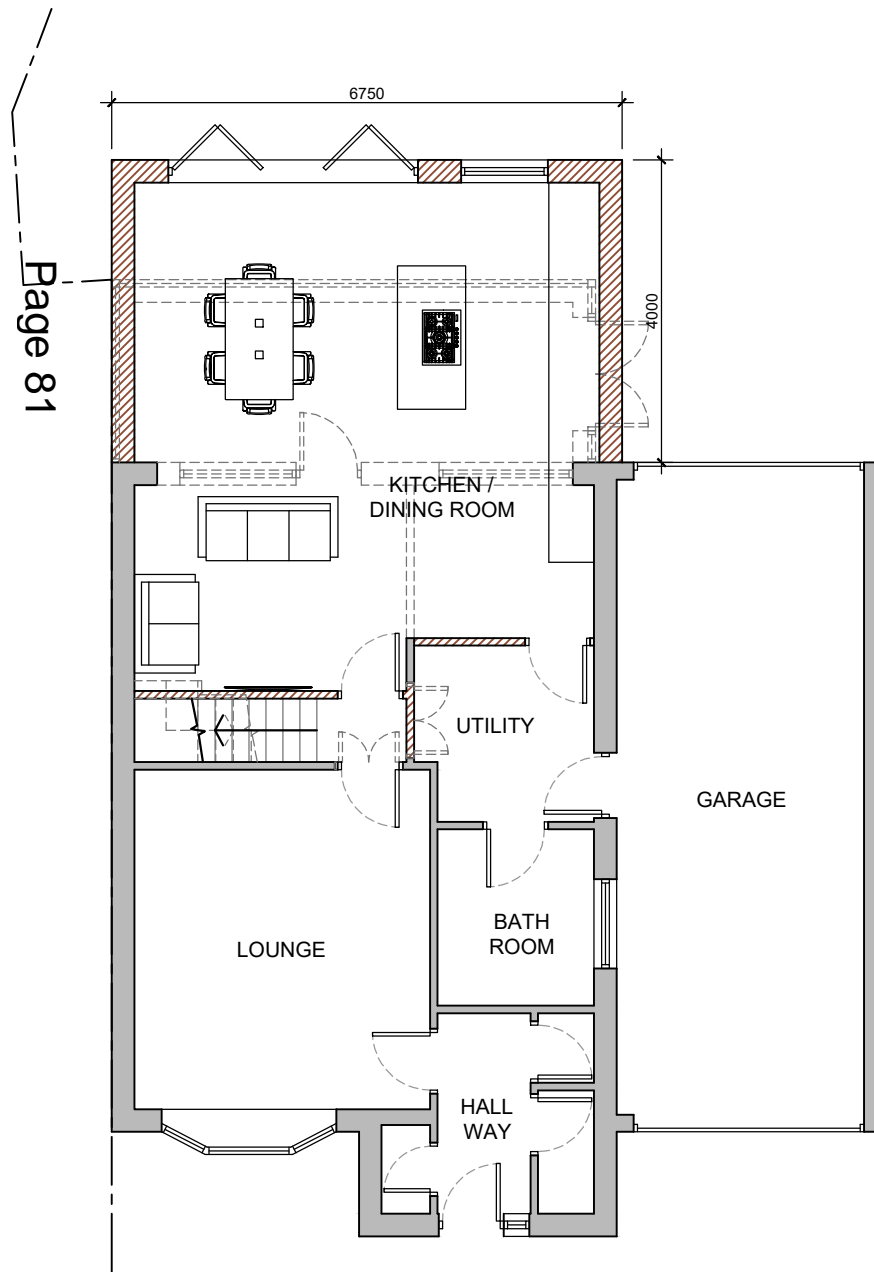
FRONT ELEVATION
1:100



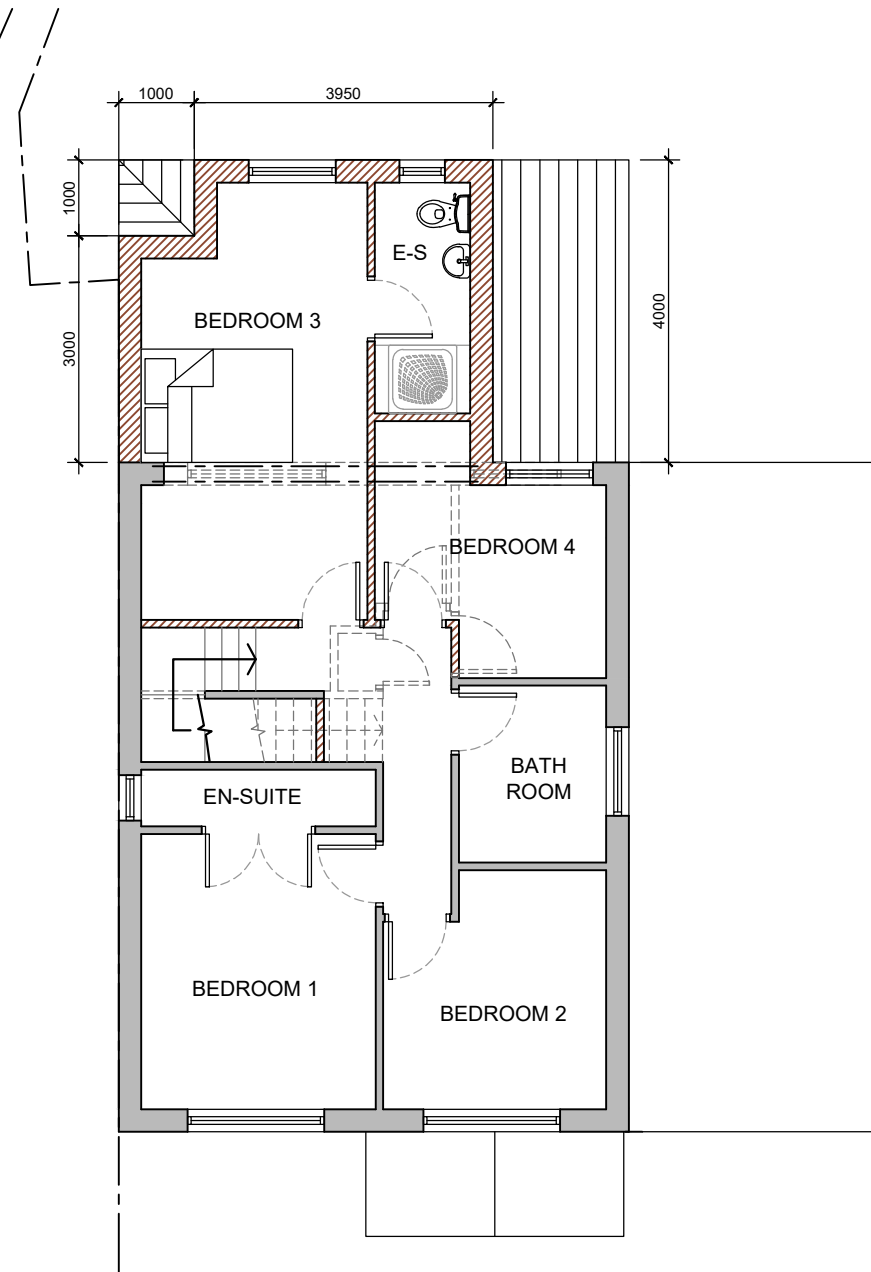
REAR ELEVATION
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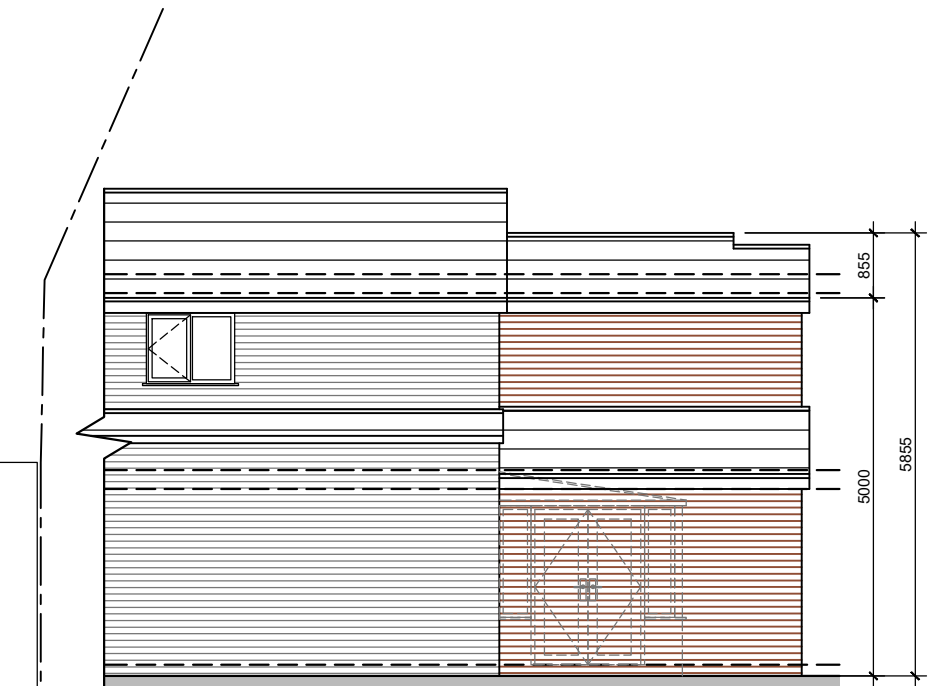
SIDE ELEVATION
1:100



GROUND FLOOR
1:100



FIRST FLOOR
1:100



SIDE ELEVATION
1:100

NOTES:

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Project Location:

3 DOWNING CLOSE,
ASHTON-UNDER-LYNE,
GREATER MANCHESTER,
OL7 9LX

Drawing:

02 Proposed Building
REV F

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

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Application Number:	22/00818/FUL
Proposal:	New residential development of 32 no units consisting of 18no 3 bedroom houses and 14no 4 bedroom houses with associated car parking and landscaping.
Site:	Land at the end of Fern Lodge Drive, Ashton-under-Lyne
Applicant:	Wiggett Construction
Recommendation:	Grant planning permission, subject to conditions and completion of a section 111 Local Government Act 1972 agreement to require the completion of a planning obligation under s106 of the Town and Country Planning Act 1900 (as amended).
Reason for Report:	A Speakers Panel decision is required because the application is major development.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. BACKGROUND

- 1.1 The planning application described above was reported to the Members of the Speakers Panel on 19 April 2023. The report and plans are appended to this report. Members resolved to support the officer recommendation to grant planning permission subjection to a Unilateral Undertaking (UU) securing a financial contribution to local green space and biodiversity net gain, and conditions as listed in the report.
- 1.2 The normal practice would then be that the UU is completed, the planning permission is issued. The UU itself is a simplified but legally enforceable version of a planning agreement, it is entered into by the landowner and any other party with a legal interest in the development site. The UU will consist solely of the payment of financial contributions, as described in the report, these monies are to be paid prior to commencement of development.
- 1.3 The applicant is in the process of purchasing the site from the Council. Contracts have been exchanged, but completion is subject to planning approval having been issued. As the current landowner the Council, it cannot enter into an agreement with itself. The purpose of this report is to seek authorisation to amend the previous recommendation to enable an alternative process to be followed under Section 111 Local Government Act 1972. It is not the purpose of this report to revisit the planning merits of the application as previously reported.
- 1.4 The Section 111 agreement is a legally binding covenant that will require the applicant to complete a UU once it has acquired a legal interest in the land; i.e. once a decision notice has been issued and the land sale has been completed.
- 1.5 In addition since the application was reported the applicant has also sought to review conditions relevant to site contamination and mining legacy and landscaping.

2. ASSESSMENT

- 2.1 The applicant is not currently in a position to enter into a planning obligation with the Council as local planning authority because they do not yet have sufficient interest in the relevant

land, and as the landowner, the Council cannot covenant with itself to comply with the planning obligations, nor can they be enforced against themselves.

- 2.2 Section 111 of the Local Government Act 1972 is entitled “Subsidiary powers of local authorities”. It is a generalised catch-all provision to enable local authorities to “do anything.... which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions” (Section 111(1)).
- 2.3 The use of the power under Section 111 is by its very nature applied to a very wide range of local authority functions, and its use must be subsidiary to the discharge of some particular function, in this instance the granting of planning permission.
- 2.4 Legal advisors have confirmed that an agreement made under section 111 would be the most appropriate means of securing the financial payments required to mitigate the development whilst allowing the land sale to complete.
- 2.5 It is proposed that the Council utilise powers under Section 111 to enter into an agreement with the applicant, which will secure the completion of a UU once the land sale has completed. The process would be as follows:
 1. Agreement under section 111 Local Government Act 1972 between the Council and the applicant which will include a legally binding covenant on the part of the applicant to enter into a unilateral undertaking once they have acquired a legal interest in the land (a draft of the UU would be annexed to the agreement);
 2. Planning permission is issued on that basis;
 3. Sale Transfer and UU then complete simultaneously in accordance with the sale contract and section 111 agreement.
- 2.6 To reaffirm, the process does not seek to alter, or amend, the applicant’s requirements to pay a £50,000 contribution towards local green space improvements. The section 111 agreement merely provides the correct legal framework for the monies to be appropriately secured.
- 2.7 Finally, with regard to planning conditions previously reported, subsequent discussion with the Coal Authority has confirmed that conditions 6 and 7 as originally recommended can now be removed. It is also proposed to adjust the wording slightly of condition no. 4 (site remediation) and include a reference to a revised landscaping plan in condition no. 23.

RECOMMENDATION

That subject to the completion of a Section 111 Local Government Act 1972 agreement, binding the applicant into the unconditional completion of the Unilateral Undertaking on transfer of the land to Wiggett Construction, members resolve to grant planning permission, subject to the conditions recommended in the report with the following amendments:

Condition no. 4 reworded as follows:

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

1. A Preliminary Risk Assessment which has identified: - All previous and current uses of the site and surrounding area. - All potential contaminants associated with those uses. - A

conceptual site model identifying all potential sources, pathways, receptors and pollutant linkages.

2. A site investigation strategy, based on the Preliminary Risk Assessment in (1) detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.

3. The findings of the site investigation and detailed risk assessments referred to in point (2) including all relevant soil / water analysis and ground gas / groundwater monitoring data.

4. Based on the site investigation and detailed risk assessment referred to in point (3) an options appraisal, remediation strategy and verification plan setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented. This will need to include any requirements for long term monitoring and maintenance.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 183 of the National Planning Policy Framework.

Condition no. 6 to be removed.

Condition no.7 to be removed.

Condition no.23 reworded as follows:

In addition to the soft landscaping planting detailed on drawing 6849.03 rev A (landscaping plan), a scheme for the Biodiversity Enhancement and Mitigation Measures comprising of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) the approved measures shall be retained thereafter

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

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Application Number:	22/00818/FUL
Proposal:	New residential development of 32 no units consisting of 18no 3 bedroom houses and 14no 4 bedroom houses with associated car parking and landscaping.
Site:	Land at the end of Fern Lodge Drive, Ashton-under-Lyne
Applicant:	Wiggett Construction
Recommendation:	Grant planning permission, subject to conditions and completion of a section 106 agreement.
Reason for Report:	A Speakers Panel decision is required because the application is major development.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 The application relates to an area of vacant land to the east of Fern Lodge Drive, a small stub road which connects to Queens Road to the west. Hurst Cross is located to the north. The site is rectangular in shape and covers an area of approximately 0.7 hectares, it is not publically accessible being enclosed behind a 2m high fence. It borders a playing field to the north which is located at an elevated height; a private angling pond to the east; and properties fronting Freshwater Drive to the south. An amenity area of public open space separates the site from Queens Road.
- 1.2 Historically the site was within the Hurst / Stamford Mills complex, and until 1999 it still supported a reservoir as a legacy of the former cotton spinning operations. The reservoir has been cleared but there remains evidence of concrete slabs and tarmacked access roads. The remainder of the site is scattered with self-set vegetation. The land is marshy in character and is undulating with several areas of spoil.
- 1.3 Queens Road/Hurst Cross supports numerous amenities including shops, health services, schools and employment uses. Tameside General Hospital is also located a short distance to the south. There are regular bus services which, amongst other areas, provide links to Ashton and Oldham. The housing stock locally is varied. That found to the east of the site has been built within the last 20 years and has taken place on former employment land.

2. PROPOSAL

- 2.1 The application seeks full planning permission for a residential development of 32 dwellings. The accommodation split would comprise of 20 x 3 bed and 12 x 4 bed properties, this would include 4 x 2 storey, 6 x 2.5 storey and 16 x 3 storey dwellings. The size of the properties would range from 92 square metres (sqm) to 129 sqm.
- 2.2 Amendments have been made during the assessment of the application, these have altered the layout and house types within the development to improve the appearance and relationship to existing dwellings. The layout is also influenced in part by a water main which runs along a north/south axis of the sites frontage.

- 2.3 The access would be taken from the head of Fern Lodge Drive. All of the properties would have 2 off road parking spaces.
- 2.4 The application is supported with the following documents:
- Arboricultural Impact Assessment;
 - Biodiversity Impact Assessment;
 - Coal Mining risk Assessment;
 - Crime Impact Statement;
 - Drainage Report;
 - Environmental Sustainability Statement;
 - Flood Risk Assessment;
 - Geo-Environmental Investigation;
 - Ground Remediation Report;
 - Planning Statement;
 - Transport Assessment;
 - Travel Plan;
 - Tree Survey.

3. PLANNING HISTORY

- 3.1 00/00091/FUL – Erection of 61no. dwellinghouses, fishing pond, 0.75ha area for B1 Industrial/Commercial Use and new access from Queens Road – Approved on appeal 18.01.2001.
- 3.2 02/01386/FUL – Amendment to previously approved application ref.00/00091/FUL for erection of 61 houses, garages and associated works and provision of fishing pond – Approved 26.02.2003.

4. PLANNING POLICY

National Planning Policy Framework

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

Development Plan

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

Tameside Unitary Development Plan (2004)

4.5 Part 1 Policies

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

4.6 Part 2 Policies

- H1: Housing Land Provision
- H2: Unallocated Sites
- H4: Type, Size and Affordability of Dwellings
- H5: Open Space Provision
- H10: Detailed Design of Housing Developments
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- C1: Townscape and Urban Form
- N3: Nature Conservation Factors
- N5: Trees within Development Sites
- N7: Protected Species
- MW11: Contaminated Land
- MW12: Control of Pollution
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

Places for Everyone

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

Other Considerations

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

5. PUBLICITY CARRIED OUT

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

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 6 representations in objection to the development have been received the reasons for which are summarised as follows:
- 6.2 Land Use
- The land has a covenant-in-perpetuity relating to its historic site as a graveyard, planning permission has previously been refused due to conflicts with this.
 - Oppose the construction of any buildings on land used for burial and especially where a covenant exists for its protection.
 - One of the only areas of Green Space in the locality
- 6.3 Amenity
- Loss of privacy from overlooking
 - Noise and disturbance during construction
 - Loss of light / overshadowing
- 6.4 Ecology
- Impact upon wildlife habitat
 - Loss of trees
- 6.5 Other
- Lack of detail accompanying the application
 - Sit clearance works have commenced ahead of planning approval
 - Overdevelopment of the site

7. RESPONSES FROM CONSULTEES

- 7.1 Coal Authority – Confirmed that the site is within a High Risk Area. The applicant has produced an appropriate up-to-date coal mining risk report. No objections raised subject to the recommended condition relevant to further intrusive site investigation to determine the nature of any remediation strategy.

- 7.2 Contaminated Land – No objections subject to recommended conditions requiring further site investigations.
- 7.3 Environment Health Officer – No objections, make recommendation for a single planning condition controlling construction working hours.
- 7.4 Education - Comment that education contribution should be made in accordance with DfE guidance.
- 7.5 Greater Manchester Ecology Unit (GMEU) – Identify that that off-site compensation is required in lieu of habitat to be lost on site. It is recommended that the compensation includes species-rich grassland suitable for pollinators. Our current estimate of the cost of offsetting units is £15,000/unit to cover creation, long term management and monitoring. According to the submitted metric the scheme would result in a loss of 2.82 units, which would equate to £42k but the specific costings may be less, particularly if the area adjacent to the site was used.
- 7.6 Tree Officer – No objections. The footprint of the site consists of low value, self-seeded scrub trees and vegetation that would not be considered a constraint to development. The only tree of more significant value is T3 Himalayan Birch, an off-site tree adjacent to the site. The proposal is acceptable from an Arboricultural perspective with the retention and protection of T3 to BS5837 during all works. The submitted landscape plan is appropriate to the development with sufficient planting of suitable species trees
- 7.7 Green Spaces Manager – Recommend that a series of improvements are secured to meet both biodiversity and wider green space objectives. A £50,000 commuted sum secured via section 106 agreement could secure:
- A new footpath around Cedar Park to join up with other paths and form a good route from the Queens Road entrance to the Alderley Street entrance.
 - Increased tree planting on Smallshaw Fields – this will enhance some planned tree planting which will take place with the local community in 2023/24 planting season and has already been funded. In addition to this we will be leaving longer grass in some areas and establishing wildflower areas where possible.
 - A small community orchard on the open space adjacent to Fern Lodge – in addition to planting fruit trees on the area to the South East corner of the site there will be wildflower seed planting around the fruit trees which will be maintained annually. In the first few years additional planting may take place depending on success rates.
 - The Council will work with City of Trees and local Registered Social Landlords to identify opportunities for tree planting in the local area along the highway and also on land owned and maintained by the RSL.
 - Where possible, local community and greenspace volunteers could be involved in maintenance of the orchard, wildflower areas and young trees.
- 7.6 Greater Manchester Archaeology Advisory Unit (GMAAS) – Satisfied that the proposed development does not threaten the known or suspected archaeological heritage. On this basis it is confirmed that there is no reason to seek to impose any archaeological requirements upon the applicant.
- 7.7 Great Manchester Police (Designing out Crime) – No objections, recommend a condition to reflect the physical security recommendations in section four of the submitted Crime Impact Statement.
- 7.9 Local Highway Authority (LHA) – No objections subject to conditions. Development is expected to result in an additional 25 trips in the AM and PM peak based on comparable developments so the additional traffic generated by the proposal should be accommodated on the local highway network without any significant detrimental impact. The access/egress from Queens Road onto Fern Bank Drive is satisfactory and meets requirements for a

maximum gradients of 1 in 14. In addition, the visibility splays comply with Manual for Streets/LHA requirements. All types of vehicles can safely manoeuvre within the site using the turning heads and egress the development in a forward gear. Conditions are recommended relevant to details and phasing of highway works, the provision of vehicle and cycle parking, construction management plan and highway condition surveys. Requested that £30,000 is secured as part of a section 106 agreement to fund local pedestrian and cycling improvements.

- 7.10 Transport for Greater Manchester (TfGM) – No comments received.
- 7.11 Lead Local Flood Authority (LLFA) – Recommend pre-commencement conditions requiring submission of further drainage information.
- 7.14 United Utilities (UU) – No objections subject to details of the site drainage being conditioned in accordance with the drainage hierarchy and that site is drained on separate foul and surface water systems.

8. ANALYSIS

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

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The site is unallocated on the UDP Proposals Map (2004), the surrounding area is primarily residential in character albeit for commercial uses found along the Queens Road / Lees Road (B6194) corridor. Historically there had been employment uses to the east and west of the site. This included Stamford and Hurst Mills, these have long since been demolished in replacement of housing developments.
- 9.2 Planning permission approved in the early 2000's included the site as part of the residential development undertaken to the west of the site. However, the site was earmarked for employment use on as part of these applications with agreement reached to transfer the land to Council ownership. TMBC Estates confirm that marketing of the site for employment use had taken place, the last such exercise being in 2016 with no expressions of interest received.
- 9.3 The NPPF requires local planning authorities to support the delivery of a wide choice of quality homes in sustainable locations. 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.

- 9.4 Notwithstanding previous planning permissions pursuant to employment use, it remains that the site is not allocated on the adopted UDP proposals map, it is also not subject to any other designations. Policy H2 of the UDP (Unallocated Sites) applies to housing development proposed on such unallocated sites within the Borough, it gives preference to the reuse of previously developed sites.
- 9.5 In terms of the interpreting the site's status as either greenfield / previously developed or brownfield land (PDL), the NPPF advises that land which has blended into the landscape should be excluded from PDL. Notwithstanding the level of vegetation, there are significant remains from the previous development in the form of hardstanding, access roads and boundary treatments such that it is PDL for the purposes of the planning assessment. The site's overall environmental condition is of a poor character, largely overgrown and is attracting litter which reflects negatively on the locality. The opportunity to redevelop the site would address what appears to be longstanding issue.
- 9.6 The site's potential for residential development is identified within the Tameside Strategic Housing and Economic Land availability assessment (SHELAA). The SHELAA identifies the site as brownfield with an indicative development threshold of 26 dwellings. However, this does not mean that planning permission should be granted as it is based on a high level assessment of the site for the purposes of determining housing land supply only.
- 9.7 However, 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 32 dwellings would make a positive contribution to housing land supply, this should be apportioned due weight in the decision making process.
- 9.8 The site's location is within a highly accessible area. Hurst Cross is an established suburb which is well connected to public transport, local services and employment uses. In terms of the assessment against the sustainable credentials identified within paragraph 11 of the NPPF (economic, social & environmental), there would be direct economic gains associated with the construction phase of the development. The social role would be fulfilled with the commitment to housing. On the matter of the environmental impact and the sustainable credentials, the redevelopment of PDL carries significant weight along with the locational factors relating to access to services and transport, appropriate levels of ecological mitigation can be secured and the houses would be designed to reduce energy/carbon dioxide emissions. The overall sustainable credentials are not questioned, and the proposals are considered to achieve the three dimensions of sustainable development through the contribution to the supply of housing within a sustainable location.
- 9.9 Residential development is considered to be an efficient and appropriate use of the site, which has been a long term vacancy, the principle of securing the sites stewardship aligned to the Council's housing land supply is welcomed. The development would be compatible with adjacent uses and the location close to associated amenities around Hurst Cross dictates that it is a sustainable location for planning purposes.
- 9.10 Representations have been made suggesting that the site was formally used as a burial ground which is subject to restrictive covenants. Restrictive covenants are private matters that are not material to planning decisions. Notwithstanding this, and for information only, historic mapping shows that the site previously supported a reservoir and associated

infrastructure which served nearby mill complexes. Discussion with Estates confirms that a title review did not raise any restrictive covenants applicable to the site, the issues raised in the representations are not relevant to the planning assessment.

10. DESIGN & LAYOUT

- 10.1 UDP policies, NPPF and the guidance of 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. The NPPF emphasises that development that is not well designed should be refused where it fails to take into account local supplementary planning documents (para. 134).
- 10.2 Policy RD22 of the adopted SPD applies specifically to infill development it advises that:
- Plot and boundary widths should align with the surrounding street.
 - Scale and mass of dwellings should align with their surroundings.
 - Architectural styles and materials should generally align with the existing.
 - Development must follow an existing building line and orientation, particularly at road frontage.
 - Ensuring privacy distances are achieved.
 - Proposals should not land lock other potential development sites.
 - Development should provide appropriate outdoor amenity space, parking & access.
- 10.3 Policies C1 and H10 of the UDP seeks to ensure that developments are designed to respect their surroundings and contribute positively to the character of the area, having particular regard to the layout, density, design, scale, height, massing, appearance, materials and landscaping prevalent in the area. New development should be compatible with the local character and encourage local distinctiveness through the use of appropriate and high-quality building materials, architectural detailing and boundary treatment.
- 10.4 Negotiations with the applicant have secured significant amendments to the proposed layout as now presented. This has included a re-configuration to the access road and layout of properties, aligned to reducing the dominance of highway and creating a better relationship between the proposed dwellings and existing properties on Freshwater Drive.
- 10.5 The main site constraint to influence the design and layout is an onsite sewer, this runs a long an north to south axis across the frontage of the site. The layout addresses this with the access drive running along the alignment of the sewer to where it terminates as cul-de-sac with communal parking.
- 10.6 The properties would take a traditional layout, being sited with an active frontage to the highway carriageway based on two cul-de-sacs. The cul-de-sacs terminate at private drives, designed to provide a pedestrian friendly, traffic calmed, environment. The layout and form mirrors that of the established pattern of development of the existing housing stock, which includes clearly defined linear streets and also includes 3 storey accommodation.
- 10.7 The amended layout responds more positively to the site conditions. The layout works to 'perimeter block' principles which would see the dwellings arranged in a 'back to back' formation to those on Freshwater Drive. Looked at in the wider context, the proposed housing would appear as a natural continuation to infill development which has occurred within the locality across previous years. The layout would also create an active frontage to Queens Road/Fern Lodge Drive and with this, provides welcome passive surveillance across the existing area of public open space which would be retained and undisturbed by the development.

- 10.8 The housing mix would comprise of 5 different house types within a semi-detached and terrace format. This would range from 2 to 3 storeys in height providing a range of 3 and 4 bed accommodation. The design and finish of the properties would observe established urban design principles, and as a group the dwellings would provide visual interest. Properties located on corner plots would be dual aspect which reinforces engagement to the street. Feature windows within the elevations provide a more contemporary finish, examples of where the developer has constructed these properties elsewhere identifies that they are of a good quality.
- 10.9 The layout and property types have also been designed so that properties on the southern boundary to Freshwater Drive stand at 2.5 storeys in height with an eaves height comparable to a traditional 2 storey dwelling. The interface distance would accord with relevant separation distances to existing dwellings. Garden sizes would all be well proportioned across all properties.
- 10.10 The scale of the development would equate to a density of approximately 45 dwellings per hectare, driven by the use of terraces. This is considered to be a highly efficient use of the land which is aligned to sustainable principles of development within accessible urban areas. Overall, the scale of the development, both in terms of the numbers and building heights, is appropriate to the local context.
- 10.11 With regard to parking arrangements, the layout does not appear to be overly car dominated, parking is provided both in front and to the side of dwellings, where the impact is offset by soft landscaping within front gardens as well as communal planting areas. The highway geometry ensures that there is sufficient capacity within the carriageway to accommodate visitor parking. All of the properties are served with front to rear access which will allow for the storage of bins outside of the public domain and therefore not interfering with the street scene.
- 10.12 Boundary treatments have not been defined, it is proposed that this can appropriately conditioned, the desire would be to see a mixture of treatments with all public facing boundaries being of a suitably quality design. The aim would be to create private defensible space and also to provide a suitable finish to public areas. Where space allows, frontages would support planting in the form of trees and shrubs, this in turn provides a visual benefit by softening the site's overall appearance.
- 10.13 Having full consideration to the design merits of the proposal and the layout of the scheme, it is considered that the development would deliver an attractive residential environment which would enhance the existing area. The scale and density of the development is reflective to that of housing within the locality. Overall, the design and layout should successfully assimilate with the existing housing stock, whilst providing good quality family housing. The proposal adheres to the objectives of UDP policy H10 and the adopted SPD which stress the importance of residential development being of an appropriate design, scale, density and layout.

11. RESIDENTIAL AMENITY

- 11.1 The adopted policies within the Council's Residential Design Guide Supplementary Planning Document strive to raise design standards; they should be applied along with the criteria of Building for Life (BFL). Good design is aligned to the delivery of high residential amenity standards. This should reflect equally on the environment of existing residents as well as that of future residents. Paragraph 130(f) of the NPPF states that development should seek to provide a high standard of amenity for existing and future users alike. This is reflected in policy H10 and the recommendations of the Residential Design Guide SPD, which seek to ensure that all development has regard to the amenity of existing and proposed properties.

- 11.2 The layout and house types 'B' and 'D' would back on to Freshwater Drive, they have been designed so that they are 2.5 storeys on the rear elevation, the eaves height is therefore comparable to the existing properties, and sections provided demonstrate how this would be achieved. The siting of the properties would be a minimum of 22 metres away from the rear elevation from the nearest property on Freshwater Drive and thus compliant with policy RD5.
- 11.3 Disruption from the development would be mainly attributable to the construction phase. A construction environment management plan (CEMP) could be secured by planning condition to ensure best practice measures are employed and overall disturbance is kept to a minimum. The site access is isolated from existing properties so associated vehicle movements from construction traffic should not be readily discernible. Environmental Health have no objections to the proposals in their consultation.
- 11.4 With regard to the amenity which will be afforded to the residents of the development, it is of note that each of the properties meets with the technical housing standards. The close proximity of the site to Hurst Cross, existing areas of open space, transport links, nearby local amenities and employment opportunities means that residents would also benefit from an acceptable standard of access to local services.

12. HIGHWAYS AND ACCESS

- 12.1 Policy T1 requires all developments to be designed to improve the safety for all road users. Likewise paragraph 111 of the NPPF confirms that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 12.2 The site already has an established (gated) vehicle entrance which is located directly off Fern Lodge, a small spur road that links to Queens Road directly to the west. The entrance would extend from this access and would comprise a traditional 5.5m wide carriageway served by 2m wide footways, this would then taper down to 4.8m within the site with inclusion of some paved margins. The road would terminate as a cul-de-sac, off which private drives would serve several individual plots.
- 12.3 Following groundworks, site levels would be favourable and well within a maximum 1:14 gradient. These levels are conducive to meeting accessibility requirements for vehicles and pedestrian users alike. This detail would be secured by condition.
- 12.4 The access arrangements are somewhat unique in that the development would be relatively isolated from existing properties. Vehicle trips generated from the development would not be significant, it is anticipated that there would be an additional 25 trips in the AM and PM peak. These trips would disperse immediately onto Queens Road and outside of neighboring residential areas. The LHA confirm that traffic can be accommodated on the local highway network without any detrimental impact to safety.
- 12.5 The LHA also comment that the access arrangements are suitable to protect all road users. The highway within the development would be designed to ensure that vehicle speeds are low. Adopted roads within the development would be treated with tarmac with private driveways block paved. In line with the maximum standards of the adopted SPD on parking, all of the properties have 2 off street parking spaces. The position and orientation of the properties ensures that parking spaces are accessible and would also have good surveillance.
- 12.6 A planning condition is proposed to secure carriageway improvement to the sites access on Fern Lodge, this would include the resurfacing of the carriageway and footways. To facilitate pedestrian movements, and impress low speeds on approaching vehicles, a raised table is

proposed, this would link existing footways serving adjacent green spaces which are located either side of the carriageway.

- 12.7 The proposal has appropriately demonstrated that safe and convenient access can be achieved to meet all highway users' requirements. The disruption associated with traffic during the construction period can be managed to ensure minimal disruption would occur during the temporary construction period. Once operational, the associated traffic movements from the site would not be significant and there would remain appropriate capacity on the local network. Safety would not be compromised and future residents would have direct access to public transport. The proposals would be in compliance with the requirements of T1, T7, T10 and T11 and NPPF paragraph 111.

13. DRAINAGE AND FLOOD RISK

- 13.1 The site is in flood zone 1 and is at a lower risk of flooding. The proposals would see the removal of existing vegetation, and whilst gardens and soft landscaping areas would be incorporated as part of the design, there would nonetheless be an increase in hard surfacing across the site. Hard surface areas would be positively drained via dedicated surface water drainage, this would ensure overall runoff levels are comparable to greenfield rates.
- 13.2 Site investigation confirm the presence of clay deposits within the ground, this dictates that infiltration would not be suitable at the site, drainage would therefore need to be addressed via an attenuated system into the existing sewer network
- 13.3 The comments raised by the LLFA and UU in their review confirm that drainage can be adequately addressed via a condition. Such a condition will ensure that the design and drainage strategy would be adequate for the site and that the proposals would not result in a detrimental impact on flood risk or drainage capacity within the locality.

14. GROUND CONDITIONS

- 14.1 The site falls within a defined coal mining development high risk area, in addition there is likely to be onsite contamination associated with legacy of the previous industrial use. There are known shallow mine workings in and around the site. A Coal Mining Risk Report has been prepared along with onsite site investigation reports to establish existing ground conditions.
- 14.2 In review of the Coal Mining report the Coal Authority state that there is historic unrecorded underground coal mining at shallow depth and that a thick coal seam outcropped across the site. Ultimately further site investigation will determine the full extent of mine workings, and can be secured by condition. To mitigate against their, presence grouting will need to be undertaken and properties will require more specialist foundation design to protect against both stability and potential mine gas.
- 14.3 The Environmental Protection Unit (EPU) have reviewed the initial site investigation appraisal which identified the presence of contamination within the site including hydrocarbons and asbestos. In addition there is a degree of made ground from historic infill. Further investigation will be required to inform the overall remediation strategy. The remediation of contamination is a benefit of the development, it is not a constraint to prohibit development and there are no objections raised to the proposals subject to recommended conditions. The conditions recommended by the EPU are considered reasonable and necessary to ensure that future users of the proposed development would not be exposed to potential risks caused by contamination at the site.

- 14.4 Consultation with both the Coal Authority and the Contaminated Land Officer confirm, that subject to the safeguarding of conditions, there are no reasons why the site can't be redeveloped for residential purposes. There is compliance with UDP policy in this regard.

15. LANDSCAPING, TREES & ECOLOGY

- 15.1 Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment. A full tree survey has been undertaken along with an extended habitat survey.
- 15.2 The trees and vegetation within the site are largely set following clearance of the former reservoirs. The tree survey identified 3 individual and 4 groups of trees within and immediately around the site. Species include mature Willow, Birch and Cherry and a generally of low amenity value. The Tree Officer identifies that there is only a single Birch tree of any significant amenity value, this is located just outside of the site boundary and would therefore not be directly impacted upon by the proposals.
- 15.3 In terms of ecology, no statutory protected sites lie on the site or immediately adjacent to the site boundary. The nearest is Knot Hill Local Nature Reserve (LNR) which lies 1.2km to the north-east of the site. An extended phase 1 habitat survey and biodiversity impact assessment have been submitted with the application which show that there are no protected species present.
- 15.4 The habitats presented on the site are common throughout the UK. Two species listed on the Greater Manchester Biodiversity Action Plan were found within localised areas in low numbers on the site. No other nationally rare, or locally rare, plant species were identified during the survey. In summary the site comprises ephemeral/short perennial vegetation, dense and scattered scrub and trees and bare ground. The scrub offers cover from predation, nesting bird habitat and foraging habitat. The scrub and ephemeral vegetation offer a source of pollen and nectar for invertebrates.
- 15.5 The applicant has undertaken a Biodiversity Impact Assessment which sets out what will be lost and what can be achieved through landscaping on the site. There would clearly be a loss of habitat on site due to buildings, sealed surfaces and amenity grassland. The introduction of native hedgerows as part of a landscaping strategy would help to mitigate this to an extent. To meet the requirements of NPPF paragraph 180, relevant to compensation of existing habitat at a commuted sum is required to fund improvements off-site at nearby receptor sites.
- 15.6 In addition, the Green Space Manager has made a series of recommendations relevant to off-site biodiversity improvements within the immediate vicinity of the site. The package of works proposed would address ecology requirements as well as matters relevant to green space improvements required to satisfy UDP Policy H5.
- 15.7 As a result if mitigation measures, it has been demonstrated that a suitable level of assessment has been undertaken, and there is no evidence of any adverse effect upon protected species and the proposals are in accordance with policy N7: Protected Species of the UDP.
- 15.8 The proposals have been considered by GMEU who are supportive of the site appraisal as well as the approach to off-site biodiversity enhancements. Conditions could control the overall level of planting across the site, as well as the provision of any bat and bird boxes. Subject to this requirement, the proposals are considered to be in accordance with the requirements of policy N4, N5 and NPPF paragraph 174.

16. DEVELOPMENT CONTRIBUTIONS

- 16.1 The proposal is a major development, where there would normally be a requirement to meet affordable housing (15%), green space and highways requirements as per policies H4, H5 and T13 of the UDP.
- 16.2 NPPF Paragraph 57 advises that planning obligations must only be sought where they meet all of the following tests:
- 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.
- 16.3 NPPF Paragraph 58 advises: 'It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. 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. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available'.
- 16.4 Section 106 obligations may be challenged where it can be suitably demonstrated that they would undermine delivery of a site. The NPPF is clear that significant weight should be attributed to delivery of housing particularly during periods of under-supply. It remains that the council cannot demonstrate a 5 year supply of housing.
- 16.5 When challenging planning obligations the circumstances will be dependent on the individual characteristics of a particular site, and its particular development costs. Where viability can be genuinely demonstrated it is right that obligations should be considered in the context of wider planning benefits. It may therefore be reasonable to reduce or even waiver contributions in their entirety in such circumstances.
- 16.6 The developer has challenged development contributions on viability grounds. The case presented is based on the requirement to address abnormal ground conditions, requirements to meet biodiversity compensation in addition to the recognised increase in construction costs.
- 16.7 The applicant has submitted a viability report which has been reviewed independently to provide an objective assessment. The report provides comment on financial viability, taking into account current market conditions. The appraisal includes assessment of a series of viability appraisals to assess the impact of section 106 contributions relevant to affordable housing, education, highways and greenspace. This process has been undertaken in accordance with national policy guidance, that viability is a material consideration. There are site specific abnormal works relating to ground conditions. The independent assessment has concluded that a full commitment to the suite of section 106 requirements would undermine the deliverability of the site. However, it has been identified that the development can support a contribution of £50,000 towards off-site green space improvements which includes appropriate level of biodiversity mitigation. Taking into account the relevant development plan policies, and other material considerations, it is recommended that this contribution is allocated to fund off-site Greenspace biodiversity and environmental improvements which will enhance the local environment and benefit existing and proposed local residents alike.

17. OTHER MATTERS

- 17.1 Noise: Noise affecting the development is largely transport based as there are immediate commercial or industrial uses within an influencing distance of the site. The EHO is satisfied

that a suitable standard of amenity level can be achieved and there are no requirements for any noise related planning conditions. A construction management plan (to be conditioned) will ensure disturbance is kept to a minimum during the construction period. Residential use is fully compatible with the local established character, there is no reason why existing residents amenity should be impacted upon negatively from the development.

- 17.2 Heritage: There are no recorded assets within the vicinity of the site which the proposals could have an influence upon. Consultation with GMAAS also confirms that the proposed development does not threaten any known or suspected archaeological heritage
- 17.3 Security: The application has been accompanied by a Crime Impact Statement. Subject to implementation of the recommendations, the security of the future occupants and neighbouring properties would be adequately met. The layout ensures there is good levels of passive surveillance over public and private areas.

18. CONCLUSION

- 18.1 At the heart of the NPPF is a presumption in favour of sustainable development, this requires planning applications that accord with the adopted development plan to be approved without delay, and where the development plan is absent, silent or out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.
- 18.2 A balanced assessment has been undertaken of the proposals and it is recommended that the application should be approved having regard to the relevant policies of the development plan, national planning policy and guidance and all material considerations raised.
- 18.3 The site is previously developed land which detracts from the locality in its current state. It is located within a highly accessible location within a well serviced suburb, the proposals would represent an efficient use of urban land. Given the prevailing residential nature of the locality residential represents the preferred land use for its redevelopment. The redevelopment of the site would bring about a number of benefits including;
- Appropriate redevelopment of previously developed land
 - Valued contribution to housing in a period undersupply;
 - Environmental improvements;
 - Offsite infrastructure contributions;
 - Construction/employment opportunities
- 18.4 The proposals would be readily compatible with the housing development that is established within the locality. The scale and design of the development is deemed to be appropriate in that it would not give rise to any adverse environmental or amenity issues. The development would add to and contribute too much needed, good quality family housing. This would also accord with the requirements of policy H2 which promotes the redevelopment of previously developed sites for residential purposes.
- 18.5 The design creates a positive and welcoming residential environment. The dwellings would make a positive contribution to the local housing stock, in accordance with core principles of the NPPF.
- 18.6 Taking into account the relevant development plan policies and other material considerations, subject to the identified mitigation measures, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposals represent an efficient re-

use of a largely previously developed site that would meet sustainability requirements, and contribute positively to the Borough's affordable housing supply.

RECOMMENDATION

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

- (i) To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure financial contributions to off-site ecology and green space infrastructure to the satisfaction of the Borough Solicitor; and
- (ii) The following conditions:

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 M4852 (PL) 100
Site Layout M4852 (PL) 10 rev C
House Type A / C M4852 (PL) 03 rev C
House Type B M4852 (PL) 04 rev C
House Type D M4852 (PL) 05 rev B
House Type E M4852 (PL) 06 rev B
Tree Protection Plan 6849.02

Arboricultural Impact Assessment ref MG/6849/AIA&AMS/MAY22
Biodiversity Impact Assessment July 2022
Design & Access Statement rev A received February 2023
Coal Mining Risk Assessment LKC 16 1058a
Crime Impact Statement ref 2022/0340/CIS/01
Environment Sustainability Statement
Extended Phase 1 Habitat Survey April 2022
Flood Risk Assessment ref SP/SJG
Phase 1 Preliminary Risk Assessment ref LKC 16 1058a
Phase 1 Habitat Survey April 2022
Planning Statement – ref Aug 2022
Final Phase 2 Geo-Environmental Investigation ref LKC 16 1058a
Transport Assessment ref 23877-HYD-XX-XX-RP-TP-5001-P01
Travel Plan ref 23877-HYD-XX-XX-RP-TP-6001-P01
Tree Survey report – MG/6849/TSR/APR22
Viability Assessment ref July 2021

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

3. Notwithstanding any description of materials in the application, samples and/or full specification of materials to be used: externally on the building; in the construction of all boundary walls, fences and railings; and, in the finishes to all external hard-surfaces have been submitted to, and approved in writing by, the local planning authority prior to their use

on site. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details and retained as such thereafter.

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

4. No development, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:
 1. A Preliminary Risk Assessment which has identified: - All previous and current uses of the site and surrounding area. - All potential contaminants associated with those uses. - A conceptual site model identifying all potential sources, pathways, receptors and pollutant linkages.
 2. A site investigation strategy, based on the Preliminary Risk Assessment in (1) detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.
 3. The findings of the site investigation and detailed risk assessments referred to in point (2) including all relevant soil / water analysis and ground gas / groundwater monitoring data.
 4. Based on the site investigation and detailed risk assessment referred to in point (3) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.
 5. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in (4) have been fully implemented including any requirements for long term monitoring and maintenance.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 183 of the National Planning Policy Framework.

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

If, during development, contamination not previously identified is encountered, then the Local Planning Authority (LPA) shall be informed and no further development (unless otherwise agreed in writing with the LPA, shall be undertaken at the site until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved. The discharge of this planning condition will be given in writing by the LPA on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the LPA and occupation of the development shall not commence until this time unless otherwise agreed in writing by the LPA.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 183 of the National Planning Policy Framework.

6. No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.
- The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

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

Reason: To ensure 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.

8. No development, other than site clearance and site compound set up, shall commence until details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

9. The car parking spaces to serve each dwelling as part of the development hereby approved shall be laid out as shown on the approved site plan prior to the first occupation of that

dwelling and shall be retained free from obstruction for their intended use thereafter. Driveways shall be constructed on a level which prevents displacement of materials or surface water onto the highway and shall be retained as such thereafter.

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

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

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

11. Construction of the highway, as per the plans approved under condition 2, shall not take place until a scheme of highway construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of:-
- i. Phasing plan of highway works
 - ii. Stage 1 Safety Audit – 'Completion of preliminary design' and subsequent Stages 2-4 based on the Design Manual for Roads and Bridges document GG 119 – Road Safety Audit.
 - iii. Surface and drainage details of all carriageways and footways.
 - iv. Details of the works to the reinstatement of redundant vehicle access points as continuous footway to adoptable standards following the completion of the construction phase.
 - v. Details of proposed retaining walls within the development including temporary retaining structures.
 - vi. Details of the areas of the highway network within the site to be constructed to adoptable standards and the specification of the construction of these areas.
 - vii. Details of carriageway markings and signage.
 - viii. Details of a lighting scheme to provide street lighting (to an adoptable standard), to the shared private driveway and pedestrian/cycle pathways have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance.
 - ix. Introduction of a raised pedestrian crossing to connect existing footpaths on Fern Lodge Drive.
 - x. Re-surfacing of the carriageway, footways and lining of Fern Lodge Drive to the junction with Queens Road.

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

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

12. No development, other than site clearance and site compound set up, shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been

entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

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

13. The new estate road/access shall be constructed in accordance with the Tameside MBC Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

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

14. No development shall commence until such time as a Demolition Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:
 - Wheel wash facilities for construction vehicles;
 - Arrangements for temporary construction access;
 - Contractor and construction worker car parking;
 - Turning facilities during the remediation and construction phases;
 - Details of on-site storage facilities;
 - Details of restriction to weight limits of Construction Vehicles along Moss Lane;
 - Emergency contact details of the site manager to be displayed publically.

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

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

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

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

16. As indicated on the approved plan, prior to the first occupation of the development hereby approved an electric vehicle charging design shall be approved in writing by the Local Planning Authority and shall be retained as such thereafter. which complies to the requirements listed below:-

The specification of the charging points installed shall:

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

Reason: In the interest of sustainability to promote sustainable travel

17. During demolition/construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to

Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.

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

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

Reason: In the interests of security and residential amenity.

19. No development, other than site clearance and site compound set up, shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).

Reason: In the interests of the visual amenities of the locality, in accordance with UDP Policy C1 Townscape and Urban form , OI10 Landscape Quality and Character and H10 Detailed Design of Housing Developments.

20. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the locality, in accordance with UDP Policy C1 Townscape and Urban form , OI10 Landscape Quality and Character and H10 Detailed Design of Housing Developments.

21. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To safeguard existing trees, in the interest of visual amenity in accordance with UDP policy N5: Trees within Development Sites

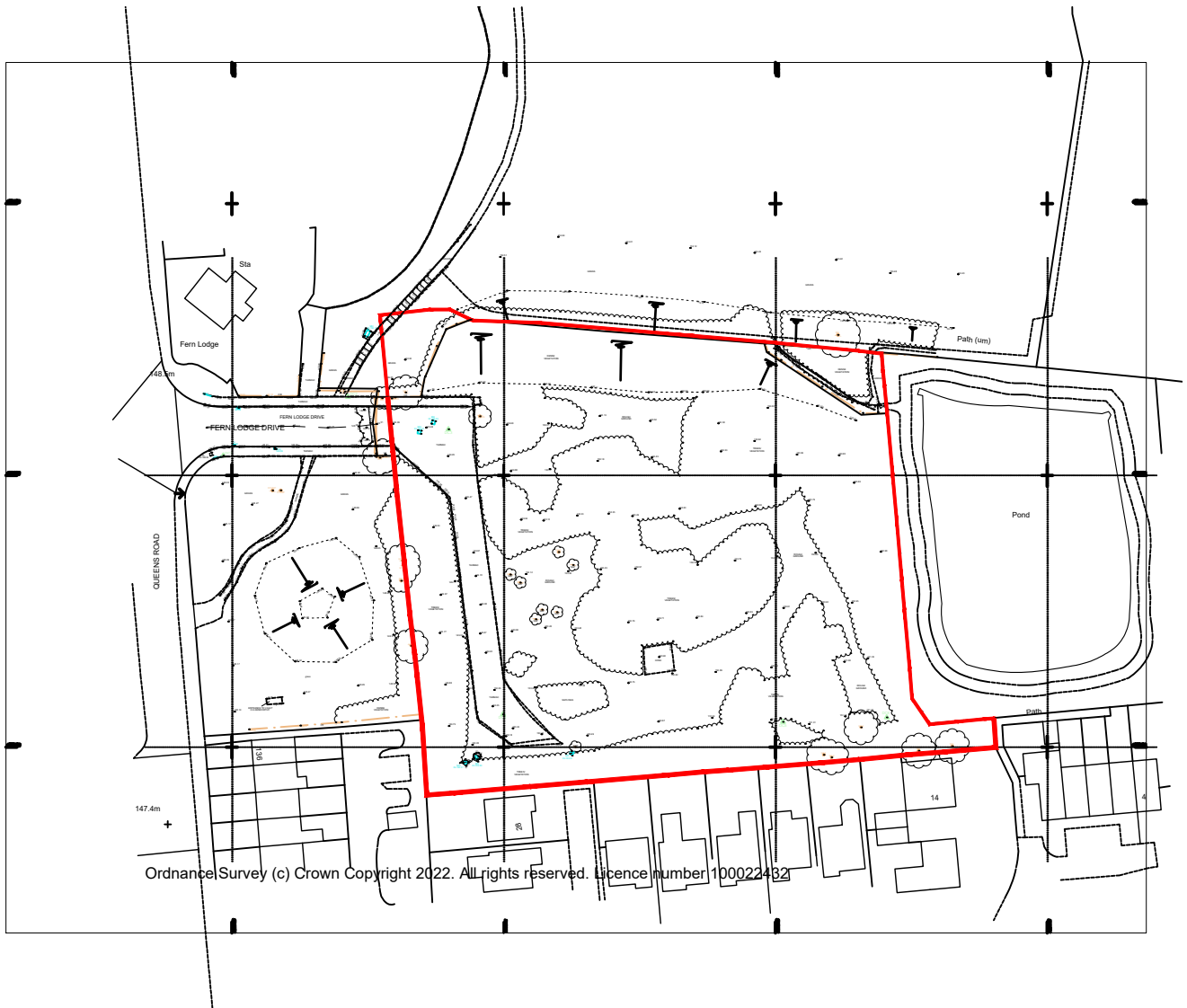
22. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been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

Reason: In the interests of biodiversity in accordance with policy N7: Protected Species.

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

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

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nicol thomas

Revision	Date	Details

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Client:		Wiggett Construction		
Job:		Fern Lodge Drive, Ashton-Under-Lyne		
Drawing title:		Location Plan		
Drawing Number: (Job number)		M4852	(PL)	100
Scale:		1:1250 @ A4		
Date:		June 22		
Drawn by/ checked by:		RW		

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SCHEDULE OF ACCOMMODATION

Ref	Accommodation	Area sqm	No
A	3 bedroom 5 person	92	2
B	3 bedroom 5 person (3 storey)	100	16
C	3 bedroom 5 person house	92	2
D	4 bedroom 7 person (2.5 storey)	129	6
E	4 bedroom 7 person (3 storey)	126	6
TOTAL		3498	32

Car parking generally 200%

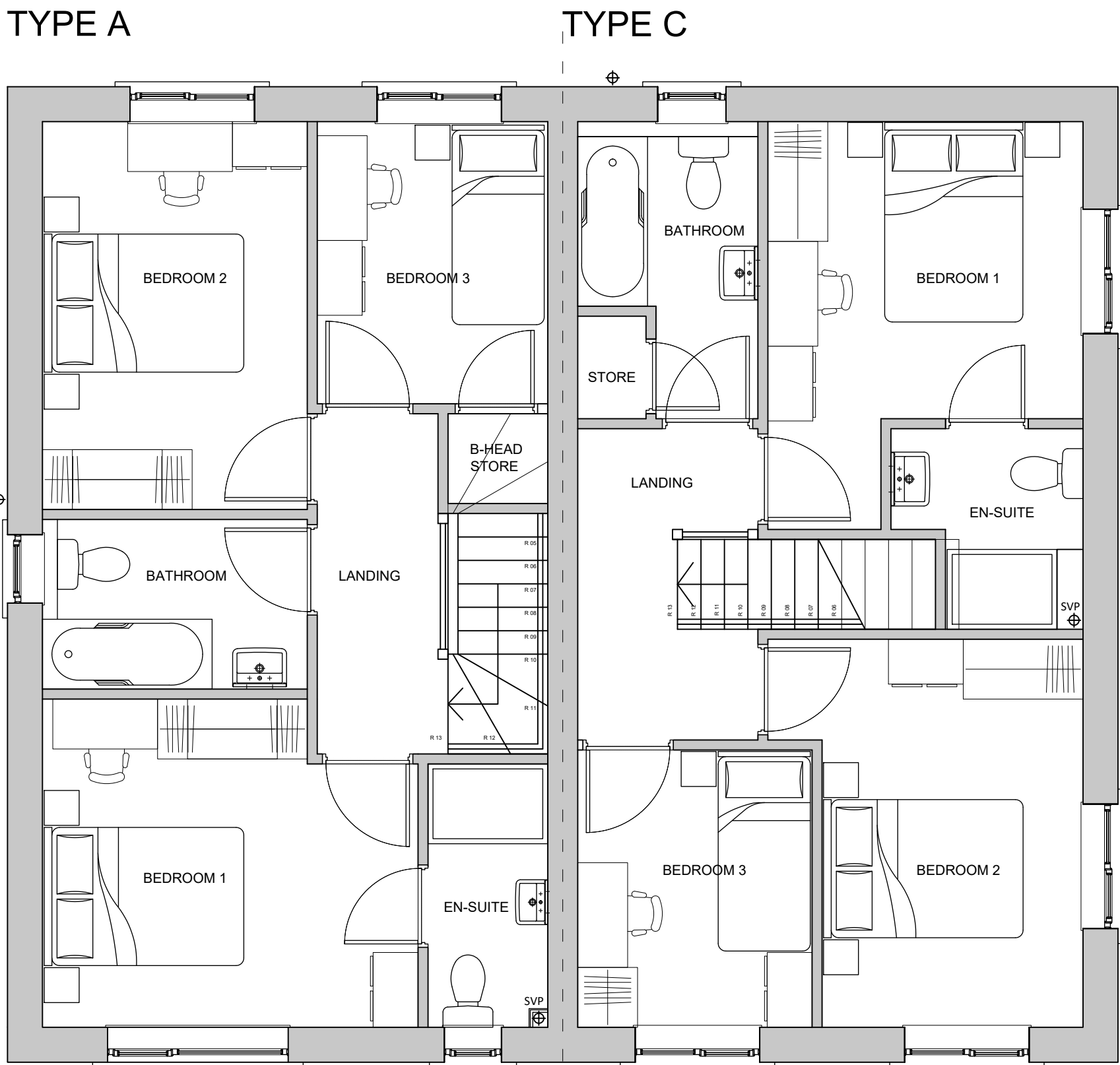
Site Area 0.74Ha
Density 43 dwellings/Ha

External Works Legend	
	Concrete paving flags
	Turfed lawn area
	Low level shrub planting
	Tarmac parking space
	Block paved parking space
	Tarmac highway
	Proposed tree planting

Revision	Date	Details
A	10.11.22	Amendments to suit Wiggett comments.
B	24.11.22	Amendments to plots 7-12 to suit Wiggett comments.
C	06.01.23	Amendments to highway width to suit Planner's comments.

Client:	Wiggett Construction			
Job:	Fern Lodge Drive, Ashton-Under-Lyne			
Drawing title:	Site Layout V2			
Drawing Number: (Job number)	M4852	(PL)	10	Revision: C
Scale:	1:250 @ A1			
Date:	Nov 22			
Drawn by/ checked by:	RW			

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First Floor Plan



Ground Floor Plan



Rear Elevation



Type C Gable Elevation

Materials Legend

1

Roof Tiles TBC

2

Red multi facing brickwork TBC

3

UPVC window frames. Colour Anthracite

4

UPVC rainwater goods. Colour Black

5

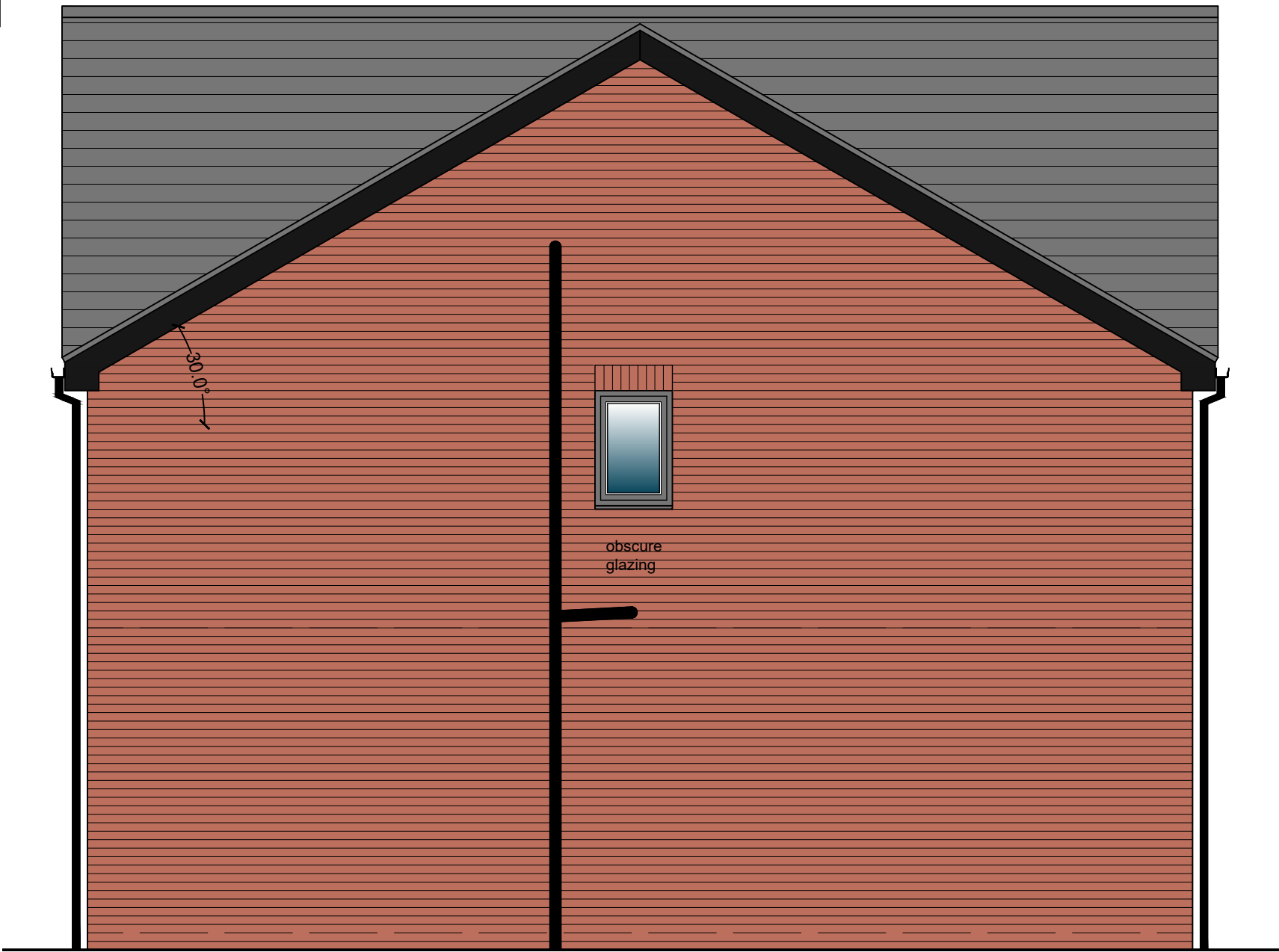
UPVC fascias and soffits. Colour Black

NB All materials/colours to be approved by LA

Obscure glazing to all bathroom / WC windows and gable windows where required for privacy



Front Elevation



Type A Gable Elevation

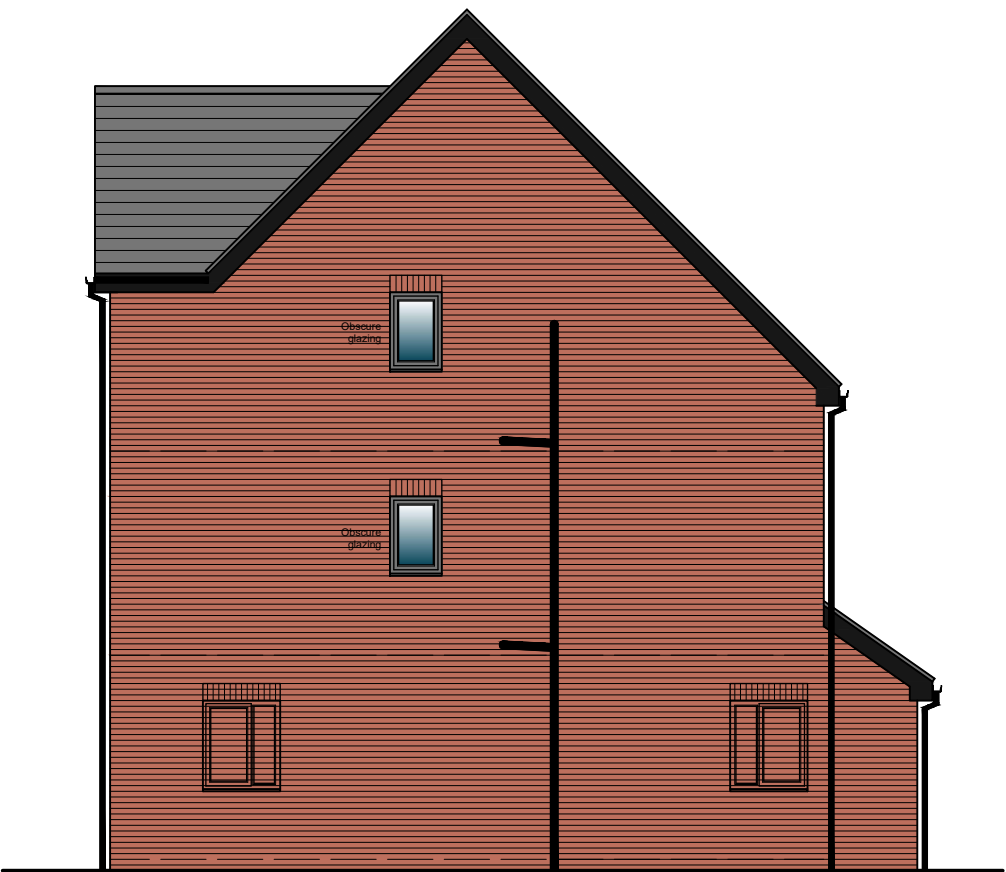
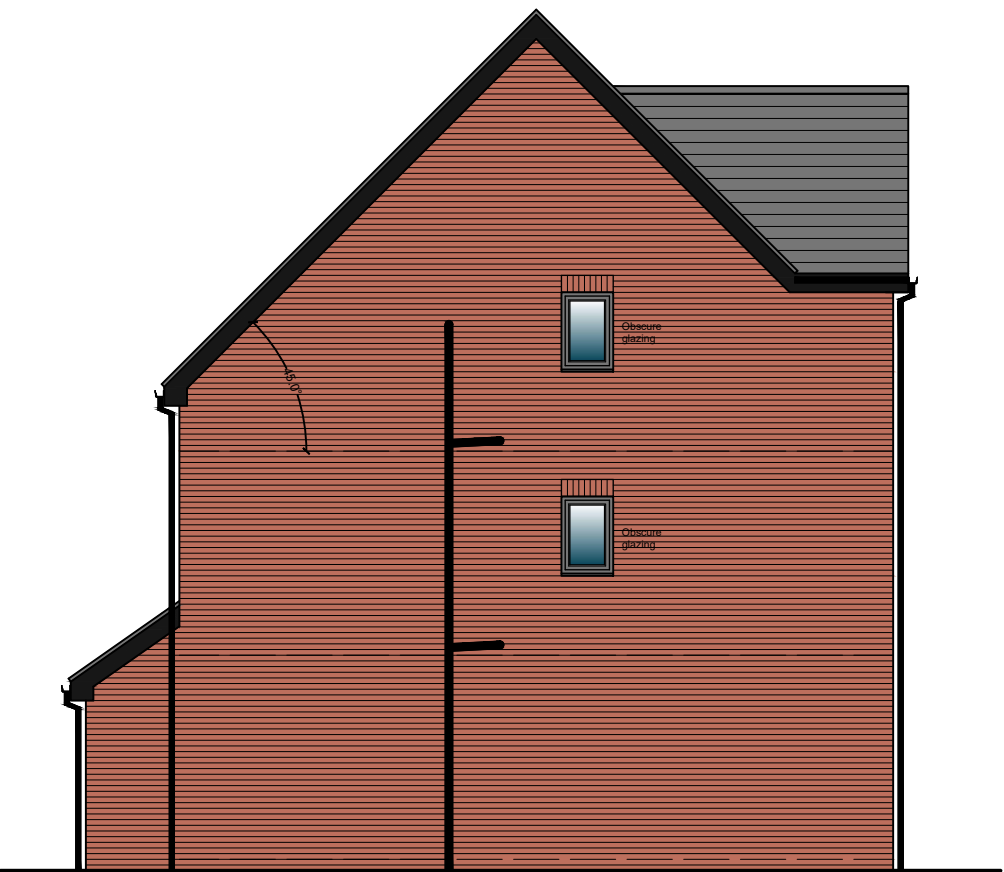
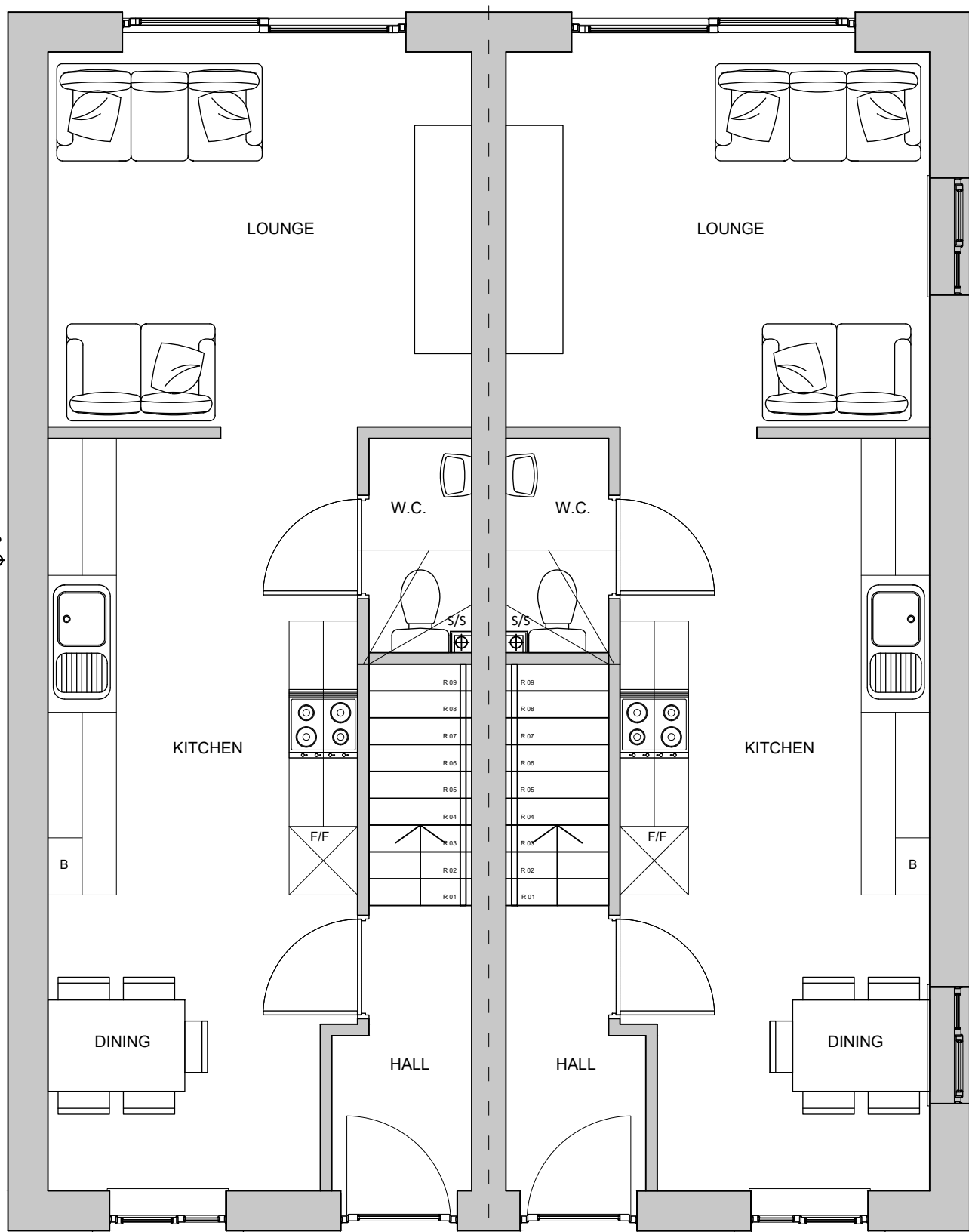
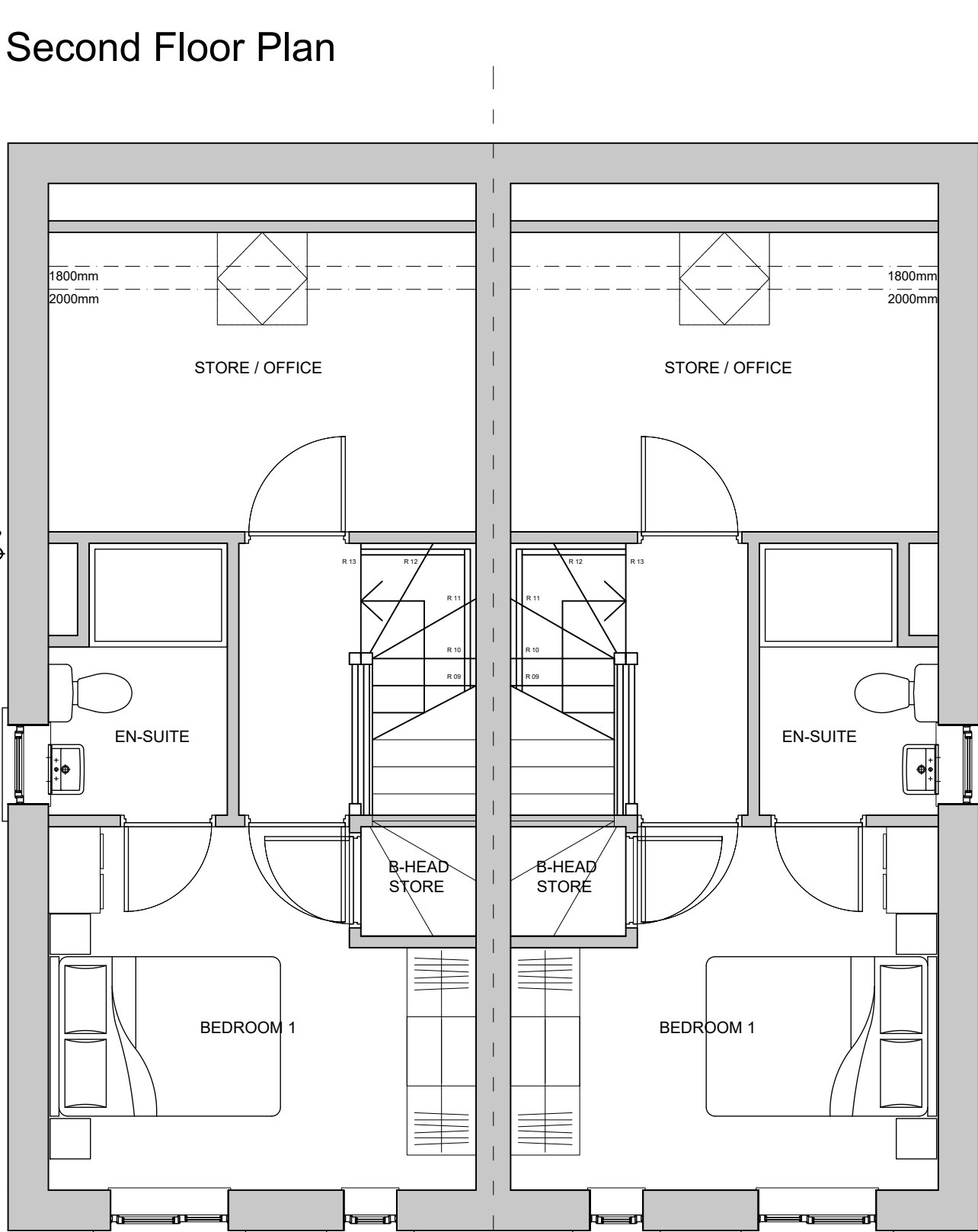
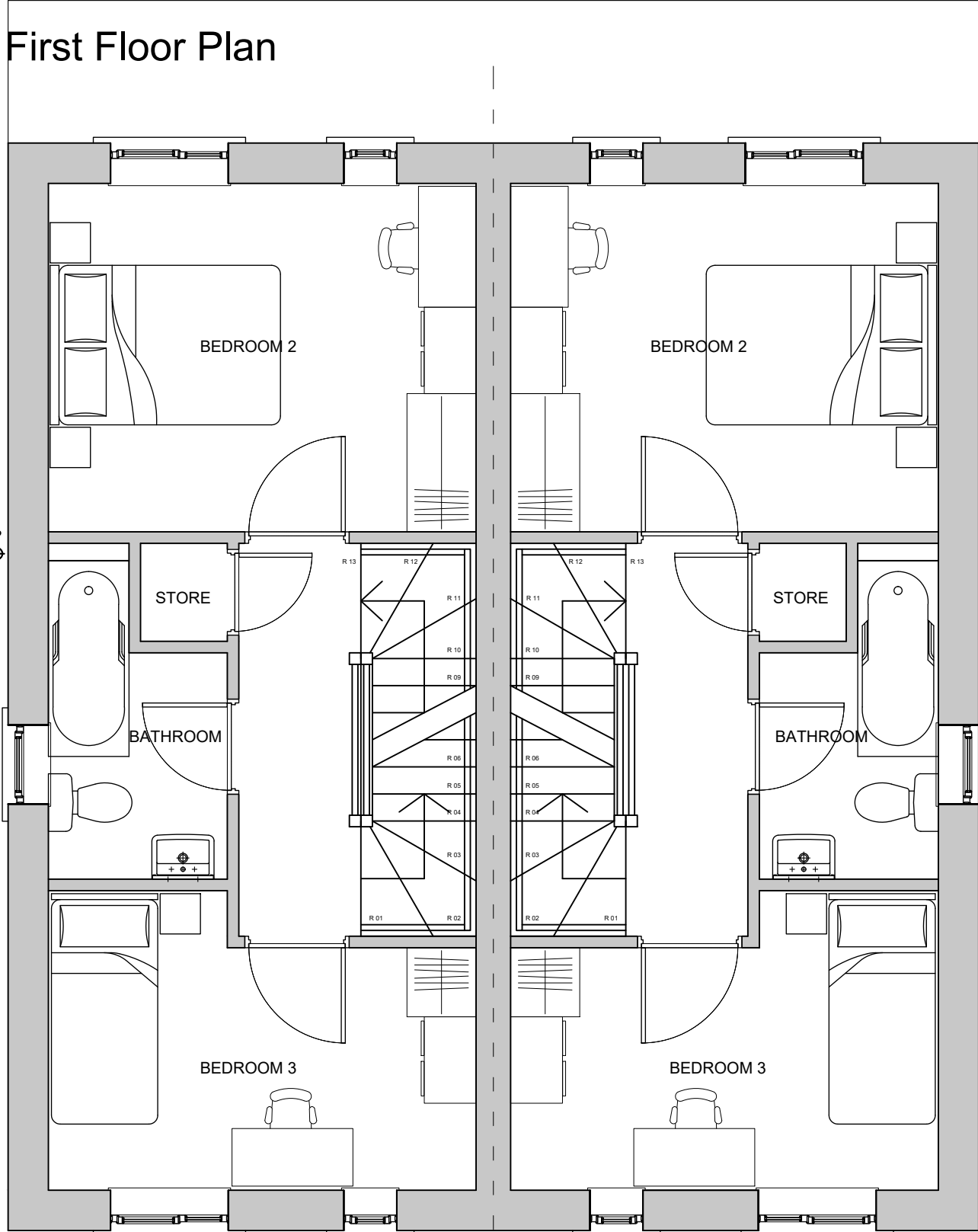
Revision	Date	Details
A	May 22	Amendments to suit comments from Wiggett's sales team.
B	May 22	Amendments to suit comments from Wiggett's sales team.
C	June 22	Canopy removed at Wiggett's request.

Client:	Wiggett Construction			
Job:	Fern Lodge Drive, Ashton-Under-Lyne			
Drawing title:	House Type A / C			
Drawing Number: (Job number)	M4852	(PL)	03	Revision: C
Scale:	1:50 @ A1			
Date:	May 2022			
Drawn by/ checked by:	RW			

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House Type B
3 bed 5 person house @ 100sqm

Fern Lodge Drive
Ashton-Under-Lyne



Materials Legend

①	Roof Tiles TBC
②	Red multi facing brickwork TBC
③	UPVC window frames. Colour Anthracite
④	UPVC rainwater goods. Colour Black
⑤	UPVC fascias and soffits. Colour Black

NB All materials/colours to be approved by LA

Obscure glazing to all bathroom / WC windows and gable windows where required for privacy



Front Elevation Plots 5-6, 9-10
Scale 1:100

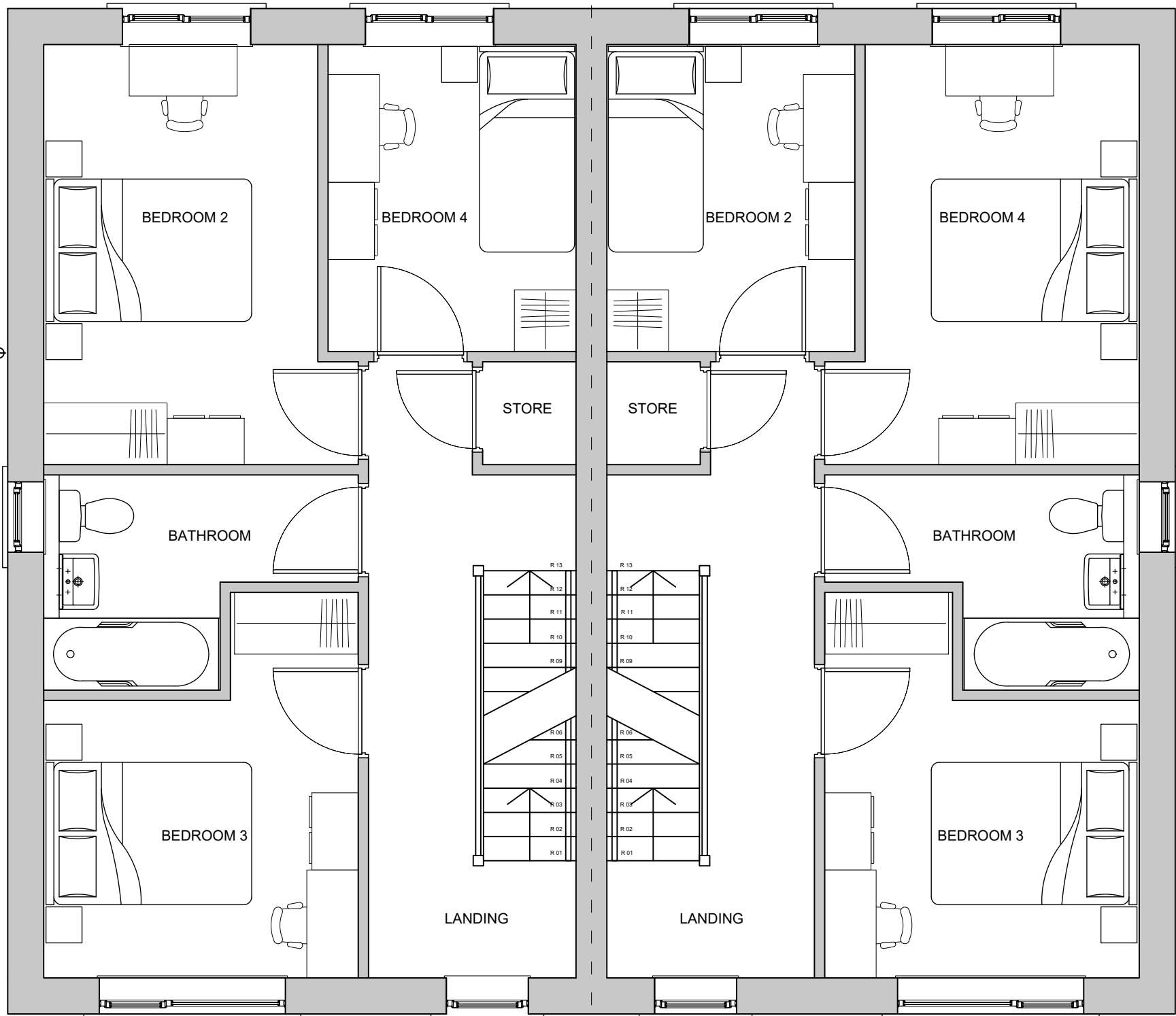
nicol thomas

Revision	Date	Details
A	May 22	Amendments to suit comments from Wiggett's sales team.
B	May 22	Amendments to suit comments from Wiggett's sales team.
C	June 22	Canopy removed at request of Wiggett's.
		Windows added to gable of plots 25 and 32 for natural surveillance.

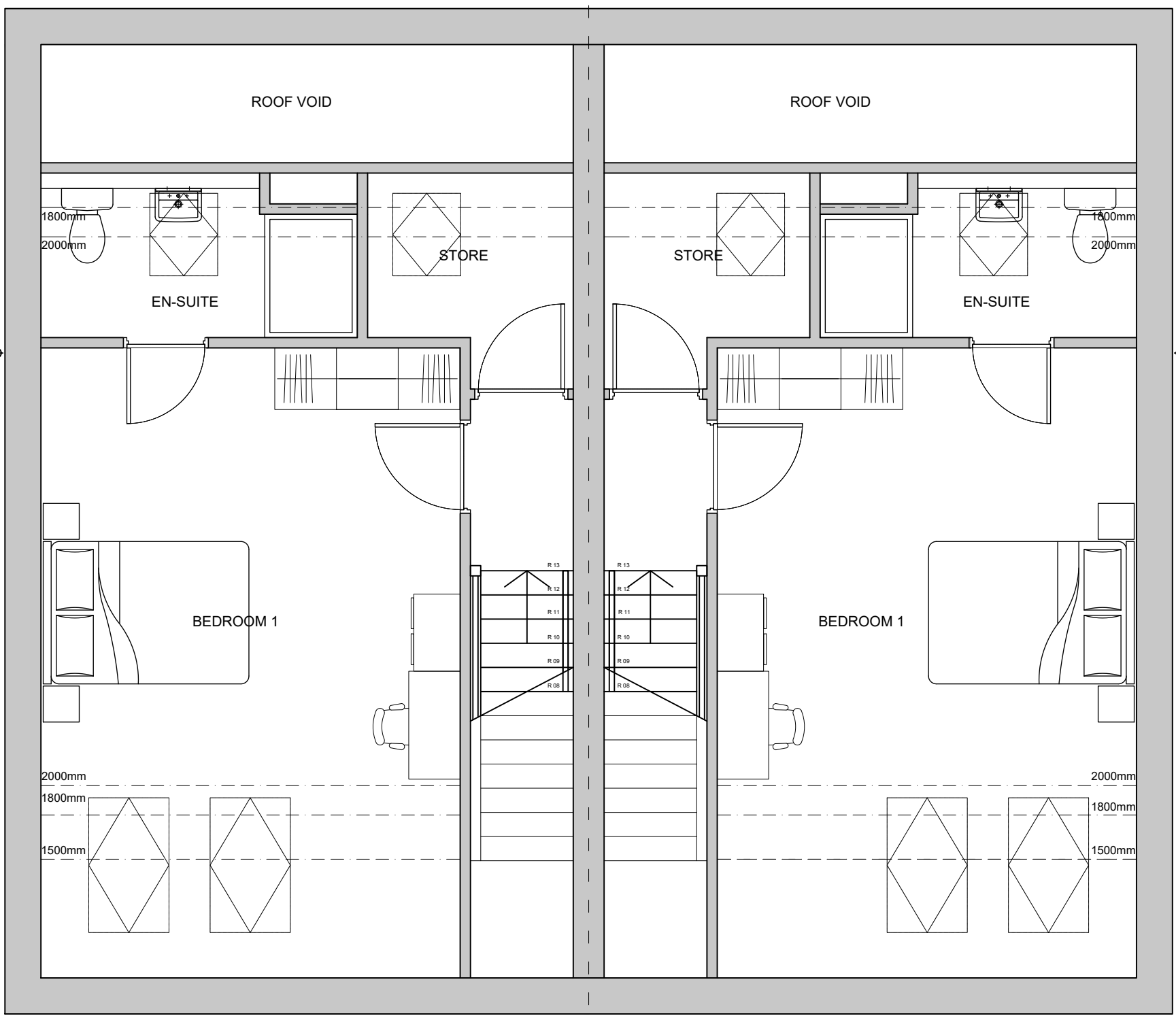
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Client:	Wiggett Construction			
Job:	Fern Lodge Drive, Ashton-Under-Lyne			
Drawing title:	House Type B			
Drawing Number: (Job number)	M4852	(PL)	04	Revision: C
Scale:	1:50 @ A1			
Date:	May 2022			
Drawn by/ checked by:	RW			

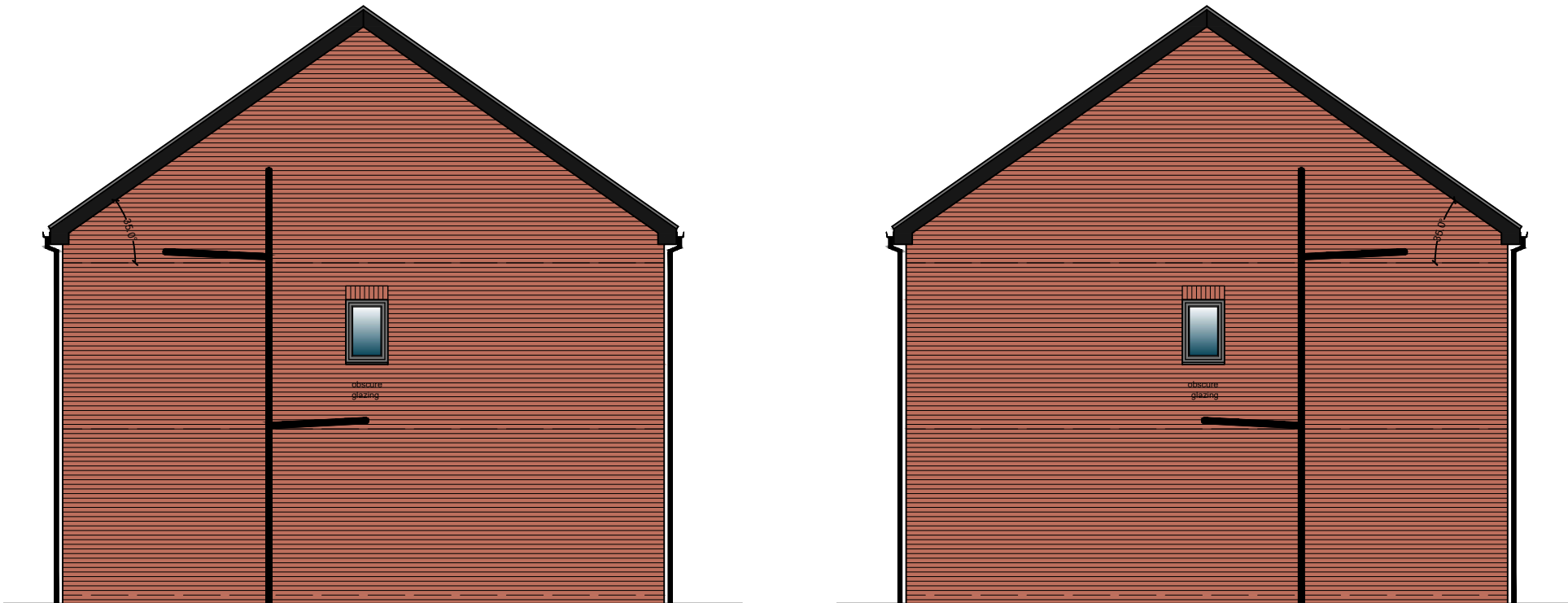
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First Floor Plan



Second Floor Plan



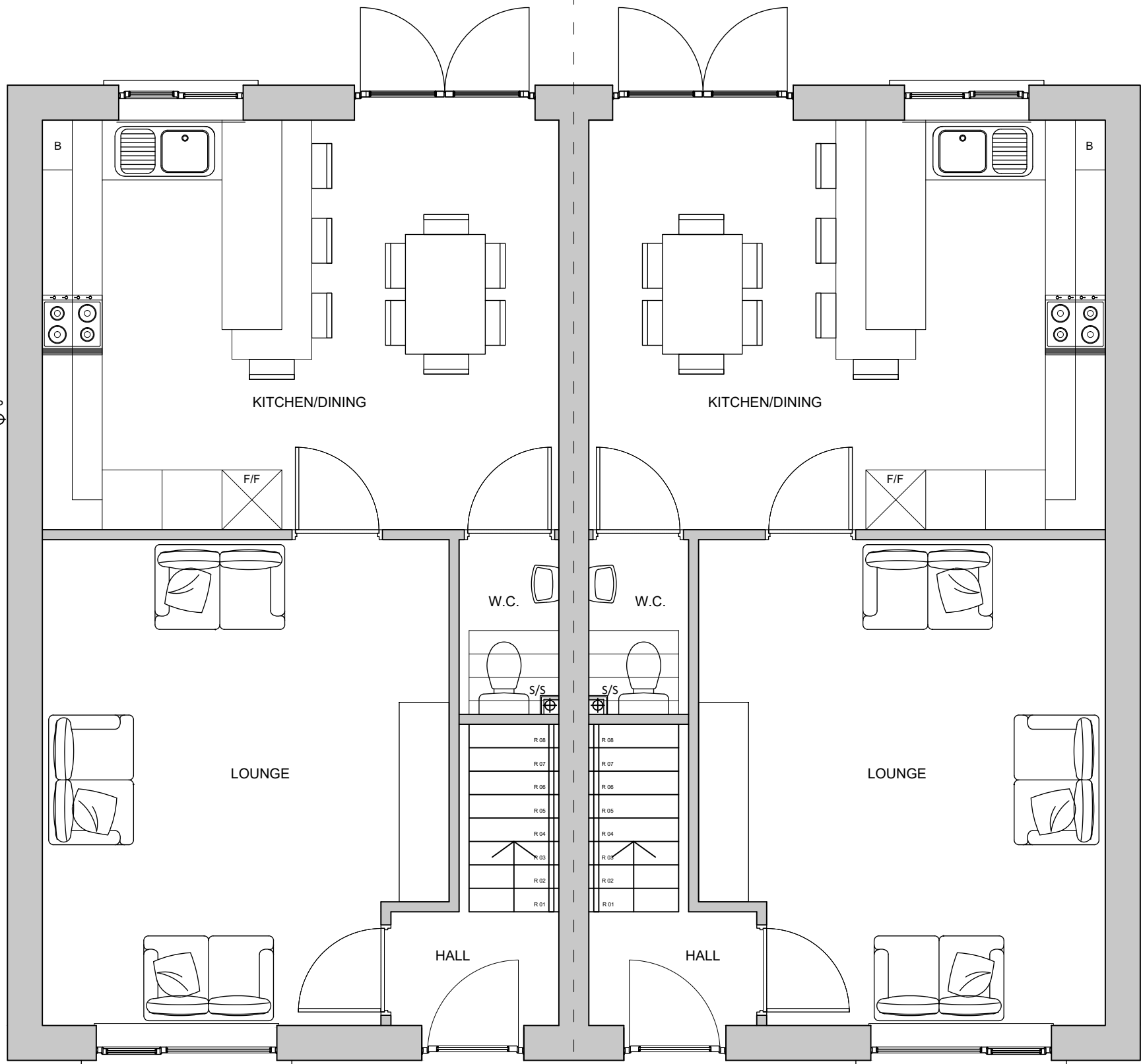
Gable Elevations
Scale 1:100

Materials Legend

- ① Roof Tiles TBC
- ② Red multi facing brickwork TBC
- ③ UPVC window frames. Colour Anthracite
- ④ UPVC rainwater goods. Colour Black
- ⑤ UPVC fascias and soffits. Colour Black

NB All materials/colours to be approved by LA

Obscure glazing to all bathroom / WC windows and gable windows where required for privacy



Ground Floor Plan



Front Elevation



Rear Elevation

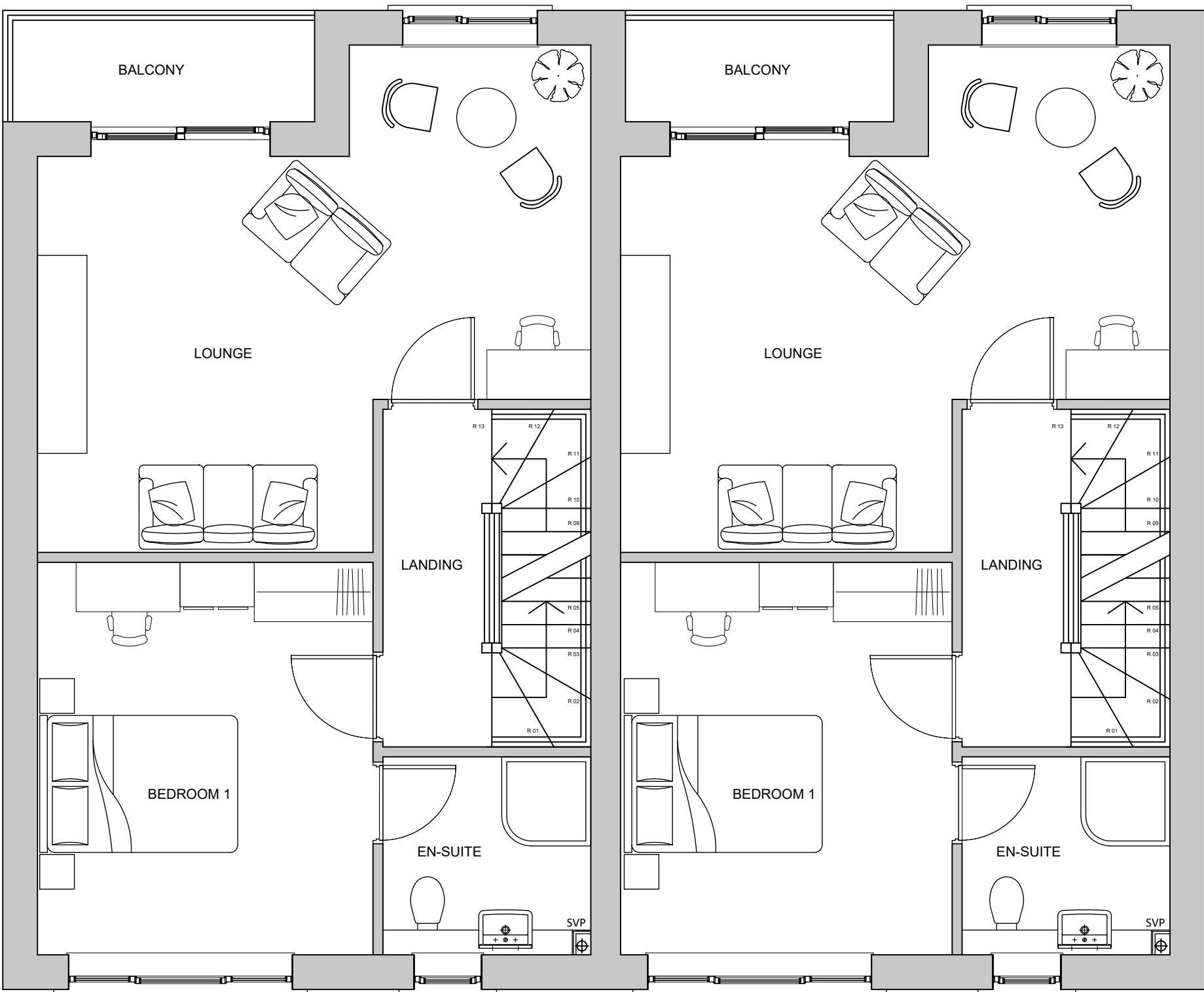
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Revision	Date	Details
A	May 22	Amendments to suit comments from Wiggett's sales team.
B	May 22	Amendments to suit comments from Wiggett's sales team.

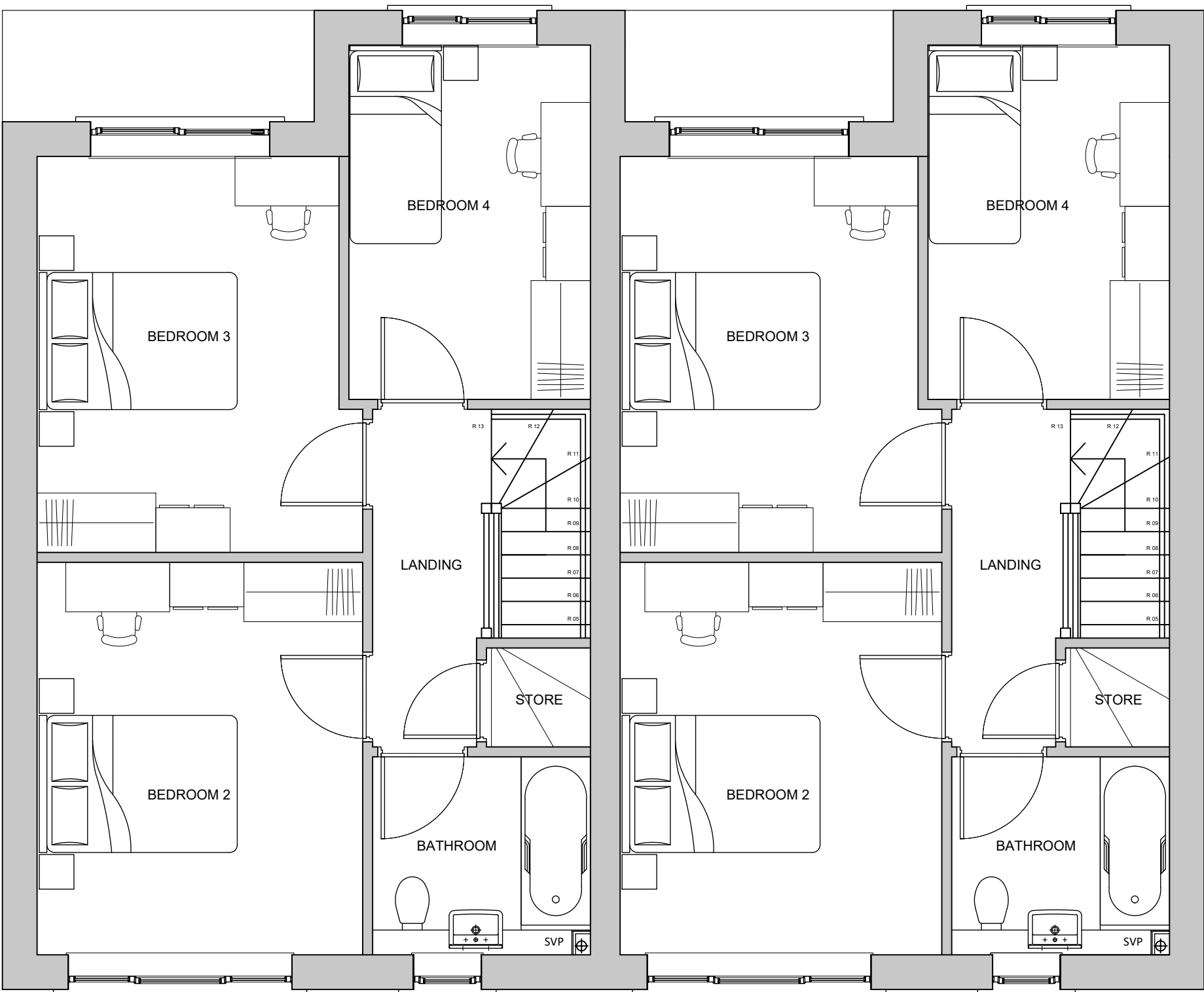
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Client:	Wiggett Construction			
Job:	Fern Lodge Drive, Ashton-Under-Lyne			
Drawing title:	House Type D			
Drawing Number: (Job number)	M4852	(PL)	05	Revision: B
Scale:	1:50 @ A1			
Date:	May 2022			
Drawn by/ checked by:	RW			

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First Floor Plan

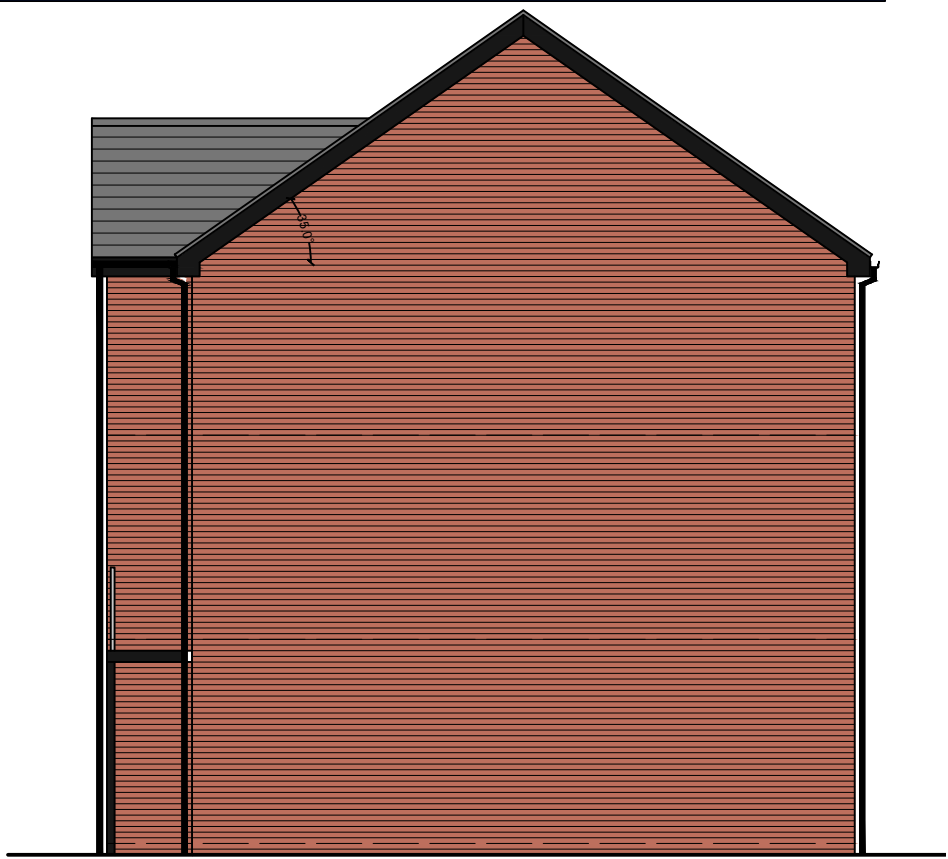


Second Floor Plan

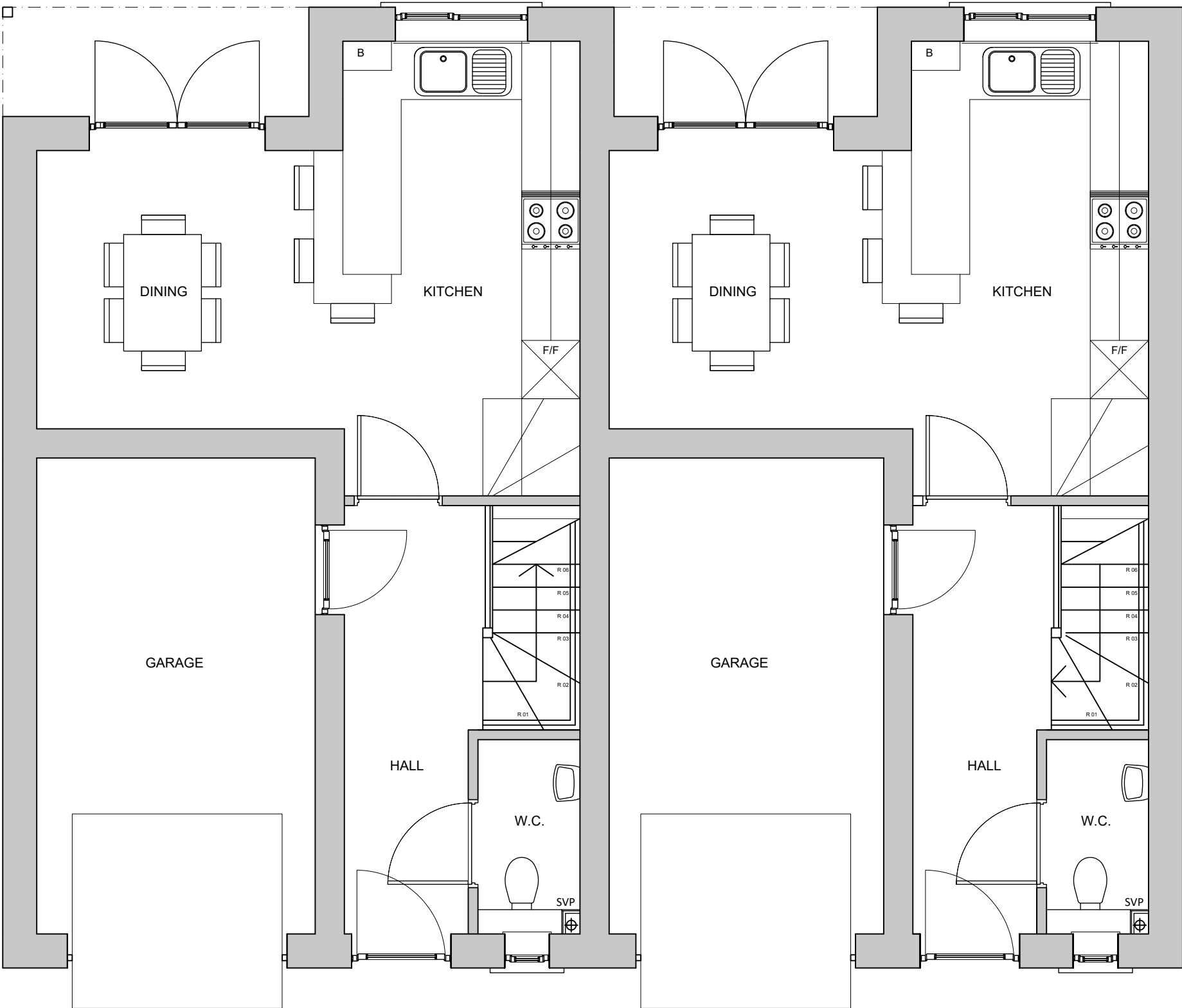


Front Elevation Plots 7-8
Scale 1:100

- Materials Legend**
- ① Roof Tiles TBC
 - ② Red multi facing brickwork TBC
 - ③ UPVC window frames. Colour Anthracite
 - ④ UPVC rainwater goods. Colour Black
 - ⑤ UPVC fascias and soffits. Colour Black
- NB All materials/colours to be approved by LA
- Obscure glazing to all bathroom / WC windows and gable windows where required for privacy



Gable
Elevations



Ground Floor Plan



Front Elevation



Rear Elevation

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Revision	Date	Details
A	May 22	Amendments to suit comments from Wiggett's sales team.
B	May 22	Amendments to suit comments from Wiggett's sales team.

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Client:	Wiggett Construction			
Job:	Fern Lodge Drive, Ashton-Under-Lyne			
Drawing title:	House Type E			
Drawing Number: (Job number)	M4852	(PL)	06	Revision: B
Scale:	1:50 @ A1			
Date:	May 2022			
Drawn by/ checked by:	RW			

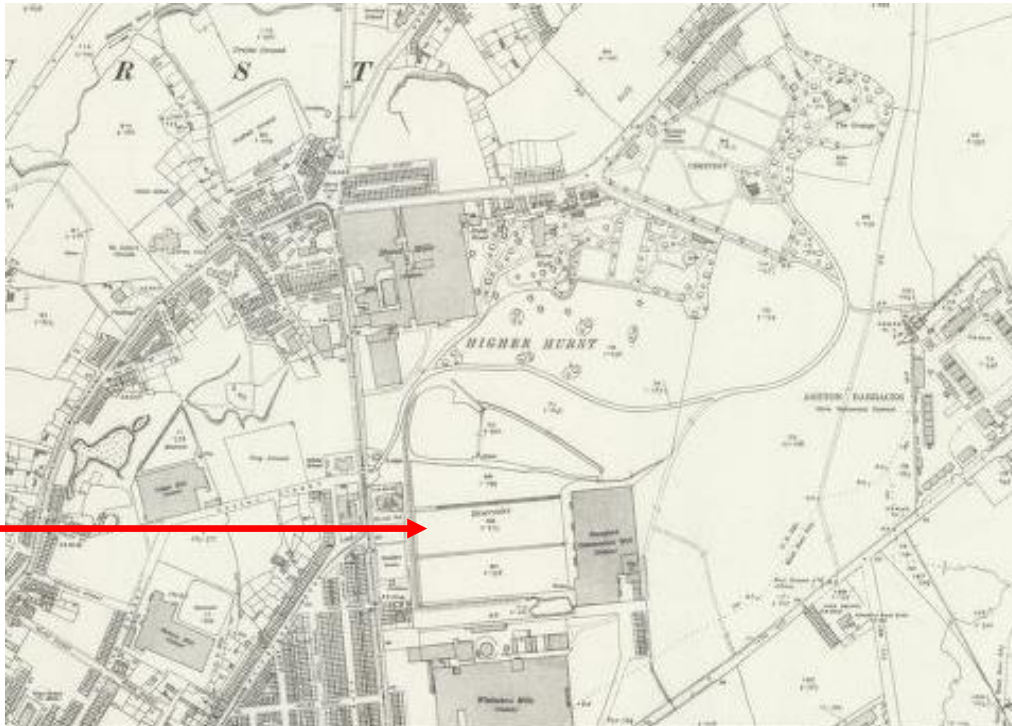
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22/00818/FUL

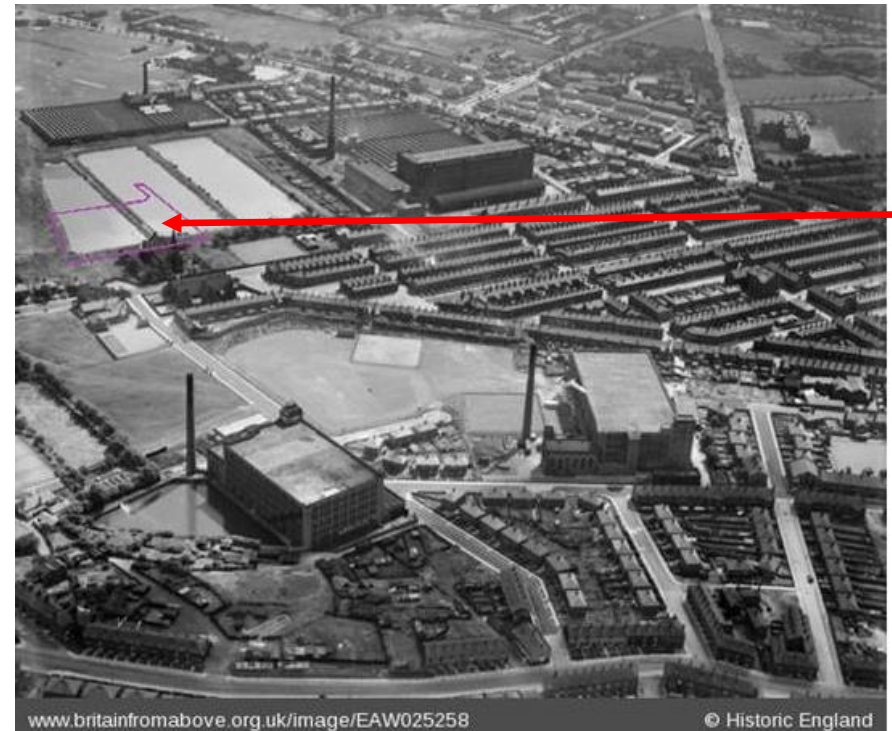
New residential development of 32 no units consisting of 18no 3 bedroom houses and 14no 4 bedroom houses with associated car parking and landscaping.

Land at the end of Fern Lodge Drive, Ashton-under-Lyne

Historic Map Dated: 1922



Aerial Photograph Dated: 1949



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Application Number 22/00818/FUL

New residential development of 32 no units consisting of 18no 3 bedroom houses and 14no 4 bedroom houses with associated car parking and landscaping.

Photo 1: Aerial view of the site



Photo 2: 3D Image looking north



Photo 3: View looking fown Fern Lodge Drive



Photo 4: View with the site



Appeal Decision

Site visit made on 28 February 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 30th May 2023

Appeal Ref: APP/G4240/W/22/3313168

57 Yew Tree Lane, Tameside, Dukinfield SK16 5DB

- 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 Mrs Jane Harford-Wykes against the decision of Tameside Metropolitan Borough Council.
- The application Ref 22/00925/FUL, dated 18 September 2022, was refused by notice dated 15 November 2022.
- The development proposed is described as 'the proposal is to erect a new 1.8m timber fence (to match existing fences around the estate) along the new boundary line, we will require a change of use for the agricultural use to a residential use (current area of shrubbery to be removed and made into amenity space (garden))'.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The parties agree from the Decision Notice and the Appeal Form that the description of development is 'change of use from agricultural land to residential curtilage. Erection of 1.8M timber fence'. As this more accurately and concisely describes the development, I have determined the appeal on this basis.

Background and Main Issue

3. The Council have referred to the change of use of land within their reasons for refusal, however I am satisfied by the Council's delegated report that it is the formalisation and enclosing effect of the proposed fence on the street scene and not the change of use of land itself which the Council oppose. Based on my site visit I have no reason to disagree.
4. Having regard to the above, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The area is predominantly residential with dwellings of a range of styles and ages set back considerable distances from the highway. The street frontages are characterised by low rise boundary treatments and soft landscaping. Tall boundary treatments, above head height, are less common and when used are typically set back from the highway or softened by planting. The appeal site is on a prominent corner plot which acts as a gateway to the adjacent streets. The existing boundary fence is set back from the highway, maintaining the openness of the area.

6. While the proposal would be of similar height and design to other fences in the area, the surrounding fences are set back from the highway with intervening planting to soften their mass. The adjacent fence to the side boundary of No 1 The Fairways is positioned at the back of the footpath and is taller than the proposed fence. However, it is constructed with both stone and timber which visually breaks up the mass and provides interest. Further, the proposed fence would be longer than the fence at No 1 and would appear unduly dominant.
7. Although the appellant disputes the designation of the appeal site as a 'functional green open space', the proposed fence would result in the loss of an open space in a prominent position adjacent the highway. The loss of this open space would reduce the overall width of the highway. When viewed in combination with the fence at No 1 The Fairways, the proposal would appear incongruous and would detract from the existing openness. Even though the planting at the appeal site has already been removed, the existing position of the boundary fence set back from the highway maintains the open gateway to the adjoining streets.
8. The appellant refers to other developments within the area which they perceive to have had a significant effect on green open spaces. While there may have been a loss of green open space, the other developments have considered the visual amenity offered by the street scene and have maintained the open character of the area's highways. In any event, I have determined the appeal proposal on its own merits.
9. Overall, for the reasons given above, I conclude that the proposal would harm the character and appearance of the area and would conflict with Policy C1 of The Tameside Unitary Development Plan Written Statement (November 2004) which expects the landscape character of an area to be respected. There is also conflict with Policy RD21 of the Tameside Residential Design Supplementary Planning Document (March 2010) where it prohibits the use of wooden panel fencing on road frontages. Similarly, there is conflict with the National Planning Policy Framework (the Framework) which seeks to ensure development is visually attractive as a result of good layout and appropriate landscaping.

Other Matters

10. While I appreciate the appellant's desire to extend their private garden space, ensure adequate maintenance and pedestrian safety, encourage wildlife, prevent property damage, and reduce the occurrence of anti-social behaviours, I have no substantive evidence that the proposal would be the only solution. In any case these matters do not outweigh the harm identified above.
11. As the proposed fence would not obstruct vehicle visibility splays, I am satisfied that the proposal would not harm highway safety nor would the residual cumulative impacts on the road network be severe. In addition, the disputed loss of planting and ongoing maintenance access issue is a civil matter between the appellant and the Highway Authority and does not bear on the appeal proposal before me.
12. I note the appellant's claim that the Council has not acted positively and proactively in the determination of the application, however, this has not affected my consideration of the appeal.

Conclusion

13. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that would outweigh the conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR

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Appeal Decision

Site visit made on 30 May 2023

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date :9 June, 2023

Appeal Ref: APP/G4240/D/23/3316529

14 Luxor Grove, Denton, Tameside M34 2NR

- 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 Mrs Kim Warner against the decision of Tameside Metropolitan Borough Council.
- The application Ref 22/01023/FUL, dated 10 October 2022, was refused by notice dated 5 December 2022.
- The development proposed is a side extension to replace existing prefabricated garage with a proposed first floor bedroom.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. Luxor Grove is an established residential street and includes brick built semi-detached dwellings of similar design and appearance. Each is set well back from the main road and, in the main, there is a consistency of gaps between buildings at upper floor level. These attributes give the immediate area a sense of design synergy and spaciousness. They add positively and distinctively to the character and appearance of the locality.
4. While the two-storey side extension would include matching materials and a continuation of the ground floor canopy roof, its front elevation would be flush with the existing front elevation of the semi-detached dwellinghouse. Owing to this, coupled with the width of the side extension, I find that it would materially upset the balance and symmetry of the pair of semi-detached dwellinghouses. To the passer-by, it would not appear subordinate in scale to the host property and owing to its position, width and scale, would have a harmful terracing impact. Furthermore, the proposed side extension would detract significantly from the rhythm and consistency that is afforded to the gaps between most of the semi-detached blocks of properties in this street. Hence, the side extension would be experienced as an incongruous addition.
5. The appellant has referred me to examples of other two-storey side extensions that are flush with the original front walls of properties. I acknowledge that a significant number of similar extensions do appear to have been built

elsewhere in the area. Nonetheless, the focus of my assessment has been based mainly on the impact of the proposal on the distinctive and positive characteristics that exist in Luxor Grove. The appellant has, however, referred me to similar extensions at 1, 3, 21 and 28 Luxor Grove. I do not know the exact circumstances which led to these extensions being constructed. They are, nevertheless, the exception rather than the norm in Luxor Grove and are not so prevalent in number that they have fundamentally altered the aforementioned distinctive and positive characteristics of the street.

6. In addition to the above, the proposal would directly conflict with policy RED5 of the Council's Residential Design Supplementary Planning Document 2010 (SPD) which requires, as a minimum, that *'side extensions should either be setback by 1m at upper floors or setback by 0.5m at ground & upper floors. This helps to reduce a terracing effect and may help ensure the existing scale and mass is retained'*.
7. While the single storey side extension at 12 Luxor Grove is set well back from the front elevation of the main house, this is not sufficient to overcome the harm that would be caused to the balance and symmetry of the pair of semi-detached dwellinghouses, or the unacceptable terracing impact. Neither this, nor the desire for increased bedroom space, outweighs my conclusion on the main issue.
8. For the above reasons, I conclude that the development would not accord with the design, character and appearance requirements of policies C1 and H10 of the Tameside Unitary Development Plan 2004, policies RED1 and RED5 of the SPD and chapter 12 of the National Planning Policy Framework 2021.

Conclusion

9. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR

Appeal Decision

Site visit made on 22 May 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2023

Appeal Ref: APP/G4240/D/23/3317688

13 Buxton Lane, Droylsden, Tameside M43 6HL

- 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 Z Fanning against the decision of Tameside Metropolitan Borough Council.
- The application Ref 22/01142/FUL, dated 21 November 2022, was refused by notice dated 23 January 2023.
- The development proposed is a gable extension and floor over existing garage; and single storey morning room extension.

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The proposal would result in a first floor extension over the existing garage and a rear single storey extension. The council's concerns relate only to the side extension.
4. The garage is just over 4.6 metres wide. It is set in from the side boundary but this distance tapers significantly towards the rear due to the angle of the property and that of Moorland Avenue. Given the relatively close position of the corner of the rear of the proposed two storey element to the Moorland Avenue pavement, it would result in an extremely dominant feature on this corner plot. The houses to the rear are set back from the road and the current arrangement allows for a relatively open aspect when leaving Moorland Avenue to join Buxton Lane, given the low level of the existing garage. The increased height proposed would detract significantly from this open aspect. Generally, in this area, buildings are set back from the junctions of side roads with Buxton Lane, particularly at two storey level and this proposal would depart from this established pattern.
5. The council are also concerned about the width of the extension in comparison to that of the house. Whilst the house width is wider, the extension would represent a substantial addition. The scale of the extension would be at odds with the proportions of the house. The corner position results in the house

being relatively prominent in the street scene and this would be further emphasised by the forward position of the extension and the proposed front facing gable. These design details and the scale of the frontage would add to my concern with regard to the over dominance of the addition when considered with regard to the properties within Moorland Avenue.

6. Overall, the proposal would detract from the relatively open character of this corner plot, certainly at first floor level; it would be at odds with the character of the properties in Moorland Avenue as it would extend so close to the road; it would unbalance the appearance of the dwelling which would represent poor design; and it would be overbearing when passing the property when entering or leaving Moorland Avenue. It would result in a cramped and overly dominant appearance that would harm the character and appearance of the area. It would represent poor design in this particular context as it would not have regard to the prevailing characteristics of the wider area or this specific junction.
7. Given my conclusions, the proposal would conflict with policies C1 and H10 of the Tameside Unitary Development Plan 2004 as it would not respect the existing townscape character or complement the character or appearance of the surrounding area. Although these policies are now of some age, as they generally accord with the design aspirations of the *National Planning Policy Framework*, I afford them full weight. Tameside Residential Design Supplementary Planning Document 2010 requires at policy RED1 that the scale and mass of the dwelling should not be significantly altered and extensions should be subordinate to the original building whilst policy RED5 advises that extensions on corner plots must not break well defined building lines. The proposal conflicts with this guidance which adds to my concerns.
8. I am mindful that the existing structure of the garage offers significant benefits with regard to the practicality of adding a new extension as currently shown. The proposal would also offer improved living accommodation for the appellant and result in economic benefits from the investment required. These matters weigh in favour of the proposal.
9. Reference has been made to other extensions in the area and specific reference has been made to 24 Buxton Lane. That extension does not appear to extend quite so close to the side boundary and appears to be slightly narrower in size. It is also associated with a different house design. However, that extension would appear to be very similar to this proposal given its relationship to the junction with Keston Avenue. No information has been provided with regard to its date or the other circumstances that led to that extension being built. I cannot therefore assume that it was approved under the current planning policies or that the council has been inconsistent in its current approach. In any event, it does not demonstrate that this proposal would be acceptable. There is also an extension at 21 Buxton Lane which has some similarities but that property is of an entirely different layout.
10. Revised plans have been submitted. These would result in the front of the extension being set further back and the front gable being removed resulting in a simpler hipped roof. These revisions, although an improvement, do not overcome the concern with regard to the width of the extension, its proximity to the boundary or the conflict with the building line of Moorland Avenue.

11. In conclusion, although no objection has been raised with regard to the single storey addition, the two storey element would detract from the character and appearance of the area. Whilst I have considered all the matters put forward in support of the proposal, these do not outweigh this concern. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR

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