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SPEAKERS PANEL (PLANNING)

Day: Wednesday
Date: 20 March 2024
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 14 February 2024, having been circulated, to be signed by the Chair as a correct record.	1 - 6
4.	OBJECTIONS TO THE TAMESIDE METROPOLITAN BOROUGH (BANK STREET AREA, ASHTON-UNDER-LYNE) (PROHIBITION OF WAITING ORDER) 2023	7 - 16
5.	OBJECTIONS TO TRAFFIC REGULATION ORDER TO INTRODUCE WAITING RESTRICTIONS WITHIN THE KING STREET AND OVAL DRIVE AREA, DUKINFIELD	17 - 30
6.	TAMESIDE METROPOLITAN BOROUGH (CLARE STREET AND PALATINE STREET AREA, DENTON) (PROHIBITION OF DRIVING) (EXPERIMENTAL) ORDER 2023	31 - 44
7.	PLANNING APPLICATIONS To consider the schedule of applications:	
a)	23/01100/FUL - 180 CLARENDON ROAD, HYDE, SK14 2JY	45 - 62
b)	23/01121/FUL - VILLAGE HOTEL, PAMIR DRIVE, ASHTON-UNDER-LYNE, OL7 0LY	63 - 104
c)	23/01124/FUL - 217 STAMFORD STREET CENTRAL, ASHTON-UNDER-LYNE, OL6 7QB	105 - 138
8.	APPEAL DECISION NOTICES	
a)	APP/G4240/D/23/3331645 - 3 LINKSFIELD, DENTON, M34 3TE	139 - 140

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

Item No.	AGENDA	Page No
b)	APP/G4240/C/23/3318913 - 3 BURKITT STREET, HYDE, SK14 1QQ	141 - 146
c)	APP/G4240/D/23/3332202 - 21 CLAREMONT GARDENS, ASHTON-UNDER-LYNE, OL6 9RE	147 - 150
9.	URGENT ITEMS	
	To consider any other items, which the Chair is of the opinion should be considered as a matter of urgency.	
10.	DATE OF NEXT MEETING	
	To note the next meeting of the Speakers Panel (Planning) will take place on 17 April 2024.	

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)

14 February 2024

Commenced: 10:00am

Terminated: 11:25pm

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

Apologies: **Councillor Bowerman**

31. DECLARATIONS OF INTEREST

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

32. MINUTES

The minutes of the proceedings of the meeting held on 13 December 2023, having been circulated, were approved and signed by the Chair as a correct record.

33. OBJECTIONS TO STAMFORD ROAD TO GRANVILLE STREET SCHEME, STALYBRIDGE AND ASHTON-UNDER-LYNE

Consideration was given to a report of the Assistant Director, Operations and Neighbourhoods outlining the objections received to the Stamford Drive to Granville Street traffic scheme.

Members were informed that as part of the Greater Mayor's Challenge Fund (MCF), the Council was delivering a programme of improvements to the walking and cycling infrastructure within the borough. The vision was to make it easier and more attractive for people to move around Greater Manchester by foot or by bike and to help create a more connected and accessible city region.

It was explained that the aim of the Stamford Drive to Granville Street scheme was to make the neighbourhoods south of the A635 Stamford Street, between Ashton-under-Lyne and Stalybridge, a safer and more pleasant environment for residents and to provide improved connectivity for pedestrians and cyclists. This would be achieved by reducing the speed and volume of traffic and by prioritising pedestrian and cycle movements across Clarence Street.

The reporting officer advised that at the present time, Reyner Street and Frederick Street in Ashton-under-Lyne were being used as a 'cut through' by motorists wishing to bypass the traffic signals at the Stamford Street/Clarence Street junction. Local residents had expressed their concerns regarding both the speed and volume of traffic using these narrow, residential streets on a daily basis. To address this, the scheme proposed to include the closure of Frederick Street to motorised traffic, at its junction with Clarence Street. As a result, residents of Reyner Street, Park Crescent, Bangor Street and Frederick Street would still be able to enter via Reyner Street (off Stamford Square) but as Reyner Street was in part 'one way', residents would have to exit via Rutland Street and Granville Street. However, it was thought that the potential benefits of the closure would outweigh any inconvenience resulting from the diversion for local traffic.

A closure of Frederick Street would also provide an opportunity to introduce a toucan crossing on Clarence Street, which would connect the residential streets to either side. To accommodate the crossing, Members were informed that a shared footway/cycleway was required on the eastern side of Clarence Street, which required the footway to be widened. Due to the reduced road space, additional 'No Waiting At Any Time Restrictions' would be required on both the east and west sides of Clarence Street to prevent parking where the road narrowed.

To further support reduced vehicle speeds, raised table crossings were proposed on Reyner Street – at its junction with Stamford Square, and on Stamford Drive – at its junction with Clarence Street.

Members were informed that in October 2023, Director approval was obtained to formally advertise the following proposals:

- A prohibition of driving order on Frederick Street, Ashton-under-Lyne;
- A prohibition of waiting order on Clarence Street, Stalybridge;
- A signalised toucan crossing on Clarence Street, Stalybridge;
- Shared footway and cycle facilities on Clarence Street, Frederick Street and Stamford Drive; and
- Raised table crossings on Reyner Street and Stamford Drive.

The scheme was advertised on 5 October 2023 for a period of 28 days and during the consultation period, nine formal objections were received together with one request for an amendment to the scheme. The reporting officer summarised the objections as follows:

- Six of the objectors were opposed to the closure of Frederick Street on the basis that it would leave the residential area to the west of Clarence Street with only two routes into the estate and only one route out.
- Concerns were raised that new dwellings being built within the area could lead to an increase in vehicular traffic;
- General inconvenience and concerns that with regard to vehicular traffic having to exit from Granville Street onto Stamford Square, which was a busy road, impacting right turning vehicles in particular.
- A number of objectors also raised concerns regarding response times for the emergency services, access for refuse collection and access to the New Life Church if Frederick Street were closed to motorised traffic.
- Four of the objectors were opposed to the closure of Frederick Street on the basis that the closure would force more traffic onto Stamford Square and Clarence Street, which were busy routes used by commercial vehicles, HGVS and buses.
- Two objectors queried why it was necessary to install a toucan crossing between two signalised junctions. Concerns were raised that this could lead to tailbacks in both directions when the crossing was in use.
- One objector opposed the proposed road narrowing and associated 'No Waiting At Any Time' restrictions on Clarence Street. The objector was a disabled person and the imposition of the proposed waiting restrictions would prevent them, their carers and visitors from being able to park on the road near the property.
- One objector queried why a raised table crossing was necessary on Stamford Drive, given that the road would be closed to 'through traffic'.
- One local resident did not object to the scheme in principal but had requested a yellow box marking on Clarence Street, at its junction with Stamford Drive, to help facilitate vehicular access to / from Stamford Drive when there was queuing or stationary traffic on Clarence Street.

In response, the reporting officer explained that the closure of Frederick Street at its junction with Clarence Street achieved a number of key objectives for the scheme. Firstly, it was recognised that there were two through routes that avoided signalised crossings / junctions on the A635 Stamford Street / Stamford Square. Through traffic, avoiding the traffic lights, tended to give rise to higher vehicle speeds. A closure at any other location would not address both of these routes (Granville Street and Frederick Street / Reyner Street to Frederick Street). This would prevent traffic from travelling through this residential neighbourhood.

Traffic data collected between October 2021 and January 2022 indicated that 85 percent of drivers on Reyner Street and Rutland street were travelling at or below 26mph. That was considered slightly above what would be expected for this 20mph zone. The same data indicated that 74 percent of trips within this residential neighbourhood entered and exited within a five-minute period. The proposed closure was therefore expected to have a significant impact on the volume of traffic on the internal roads.

The scheme was also aiming to provide improved pedestrian and cycle connectivity between Frederick Street and Stamford Drive. The closure of Frederick Street, at the junction with Clarence Street, created the space necessary for the introduction of a toucan crossing at this location. Ultimately, this would make active travel a more viable alternative for short journeys and improve connectivity between Ashton and Stalybridge.

Concerning access to and exit from the area, it was anticipated that the reduction in through traffic, which often coincided with peak periods, and the capacity of the existing two lane exit was anticipated to be sufficient to cater for the expected traffic volumes.

Regarding the operation of the Granville Street / A635 Stamford Square junction, it was anticipated that there would not be a significant increase in traffic using the junction. This was due to a reduction in through traffic resulting from the closure of Frederick Street. Only one personal injury accident had been recorded within the five year period ending 31 March 2023.

Addressing resident concerns about access for the emergency services, refuse collection service and other relevant stakeholders, they would be formally notified so that they could adjust their routes accordingly. The New Life Church on St James Street was still accessible via either Reyner Street or Granville Street.

The proposed toucan crossing was positioned close to Clarence Street and Frederick Street. It was explained that this was considered to be a key desire line between residential neighbourhoods in Ashton and Stalybridge. The signalised junction to the north did not have any controlled pedestrian facilities and whilst the junction to the south did have pedestrian crossings with push button control, it was not considered that anyone would travel 90m south from Frederick Street to use the crossing and then return to access Stamford Drive.

A reduction in the carriageway width / widening of the footway was an integral part of the scheme and was to provide sufficient space for a shared footway / cycleway on the east side of Clarence Street. Following the receipt of objections to the proposed 'No Waiting At Any Time Restrictions', the design had been reviewed and a revised plan prepared. The extent of the proposed additional double yellow lines had been reduced by approximately five metres on both sides of the road, reducing the loss of parking from five spaces to three spaces.

In relation to the raised table crossings, at the junctions of both Stamford Drive and Reyner Street, have been designed as both a traffic calming measure and to create an informal focal point for pedestrians/cyclists to cross.

The request for a yellow box or 'KEEP CLEAR' road markings would not be possible in this location due to the 'control area' for the proposed toucan crossing. This was defined by the

white zig-zag road markings, which extended across the junction in this case. It was advised that no other signage or road markings could be placed within the controlled area of a pedestrian crossing.

Regarding funding for the proposals, the reporting officer informed Members that the scheme, if formally approved by Transport for Greater Manchester, would be fully funded from the Council's Mayor's Walking and Cycling Challenge grant funding allocation.

RESOLVED

That authority be given for the necessary action to be taken in accordance with the Road Traffic Regulation Act 1984 and the Highways Act 1980 to introduce the Traffic Regulation Orders, toucan crossing, shared footway / cycleway areas and raised table crossings, as detailed in Section 5 of the submitted report.

34. PLANNING APPLICATIONS

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

RESOLVED

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

Name and Application No:	19/00962/FUL C/O Agent NJL Consulting
Proposed Development:	Demolition of existing factory and associated structures for the erection of 143 no. residential dwellings and associated works. (Amended proposal). Seafood Marketing Seafood Processing, Edge Lane, Droylsden, M43 6BA
Speakers(s)/Late Representations:	The Planning Officer advised that since publication of the agenda, officers were delegated authority to amend conditions including the removal of no.7 (duplicated by no.15) and the removal of no.18, which was no longer deemed necessary. An additional condition relevant to the details of the reveals to all openings within the development was recommended. Danielle Ladkin addressed the Panel objecting to the application. Rachel Glover White addressed the Panel on behalf of the applicant.
Decision:	That planning permission be granted, subject to the conditions as detailed within the submitted report, the amended conditions outlined above, and the completion of a section 106 agreement.
Name and Application No:	23/00704/FUL Mr Gerard McDermott

Proposed Development:	Erection of 2 apartment blocks (block no.1 split level part 4 & 6 storeys and block no. 2-5 storeys in height) containing 78 no. apartments and 4 no. commercial units with associated landscaping and external works including construction of a riverside walk. Cleared site of former Stalybridge Clinic, Old Street, Stalybridge
Speakers(s)/Late Representations:	Philip Millson addressed the Panel on behalf of the applicant.
Decision:	That planning permission be granted, subject to the conditions detailed within the submitted report.

Name and Application No:	23/01065/OUT Mr Daniel Armitage
Proposed Development:	Outline planning approval for the development of 4 semi-detached houses (all matters reserved). Vacant land off Berkeley Crescent, Hyde
Speaker(s)/Late Representations:	Cllr Fitzpatrick addressed the Panel objecting to the application. A statement was read on behalf of Cllr Chadwick objecting to the application. Alyson Shaw, a local resident, also addressed the Panel objecting to the application. Steve Buckley addressed the Panel on behalf of the applicant.
Decision:	That planning permission be refused for the reason outlined in the submitted report.

Name and Application No:	23/00916/FUL Hartford Homes (UK) Limited
Proposed Development:	Demolition of existing buildings and the erection of light industrial, general industrial and storage and distribution units together with associated parking and landscaping. Land at Malbern Industrial Estate, Holland Street West, Denton
Speakers(s)/Late Representations:	The Planning Officer reported that the Council's Tree Officer noted the proposed landscaping scheme was acceptable.
Decision:	That planning permission be granted, subject to the conditions as detailed within the submitted report and the completion of a section 106 agreement.

35. APPEAL DECISIONS

Application Reference/Address of Property	Description	Appeal/Cost Decision
APP/G4240/W/23/3317719 Manchester Road Street Works, Manchester Road, Denton, M34 5PX	Proposed 5G telecoms installation: H3G 18m street pole and additional equipment cabinets.	Appeal dismissed.
APP/G4240/W/23/3325673 154 St Mary's Road, Hyde, SK14 4HF	Proposed new 3-bedroom semi-detached dwelling.	Appeal dismissed.
APP/G4240/W/23/3314587 Grange Road Street Works, Grange Road, Hyde, SK14 2SH	Proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets.	Appeal dismissed.
APP/G4240/W/23/3322142 Land adjacent to 30 Ivy Cottages, Denton, M34 7PZ	Proposed change of use of existing 2-bedroom annex to a residential dwelling.	Appeal allowed.
APP/G4240/W/23/3322349 Land to rear of 184 Dowson Road, Hyde, SK14 5BP	Proposed detached dwelling house.	Appeal dismissed.
APP/G4240/W/23/3322589 Land to rear of 80 Currier Lane, Ashton-under-Lyne, OL6 6TB	Proposed demolition of existing garage and construction of 3 new dwellings and 1 new double garage.	Appeal allowed.
APP/G4240/W/23/3322589 Land to rear of 80 Currier Lane, Ashton-under-Lyne, OL6 6TB	Proposed demolition of existing garage and construction of 3 new dwellings and 1 new double garage.	Application for an award of costs is refused.

36. URGENT ITEMS

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

38. DATE OF NEXT MEETING

RESOLVED

That the next meeting of the Panel would take place on 20 March 2024.

CHAIR


Agenda Item 4

Report To:	SPEAKERS PANEL (PLANNING)
Date:	20 March 2024
Reporting Officer:	Emma Varnam (Assistant Director, Operations and Neighbourhoods)
Subject:	OBJECTIONS TO: - THE TAMESIDE METROPOLITAN BOROUGH (BANK STREET AREA, ASHTON-UNDER-LYNE (PROHIBITION OF WAITING ORDER) 2023
Report Summary:	This report outlines the objections received to the proposed 'No Waiting at Any Time' restriction on Bentinck Street, Ashton-under-Lyne.
Recommendations:	That approval is given to make a legal order for the proposed 'No Waiting at any Time' restrictions, as advertised in the first notice attached at Appendix 1 to this report.
Links to Community Strategy:	Improvements to the highway network support the Council in delivering all 8 priorities of the Corporate Plan.
Policy Implications:	None arising from the report.
Financial Implications:	The cost of implementation of the proposed permanent order is estimated to be £4,000. This is inclusive of staff time, advertising, signage and lining works. The costs will be fully met by Casey Group Ltd.
Legal Implications:	The Council has a statutory duty, which it must have regard to under Section 122 of the Road Traffic Regulation Act 1984 which is set out in Appendix 3.
Risk Management:	If the proposed waiting restrictions are not implemented obstructive parking will continue to occur both on street and within the entrance and turning head of the Cavendish Wharf development.

Access to the documents:

Appendix 1	First Notice
Appendix 2	Plan showing proposed NWAAT restrictions.
Appendix 3	S122 of the Road Traffic Regulation Act 1984

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

 Telephone: 0161 342 2879

 E-mail: joanne.biddle@tameside.gov.uk

1 BACKGROUND

- 1.1 Cavendish Wharf is a development of 51 new dwellings sited on Bank Street, Ashton-under-Lyne on land opposite and adjacent to Cavendish Mill. The development includes landscaping, a parking area and new access roads.
- 1.2 Following completion, the developer approached Tameside Council with regard to a Traffic Regulation Order (TRO) for 'No Waiting at Any Time' restrictions, i.e. double yellow lines, within the entrance to the Cavendish Wharf development, up to and including the cul-de-sac ends of Whalley Close. The reason for the proposed restrictions is to facilitate vehicular access to the development and prevent obstructive parking in the turning head.
- 1.3 The Council's Highways Engineers agreed with the rationale for the developer's proposals and also sought to include an extension of the existing 'No Waiting at any Time' restrictions on the west side of Bentinck Street. The reason for this is to prevent obstructive parking at the footway build out (where the road narrows at the entrance to the 'one-way system') and on the east side of Bentinck Street at its northerly junction with Higher Wharf Street.
- 1.4 On the 21 December 2023 the proposals were advertised for a period of 28 days. The first notice is attached at **Appendix 1** of this report.
- 1.5 A plan showing the proposals is attached at **Appendix 2** to this report.
- 1.6 The Council has a statutory duty which it must always have regard to under Section 122 of the Road Traffic Regulation Act 1984 which is set out in **Appendix 3**.

2 OBJECTIONS

- 2.1 During the consultation period one objection to the proposed waiting restrictions on the west side of Bentinck Street was received. The objection is from a company called Tameside Healthcare Ltd, a mobility aids company whose premises are located on Bentinck Street, Ashton-under-Lyne.
- 2.2 The grounds for the company's objection is that the location where the waiting restrictions are proposed is where their engineers park whilst loading and unloading their vehicles. They also have regular deliveries from heavy goods vehicles that need to park adjacent to their goods entrance whilst making their deliveries.
- 2.3 Furthermore, owing to the nature of their business many of their disabled customers also park on Bentinck Street adjacent to their premises to bring in mobility items for repair.

3 OFFICER RESPONSE

- 3.1 The officer responses below correspond to the points raised above.
- 3.2 (Response to 2.2) It is correct that the proposed waiting restrictions would prevent parking on the west side of Bentinck Street, adjacent to Tameside Healthcare Ltd. However, the Traffic Regulation Order contains an exemption for a vehicle to wait on double yellow lines for 'so long as may be necessary for the purpose of enabling goods to be loaded onto or unloaded...' from that vehicle. Therefore, lorries making deliveries to Tameside Healthcare Ltd and staff or service users picking up/dropping off items at their goods entrance would be permitted to wait on the double yellow lines for the purpose thereof. Moreover, if parking were to be left unrestricted on the west side of Bentinck Street there is a risk that other vehicles could park here, blocking access to their goods entrance, which could result in failed deliveries to the business.

- 3.3 (Responses to 2.3) There is an exemption for disabled Blue Badge holders to park for up to three hours on the double yellow lines within the vicinity of Tameside Healthcare Ltd, provided that no obstruction is caused. It is also noted that Tameside Healthcare Ltd does have a customer carpark that is located at the rear of their building, off Portland Street South.

4 FUNDING

- 4.1 The proposed scheme is to be privately funded by the developer, The Casey Group Ltd and will cost approximately £4,000 to process and implement.

5 RECOMMENDATION

- 5.1 As set out at the beginning of the report.

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APPENDIX 1

TAMESIDE METROPOLITAN BOROUGH (BANK STREET AREA, ASHTON-UNDER-LYNE (PROHIBITION OF WAITING ORDER) 2023

TAMESIDE METROPOLITAN BOROUGH (BANK STREET AREA, ASHTON-UNDER-LYNE) (20MPH SPEED LIMIT ORDER) 2023

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

1.) No Waiting at Any Time restrictions on: - Bentinck Street (east side) from its junction with Higher Wharf Street, for a distance of 9 metres in a northerly direction; Bentinck Street (west side) from a point 15 metres south of its junction with Hill Street for a distance of 20 metres in a southerly direction; Whalley Close (east side) from its junction with Bank Street, up to and including it's southerly cul-de-sac end; Whalley Close (west side) from its junction with Bank Street, up to and including it's northerly cul-de-sac end.

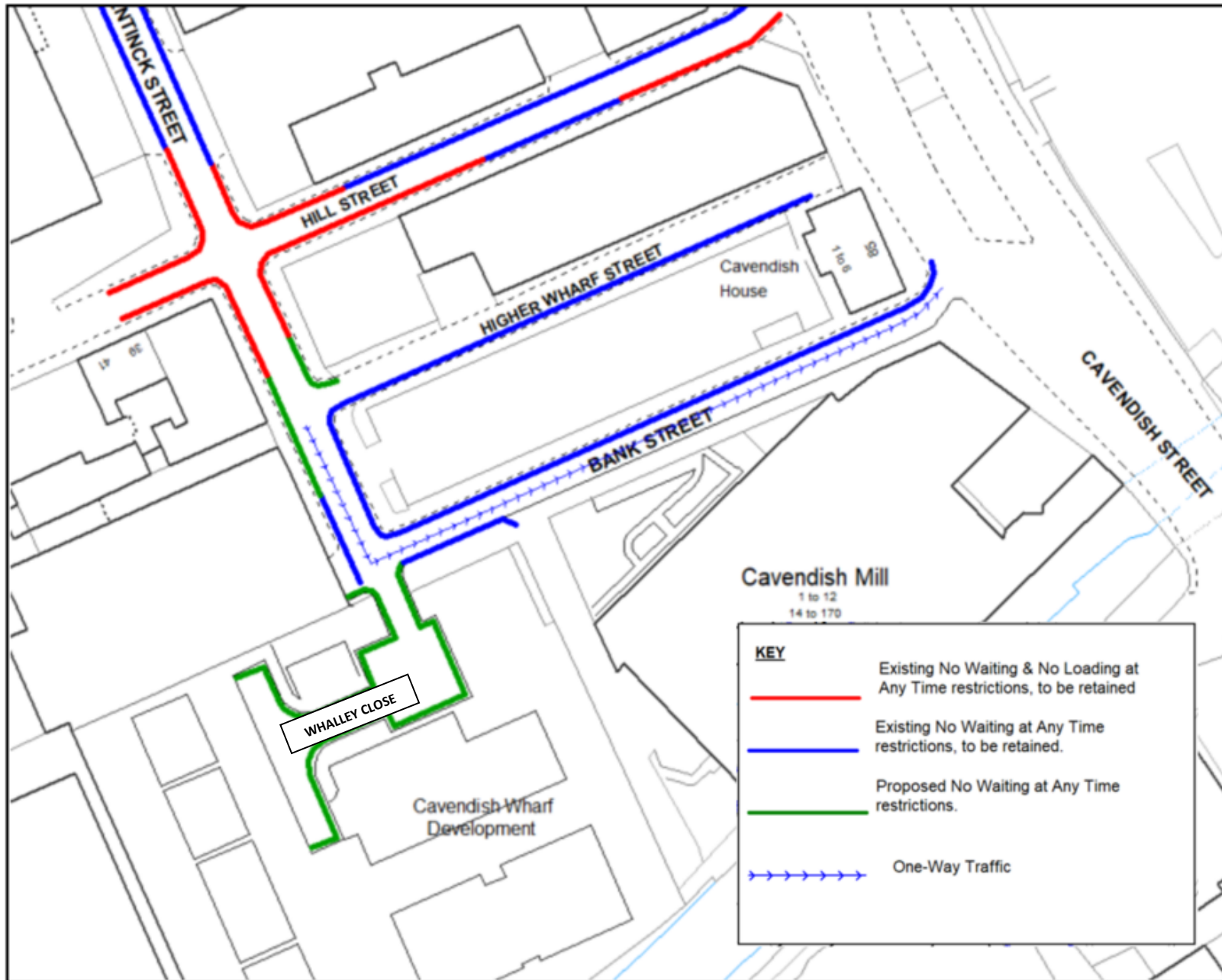
2.) A 20 miles per hour speed limit on: - Bank Street, for its entire length; Bentinck Street, from its junction with Higher Wharf Street to its junction with Bank Street; Whalley Close, for its entire length.

A copy of the proposed Order, plan and statement of reasons relating thereto may be inspected online via <http://www.tameside.gov.uk/trafficregulationorders> or be sent to you at your request by e-mailing trafficoperations@tameside.gov.uk and asking for the Bank Street/Bentinck Street/Cavendish Wharf deposited documents. Objections or comments to the proposals stating the grounds on which they are being made must be submitted in writing to the undersigned or by email to trafficoperations@tameside.gov.uk by no later than the 18 January 2024, full name and postal address must be included. If you wish to discuss the proposals please contact Joanne Biddle on 0161 342 2879.

Date: 21 December 2023

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

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APPENDIX 3

Section 122 Road Traffic Regulation Act 1984

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

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Agenda Item 5

Report To:	SPEAKERS PANEL (PLANNING)
Date:	20 March 2024
Reporting Officer:	Emma Varnam (Assistant Director, Operations and Neighbourhoods)
Subject:	OBJECTIONS TO: - TRAFFIC REGULATION ORDER TO INTRODUCE WAITING RESTRICTIONS WITHIN THE KING STREET AND OVAL DRIVE AREA, DUKINFIELD
Report Summary:	This report outlines the objections received to the proposed waiting restrictions within the King Street and Oval Drive area of Dukinfield.
Recommendations:	That authority is given for the necessary action to be taken in accordance with the Road Traffic Regulation Act 1984 to introduce the Traffic Regulation Order, as detailed in Section 2.2 of this report subject to the amendments detailed in Section 6.2 of this report.
Links to Community Strategy:	Improvements to the highway network support the Council in delivering all 8 priorities of the Corporate Plan.
Policy Implications:	None arising from the report.
Financial Implications:	The estimated costs of processing and implementing the proposed Traffic Regulation Order is £3,000. This is inclusive of advertising costs, staff time and associated road markings. The scheme will be funded by Traffic Management Budgets within the Place Directorate Capital Programme.
Legal Implications:	The Council has a statutory duty, which it must always have regard to under Section 122 of the Road Traffic Regulation Act 1984 which is set out in Appendix 2 .
Risk Management:	If the proposed waiting restrictions are not implemented obstructive parking will continue to occur.

Access to the documents:	<table border="1"><tr><td>Appendix 1</td><td>Highway Code Extract</td></tr><tr><td>Appendix 2</td><td>Section 122 – Road Traffic Regulation Act 1984</td></tr><tr><td>Appendix 3</td><td>Plan – showing proposals as advertised.</td></tr><tr><td>Appendix 4</td><td>Plan – showing proposals as amended</td></tr></table>	Appendix 1	Highway Code Extract	Appendix 2	Section 122 – Road Traffic Regulation Act 1984	Appendix 3	Plan – showing proposals as advertised.	Appendix 4	Plan – showing proposals as amended
Appendix 1	Highway Code Extract								
Appendix 2	Section 122 – Road Traffic Regulation Act 1984								
Appendix 3	Plan – showing proposals as advertised.								
Appendix 4	Plan – showing proposals as amended								

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



Telephone: 0161 342 2879



E-mail: joanne.biddle@tameside.gov.uk

1. BACKGROUND

- 1.1 King Street, Dukinfield is a classified road (A627) that forms part of the borough's strategic route network, it is subject to a 30mph speed limit and conveys a significant amount of traffic through the borough.
- 1.2 In recent years concerns have been raised about the inter-visibility between road users at the junction of King Street and the unnamed access road between 196 and 198 King Street. The latter is unadopted but provides access to the rear of a number of residential properties on King Street, a business premises (Spike's Barber Shop) and two residential garages. Residents and customers of the barber's also park here.
- 1.3 Concrete bollards have been installed at this junction in an attempt to deter obstructive parking and prevent vehicles from driving over the adopted footway (pavement) but vehicles continue to park on King Street up to both sides of this junction. When cars are parked here the visibility of motorists emerging from the access road to join King Street is compromised as they do not have a clear view of the busy road that they are joining.
- 1.4 Concerns have also been raised by local residents and a ward member with regard to vehicles double parking on the 'S' bend of Silver Close, Dukinfield. Silver Close is a narrow residential cul-de-sac so double parked vehicles can make it difficult for motorists to negotiate, as well as restricting access for larger vehicles like the refuse waggon, delivery vehicles and the emergency services. Vehicles parking too close to this junction also hinders visibility for vehicles emerging from Silver Close onto Oval Drive.
- 1.5 Should the proposed waiting restrictions on Oval Drive and Silver Close be approved, there is the potential for parking to be displaced around the opposite junction of Oval Drive and Angel Close. For that reason waiting restrictions are proposed at this junction also.
- 1.6 The Highway Code expressly states that drivers must not stop or park opposite or within 10 metres (32 feet) of a junction. For reference Rule 243 is attached at **Appendix 1** to this report.
- 1.7 The Council has a statutory duty which it must always have regard to under Section 122 of the Road Traffic Regulation Act 1984 which is set out in **Appendix 2** to this report.
- 1.8 A scheme to introduce waiting restrictions within the King Street and Oval Drive Area was advertised on the 27 April 2023.

2. INITIAL PROPOSALS / SCHEDULE OF WORKS

- 2.1 The proposed restrictions as advertised are set out at section 2.2.
- 2.2 **TAMESIDE METROPOLITAN BOROUGH (KING STREET AND OVAL DRIVE AREA, DUKINFIELD) (PROHIBITION OF WAITING) ORDER 2023**

<u>SCHEDULE</u>		
No Waiting at Any Time		
Angel Close (both sides)	-	from its junction with Oval Drive for a distance of 10 metres in a northerly direction.
King Street (east side)	-	from a point 15 metres north of its junction with the unnamed access road between 196 and 198 King Street to a point 15 metres south of that junction.

Oval Drive (north side)	-	from a point 10 metres south west of its junction with Angel Close to a point 10 metres east of that junction.
Oval Drive (south side)	-	from its junction with Silver Close for a distance of 10 metres in a westerly direction.
Silver Close (east side)	-	from its junction with Oval Drive for a distance of 43 metres in a southerly direction.
Silver Close (west side)	-	from its junction with Oval Drive for a distance of 49 metres in a south-easterly direction.

2.3 A plan showing the proposals is attached at **Appendix 1** to this report.

3. OBJECTIONS

- 3.1 During the consultation period the Council received 10 objections to the proposed scheme.
- 3.2 Many of the objectors are concerned that the introduction of the proposed waiting restrictions within the Oval Drive area will further reduce the availability of on street parking for residents and their visitors, in an area where on street parking is already extremely limited. Some are residents of King Street who have no access to off road parking and currently park where the waiting restrictions are proposed.
- 3.3 Some objectors expressed concerns that vehicles which currently park on Silver Close or Oval Drive could be displaced either further into the residential housing estate or onto Boyds Walk (another side road to the east of King Street) potentially leading to neighbour disputes over parking and to vehicles being vandalised.
- 3.4 Some objectors' claim that the proposed restrictions are unnecessary as there are no problems at the locations where vehicles currently park and that there have been no accidents to justify the proposed restrictions.
- 3.5 One objector acknowledges that it is difficult to exit from the unnamed access road between 196 and 198 King Street onto King Street but claims that as the access road is only used infrequently by a couple of residents the proposed restrictions are disproportionate to the hazard that this presents.
- 3.6 An objection has been received from the owner of Spike's Barbershop, located at 196 King Street on the basis that the proposed waiting restrictions on King Street will make it awkward for customers to park within the vicinity of their business.

4. OFFICER RESPONSE

- 4.1 The officer responses below correspond to the similarly numbered points raised above: -
- 4.2 While it is appreciated that parking in this area is at a premium and that it may be desirable for residents and their visitors to park on the public highway outside or near to their properties there is no legal entitlement to do so. Although on street parking is accommodated wherever possible the primary function of the highway is for the conveyance of traffic. However, having considered the objections it is proposed to amend the restriction on the east side of Silver Close from 43 metres to 10 metres, this will restrict parking to within 10 metres of the junction

but will allow for parking to take place on the east side of Silver Close. The restriction on the west side of Silver Close remains unchanged to prevent double parking on the 'S' bend.

- 4.3 It is acknowledged that the imposition of the proposed waiting restrictions may displace parking to elsewhere within the estate or onto adjoining side roads, arguably to more suitable locations that are away from the junctions and bends. If neighbour disputes, criminal activity or vandalism were to arise as a consequence any such incidents should be reported to the police.
- 4.4 In recent years residents and councillors have raised concerns with regard to reduced visibility at the named junctions and double parking on the 'S' bend of Silver Close. Taking these requests into account together with the Council's own onsite observations the scheme is deemed necessary and justified in this instance. There have been no reported 'injury incidents' at these junctions to date, however the Council aims to take a proactive approach where a safety concern has been brought to its attention.
- 4.5 The unadopted access road between 196 and 198 King Street provides vehicular access to the rear of a number of residential properties on King Street, a business premises and two residential garages. Vehicles do park here so it is not unreasonable to assume that this road is used for both access and egress. A resident who does use this road on a regular basis has raised concerns with the Council on many occasions with regard to vehicles parking up to and around this junction. They have also reported a number of 'near misses' when exiting onto King Street owing to visibility being severely reduced.
- 4.6 It is noted that Spike's Barbershop has a private forecourt at the front of their shop designated as 'Customer Parking Only' which has space for at least one vehicle to park. There is also a sign on the gable end of their building politely requesting that the unadopted access road adjacent to their premises be left clear for salon customers during working hours. Aside from at the junctions, parking on the east side of King Street between Boyds Walk and Brownlea Avenue is unrestricted so customers can park here, within the vicinity of the salon. However, having considered the objections it is proposed to reduce the restrictions on King Street from 15 metres to 10 metres at both sides of this junction. This will still serve to enhance visibility by preventing parking up to and around this junction, while allowing for more on street parking on the east side of King Street.

5. FUNDING

- 5.1 The scheme will cost approximately £3,000 to process and implement. This is inclusive of advertising costs, staff time and lining works.
- 5.2 These works will be financed from existing Traffic Management Budgets within the Place Directorate.

6. CONCLUSION - PROPOSALS / SCHEDULE OF WORKS

- 6.1 Having fully considered the objections it is proposed to amend the advertised restrictions, as detailed at section 6.2 to this report.
- 6.2 **TAMESIDE METROPOLITAN BOROUGH (KING STREET AND OVAL DRIVE AREA, DUKINFIELD) (PROHIBITION OF WAITING) ORDER 2023**

<u>Proposed amendment SCHEDULE</u>		
No Waiting at Any Time		
Angel Close (both sides)	-	from its junction with Oval Drive for a distance of 10 metres in a northerly direction.

King Street (east side)	-	from a point 10 metres north of its junction with the unnamed access road between 196 and 198 King Street to a point 10 metres south of that junction. <i>(A reduction of 5 metres both sides from what was previously advertised).</i>
Oval Drive (north side)	-	from a point 10 metres south west of its junction with Angel Close to a point 10 metres east of that junction.
Oval Drive (south side)	-	from its junction with Silver Close for a distance of 10 metres in a westerly direction.
Silver Close (east side)	-	from its junction with Oval Drive for a distance of 10 metres in a southerly direction. <i>(A reduction of 33 metres from what was previously advertised)</i>
Silver Close (west side)	-	from its junction with Oval Drive for a distance of 49 metres in a south-easterly direction.

6.3 A plan showing the amended proposals is attached at **Appendix 4** to this report.

7. RECOMMENDATION

7.1 As set out at the beginning of the report.

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The Highway Code

Introduction to the Highway Code

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

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

Knowing and applying the rules

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

Rule 243

DO NOT stop or park:

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

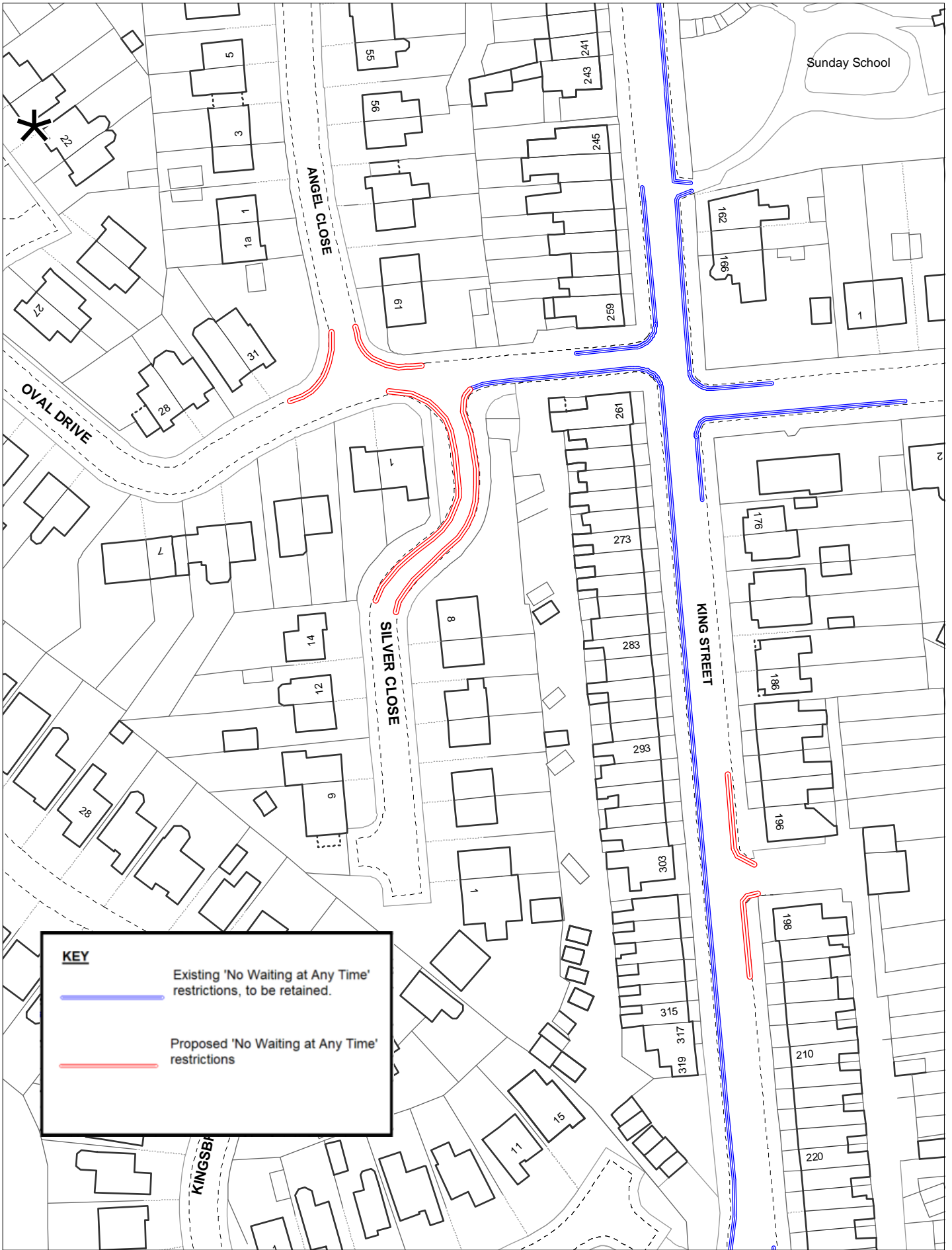
except when forced to do so by stationary traffic.

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Section 122 Road Traffic Regulation Act 1984

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

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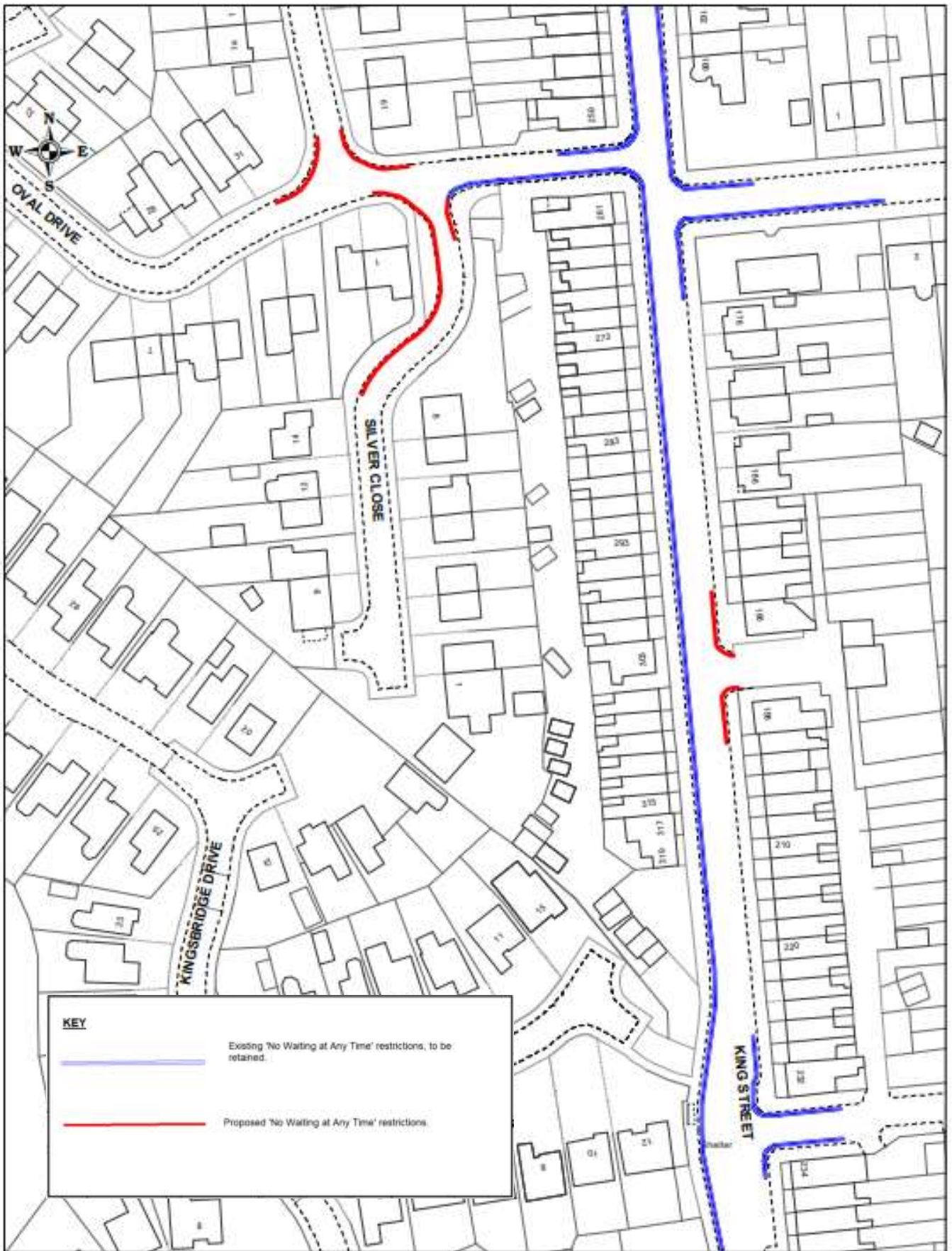
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SCALE	1 : 966
DATE	10/02/2023
DRAWING No.	
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	NTS

Proposed 'No Waiting at Any Time' restrictions - King Street and Oval Drive Area, Dukinfield



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	© Crown copyright. All rights reserved Licence No. 2003	SCALE: 1 : 980
	Proposed 'No Waiting at Any Time' restrictions King Street & Oval Dive Area, Dukinfield (Amended)	DATE: 22/02/2024
		DRAWN BY:
		CHECKED BY:

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Agenda Item 6

Report To: **SPEAKERS PANEL (PLANNING)**

Date: 20 March 2024

Reporting Officer: Emma Varnam (Assistant Director of Operations and Neighbourhoods)

Subject: **OBJECTION TO THE:
TAMESIDE METROPOLITAN BOROUGH (CLARE STREET AND PALATINE STREET AREA, DENTON) (PROHIBITION OF DRIVING) (EXPERIMENTAL) ORDER 2023**

Report Summary: This report sets out the objection received to the experimental prohibition of driving order within the Clare Street and Palatine Street area of Denton, remaining in force indefinitely.

Recommendations: It is recommended that the panel review the objection received during the six month consultation period for the experimental prohibition of driving order within the Clare Street and Palatine Street area of Denton and that the experimental order be made permanent.

Links to Community Strategy: Improvements to the highway network support the council in delivering all 8 priorities of the Corporate Plan.

Policy Implications: None arising from this report.

Financial Implications: The costs of the temporary prohibition order is £1,625, this is inclusive of staff time and advertising costs. The costs will be fully funded by Active Travel Fund (ATF) grant.

Legal Implications: The Council has a statutory duty which it must always have regard to under Section 122 of the Road Traffic Regulation Act 1984 which is set out in **Appendix 1**.


The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 details the procedure for making the provisions of experimental orders permanent which the Council will follow.


Risk Management: If Clare Street and Palatine Street were to be reopened at school opening and closing time it would have a negative impact on congestion, air pollution, residents' health and wellbeing and safety on the streets surrounding the school.

Access to the documents:

Appendix 1	s.122 of the Road Traffic Regulation Act 1984
Appendix 2	Plan – Clare Street & Palatine Street Area
Appendix 3	Draft Prohibition of Driving Order
Appendix 4	Draft Second Notice

All documentation can be viewed by contacting Jody Hawkins, Highways Manager, Engineering Service:

 Telephone: 0161 342 2932

 e-mail: jody.hawkins@tameside.gov.uk

1 BACKGROUND

- 1.1 An Executive Decision Report was approved on 5 December 2022 giving consent to introduce a School Streets scheme experimentally for Russell Scott Primary School in Denton, as indicated on the plan attached at **Appendix 2**.
- 1.2 The scheme was implemented in March 2023 and involved the temporary closure of the streets around the school access / egress at opening and closing times, i.e. between the hours of 07.45 – 09.15 and 15.00 – 15.45 Monday to Friday during school term time.
- 1.3 The closure comprises signs and cones along with a representative of the school, positioned at the junction of Palatine Street and the junction of the service road to the rear of Crown Point North retail area. The features are left in position until the school has started in the morning and after it has finished in the evening.
- 1.4 The school is responsible for the day to day management of the scheme and have asked that the scheme be made permanent as the effect on the school and surrounding area is beneficial to the children of Russell Scott Primary School.

2 INITIAL PROPOSALS

- 2.1 Before the scheme was introduced, a survey was completed of the residents and businesses in the area that were served by the roads that were potentially being closed.
- 2.2 The survey results raised no cause for concern and the scheme was introduced with 'permits' being issued to residents and businesses as required.
- 2.3 Disabled drivers dropping off and picking up children were also allowed in the area, as were deliveries.
- 2.4 From observations and discussions with the school, after the initial experimental period, the scheme is running well and the parents know that they cannot drive in that area at those times.
- 2.5 There is a small number of parents/carers that arrive early in the afternoon to pick up their children and park on the road within the area to be closed to wait until the school finishes, before driving out of the road closure. This is legal but does not fall within the spirit of the scheme.

3 OBJECTIONS

- 3.1 One objection was received to the proposed scheme based on the lack of parking for the school which the scheme has exacerbated.
- 3.2 The objector acknowledged that the 'roads around the school entrance are a lot safer now the road is closed' but was concerned that the displaced parking is wide spread and often inconsiderate.
- 3.3 An alternative place to park is Crown Point North car park and this was highlighted by the objector as being busy or full most evenings when school is ending, causing issues for parents going to pick up their children.
- 3.4 The hours of operation of the scheme were also questioned.

4 RESPONSES

- 4.1 It is true that parents parked on the roads around the school entrance but the purpose of the scheme was to make that area free from parked and moving cars, or reduce the number of vehicles as much as possible, to help promote active travel to and from school.
- 4.2 It is acknowledged that parking will be displaced, but over a wider, less condensed area or parents will chose to walk to school where they can.
- 4.3 Crown Point North is a well-used car park, especially at holiday periods but space can often be found for short periods.
- 4.4 The hours of operation for the scheme are limited to the days and times around school opening and closing hours and are set out in the legal order.

5 FUNDING

- 5.1 Funding from the Government's Active Travel Fund (ATF) has been allocated to make this scheme permanent and provide support for councils to deliver a series of 'School Streets' across the region to increase active and sustainable travel.

6 CONCLUSION – PROPOSAL / SCHEDULE OF WORKS

- 6.1 That the legal order attached at **Appendix 3** of this report be approved to be made then advertised in the public notice attached at **Appendix 4** to this report.

7 RECOMMENDATION

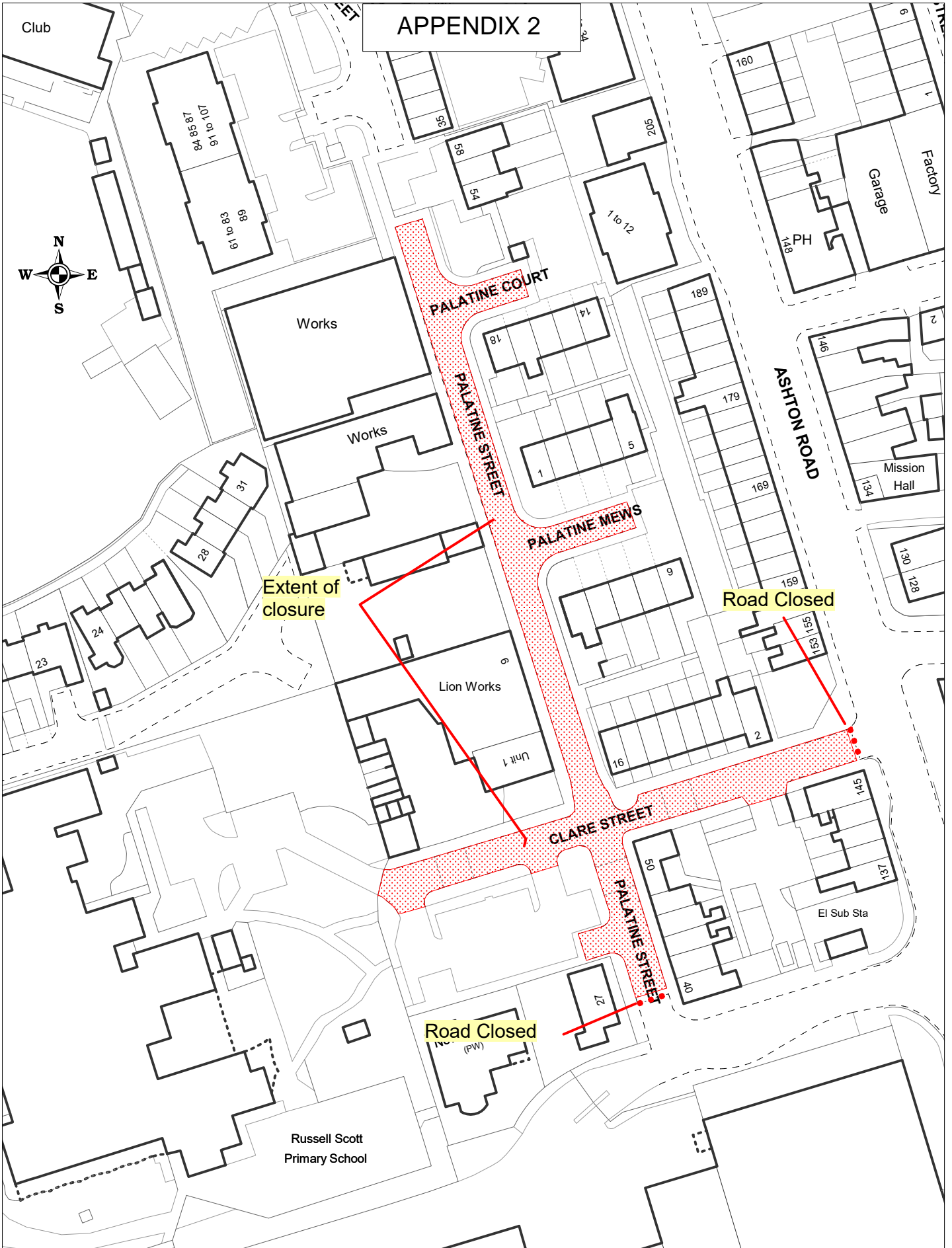
- 7.1 As set out at the beginning of the report.

Section 122 Road Traffic Regulation Act 1984

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

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APPENDIX 2



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**RUSSELL SCOTT SCHOOL
DENTON
School Streets**

SCALE	1 : 1000
DATE	13/10/2022
DRAWING No.	Appendix A
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APPENDIX 3

TAMESIDE METROPOLITAN BOROUGH COUNCIL

TAMESIDE METROPOLITAN BOROUGH (CLARE STREET AND PALATINE STREET AREA, DENTON) (PROHIBITION OF DRIVING) ORDER 2023

Tameside Metropolitan Borough Council, in exercise of its powers under Sections 1, 2 and 4 of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

1 (1) In this Order: -

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges For Motor Vehicles)(England) Regulations 2000;

"disabled person's vehicle" means a vehicle which displays a disabled person's badge in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended, or under any succeeding legislation, and shall include a badge issued under regulations having effect in Scotland or Wales under Section 21 of the Chronically Sick and Disabled Person's Act 1970, and a recognised badge under Section 21A and B of the 1970 Act;

"authorised permit," means a permit issued by the Council authorising the driver of the vehicle to enter or proceed in any of the lengths of roads specified in the Schedule to this order at any time.

(2) For the purpose of this Order a vehicle shall be regarded as displaying:-

(a) a disabled person's badge in the relevant position, when:-

- (i) the badge is exhibited on the dashboard or fascia of the vehicle so that the front of the badge is clearly legible from the outside of the vehicle or;
- (ii) where a vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle, so that the front of the badge is clearly legible from the outside of the vehicle.

(3) For the purpose of this Order a vehicle shall be regarded as displaying:-

(a) an authorised permit in the relevant position, when:-

- (i) in the case of a vehicle fitted with a front windscreen, the permit is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen, and
- (ii) in the case of a vehicle not fitted with a front windscreen, the permit is exhibited in a conspicuous position on the front or near side of the vehicle.

2 Save as provided in Articles 3 and 4 of this Order no person shall except upon the direction or with the permission of a police constable in uniform or of a Civil Enforcement Officer,

cause or permit any vehicle to enter or proceed in any of the lengths of roads specified in the Schedule to this order, between the hours of 07.45 – 09.15 and 15.00 – 15.45 Monday to Friday each school term time unless that vehicle is displaying in the relevant position an authorised permit issued by the Council.

- 3 (1) Nothing in Article 2 of this Order shall apply so as to prevent any person from causing any vehicle to proceed in the roads referred to in that article, if the vehicle is being used:-
- a) for building, industrial or demolition operations;
 - b) for the maintenance, improvement or reconstruction of the said sides of lengths of roads;
 - c) in the service of a local authority or any other Authority in the pursuance of statutory powers or duties;
 - d) for the laying, erection, alteration or repair in, or the land adjacent to, the sides of lengths of roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any electronic communications network as defined in the Communications Act 2003;
 - e) for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000;
 - f) for Fire Brigade, Ambulance or Police purposes.
 - g) for any wedding or funeral
- (2) Nothing in Article 2 to this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge, to enter or proceed in any of the lengths of roads referred to in that Article.
- 4 The prohibitions and restrictions imposed by this order shall not apply to drivers in possession of an authorised permit which allows access to premises adjacent to the roads in this order, within the times the order is in force.
- 5 The prohibitions and restrictions imposed by this Order shall be in addition to, and not in derogation from, any restrictions or requirement imposed by any regulations made or having effect as if made under the said Act of 1984 or by or under any other enactment.

This Order will come into operation on the **x day of [month][year]** and may be cited as THE TAMESIDE METROPOLITAN BOROUGH (CLARE STREET AND PALATINE STREET AREA, DENTON) (PROHIBITION OF DRIVING) ORDER 2023

THE COMMON SEAL OF TAMESIDE
METROPOLITAN BOROUGH COUNCIL
was hereunto affixed on the **[day/month/year]**
in the presence of

Authorised Signatory

SCHEDULE

Prohibition of Driving (except authorised permit holders) when Temporary Road Signage is in place

Name of Road	Effective Length	Effective Time
Clare Street	Its entire length	07.45 – 09.15 and 15.00 – 15.45 Monday to Friday each school term time.
Palatine Street	From a point 40 metres south of its junction with Clare Street to a point 15 metres north of its junction with Palatine Court	07.45 – 09.15 and 15.00 – 15.45 Monday to Friday each school term time.
Palatine Court	Its entire length	07.45 – 09.15 and 15.00 – 15.45 Monday to Friday each school term time.
Palatine Mews	Its entire length	07.45 – 09.15 and 15.00 – 15.45 Monday to Friday each school term time.

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APPENDIX 4

TAMESIDE METROPOLITAN BOROUGH (CLARE STREET AND PALATINE STREET AREA, DENTON) (PROHIBITION OF DRIVING) ORDER 2023

On the x day of [month] [year] Tameside Metropolitan Borough Council made the above Order under the Road Traffic Regulation Act 1984. The effect of the Order is to continue in force indefinitely the provisions of the previous Experimental Traffic Regulation Order.

No person shall cause or permit any motor vehicle to proceed in Clare Street, Palatine Court, Palatine Mews and Palatine Street, from a point 40 metres south of its junction with Clare Street, to a point 15 metres north of its junction with Palatine Court, Denton, between the hours of 07.45 – 09.15 and 15.00 – 15.45 Monday to Friday each school term time.

The prohibition of driving will not prohibit emergency vehicles or other vehicles displaying an authorised permit.

A copy of the Order which comes into operation on the x day of [month] [year] may be inspected online via <http://www.tameside.gov.uk/trafficregulationorders> or be sent to you at your request by e-mailing trafficoperations@tameside.gov.uk and asking for a copy of the Clare Street and Palatine Street Area Order. Any person wishing to question the validity of the Order or their provisions on the grounds that it or they are outside the council's powers, or that the legal procedure has not been followed, may within 6 weeks from the date of the Order, apply to the High Court for that purpose.

Date: [day] [month] [year]

Emma Varnam; Assistant Director, Operations and Neighbourhoods; Tameside One, Market Place, Tameside, Ashton-U-Lyne, OL6 6BH.

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Application Number:	23/01100/FUL
Proposal:	Change of use of the existing dwellinghouse (Class C3) to a children's care home for 2no children (Class C2).
Site:	180 Clarendon Road, Hyde, SK14 2JY
Applicant:	Miss Laura Hopkinson
Recommendation:	Approve, subject to conditions.
Reason for Report:	Two councillors and a number of residents have requested to speak at panel before the application is determined.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 The application concerns a two storey end terraced property, located on the corner of Clarendon Road and Bedford Avenue in Hyde. The property has previously been extended to the rear with the addition of two storey and single storey extensions. A generous garden is located to the rear of the property. There is a detached garage located at the rear of the site, with vehicular access taken from Bedford Avenue. Beyond the rear of the site is an access road which enables rear access to the terraced row from Bedford Avenue through to Repton Avenue.
- 1.2 The surrounding area is predominantly residential in nature, largely comprising of two storey terraces, though to the north of the application site there is a new residential development. There is a general lack of off-street parking in the surrounding area, due to the nature of the properties, and so on street parking is prevalent.

2. PROPOSAL

- 2.1 Planning permission is sought to change the use of the existing dwellinghouse (Class C3) to a children's care home (Class C2), providing care for no more than 2no children, between the ages of 8 and 18, with emotional and behavioural difficulties. The home would be registered with Ofsted.
- 2.2 The ground floor of the proposed home would comprise an entrance hall, living room, kitchen/diner and an office and bedroom for 1no staff member. The first floor would comprise 3no bedrooms and a family bathroom. The 2no children will reside in any of the upstairs bedrooms.
- 2.3 The home would employ 8no staff: 1no manager, 3no senior support workers, 3no support workers and 1no area manager who works from home. The manager will work Monday to Friday 08:00 to 16:00, though the home will be staffed 24/7, with at least 2no staff members at any one time throughout the day. 1no senior support worker and 1no support worker would start their shift together at 11:00. The children would go to bed between 21:30 and 22:00, the 2no staff would complete any paperwork and ensure the building is secure and the house is settled between 22:00 and 23:00. 1no senior staff member would sleepover at the property and the other would finish their shift at 23:00. If the children require support throughout the night, the staff member will awaken and support them, as with a family home. The 1no senior staff member would wake up at 06:30 ready to support the children to get up for school at

07:00, and then finish their shift at 11:30, which will allow for a 30 minute handover time between the next 2no staff members.

- 2.4 The staff will support the children where necessary, including:
- Taking/collecting them from school (placement either primary or secondary school within the Greater Manchester area)
 - Going out on activities
 - Taking/collecting from clubs
 - Helping with homework
 - Making their tea.
- 2.5 The children's social workers complete 6 weekly visits. Health appointments are made at health clinics off site and contact with family members is also promoted off site to prevent any disruption within the home
- 2.6 The proposal includes the demolition of the existing detached garage, to form 1no off street parking space. No other external alterations are required to facilitate the proposals.

3. PLANNING HISTORY

- 3.1 None of relevance.

4. PLANNING POLICY

National Planning Policy Framework

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

Planning Practice Guidance

- 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.

Tameside Unitary Development Plan (2004)

- 4.6 The site is unallocated according to the UDP proposals map.

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 1.12: Ensuring an Accessible, Safe and Healthy Environment.

Part 2 Policies

- Policy C1: Townscape and Urban Form
- Policy H2: Unallocated sites
- Policy H4: Type, size and affordability of dwellings
- Policy H10: Detailed Design of Housing Developments
- Policy T1: Highway Improvement and Traffic Management.
- Policy T7: Cycling
- Policy T10: Parking.

Supplementary Planning Documents

- 4.9 The following are relevant:
- Residential Design Supplementary Planning Document (SPD).

Places for Everyone

- 4.10 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.
- 4.11 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 4.12 Places for Everyone has been published, submitted and its examination concluded, following issue of the Inspectors Report on the 14 February 2024. On 5 March 2024 Tameside Council resolved to adopt the Joint Development Plan Document, Places for Everyone, with effect from the 21 March 2024. This date has been chosen to coordinate the adoption by all nine PfE authorities on one date.
- 4.13 As this application is to be considered on the 20 March 2024, Places for Everyone cannot be given full weight in planning decisions, as (by a day) it does not yet form part of the adopted plan for Tameside. However, given the stage reached, it is reasonable to give the plan as resolved to be adopted by Tameside Council a shade below full weight in considering the merits of this application.

Other Considerations

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

5. PUBLICITY CARRIED OUT

- 5.1 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 are summarised in section 6 of this report.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 In response to the notifications, a total of 104 representations have been received, 103 of these objected to the proposals. A summary of the concerns raised is as follows:
- Traffic/parking matters
 - False information that the site has 2no car parking spaces
 - Car pooling/cycle to work scheme will not work
 - Care home with staff and visitors will increase the lack of parking
 - Emergency vehicles cannot access the streets
 - Conflict with land use policy
 - Noise/hours of operation
 - Out of character:
 - The area is predominantly a family area, the proposed use would be unbecoming
 - Not suitable place for a care home
 - Visual amenity
 - Sets a precedent for future care homes and other businesses
 - There is contaminated land within the site
 - Development too big
 - No infrastructure to support the volume of people at the property
 - Poor public consultation
 - Poor living conditions for the future residents
 - Loss of sun/day lighting/overshadowing
 - Incorrect land ownership
 - Could impact further businesses that could open in a residential area
 - Impact on quality of life
 - Surrounding residents do not need to hearing or seeing the goings on associated with a children's care home
 - Concerns regarding Ofsted report of other children's care homes ran by the same company
 - Already one operating care home in close proximity
 - Why was 34c Church Street application withdrawn?

- No details about the age, demographic, criminal backgrounds, vulnerabilities of the future residents. What is the nature of the care proposed?
- Conflict of interest between the applicant and the local authority
- Safeguarding issues
- The property has not homed 5 people in the past
- Changing the living spaces at ground floor is inappropriate
- Reduce value of neighbouring properties
- Young people in care should not be in a residential area
- A way of making money, children are not business propositions
- Where is the existing care home in Hyde?
- Another application for a children's care home has previously been withdrawn
- Have children's services expressed a need for such development to the applicant?
- Increase in anti-social behaviour/crime/drug use
- Will current residents be subject to disruption from the children?
- Will cause unnecessary arguments with existing residents trying to park
- How can you turn a 3 bedroom house into a 6 bedroom house?
- Has anybody come out late at night to see the parking situation?
- The 3no children will take local residents' children places at local primary schools
- Having a young offenders halfway house down the road is bad enough and should be enough
- Will the staff be fully trained?
- Council bin collection is affected by the parking
- It is more difficult for people to buy homes
- Fire safety concerns.

6.2 One representation did not oppose the application, noting that it is vitally important that children with emotional and mental health problems receive the correct support, though the representation did also raise some of the above concerns.

7. RESPONSES FROM CONSULTTEES

7.1 Local Highways Authority

No objections, subject to a condition requiring details of secure cycle storage and the 1no car parking space to be made available prior to the first occupation of the home.

7.2 Environmental Health

No objections, subject to a condition restricting the hours of conversion works.

7.3 Children's Services

No initial objections, though note the following:

- There is a significant need within the Borough for small scale children's residential care homes
- No specific threshold for the sizing of rooms, as long as they are big enough for a bed, furniture and general floor space
- More than one children's home within the vicinity of each other is acceptable when owned by the same provider
- Try to avoid children coming into the Borough from other Boroughs.

8. ANALYSIS

8.1 The issues to be assessed in the determination of this planning application are

1. The principle of residential development in this location
2. The impact of the proposed development on the character of the site and surrounding area

3. The impact of the proposed development (comings and goings) on the amenity of neighbouring residents
4. The impact on highway safety
5. Other matters.

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 224-226 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 225 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development.
- 9.3 Section 2 of the NPPF states achieving sustainable development means the planning system has three overarching objectives. One of the key objectives being addressed in paragraph 8(a) of the NPPF is that the planning system should support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations.
- 9.4 Section 5 of the NPPF requires Local Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations. Further to this, when it comes to plan making, paragraph 63 of the Framework states that "...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)".
- 9.5 UDP policy H4 is also relevant in this case which states the overall provision of housing in the Borough should incorporate a range of dwellings types, sizes, and affordability, to meet the needs of all sections of the community and to help create better balanced communities for the future.
- 9.6 The property and surrounding area is unallocated on the UDP proposals map, and therefore the site is not restricted to certain types of development. Consultation with Children's Services has confirmed there to be a need for small scale children's homes within the borough.
- 9.7 At present the property has an established residential use (Class C3), it is located within an established residential area. The proposal, to change the use of the dwellinghouse to a children's care home, falls under Class C2 of the Use Classes Order (residential institution). Although the proposed use would result in a different type of residential occupation, the residential element remains, and such a use would be compatible with the locality, in this regard there are no land use issues raised by the proposals to support a small scale residential children's home.
- 9.8 The care home would operate similar to a C3 (dwellinghouses) use, albeit with thecomings and goings of staff members. Whilst there is a business element to the proposal, it would be very difficult to distinguish, given there would be no business operations or activities taking place that would either be identifiable or have a result on the residential character of the area.

- 9.9 On the above basis, the proposed residential care home is deemed an appropriate use in this established residential area and is therefore acceptable in principle, in line with policies 1.4, H2 and H4 of the UDP and sections 2, 5 and 11 of the NPPF. The home would provide an alternative type of residential unit, that is required to meet the needs of different sections/groups of the community. In conclusion, it would be inappropriate and undesirable to prevent and exclude vulnerable children who are most in need of support from receiving the care that they and their families need, from within residential communities.

10. CHARACTER AND APPEARANCE

- 10.1 Operational works would be largely limited to internal reconfiguration of the property. It is however, also proposed to remove the existing garage to the rear to provide 1no parking space. These alterations are considered acceptable, there are also merits to the removal of the garage in terms of the general appearance of the site/street scene.
- 10.2 There are no other external alterations/additions to the existing dwelling to support the proposed use of the property as a care home. Overall, the proposal would not have a significant impact on the character and appearance of the existing property or the surrounding area, compliant with UDP policies C1 and H10.

11. RESIDENTIAL AMENITY

- 11.1 Paragraph 135(f) of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing users and future users. Policy H10 (a) and (d) of the UDP supports national policy, as requires that the design of proposed housing developments must meet the needs of potential occupiers, whilst not unacceptably impacting the amenity of neighbouring properties in respect of noise, loss of privacy, overshadowing or traffic.

Impact of the proposal on existing residents

- 11.2 As confirmed the proposed development involves no external alterations that would impact upon levels of light, outlook or privacy afforded to neighbouring properties.
- 11.3 The property would be occupied on a wholly residential basis. Whilst 7no members of staff would be employed on site, the maximum staff members on site at any one time would be 5 and this would be limited to shift changeovers. In terms of the impact upon local residents, the comings and goings of staff, during their changeovers, should not be discernible within the surrounding residential area.
- 11.4 The additional comings and goings associated with the home, as a result of health/social care visitors, deliveries and general day to day activities (school drop offs/pick ups, after school activities, weekend activities), would be of a scale appropriate to the property and the residential area it is located within.
- 11.5 Concerns have been raised by local residents regarding an increase in anti-social behaviour, caused by the children's emotional/behavioural needs, in an area where family homes are prevalent. This concern is noted, and it is acknowledged that the perception of possible anti-social behaviour can, in certain circumstances, be a material consideration in the determination of a planning application. Those circumstances being where the concern is based on past events and not on an assumption of the behavioural characteristics of the future occupiers of a development where this assumption is not supported by evidence. Children would be referred to the care home by the Council's health commissioning agencies, and the home would be Ofsted registered and inspected. Fears about the behavioural characteristics of the children who may reside in the care home, can only be based on assumptions and so, in this instance, the fear of crime arising from the proposed use would

not warrant refusal of the application. Nonetheless, the property would be staffed/managed throughout the day and night, this onsite presence should ensure the proposed change of use does not give rise to antisocial behaviour and the small scale use of the occupation, should ensure that residents' live in a cohesive manner.

- 11.6 In the interests of the amenity of the local residents, Officers are of the opinion that it would be prudent to request a general management plan be in place prior to its occupation. The aims of the plan would be to ensure that the property is managed appropriately at all times, to ensure no undue disturbance to local residents. The management plan can be secured by condition, compliance with the management plan would be enforceable in the event of any complaints.
- 11.7 Whilst concerns raised in the neighbour representations relating to noise disturbance are noted, the overall scale of the use would not be significant and it is not viewed as an over-intensification of use. It would remain that communal residential areas would be based on the ground floor with bedrooms at first floor level of the property. The level of residential occupation of the property on a C2 basis should be comparable to that of its current C3 use as a 3 bedroom dwelling. However, in the interests of the amenity of the adjoining property it is recommended that a condition is applied to soundproof the party wall, the bolstering of this partition would reduce the transference of any sound between the properties.
- 11.8 The Council's Environmental Health Officer has reviewed the proposal and raises no objections, subject to a recommended condition, if planning be granted, restricting the hours of conversion works to protect the amenity of the neighbouring residents.
- 11.9 Ultimately, the proposal represents residential use within a residential area, and as indicated by the absence of any objection from the Head of Environmental Services (Public Protection), the impact of the development on any existing residential amenities is considered acceptable and compliant with section 12 of the NPPF and H10 of the UDP.

Living conditions of future occupants

- 11.10 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). This standard is in place to ensure occupants are provided with an adequate quantity of internal space to well serve their needs and wellbeing.
- 11.11 The THS requires the minimum internal floor area over two storeys:
- 84sqm for a 3 bedroom, 4 person dwelling
 - 93sqm for a 3 bedroom, 5 person dwelling
 - 97sqm for a 4 bedroom, 5 person dwelling.
- 11.12 The property is an existing dwellinghouse, with 3no bedrooms, it has an overall internal floor space of 94sqm, compliant with housing standards. The proposal intends on retaining the 3no bedrooms at first floor, albeit extending bedroom 1, utilising some of the landing space, and converting the existing kitchen at ground floor to a fourth bedroom/office. Although increasing the number of bedrooms would require additional floor space to comply with the above THS, it must be noted that converting the ground floor kitchen to a habitable room does not require planning permission, in its current form, which would not take into account the THS. Nonetheless, the proposed care home would have an internal floor space between 93sqm and 97sqm, which is deemed acceptable in this case, based on the fact each bedroom would be for single occupancy.
- 11.13 In addition, whilst there would be 4no bedrooms within the home, it would only accommodate 2no children and 1no staff member, and so would demonstrate further that there is adequate internal floor space for the intended number of occupiers, in accordance with the THS. To ensure the home does not introduce additional occupants in the future, and therefore the

potential to fall below the THS, a condition is recommended restricting the home to providing care and accommodation for no more than 2no children at any one time.

- 11.14 In addition, the THS states that in order to provide for one bed space, a single bedroom must have a floor area of at least 7.5sqm. The following details the size of each bedroom:
- The ground floor staff bedroom measures 10.5sqm
 - Bedroom 1 measures 7.5sqm
 - Bedroom 2 measures 8.3sqm
 - Bedroom 3 measures 12.6sqm.
- 11.15 Given the above, all 4no bedrooms would be of an adequate size to function as a bedroom, allowing space for a wardrobe, a set of drawers and a desk. Further, all habitable rooms within the care home would be well served with glazed openings to allow for natural light, outlook and ventilation.
- 11.16 The property benefits from a generous garden, providing adequate private outdoor space for the future occupants.
- 11.17 In summary, it is considered that the proposal would provide an adequate level of residential amenity for the future occupiers to well serve their needs, health and well-being, in accordance with UDP policy H10 and paragraph 135 of the NPPF.

12. HIGHWAY SAFETY

- 12.1 UDP policy T10 states the minimum number of in-curtilage parking spaces required for a care home under Class C2 (residential institutions) is 1 per 4 bedrooms. The proposed care home would have 4no bedrooms and includes 1no off street parking space, and therefore in line with the above requirement for a care/nursing home.
- 12.2 The applicant has provided further measures to reduce any additional on street parking on the surrounding highways, including a subsidised cycle scheme and car sharing initiatives, that are welcomed by the Local Highways Authority (LHA). The LHA note Flowery Field and Hyde Central train stations and Hyde bus station are within walking distance of the development site, in addition the bus station is regularly serviced from other districts. There is a bus stop located 60m away from the site. In addition, the LHA have recommended a condition be attached, requiring details of secure cycle storage provision to serve the development. The above measures and close proximity to public transport, would help to minimise vehicle trips to and from the care home by staff members, and thus less pressure on street parking.
- 12.3 The LHA required the applicant to provide an on street car parking survey to assess whether there would be sufficient spare capacity on the streets for additional parking generated by the proposed development. The survey examined roads within a 200m walking distance radius of the development site, including: Clarendon Road, Fleet Street, Corona Avenue and Repton Avenue. Periods covered were overnight (between 00:30 and 05:30), between 10:00 and 12:00 Monday to Friday and during Saturday shopping hours. The weekday observations were carried out on Tuesday and Wednesday.
- 12.4 The overall conclusion from the car parking survey was that there is available parking on the surrounding streets, albeit at night mainly along Clarendon Road. There were no apparent on street parking issues during the day times on any day during the week. Bedford Avenue has the highest levels of on street parking stress in all periods, though was still found to have 2 spaces free on both nights the parking survey was carried out.
- 12.5 In light of the above, the following potential parking scenarios/situations are acknowledged (staff only):

- 4no on street car parking spaces may be required Monday to Friday during the day, owing to the possibility of 5no vehicles, associated with the 1no manager and 4no care workers, during the 30 minute staff changeover time only (between 11:00 and 11:30), with 1no vehicle parking in the 1no allocated space.
- 3no on street parking spaces may be required at the weekend during the day (Saturday and Sunday), given the possibility of 4no vehicles associated with the 4no care workers, during the 30 minute staff changeover over period only (between 11:00 and 11:30), with 1no vehicle parking in the 1no allocated space.
- After 16:00 Monday to Friday, only 1no on street parking space may be required, given the 1no manager finishes their shift at 16:00, the 1no care worker car parked in the allocated space and 1no parked on the road.
- After 23:00 any day of the week (Monday to Sunday), no on street parking spaces would be required, given only 1no care worker sleeps over at the property, who's car would be parked on the allocated space.

12.6 The above worst case scenarios would coincide with the findings from the car parking survey to demonstrate there would be an adequate capacity of on street parking spaces still available for nearby residents, as a result of the proposed children's care home.

12.7 Given the car parking survey found there would be no apparent issues with on street parking during weekday times, other occasional visits by social workers, for example, would have no issue with on street parking, neither would this impact significantly on the capacity of on street parking available to nearby residents.

12.8 The 2no children residing in the care home would not have access to their own vehicle, though may be supported to undertake driving lessons once they are 17, similar to such activities with a C3 use. It is unlikely that the children would be making independent vehicular trips whilst residing at the property.

12.9 In conclusion, the vehicular trips made by staff members arriving/leaving their shift and health visitors, would not result in a materially greater impact on the safety of the highway or pressure for parking, than the extant use of the property as a dwelling. In addition, any other vehicular trips, by way of general day to day activities for the children in care, would be similar to that of a C3 use, and therefore no significant impact on the highway network. Overall, the proposed development would not have an unacceptable impact on highway safety, or that the residual cumulative impact on the road network would be severe, and therefore the proposal is compliant with UDP policy T1, T7, T10 and H10(b) and section 9 of the NPPF.

13. OTHER MATTERS

13.1 Children's Services notes there is a significant need in the borough for small scale children's care homes, and therefore the proposal would provide a minor contribution to addressing this. It is appropriate for several children's care homes, operated by the same provider, to be located within close proximity to one another.

13.2 A number of objectors have raised concerns regarding the potential risk of increased crime and anti-social behaviour in the area, arising from the proposed development. Whilst reducing opportunities for crime through the design of development is a material planning consideration, the risk of crime rates increasing in an area is not something that can be controlled through the planning system. In this case, there are no physical alterations to be undertaken to the building and so no opportunities for crime would be created by built environment factors. The planning application could not however, reasonably be refused on the hypothetical assertion that the change of use would lead to a risk of crime or anti-social behaviour.

- 13.3 A number of objectors have raised concerns regarding the type of care/background of the cared for children. Whilst the type of care is material to the planning assessment, in respect of comings and goings associated with that type of care, the specific demographic/background of the children in care is not material planning consideration.

14. CONCLUSION

- 14.1 The proposal would make a positive contribution to meeting the demand for care for children and young people with educational and behavioural disorders. The character and appearance of the property would remain as existing, without there being a significant increase in comings or goings compared to the existing use. The property is located in a sustainable location given its access to public transport and associated amenities of Hyde Town Centre.
- 14.2 Overall, the proposal being considered against the NPPF and the UDP, as well as other relevant policies, following careful consideration of all the issues raised through the application process, is recommended for approval, subject to conditions.

RECOMMENDATION

That planning permission be approved, subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed by 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 permitted shall be carried out in accordance with the following plans:
 - a. Existing and proposed floor plans – 1200 rev E received 1st March 2024
 - b. Site location plan received 15th December 2023.

Reason: For the avoidance of doubt.

3. During demolition / construction / conversion 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 policy 1.12 and H10 of the Tameside Unitary Development Plan.

4. The 1no car parking space, hereby approved, must be made available prior to the first occupation of the children's care home, and shall be retained as such thereafter.

Reason: To ensure adequate parking provision, in accordance with UDP policy T1 and T10.

5. Prior to the use hereby approved first being brought into use, proposals to provide a long-stay cycle parking facility (which shall be in the form of a covered and secure cycle store that will accommodate a minimum of two cycles for the development) shall be submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until the cycle parking facility for the dwelling has been provided in accordance with the approved details. The cycle parking facility shall then be retained and shall remain available for use at all times thereafter.

Reason: To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with UDP Policies T1, T7, and T10.

6. The premises shall be used for residential care and accommodation for people in need of care and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (As Amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of the amenities of local residents, in accordance with UDP policy H10.

7. The change of use to the dwelling hereby approved shall not permit the care or accommodation of any more than 2no children at the property at any time.

Reason: In the interests of residential amenity relevant to the intensity of the proposed use, in accordance with UDP policy H10.

8. The property shall not be occupied on a C2 (children's home) basis until a scheme to soundproof the party wall between the property and no.178 Clarendon Road, Hyde, has been submitted to and approved in writing by the Local Planning Authority. The premises shall not be brought into its approved use until the approved soundproofing scheme has been implemented in full, and it shall be retained thereafter.

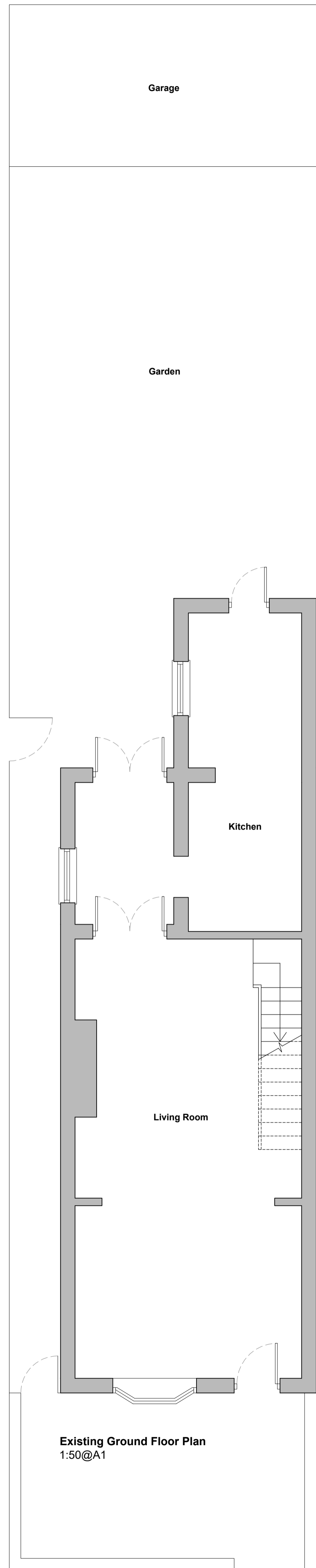
Reason: To protect the amenities of the occupants of the adjoining property in accordance with UDP policy 1.12 and H10.

9. The accommodation hereby approved, shall not be occupied unless/until a Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include:

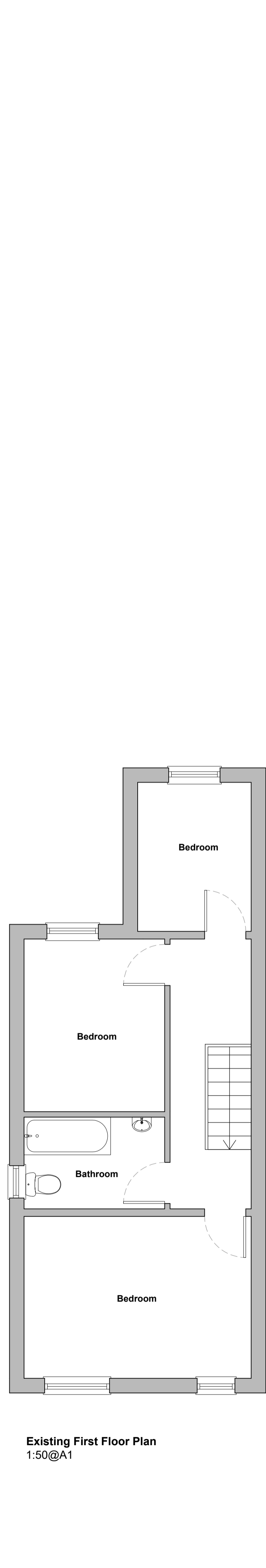
- A record of all children and their ages, which must be made available for inspection by the LPA within 7 days of such a request being made
- Conditions of residential occupancy
- Management procedures for the maintenance and security of the premises
- Protocols for investigating and addressing complaints.

The accommodation shall be occupied in accordance with the approved Management Plan at all times and for as long as the building is in use as a children's care home.

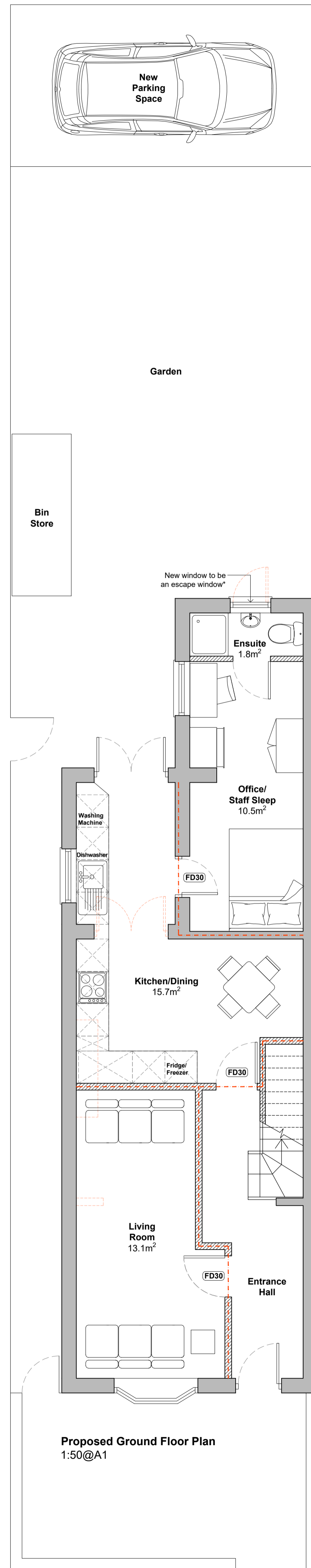
Reasons: To ensure the development preserves the residential amenity of neighbouring properties, in accordance with UDP policy H10.



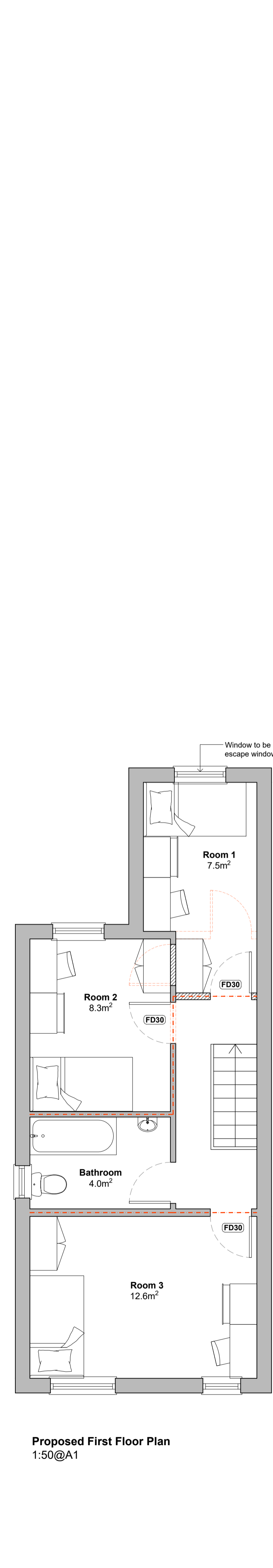
Existing Ground Floor Plan
1:50@A1



Existing First Floor Plan
1:50@A1



Proposed Ground Floor Plan
1:50@A1

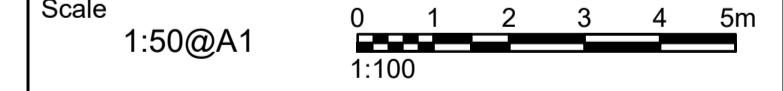


Proposed First Floor Plan
1:50@A1

- General Notes:**
1. This drawing is to be read in conjunction with all relevant architectural information and other consultants drawings.
 2. Discrepancies must be reported directly to the Architect.
 3. All dimensions must be checked on site and not scaled from drawing.
 4. This drawing is copyright.

- Key**
- Existing Walls
 - Proposed Walls
 - Demolished/Removed
 - 30 Minute Fire Resistant Lining

Rev	Date	Notes	Drawn
E	09/02/24	Rooms Amended	JS
D	29/01/24	Parking Space Added	JS
C	05/01/24	Note Amendments	JS
B	06/12/23	Various Amendments	JS
A	06/12/23	Various Amendments	JS



Issue **PLANNING**

Jeffrey Jordan Architects
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Project Address	180 Clarendon Road, Hyde, SK14 2JY		
Project Description	Children's Care Home Conversion		
Drawing Title	Existing and Proposed Plans		
Drawing No.	1200	Rev.	E

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Location Plan

Site Address: 180, Clarendon Road, Hyde, SK14 2JY

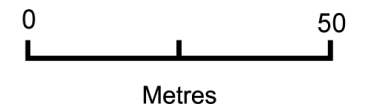
Date Produced: 15-Dec-2023

Scale: 1:1250 @A4

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Planning Portal Reference: PP-12679744v1



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Application number 23/01100/FUL

Change of use of the property from C3 (dwellinghouse) to a C2 (residential Care Home).

Photo 1: Front elevation of existing property.



Photo 2: Rear elevation of existing property.



Photo 3: Side elevation of existing property, taken from Bedford Avenue.



Photo 4: Existing garage, to be demolished, to provide 1no off street parking space, access taken from Bedford Avenue.



Application Number	23/01121/FUL
Proposal	Erection of a 48 bedroom extension with link bridge connecting to the existing Village Hotel Ashton including reconfiguration of the existing car park, landscaping and associated works.
Site	Village Hotel Ashton, Pamir Drive, Ashton-Under-Lyne, OL7 0LY
Applicant	VUR Village Trading No 1 Limited
Recommendation	Grant planning permission subject to conditions and completion of a Section 106 Agreement to secure off-site highway improvements, following deferral to officers to determine that the highway and parking situation at the site is acceptable following the receipt of an updated Transport Statement and parking survey.
Reason for report	A Speakers Panel decision is required because the application constitutes a major development
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972

1. SITE & SURROUNDINGS

- 1.1 The Village is an established hotel within the Ashton Moss complex. The main hotel building stands at five storeys in height with a single storey conference facility to the rear. The building occupies a prominent position fronting Lord Sheldon Way within the Ashton Moss leisure complex. In addition to overnight accommodation the hotel offers a modern banqueting suite, gym and pub/restaurant facilities. The building has a very distinct design within its principal elevation comprising of a large louvered glazed façade. There is a large surface car park located to the front and side of the building which is set within a landscaped boundary.
- 1.2 Levels across the site are flat, it is bordered by the embankment to the M60 motorway to the west, Lord Sheldon Way to the north, commercial and leisure developments to the east to the rear of the building there is a large landscaped area and pond beyond which is the Manchester / Huddersfield Railway line.
- 1.3 The nearest residential properties (Thornway Drive) are located approximately 140m to the south east of the site. These are separated by the railway line.
- 1.4 The site is located off Junction 23 of the M60 and is accessible by a range of transport options. Ashton West Metrolink tram stop is located within a 5 minute walk to the north.

2. PROPOSAL

- 2.1 The application seeks full planning permission for the construction of a five storey extension to the existing Village Hotel. The hotel would accommodate 48 bedrooms increasing the overall accommodation within the hotel to 168 bedrooms. The extension would be located on the eastern elevation of the building across the existing car park. Undercroft parking would be provided in addition to landscaping works.
- 2.2 The hotel has in the recent past operated at capacity according to the applicant, and the proposed extension would therefore respond directly to meeting this demand.

- 2.3 A planning application for the same development was granted permission in February 2019, but has since expired (ref: 18/00304/FUL).

3. PLANNING HISTORY

- 3.1 The Ashton Moss complex was established under an outline planning consent granted by the Secretary of State following a Public Inquiry in June 1999.
- 3.2 06/01840/REM – Construction of De Vere Village hotel comprising 123 bedrooms, health and fitness facilities and ancillary banqueting and conference facilities – Reserved Matters – Approved February 2007
- 3.3 11/00183/ADV – Replacement sign – Approved May 2011
- 3.4 Erection of a temporary marquee from 14th November to 9th January on an annual basis – Approved June 2014
- 3.5 18/00304/FUL - Erection of a 48 bedroom extension with link bridge connecting to the existing Village Hotel Ashton including reconfiguration of the existing car park, landscaping and associated works – Approved February 2019

4. PLANNING POLICY

National Planning Policy Framework

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

Development Plan

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004), Greater Manchester Joint Waste Development Plan Document (2012), Places for Everyone (2024) from March 2024.

The site is located within the Green Belt.

Tameside Unitary Development Plan (2004)

4.4 **Part 1 Policies**

- 1.1: Capturing Quality Jobs for Tameside People;
- 1.3: Creating a Cleaner and Greener Environment;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1.7: Supporting the Role of Town Centres;
- 1.8: Retaining and Improving Opportunities for Sport, Recreation and Leisure;
- 1.10: Protecting and Enhancing the Natural Environment;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.5 **Part 2 Policies**

- C1: Townscape and Urban Form
- E1: Regional Investment Site / Strategic Regional Site
- MW11: Contaminated Land
- MW12: Control of Pollution
- N3: Nature Conservation Factors
- N4: Trees & Woodland
- N5: Trees within Development Sites
- N7: Protected Species
- OL10: Landscape Quality and Character
- S8: Built Recreation, Leisure and Tourism Developments
- S9: Detailed Design of Retail and Leisure Developments
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- T11: Travel Plans
- T13: Transport Investment
- T14: Transport Assessments
- U3: Water Services for Developments
- U4: Flood Prevention

Places for Everyone

- JP-S2 Carbon & Energy
- JP-S5 Flood Risk
- JP-S6 Clean Air
- JP-S7 Resource Efficiency
- JP-J1 – Supporting Long-Term Economic Growth
- JP-G8 A Net Enhancement of Biodiversity and Geodiversity
- JP-P1 Sustainable Places
- JP-C3 Public Transport
- JP-C4 The Strategic Road Network
- JP-C6 Walking and Cycling
- JP-D2 Developer Contributions

Other Considerations

- 4.6 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.
- 4.7 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 One representation as a result of the publicity carried out have been received. This is summarised as follows:
- Music from venue can be heard at nearby residential properties, even indoors with windows closed. Concerned that building works would also generate noise.

7. RESPONSES FROM CONSULTEES

- 7.1 Local Highway Authority (LHA) – No objections, subject to updated Transport Statement and car parking survey. Recommends conditions relating to hard surfacing in parking area; submission of a Construction Method Statement; submission of a travel plan; provision of cycle parking; and provision of street lighting. A financial contribution for upgrades to cycle provision within the area is also requested.
- 7.2 Transport for Greater Manchester – No comment with regard to Metrolink. Advises regarding accident data used in the transport assessment.
- 7.3 National Highways – No objections.
- 7.4 Network Rail – No objections.
- 7.5 Waste Management – No objections. As the proposal is for a commercial use, council waste collections would not apply.
- 7.6 United Utilities - No comments received.
- 7.7 Greater Manchester Ecology Unit (GMEU) – No objections, subject to conditions regarding submission of a construction environmental management plan (biodiversity), and biodiversity enhancement measures.
- 7.8 Arborist – No objections.
- 7.9 Environmental Health – No objections, subject to conditions requiring restrictions on construction working hours.
- 7.10 Contaminated Land – No objections, subject to informative advising that the ground floor of extension be fitted with gas protection measures if applicable.
- 7.11 Health and Safety Executive (HSE) – No objections. Do not advise, on safety grounds, against the granting of planning permission.

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 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 has an established hotel use (Use Class C1) which also includes an events and conference venue and gymnasium. The hotel has operated from the site for over 15 years and makes a significant contribution to the local economy. Whilst located outside of the defined Town Centre Boundary for Ashton, Saved UDP Policy E1 allocates the site along with that of the wider Ashton Moss area as part of a Regional Investment Site/Strategic Regional Site. Policy E1 identifies appropriate land uses outside of traditional employment functions to include C1 Hotel uses.
- 9.2 The additional 48 bedrooms which are proposed represents a 40% increase in the onsite accommodation. Paragraph 91 of the NPPF requires the sequential test is applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. Hotels are identified as a town centre use.
- 9.3 Whilst Policy E1 precedes the publication of the NPPF the policy nonetheless endorses a town centre first strategy. It is noted that the policy places a restriction on office uses (Use Class E(g), previously Class B1(a) as referenced in the policy), in the interests of the health and vitality of Ashton centre, but this does not extend to Hotel (C1) uses. For the purposes of the decision making process the applicants view is supported in that the hotel use / expansion is consistent with the sites allocation policy negating the need for a sequential assessment to be undertaken. The proposals are therefore not considered to be in conflict with Policy S8 which strives to locate new leisure and tourism proposals within existing town centres.
- 9.4 The subtext of UDP Policy S8 identifies the importance of the leisure and tourism industry to the local economy. Traditionally Tameside had underperformed in this sector, the development of the Ashton Moss leisure complex and arrival of the Metrolink service sought to address this imbalance and has on reflection been very successful. The applicant confirms that the hotel has been operating at near 100% capacity, the multiplier effect of this will result in increased spend within the local economy. It is accepted that there is growing local and regional need for further hotel accommodation. The additional rooms would contribute to meeting local demand by complimenting nearby employment uses as well as the wider visitor economy, which analysts identify generates up to £8.1bn to the Greater Manchester economy. The principle of the development is therefore supported.

10. DESIGN & LAYOUT

- 10.1 The Council's adopted UDP Policy C1 requires new buildings to reflect the character and style of the area, it promotes the enhancement of landmark buildings which form distinctive elements within the local skyline and townscape. The Village Hotel is locally distinctive. At five storeys in height it stands above many of its contemporaries and presents a prominent elevation to Lord Sheldon Way. As such, it is considered to be a landmark building within the Ashton Moss mixed use development.
- 10.2 The design evolved previously through discussions with the applicant. It is recognised that the existing hotel has a purposeful design which has a distinctive balance and symmetry to its form, this is impressed by its horizontal emphasis, fenestration treatment, detail of external materials and lighting strategy. The initial concerns were that the extension would upset the balance and appearance of its hotel, appearing in comparison somewhat monolithic due to its simple form. The initial design was revisited previously and refined to address these concerns.
- 10.3 To address concerns a glazed link has been provided to the host building, the intention of which is to provide a visual 'break' and allow the extension to read more as a 'standalone' structure. In addition to this, the extension would be recessed from the front elevation of the host building, and would have a depth of approximately one third of the hotel which taken with the presence of the undercroft parking would ensure that it assumes a subservient appearance. As a reference to the host building the front elevation would be clad with a 'brise soleil' which mirrors the host building, further to this horizontal emphasis would be achieved through the detailing of the external cladding materials, along with the addition of the recessed fenestration and parapet detailing would provide welcomed texture to the elevations.
- 10.4 The majority of the extension would be accommodated on the sites existing car park and would result in the loss of minimal areas of soft landscaping. The position within the site means it would not have an overly domineering appearance, and the five storey addition sits comfortably within the context of the site and would forge a successful relationship to the existing hotel. Overall the extension would form a contemporary addition which would complement the appearance and setting of the existing hotel. Subject to materials being approved prior to the commencement of development then no objections are taken to the design and the visual impact would be acceptable with regard to UDP Policy C1.

11. HIGHWAYS SAFETY & ACCESSIBILITY

- 11.1 The hotel is currently served by 304 parking spaces, 18 of which are disabled spaces. The car park layout is to be reconfigured in part to accommodate the extension which would result in the loss of 14 car parking spaces. There would be a total of 290 car parking spaces retained at the site. The access and servicing arrangements would remain unchanged from the current situation.
- 11.2 The proposals would see accommodation at the site increased by 40% and the resultant car parking losses would equate to a 4.6% onsite reduction. The application has been accompanied by a Transport Statement, however this was undertaken six years ago in March 2018. At the time, the statement included a parking survey identifying occupancy levels as being approximately 69%. The Local Highway Authority (LHA) require assessments to be undertaken within a five year assessment period, and therefore the parking survey and statement are considered to be out of date. The applicant is currently undertaking an up-to-date statement including parking survey for further review.
- 11.3 It is not expected that the parking levels at the hotel would have changed significantly over the March 2018 survey. In accordance with UDP Policy T10, which established parking standards for all developments, 1 space is recommended for each bedroom on hotel developments, and additional consideration should also be given to conference or other

public facilities. Even with the loss of 14 spaces, the overall onsite parking provision would exceed the parking guidelines of Policy T10 by a total of 22 spaces. The update to the statement and parking survey will be reviewed by the LHA once available, and it is recommended that the decision to proceed to approving the application be delegated to officers, considering the parking levels are expected to be broadly in line with the satisfactory 2018 survey. If the parking levels and highway situation is not acceptable to officers and the LHA at that point, the application will be returned to members for fresh consideration.

- 11.4 The site is within a sustainable location benefitting from good connectivity to Ashton Town Centre, motorway and public transport networks. Bus and tram connections are located within 350m of the site and there are also established pedestrian and cycle routes within the immediate vicinity. It is reasonable to assume that a proportion of staff and visitors alike would arrive by sustainable means.
- 11.5 The Local Highway Authority (LHA) note that there is adequate capacity on the local network. The loss of the parking spaces can be tolerated recognising that there is current parking capacity within the site and that direct mitigation is provided by the sites access to the public transport network. It is recommended that the provision of additional onsite (covered) cycle storage be for 18 cycles. In addition, an updated Travel Plan (to be subject to a condition) would provide further mitigation to encourage sustainable travel.
- 11.6 The applicant has agreed to enter into a Section 106 Agreement to secure payment of £20,100. The LHA have requested that this is allocated towards cycle improvements on Lord Sheldon Way. The monies would help to encourage sustainable travel in accordance with Policy T1 and T7.
- 11.7 To conclude, the access and parking arrangements have been assessed as being acceptable, based on the Transport Statement which dates back to March 2018. The site is within a sustainable location which benefits from immediate access to services and transport options. As such, in the absence of any demonstrable adverse impacts, and subject to recommended conditions, the development is considered to adhere to the provisions of Policies T1, T7, T10 and the relevant chapters of the NPPF. As discussed above, the applicant is currently undertaking a revised Transport Statement and parking survey, and if it is found that the parking levels at the hotel differ significantly from those described above and the proposed parking situation is not acceptable, the application will be returned to members for fresh consideration.

12. RESIDENTIAL AMENITY

- 12.1 The hotel represents an established use within the Ashton Moss leisure complex. The nearest residential properties are those located to the south east on Thornaway Drive which is approximately 140m away. This distance is separated by car parking and a railway line in addition to boundary treatments and partial tree planting. The extension would be sited at an oblique angle to the nearest properties. The intervening distance mitigates the impact in terms of overlooking and shadowing to ensure that acceptable levels of outlook and privacy would be retained.
- 12.2 In comparison to the existing hotel and level of activity associated across the wider Ashton Moss complex the extension represents a modest addition. The activity associated with this would be absorbed by that already taking place at the complex, and consequently it is not considered that it would give rise to additional disturbance to residents. This view is supported through consultation with the Council's Environmental Health Officer.
- 12.3 The majority of noise is transport based. The railway line to the south and M60 motorway to the west of the site are the main generators. The Environmental Health Officer is satisfied that the accommodation will be appropriately insulated. With regard to existing residents and

the representation made, all plant would be accommodated within the building. Noise would be commensurate to that of existing ambient levels. Some disturbance could be attributed to that associated with the construction phase, but the application of a Construction Management Plan could ensure that best practice measures are employed to ensure disturbance is at a minimum. A relevant condition is thereby recommended.

12.4 The proposals therefore satisfy the requirements of the UDP Policies and the NPPF.

13. TREES & ECOLOGY

13.1 The site is an established urban environment. Commensurate to the current use the area of car parking where the extension would be sited is laid mainly to hard standing. A small landscaping strip would be lost to the development which includes 2 ornamental trees and shrub planting. The trees are not of high amenity value, a single replacement tree would be planted which is considered adequate to satisfy the requirements of UDP Policy N5.

13.2 With respect to biodiversity value, a preliminary ecological appraisal was carried out and has been submitted alongside the application. The habitats within the site boundary are low in species diversity and are considered to have low ecological value with negligible-low potential for protected/notable species. The offsite but directly adjacent pond has some potential to support newts. The report recommends that working practices are followed to ensure no undue impacts upon biodiversity, and nesting birds and amphibians, and also recommends that bat and bird boxes be installed within the vicinity of the pond. This opinion is supported by Greater Manchester Ecology Unit (GMEU) and the relevant conditions are recommended.

14. DRAINAGE

14.1 In terms of assessing drainage and flood risk, UDP Policy U4 applies. In recognition of the site area, a Flood Risk Assessment has been prepared. The site is not in an area classed to be at risk of flooding. Although no comments have been received from United Utilities, they had confirmed in their comments on the previous planning application that the foul water drainage flows from the development could be accommodated into the existing network. Surface water from the hotel extension would discharge to the existing SUDS pond located to the rear of the hotel.

14.2 Albeit for some incidental areas of soft landscaping, the site is in the main completely hard-surfaced for its current capacity, this situation will therefore not be altered significantly. Subject to details being conditioned no objections are raised from a drainage perspective.

15. OTHER ISSUES

15.1 Ground conditions: the Council's Contaminated Land Officer notes that ground gas protection measures may have been installed into the original hotel building upon construction, because of the presence of some slightly elevated ground gasses when considering the presence of natural peat. It is noted that the extension is primarily at first floor level and situated on columns, however there will be a small area of the extension at ground floor level. The Contaminated Land Officer therefore recommends an informative, advising that the same ground gas protection measures should be installed in the extension at ground floor level. This would ensure a safe development for future users.

16. DEVELOPMENT CONTRIBUTIONS

- 16.1 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.
- 16.2 Considering the scale and use of the development, highway contributions are sought in accordance with Policy T1 of the UDP. A commuted sum of £20,100 would be allocated to cycle improvements on Lord Sheldon Way, which in turn would help to encourage sustainable travel to and from the site.
- 16.3 These commuted sum payments are considered to satisfy the requirements of the Community Infrastructure Levy Regulations (CIL for their use since they are considered to mitigate against the impacts likely to be caused by the proposals.

17. CONCLUSION

- 17.1 The site has an established hotel use. The extension would contribute positively to local hotel capacity which would in turn complement the business and leisure economy.
- 17.2 The design has evolved in a response to initial concerns to create a proportionate addition to the site. The same proposal as current received planning permission in early 2019, but has since expired. The overall scale, siting and appearance of the extension has been approached in a sensitive manner and would not result in any visual harm.
- 17.3 The site has sufficient car parking capacity and the location is well served by public transport which will offset any additional visitor demand by sustainable means. The extension would be wholly compatible with the land use allocation of the site and would also be readily compatible with the commercial nature of adjoining uses. This conclusion is based on a Transport Statement carried out in March 2018, and the applicant is currently undertaking a revised assessment for consideration by officers. If it is found that the parking situation at the site differs significantly to that discussed earlier, the application will be returned to members for fresh consideration.
- 17.4 Taking into account the relevant development plan policies and other material considerations, subject to the identified mitigation measures, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission.

RECOMMENDATION:

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

- Deferral to officers, in consultation with the Local Highway Authority, to determine that the highway and parking situation at the site is acceptable following the receipt of an updated Transport Statement and parking survey;
- The planning obligation referred to above to secure financial contributions to highway infrastructure to the satisfaction of the Borough Solicitor;
- Discretion to refuse the application appropriately in the circumstances where a S106 agreement has not been completed within six months of the resolution to grant planning permission; and,

The following conditions:

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

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

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

Site Location Plan 1:1250 Rev B

Site Layout – Level 00 (extension) Rev C

GA - Level 00 1:100 Rev E

GA - Level 01 1:100 Rev G

GA - Level 02 1:100 Rev B

GA - Level 03 1:100 Rev B

GA - Level 04 1:100 Rev B

GA - Level 05 Roof 1:100 Rev A

GA - Elevations 1:100 Rev H

GA - Elevations 1:100 Rev H

GA - Sections 1:100 Rev E

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

3. No above ground development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

4. The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the extension being brought into use, and shall be retained for that sole purpose at all times.

Reason: In the interest of highway safety, in accordance with UDP Policy T1Highways Improvement and Traffic Management and T10 Parking.

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors;

- Means of access for construction traffic;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- Measures to control noise levels during construction.

Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with UDP Policies 1:12 and T1 Highways Improvement and Traffic Management.

6. No work shall take place in respect to the provision of cycle parking within the site until details of proposals to provide the following cycle parking facilities within the site have been submitted to and approved in writing by the Local Planning Authority:

- 1) Long-stay cycle parking (a covered and secure cycle store/s) for a minimum of 18 cycles.

The development shall not be occupied until the cycle parking facilities have been provided in accordance with the approved details. The cycle parking facilities shall then be retained and shall remain available for use at all times thereafter.

Reason: To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with Policies T10 Parking.

7. The approved development shall not be occupied until a travel plan for the development has been submitted to and approved in writing by the Local Planning Authority and has been brought into operation. The approved travel plan shall be operated at all times that the development is occupied and shall be reviewed and updated on an annual basis in accordance with details that shall be outlined in the approved plan. The travel plan and all updates shall be produced in accordance with current national and local best practice guidance and shall include details on the method of operation, appointment of a Travel Plan Coordinator/s, targets, infrastructure to be provided, measures that will be implemented, monitoring and review mechanisms, procedures for any remedial action that may be required and a timetable for implementing each element of the plan.

Reason: To ensure that measures are implemented that will enable and encourage the use of alternative forms of transport to access the site, other than the private car, in accordance with Policies, T1 Highways Improvement and Traffic management and T10 Parking.

8. Prior to the commencement of the development hereby approved, details of a lighting scheme to provide street lighting (to an adoptable standard), to the private carriageways/car parking off the adopted highway shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with UDP Policies 1:12 and T1 Highways Improvement and Traffic Management.

9. Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey prepared by Viewpoint Associates LLp Rev C, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity in accordance with UDP Policy N3 Nature Conservation Factors.

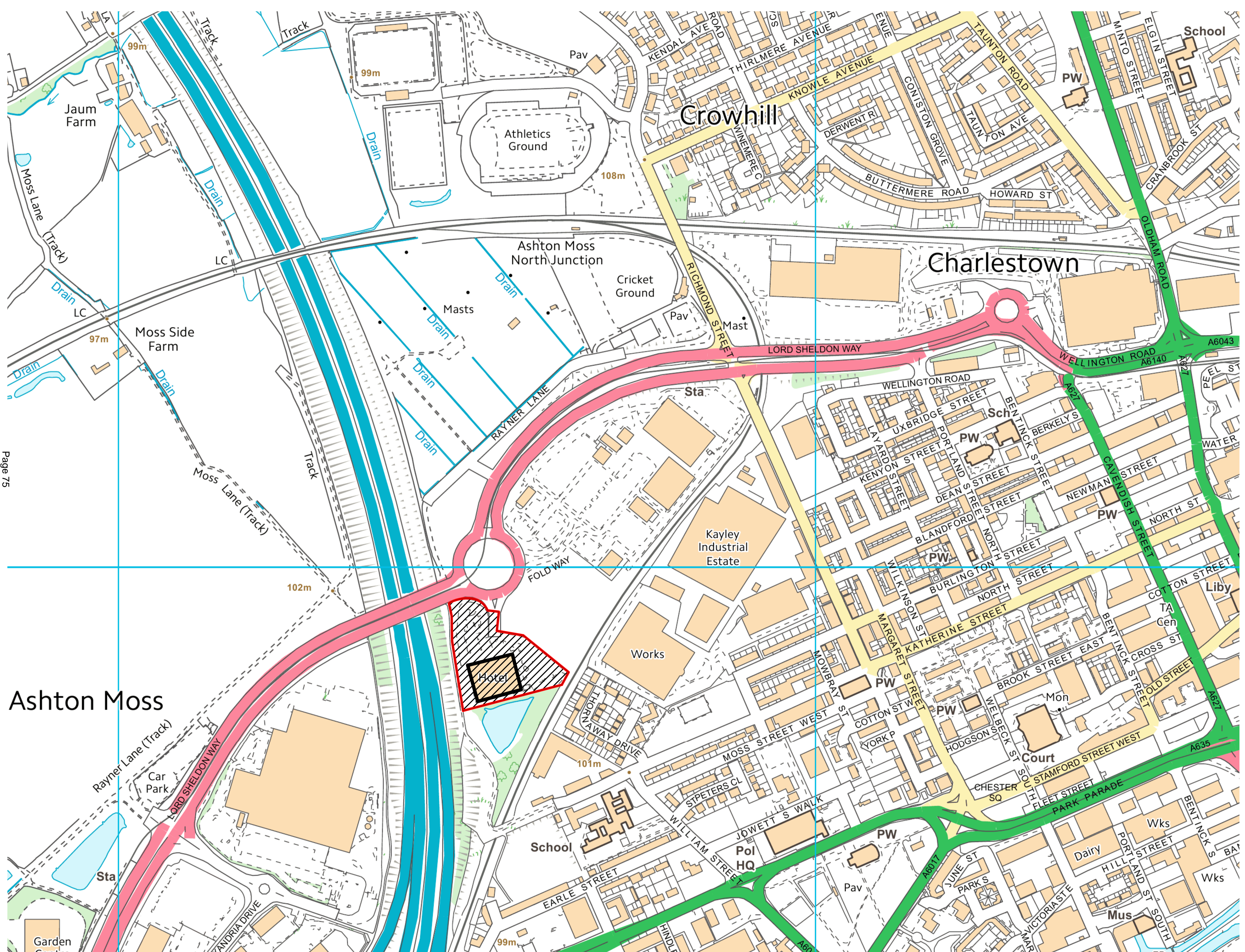
10. In accordance with the approved details there shall be no plant or equipment externally mounted onto the approved extension.

Reason: In the interest of visual and residential amenity in accordance with Part One UDP policy 1:12.

11. Prior to the commencement of the development hereby approved, a construction environmental management plan (CEMP: biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP: biodiversity shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of “biodiversity protection zones”;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: biodiversity shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve and enhance biodiversity in accordance with UDP Policy N3 Nature Conservation Factors.



Page 75

Notes
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Key note:
 - Site Boundary
 - Existing Buildings

Note:
 SITE AREA
 3.89 ACRES approx

B 16.03.18 Planning issue DB
 A 13.12.17 First issue DB

Status
Planning

Client
Village Hotel

Project
Village Hotel Extension - Ashton Moss

Title
Site Location Plan

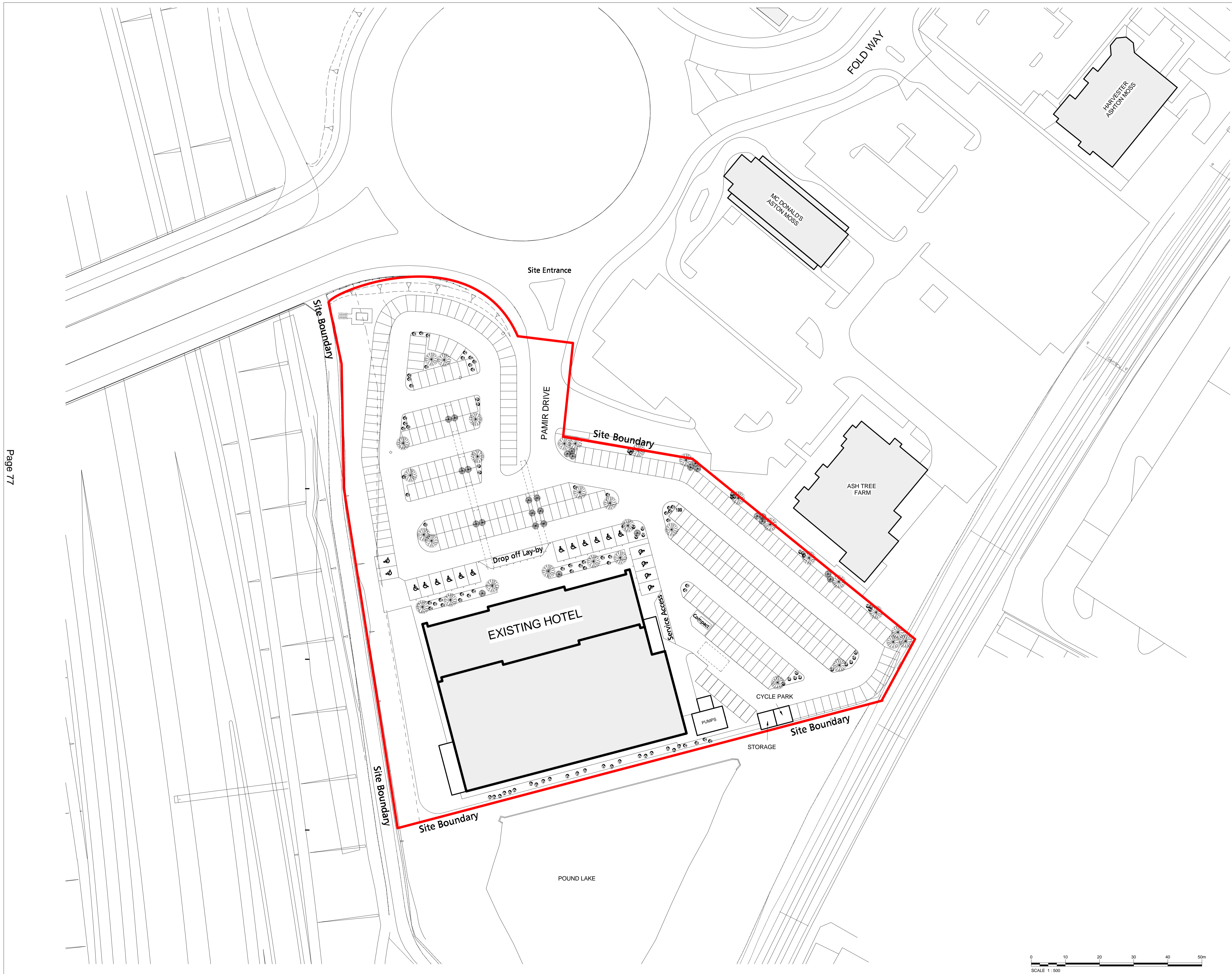
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As indicated	A1	12/13/17	DB	CD

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Drawing No. 170230-3DR-XX-DR-A-10-005
 Rev. B

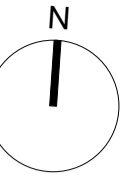
1 Site location plan
 1: 2500

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Notes

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Key note:

- - Site Boundary
- Existing Buildings

Note:

SCHEDULE OF CAR PARKING

AS EXISTING:

304 no. total car parking spaces including 18 no. dedicated disable car parking spaces.

SITE AREA

3.89 ACRES approx

B	16.03.18	Planning issue	DB
A	13.12.17	First issue	DB

Revisions

Status

Planning

Client

Village Hotel

Project

Village Hotel Extension - Ashton Moss

Title

Existing Site Layout

Scale	Size	Date	Drawn	Checked
1 : 500	A1	13/12/17	DB	CD

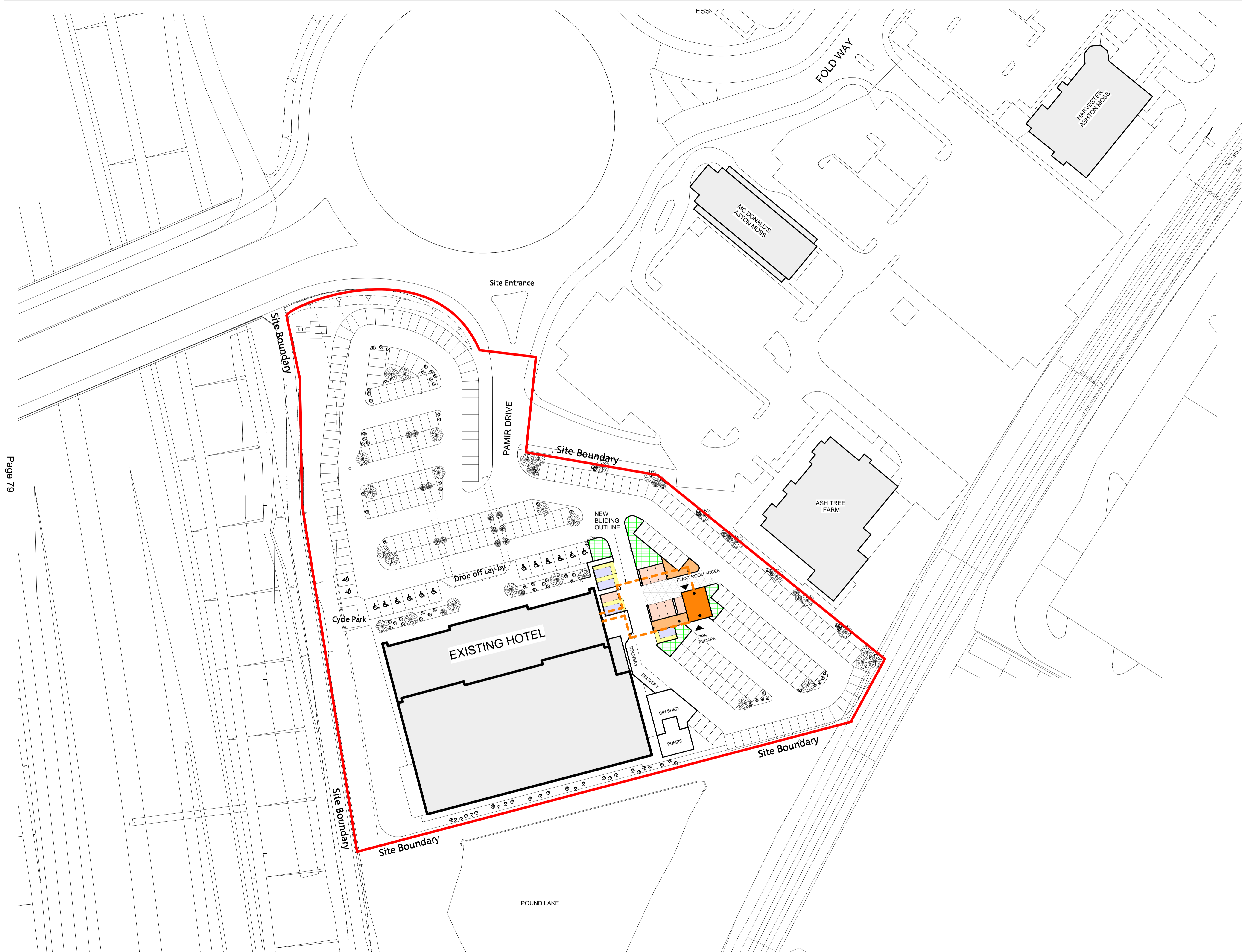
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Drawing No. 170230-3DR-XX-DR-A-10-009 Rev. B



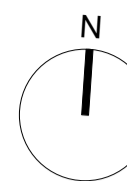
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1 Site plan proposed
1:500

Notes

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Key note:

- Site Boundary
- Existing Buildings
- Proposed building outline
- New soft landscaping
- New parking spaces
- New disable parking spaces
- New disable parking spaces
- New hard landscaping
- Proposed building

Note:

SCHEDULE OF CAR PARKING

AS EXISTING:

304 no. total car parking spaces including 18 no. dedicated disable car parking spaces.

AS PROPOSED:

- 22 no. loss of existing car parking spaces due to agreed column locations
- 08 no. car parking spaces created by the new design

290 no. total car parking spaces including 18 no. dedicated disable car parking spaces.

SITE AREA

3.89 ACRES approx

C	16.03.18	Planning issue	DB
B	07.02.18	Room layout amended	DB
A	13.12.17	First issue	DB

Revisions

Status

Planning

Client

Village Hotel

Project

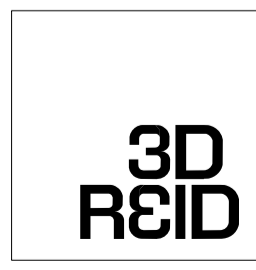
Village Hotel Extension - Ashton Moss

Title

Site Layout - Level 00 (extension)

Scale	Size	Date	Drawn	Checked
As indicated	A1	13/12/17	DB	CD

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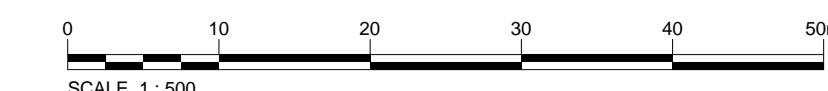


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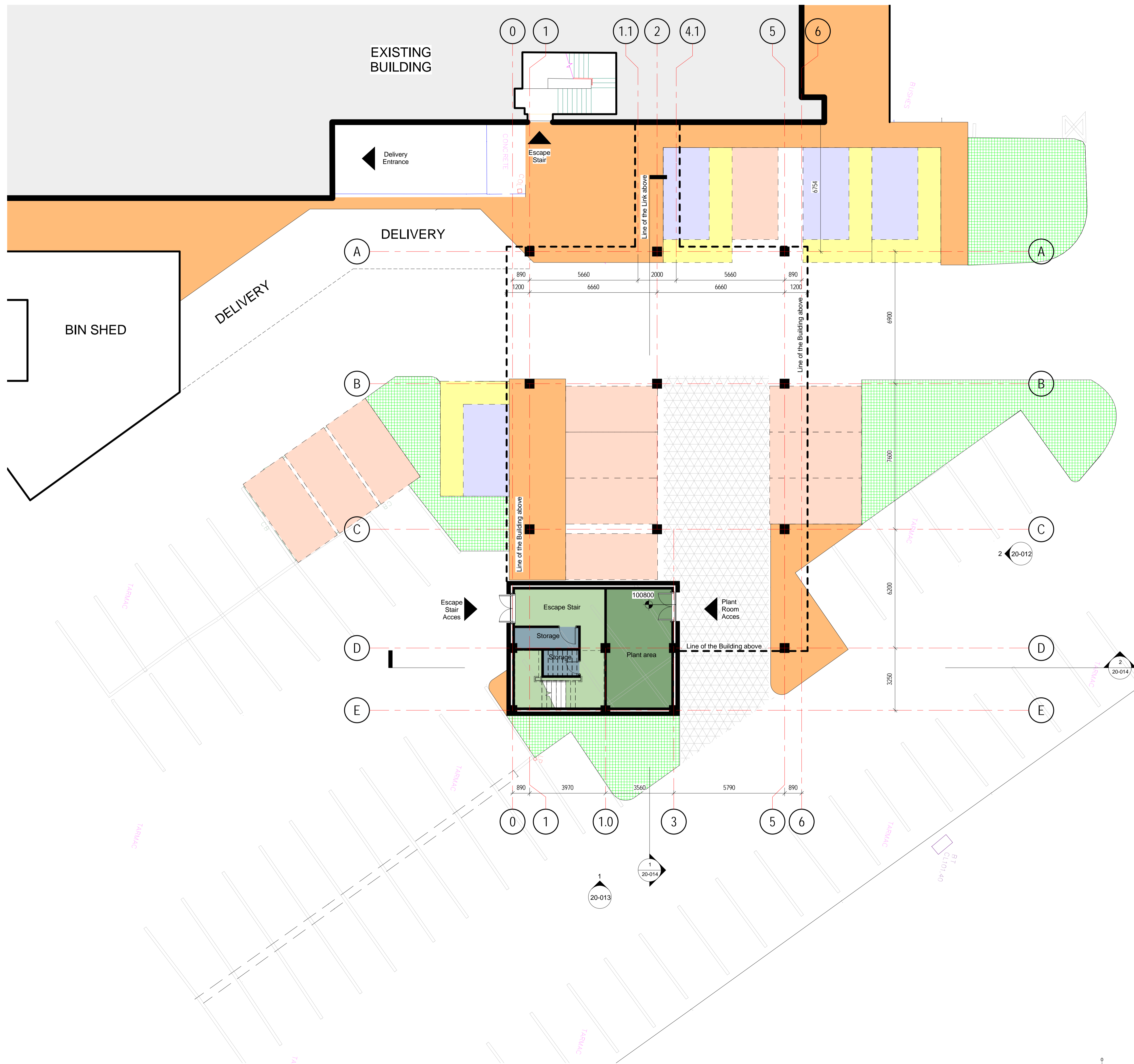
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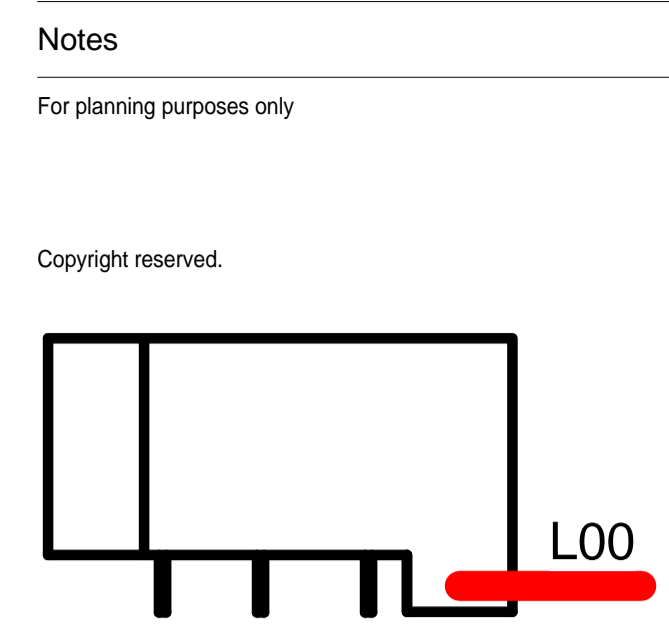
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- Escape Stair
- Plant area
- Storage



- Key note:**
- New soft landscaping
 - New parking spaces
 - New disable parking spaces
 - New road way
 - New hard landscaping

Note:

SCHEDULE OF CAR PARKING

AS EXISTING:

304 no. total car parking spaces including 18 no. dedicated disable car parking spaces.

AS PROPOSED:

- 22 no. loss of existing car parking spaces due to agreed column locations
- 08 no. car parking spaces created by the new design

290 no. total car parking spaces including 18 no. dedicated disable car parking spaces.

SITE AREA

3.89 ACRES approx

Gross Internal Area (GIA) - Level 00		
Level	Name	Area
Level 00	GIA - Extension	50.48 m ²

Revisions	Status
E 16.03.18 Planning issue	DB
D 29.01.18 Car park layout amended	DB
C 08.12.17 New car park layout proposal	DB
B 01.12.17 Car park layout amendments	DB
A 29.11.17 First issue	DB

Planning

Client
Village Hotel

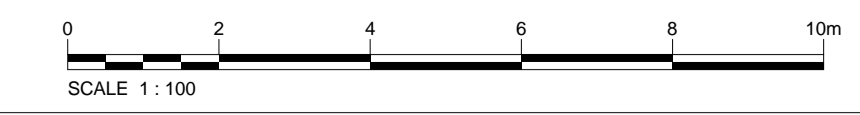
Project
Village Hotel Extension - Ashton Moss

Title
GA - Level 00

Scale	Size	Date	Drawn	Checked
As indicated	A1	29.11.2017	DB	CD

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Drawing No. 170230-3DR-XX-DR-A-20-006
Rev. E



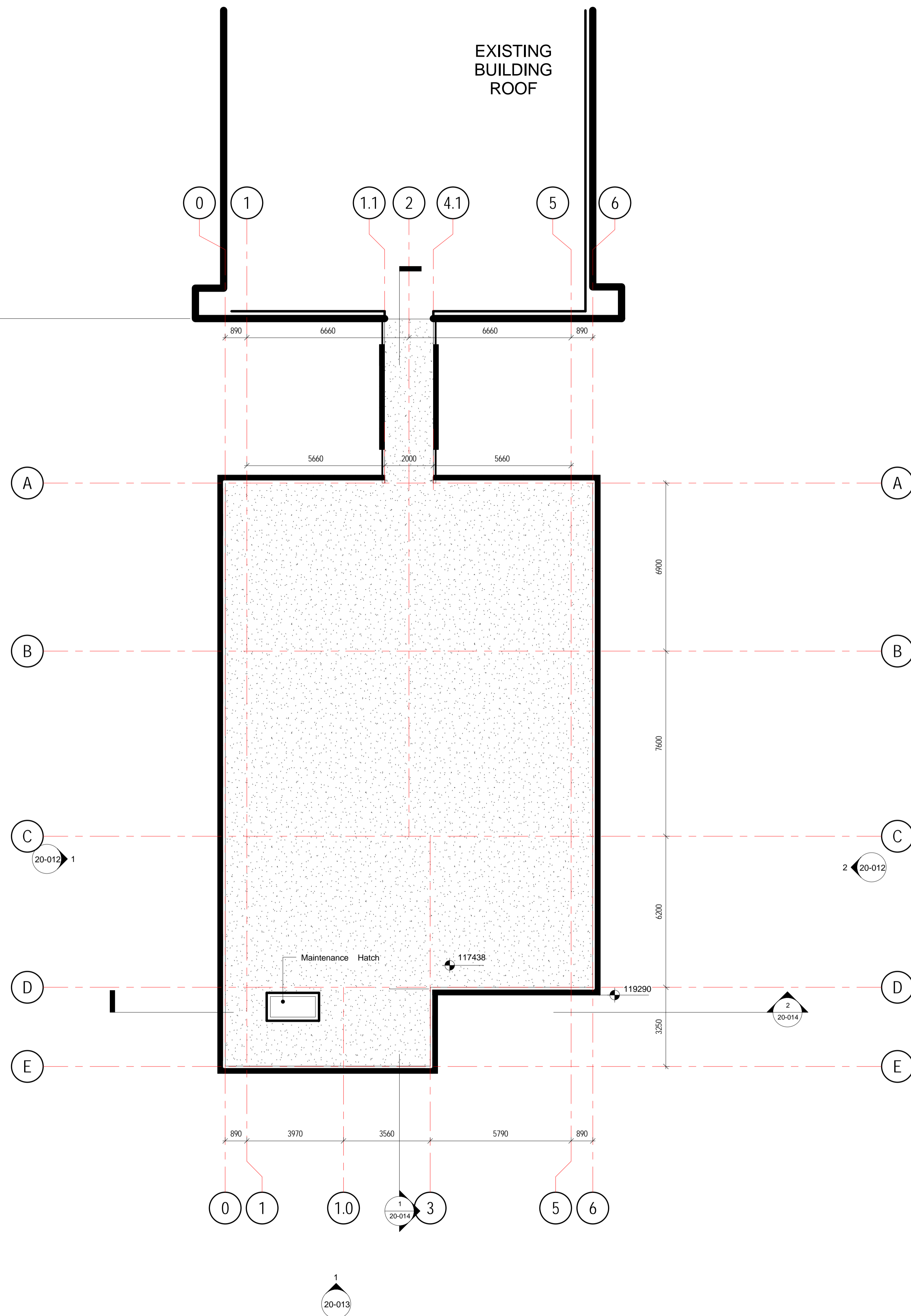
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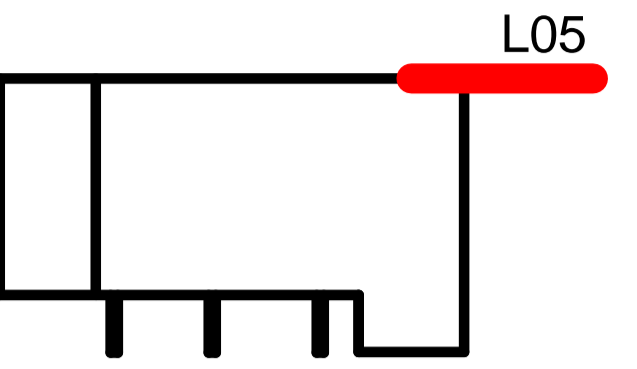
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A 16.03.18 Planning issue DB
 Revisions
 Status
Planning
 Client
Village Hotel
 Project
Village Hotel Extension - Ashton Moss

Title
GA - Level 05 - Roof

Scale	Size	Date	Drawn	Checked
As indicated	A1	03/16/18	DB	CD

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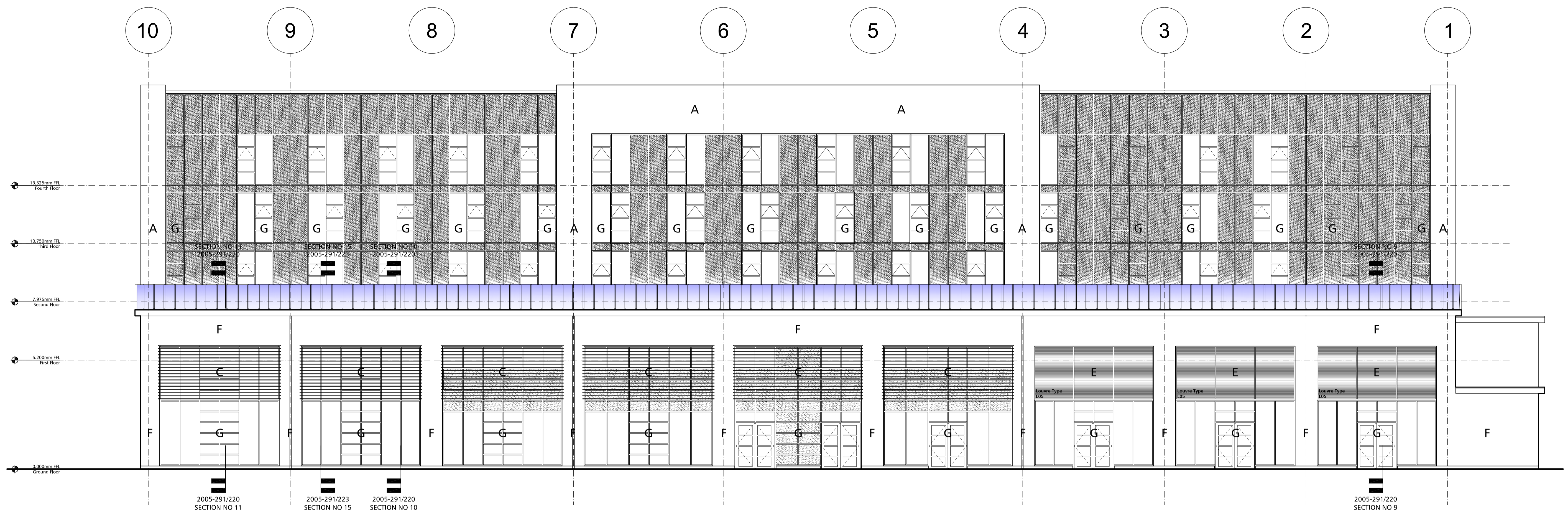


Drawing No. 170230-3DR-XX-DR-A-20-011 Rev. A

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REVISIONS

A	18/12/06	BLG	JB
SECTION LINES AND REFERENCES SHOWN ON DRAWING			
B	09/02/07	BLG	GMD
ISSUED FOR BUILDING REGULATION SUBMISSION			
C	05/04/07	BLG	JB
DOOR HEAD HEIGHTS ADJUSTED AND REDUCED TO 2.2M AS DISCUSSED WITH CLIENT DATED 04.04.07			
D	02/05/07	BLG	GMD
GLAZING TO BEDROOM BLOCK UPDATED IN LINE WITH SPECIALIST SUB CONTRACTORS DETAIL DESIGN DRAWINGS: GLAZING TO START 1 ADJ GRID LINE 4 - 5 ISSUED FOR CONSTRUCTION			
E	08/06/07	BLG	GMD
CURTAIN WALLING REVISED TO REAR OF BEDROOM BLOCK, (FRAMED GLAZING) SECTION 19 AND LOUVER REFERENCES ADDED TO DRAWING			
F	28/03/08	GMD	MC
FINAL ISSUE			



Rear Elevation
Page 93

SCHEDULE OF EXTERNAL MATERIALS

- A - Rainscreen Cladding
- B - Frameless glazing system with intermittent obscured glazing panels
- C - Polyester powder coated brise soleil system
- D - Polyester powder coated pressed metal fascia.
- E - Polyester powder coated louvre.
- F - Render
- G - Framed glazing system with intermittent glazing panels

FINAL ISSUE



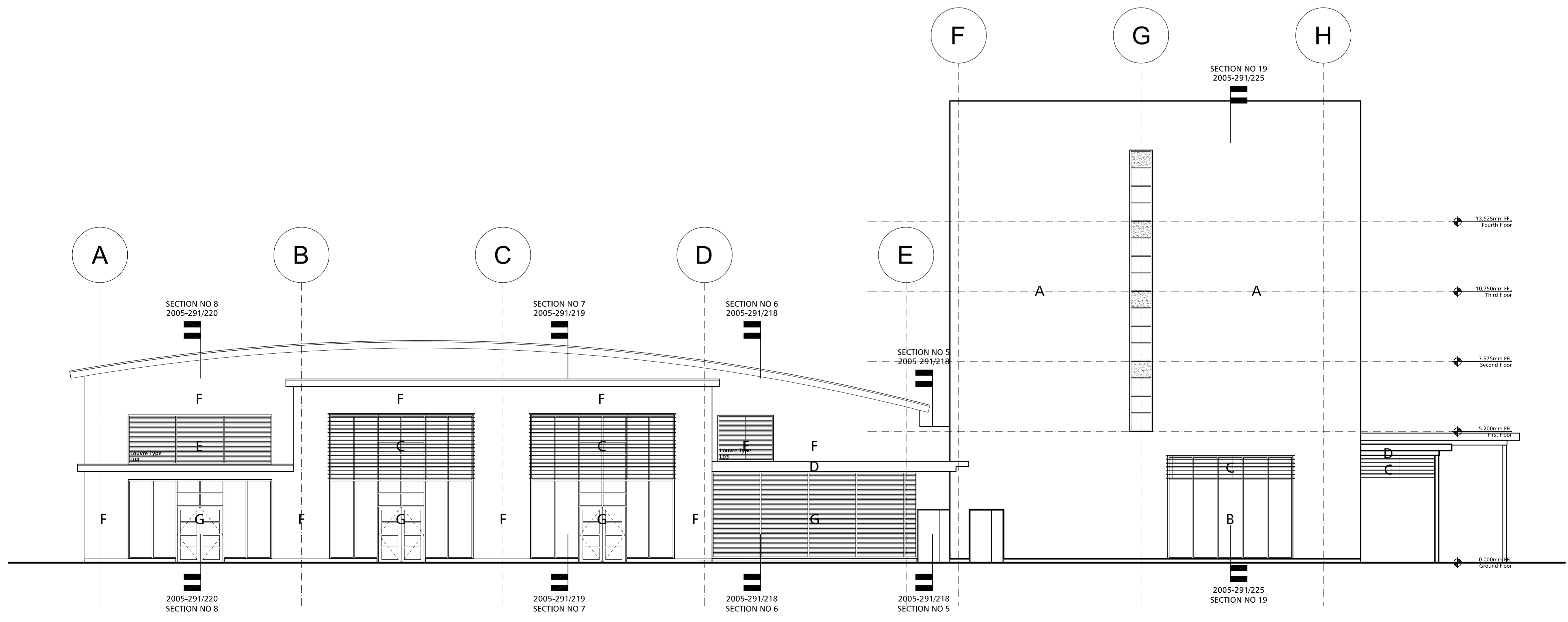
South Park Way | Wakefield 41 Business Park
WAKEFIELD | WF2 0XJ
Tel : 01924 858585 | Fax : 01924 858555
Email : info@dla-architecture.co.uk | www.dla-architecture.co.uk

PROJECT
VILLAGE HOTEL, ASHTON MOSS
VERSION 16A

TITLE
GENERAL ARRANGEMENT PLAN
ELEVATIONS

SCALE	DATE
1:100	15/12/06
DRAWN BY	REVIEWED
JB	GMD
DRAWING NO	REVISION
2005-291/208	F

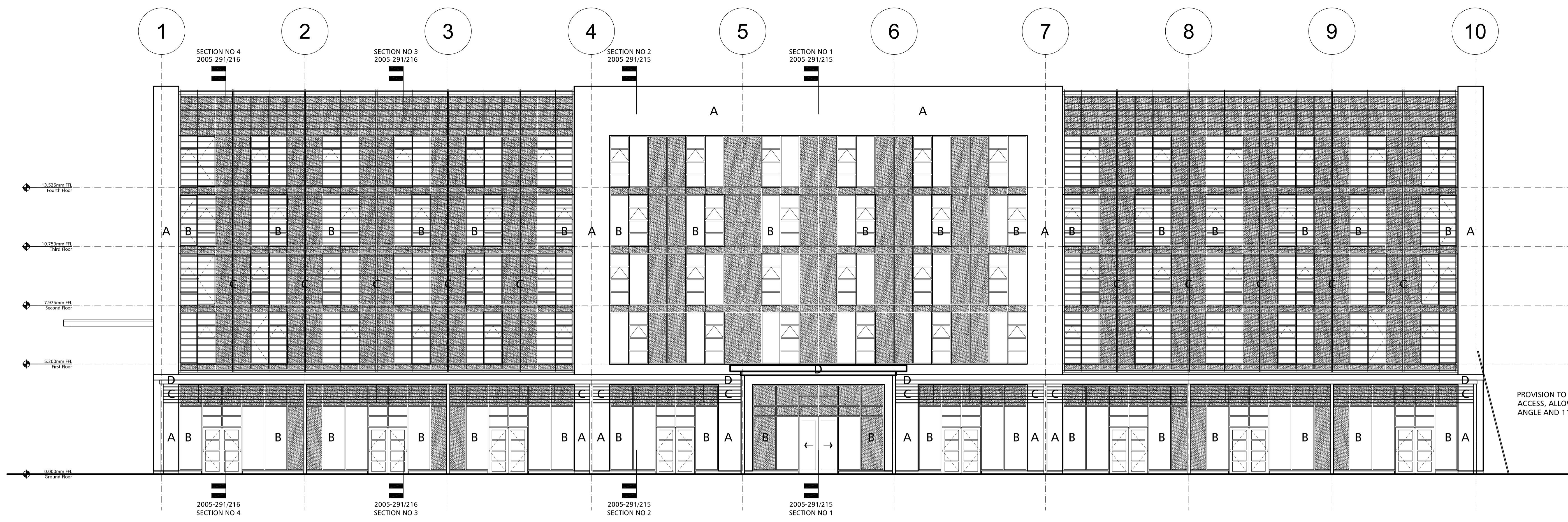
DWG PATH
T:\2005\2005-291\DLA\Autocad\Drawings\208 ORIGINAL PAPER SIZE A1



Side Elevation

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REVISIONS		
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SECTION LINES AND REFERENCES SHOWN ON DRAWING		
B	09/02/07	BLG GMD
ISSUED FOR BUILDING REGULATION SUBMISSION		
C	05/04/07	BLG JB
DOOR DETAIL ADJUSTED TO REFLECT GENERAL GLAZING PRINCIPLE AS DISCUSSED WITH CLIENT DATED 04.04.07		
D	02/05/07	BLG GMD
GLAZING TO BEDROOM BLOCK UPDATED IN LINE WITH SPECIALIST SUB CONTRACTORS DETAIL DESIGN DRAWINGS. ISSUED FOR CONSTRUCTION		
E	08/06/07	BLG GMD
GLAZING TO MAIN ENTRANCE DOOR ADJUSTED. CANOPY UPDATED IN LINE WITH REVISED DETAIL LOUVRE REFERENCES ADDED		
F	28/03/08	GMD MC
FINAL ISSUE		
G	11/11/08	BLG GMD
MANSAFE SYSTEM ADDED TO DRAWING		



PROVISION TO BE MADE FOR LADDER ACCESS, ALLOWING FOR A MINIMUM OF 1:4 ANGLE AND 1100mm PAST THE CANOPY

Front Elevation
Page 95

SCHEDULE OF EXTERNAL MATERIALS

- A - Rainscreen Cladding
- B - Frameless glazing system with intermittent obscured glazing panels
- C - Polyester powder coated brise soleil system
- D - Polyester powder coated pressed metal fascia.
- E - Polyester powder coated louvre.
- F - Render
- G - Framed glazing system with intermittent glazing panels

FINAL ISSUE



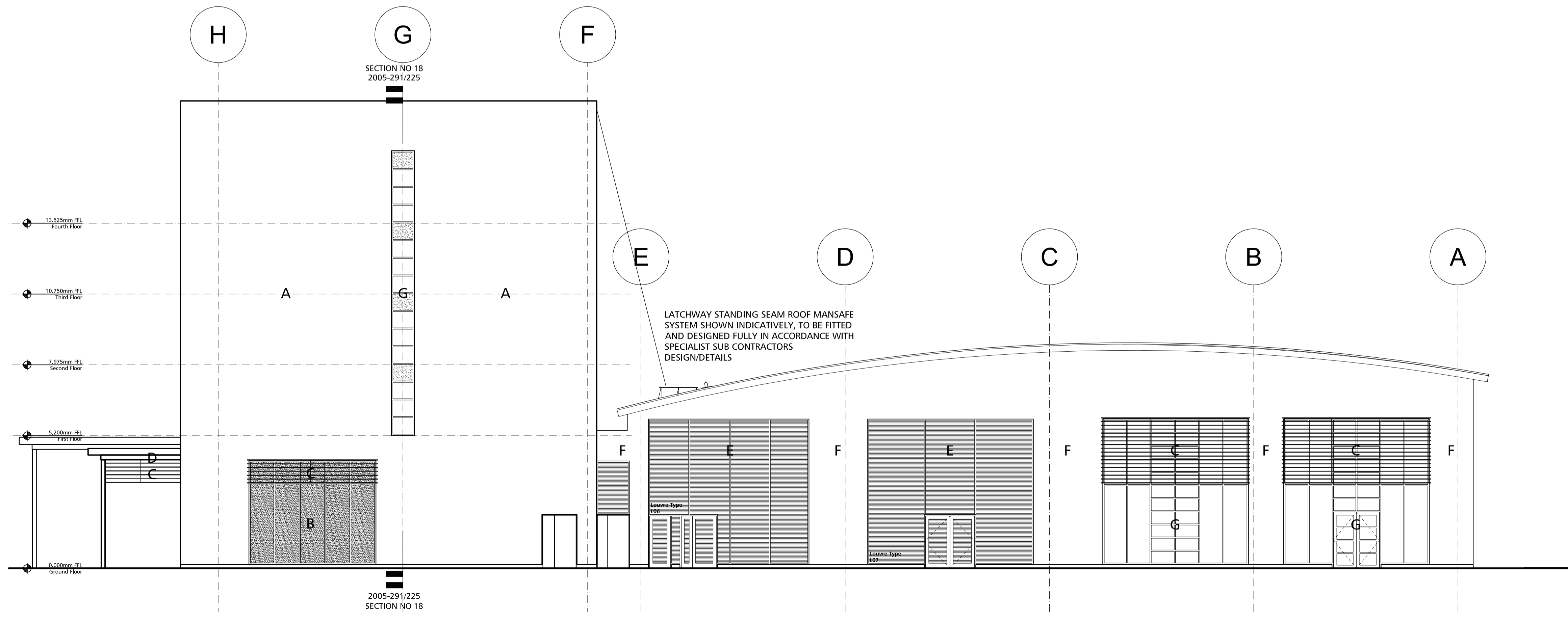
South Park Way | Wakefield 41 Business Park
WAKEFIELD | WF2 0XJ
Tel : 01924 858585 | Fax : 01924 858555
Email : info@dl-a-architecture.co.uk | www.dla-architecture.co.uk

PROJECT
VILLAGE HOTEL, ASHTON MOSS
VERSION 16A

TITLE
GENERAL ARRANGEMENT PLAN
ELEVATIONS

SCALE	DATE
1:100	15/12/06
DRAWN BY	REVIEWED
JB	GMD
DRAWING NO	REVISION
2005-291/207	G

DWG PATH
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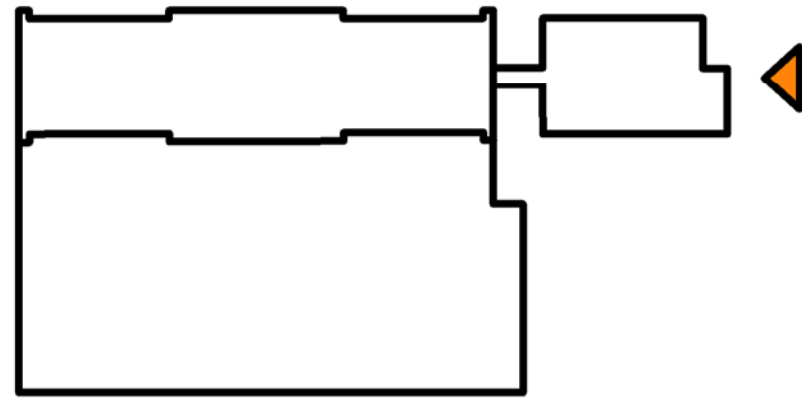
Side Elevation

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Notes

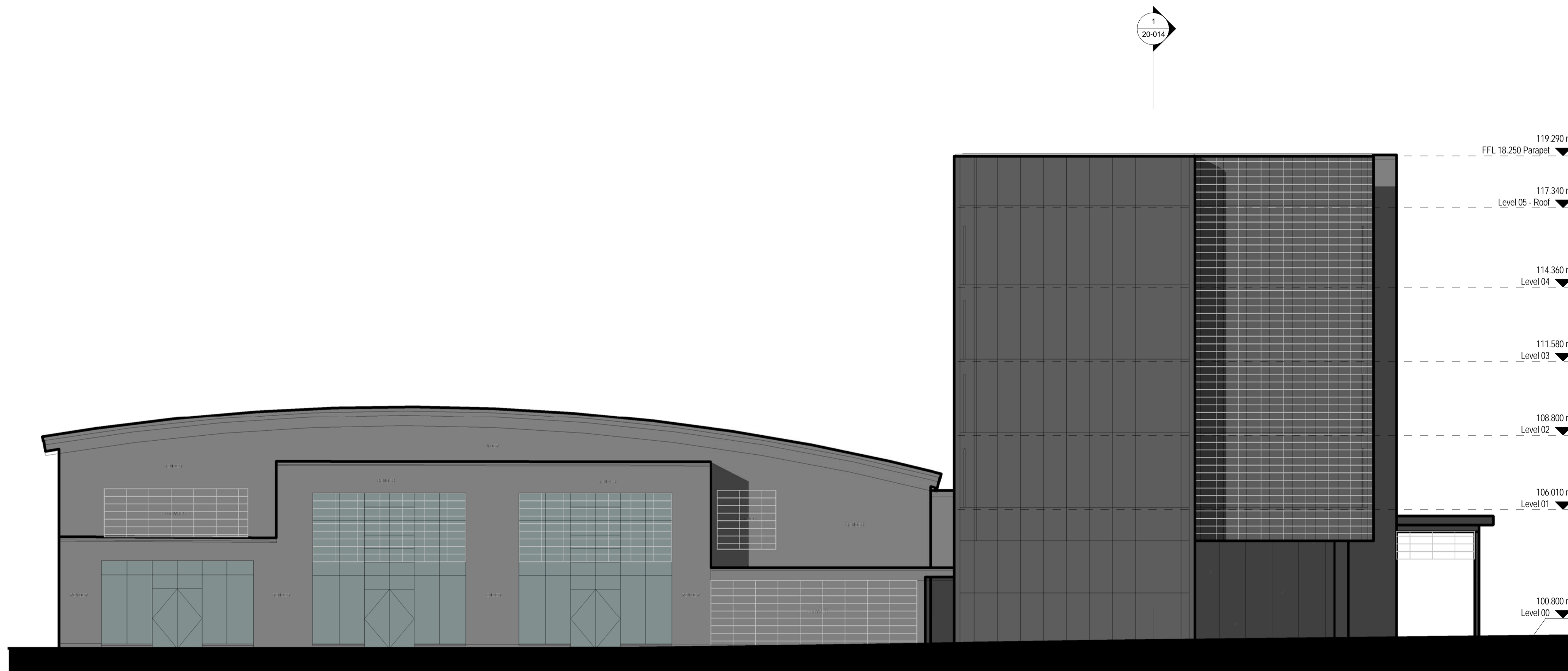
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Materials key:

-  - Black metal cladding to match existing Village Hotel
-  - Tinted Glass Windows
-  - Back painted black glass spandrel
-  - Existing Village Hotel



1 Side Elevation
1 : 100

H	05.07.18	Elevation amendments	DB
G	04.07.18	Elevation amendments	DB
F	28.05.18	Glazed link amendments	DB
E	16.03.18	Planning issue	DB
D	07.02.18	Room layout amended	DB
C	19.12.17	New cladding to the link between buildings	DB
B	08.12.17	New car park layout proposal	DB
A	01.12.17	First issue	DB

Revisions

Status

Planning

Client
Village Hotel

Project
Village Hotel Extension - Ashton Moss

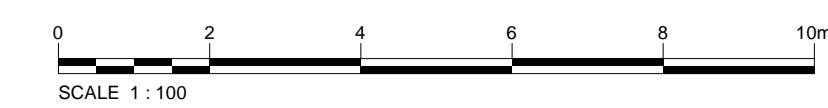
Title
GA - Elevations

Scale	Size	Date	Drawn	Checked
1 : 100	A1	12/01/17	DB	CD

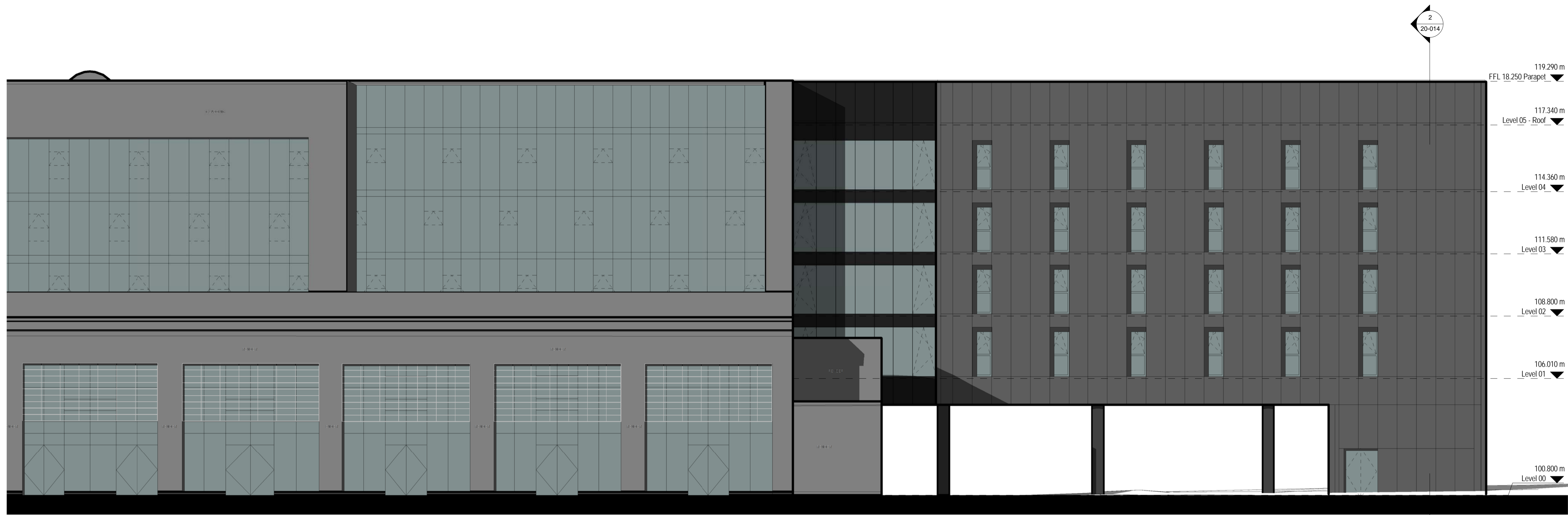
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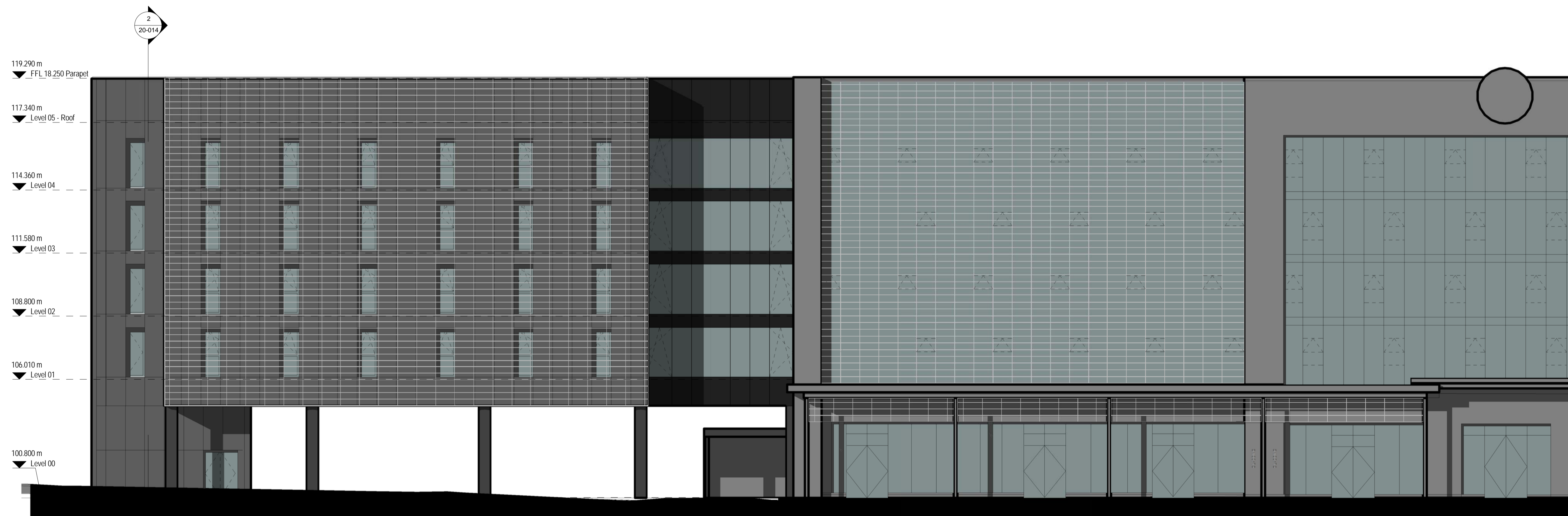
Drawing No. 170230-3DR-XX-DR-A-20-013 Rev. H



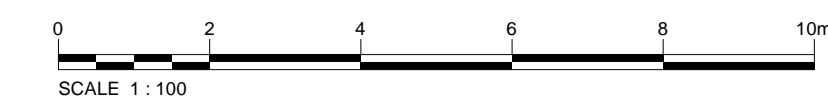
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1 Back Elevation
1:100



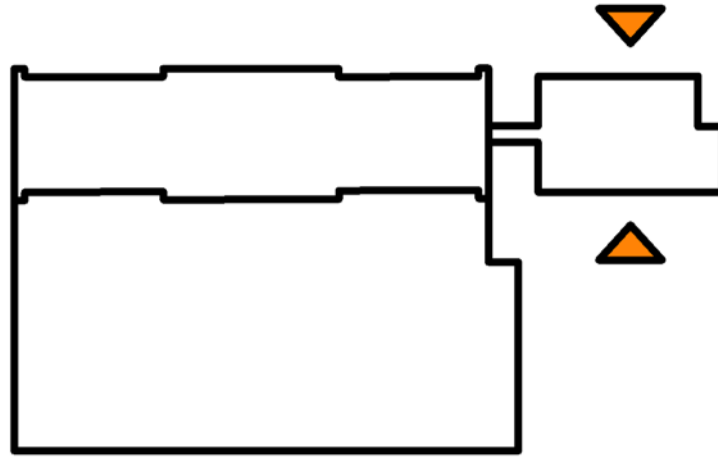
2 Front Elevation
1:100



Notes

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Materials key:

-  - Black metal cladding to match existing Village Hotel
-  - Tinted Glass Windows
-  - Back painted black glass spandrel
-  - Existing Village Hotel

H	05.07.18	Elevation amendments	DB
G	04.07.18	Elevation amendments	DB
F	28.05.18	Glazed link amendments	DB
E	16.03.18	Planning issue	DB
D	07.02.18	Room layout amended	DB
C	19.12.17	New cladding to the link between buildings	DB
B	08.12.17	New car park layout proposal	DB
A	01.12.17	First issue	DB

Revisions

Status

Planning

Client
Village Hotel

Project
Village Hotel Extension - Ashton Moss

Title
GA - Elevations

Scale	Size	Date	Drawn	Checked
1:100	A1	12/01/17	DB	CD

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Drawing No. 170230-3DR-XX-DR-A-20-012 Rev. H

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Application Number 23/01121/FUL

Erection of a 48 bedroom extension with link bridge connecting to the existing Village Hotel Ashton including reconfiguration of the existing car park, landscaping and associated works

Photo 1: Location plan

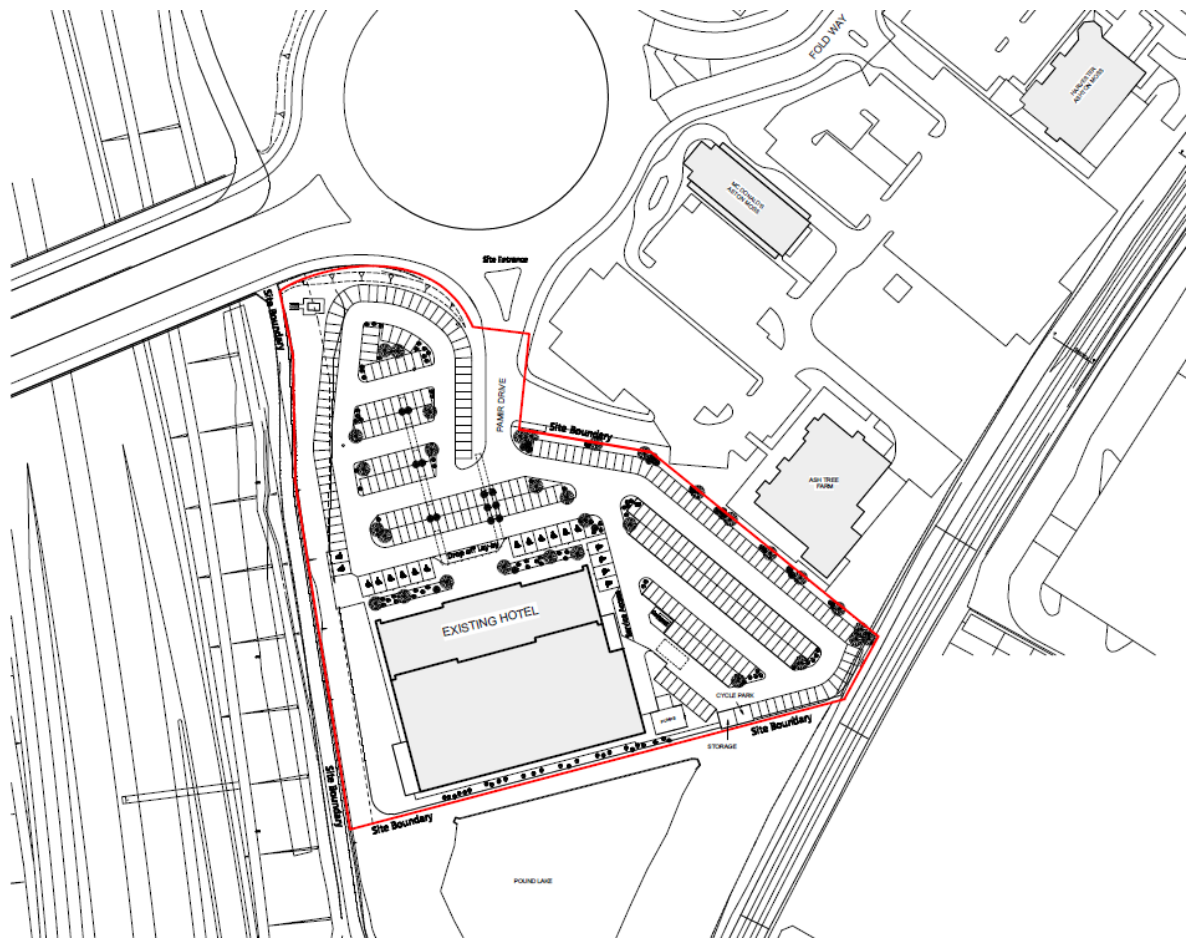


Photo 2: View of front of existing building



Photo 3: View of side of building and location of proposed extension



Photo 4: View towards location of proposed extension



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Application Number:	23/01124/FUL
Proposal:	Erection of a three storey building providing 35 affordable rented residential apartments and associated works.
Site:	217 Stamford Street Central, Ashton-under-Lyne, OL6 7QB
Applicant:	Ashton Alban (Central) Limited
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	The application constitutes a major development.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 The site subject of this planning application relates to redevelopment of a surface car park located at the junction of Stamford Street Central to Mill Lane. Historically the site was previously developed being occupied by a nightclub, the building of which was demolished following a fire.
- 1.2 The redline boundary covers an area of approximately 0.1 hectares, the site is rectangular in shape and is largely bounded by highway, Stamford Street Central (north), Mill Lane (west) Fleet Street (south) on the eastern boundary stands the former Hudson Bay night Club / Oddfellows Hall Apartments complex.
- 1.3 Access to the car park is taken from Mill Lane, levels across the site are flat, views across are open with boundary treatments consisting of a simple knee rail, the car park surface is unbound with no dedicated drainage.
- 1.4 The site is within the Ashton Town Centre Conservation Area, on the opposite side of the Stamford Street Central is the Church of the Nazarene which is Grade II listed. With exception of the church which is stepped back from the highway, properties along Stamford Street Central generally occupy a uniformed building to the back of the footway, there is a precedent of 3 storey accommodation.
- 1.5

2 PROPOSAL

- 2.1 This full application seeks full planning permission for the erection of a three storey apartment block comprising 35 affordable apartments (33 x 1b 2 x 2b). The building would be sited square to Stamford Street Central from where it would take its pedestrian access. To the rear, there would be 13 off street parking's spaces accessed from Fleet Street. All apartments would be accessed from a stairwell and central corridor, provision would be made within the building for dedicated bin and cycle storage.
- 2.2 The building would support a dual pitch roof, windows would be arranged with a strong vertical emphasis. The main materials would be redbrick which would include coursing and bands to provide texture to the appearance of the elevations. Juliet balconies would be included to each apartment's openings.

- 2.3 Amendments have been secured which have strengthened the appearance of the entrance and also introduced parapets to the building's roof. The design has also been supported by a CGI to give a more realistic impression of the eventual built form.
- 2.4 The building would be setback from Stamford Street Central to provide defensible space to the ground floor apartments. A 1.1m high railing would and landscaping would be provided within the frontage.
- 2.5 An affordable housing statement confirms that the development would be owned and managed by Jigsaw Homes (Tameside). This will be funded (100%) from a grant issued by Homes England. All of the apartments would be provided on a social rent (general needs) basis. The accommodation is specifically targeted at addressing a requirement for 1 bedroom accommodation. The accommodation would be allocated through Tameside Homes Choice in accordance with the Council's nomination agreement.
- 2.6 The application has been supported by the following reports:
- Affordable Housing Statement
 - Coal Mining Risk Assessment
 - Crime Impact Assessment
 - Design and Access Statement
 - Flood Risk Assessment and Outline Drainage Strategy
 - Full Plans Package including section and montages
 - Ground Investigation Report
 - Heritage Statement
 - Noise Assessment
 - Planning Statement
 - Preliminary Site Investigation
 - Travel Plan

3. PLANNING HISTORY

- 3.1 06/00967/FUL – Demolition of existing buildings and construction of 4 retail units and 66 no. 1 & 2 bedroom apartments – Refused
- 3.2 07/01135/FUL – Demolition of existing buildings and construction of 7 retail units and 76no. 1 & 2 bedroom apartments – Approved.

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 **Development Plan**

The adopted development plan is the Tameside Unitary Development Plan (2004), Greater Manchester Joint Waste Development Plan Document (2012), Places for Everyone (2024) from March 2024.

Allocation: Ashton Town Centre / Conservation Area

Tameside Unitary Development Plan (2004)

4.5 **Part 1 Policies**

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

4.6 **Part 2 Policies**

- S1 Town Centre Improvement
- S2 New Retail Developments in Town Centres
- S9 Detailed Design of Retail and Leisure Developments
- C1: Townscape and Urban Form
- C2 Conservation Areas
- C4 Control of Development in or adjoining Conservation Areas
- C6 Setting of Listed Buildings
- C10 development Affecting Archaeological Sites
- C12 Art in the Environment
- MW11: Contaminated Land
- MW12: Control of Pollution
- N3: Nature Conservation Factors
- N4: Trees and Woodland
- N5: Trees within Development Sites
- N7: Protected Species
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T8: Walking
- T10: Parking
- T11: Travel Plans
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

Places for Everyone

- JP-S2 Carbon & Energy
- JP-S5 Flood Risk
- JP-S6 Clean Air
- JP-S7 Resource Efficiency
- JP-J1 – Supporting Long-Term Economic Growth
- JP-H1 Scale, Distribution and Phasing of New Housing Development
- JP-H2 Affordability of New Housing
- JP-H3 Type, Size and Design of New Housing
- JP-H4 Density Of New Housing
- JP-G8 A Net Enhancement of Biodiversity and Geodiversity
- JP-P1 Sustainable Places
- JP-P2 Heritage
- JP-C3 Public Transport
- JP-C4 The Strategic Road Network
- JP-C5 Street for All
- JP-C6 Walking and Cycling
- JP-D2 Developer Contributions

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 letters, display of site notice; and advertisement in the local press.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 There have been two letters of representation received summarised as follows:
- Concerns about waste collection arrangements
 - Loss of car parking within the town centre
 - Inadequacy of the proposed parking arrangements
 - Overdevelopment of the site.

7. RESPONSES FROM CONSULTEES (summarised)

- 7.1 Active Travel England – Confirm that they do not wish to comment on the proposals.
- 7.2 Coal Authority – No objections.
- 7.3 Contaminated Land – no objection - recommend conditions are applied relevant to further site investigations being undertaken.
- 7.4 Economic Growth – Support - Council is committed to the regeneration of Tameside's town centres. This includes establishing new businesses, attracting inward investment, improving the environment and economic prospects for local people. Proposals and strategies to increase town centre living which in turn increases footfall to support local businesses through both the day and evening time are supported.
- 7.5 Education – No comments received.
- 7.6 Environmental Health – No objections - recommend conditions relevant to waste storage, construction hours and the recommendations of the noise assessment being undertaken.

- 7.7 GMAAS –no heritage concerns. The potential for finding anything of archaeological significance is low given demolition works undertaken previously at the site, therefore no reason to seek to impose further archaeological requirements on the applicant.
- 7.8 GMEU – No objections. Confirm that the site has been adequately assessed for protected species, with buildings and trees assessed as having negligible bat roosting potential, more detailed bird surveys finding no evidence of kingfisher nearby, with all other species reasonably discounted owing to a lack of suitable habitat on the site or nearby. Agree with recommendations of the submitted report relevant to protection of the River Tame throughout construction, details to be secured by condition. Further conditions recommended in relation to lighting, timeframes to undertake works to trees, matters to address invasive species and securing BNG.
- 7.9 GMP – Reviewed the Crime Impact Statement and recommend the following:
- Doors into cycle stores should operate on an access control system, operated with resident's key card/fob.
 - Access into cycle stores should be restricted to genuine users rather than every resident of the building/block.
 - Access into the buildings should be controlled by a video entry phone system so that residents can vet visitors before allowing them access into the building. There should be no unrestricted trade access into the building.
 - Secure mail delivery system should be provided to the apartments.
 - A provision to install an intruder alarm should be provided to each apartment.
 - The car parking area should be illuminated to a high standard.
 - The building should be built to the Secured By Design standards.
- 7.10 Highways – No objections subject to conditions. The LHA comment that they are satisfied that the proposed access/egress from the development onto Fleet Street is satisfactory and meets requirements for maximum gradients and visibility splay standards from the development have been met.
- The LHA are satisfied that the vehicle trips generated by the development are acceptable based on comparable TRICS database examples and the cumulative impact on the road network would not be severe.
- Whilst the provision of 13no. parking spaces is below maximum standards this can be supported given the sites central location with immediate access to public transport.
- A Section 278 agreement is required for this development to address defects to surrounding footways and lighting to the site. .
- 7.11 Housing Growth – Supportive of the proposals on the basis that the properties remain as Affordable Rented homes, and 100% nominations are secured to TMBC on first lets and at least 50% on subsequent lets.
- 7.12 LLFA – No objections, a condition should be applied requiring the site to be drained in accordance with the drainage hierarchy.
- 7.13 TfGM – No objections, the LHA should comment on the parking provisions. Request that substandard footways surrounding the development are approved and that a Travel Pack is provided for future occupants.
- 7.14 United Utilities – Comment that the current drainage strategy has not provided sufficient evidence to discount the drainage hierarchy. Request that a condition is applied requiring the submission of an updated strategy prior to commencement of development.

7.15 Waste Services – No objections, recommend that secure bin storage is provided as per TMBC standards.

8. ANALYSIS

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.

8.3 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision making 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 lies wholly within the Ashton Town Centre Conservation Area boundary, as identified within the Tameside Unitary Development Plan (UDP). Policy S4 of the UDP states that outside of the primary shopping areas of the town centres (as shown on the Proposals Map), the Council will permit a diversity of uses which contribute to the overall appeal of the town centre, help to minimise the extent of empty properties, and improve the appearance of the centre.

9.2 As demonstrated by the planning history there have been previous ambitions to redevelop the site for residential purposes, this scheme permitted development up to six storeys in height, it followed broader regeneration proposal linked to the nearby St Petersfield redevelopment. Since the 2007 site building have been demolished (2014) and the site has operated as a surface car park. The sites previous and current status constitutes as Previously Developed (Brownfield) Land

9.3 In terms of planning policy, since the previous planning approval the NPPF has been introduced and PFE is also at an advanced stage. Amongst other things the NPPF promotes developments for new housing, it also strongly advocates the efficient reuse of brownfield sites within central sustainable locations. In relation to the density of development, paragraph 128 of the NPPF states that 'planning policies and decisions should make efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
 - e) the importance of securing well-designed, attractive and healthy places.
- 9.4 Paragraph 129 states that 'where there is an existing.....shortage of land for meeting identified housing needs (as is currently the case in Tameside), it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 9.5 The sites area is approximately 0.1ha, this equates to a density of 350 dwellings per hectare (dph). Whilst this is significant, it demonstrates the high levels of sustainability/efficiency that can be achieved from the development of land for apartments, it also accords with emerging PFE policy JP-H4 (Density of New Housing) which aspires for new developments within town centres to achieve a minimum density of 120dph. The Strategic Housing and Economic Land Availability Assessment (SHELAA) gives an indicative density of 150 dwellings per hectare for apartment schemes in locations such as this, based on TfGM's Greater Manchester Accessibility Levels dataset. Consequently, from a housing perspective the proposal is supported by the principles of efficient development.
- 9.6 Section 7 of the NPPF is entitled 'Ensuring the vitality of town centres.' Paragraph 90 of the NPPF states that 'planning polices and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.' The same paragraph goes on to state that there is a need to 'recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.' Planning Practice Guidance 'Town Centres and Retail' promotes the diversification of town centres, it states; 'Residential development in particular can play an important role in ensuring the vitality of town centres, giving communities easier access to a range of services. Given their close proximity to transport networks and local shops and services'. Residential development within central locations and the principle of re-purposing buildings or sites is supported by the policy framework.
- 9.7 Stamford Street Central has historically been commercial in character supporting retail, commercial, leisure and office uses. Its fortunes have changed significantly in recent years particularly with the loss of retail and food and drink outlets, there is quite a high level of vacancies although a number of buildings have, and continue, to be repurposed for residential use. Whilst an element of ground floor commercial use would be preferable it is accepted that the commercial realities are that there is likely to be limited need and demand for extra floor space, and the proposed residential scheme represents a good redevelopment of the site. In terms of the loss of the surface car parking, it is accepted that it was always intended to be an interim/temporary use prior to site's redevelopment. There is availability of parking at other sites across the town centre and there are also overriding benefits of having the site developed.
- 9.8 Given the location on a prominent junction within the Ashton Conservation Area it represents an unfortunate 'gap site' within the town, the principle of redevelopment to address this is firmly supported. Residential development would be wholly compatible with the aspirations of raising the residential population within the town centre, the associated increase in footfall and local spend from the development would contribute positively to the overall vitality and viability of the town as a whole.
- 9.9 Maximising the use of urban sites is of further importance given that the Council cannot currently demonstrate a 5 year supply of housing sites. The proposals would also see all the accommodation provided on an affordable basis managed by Jigsaw Homes, this would therefore make a valued contribution to meeting affordable housing needs. This along with the associated regeneration benefits should carry significant weight in the determination of this application.

9.10 The site is located within a highly sustainable location as demonstrated by its accessibility and relationship to services. Precedents have been established on previous approvals and it is considered that there are significant regeneration associated with the redevelopment of a vacant site for residential purposes. The principle of development is therefore considered acceptable, subject to all other material planning considerations being satisfied.

10. DESIGN & HERITAGE

10.1 The site is located within the Ashton Town Centre Conservation Area which was designated in 1978. The is located directly opposite the Church of the Nazarene (no.230 Stamford Street Central) and Oddfellows Hall located to the east which are both designated as Grade II heritage assets.

10.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confirms that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

10.3 UDP policy C2 of the UDP echoes the requirements of the NPPF that new development must preserve or enhance the character of Conservation Areas. The Ashton Town Centre Strategy SPD (2010) seeks to ensure that development within the Old Town acknowledges the character of this historic area. This should be evident through elements such as the primary materials, alignment & size of windows, detailing and the vertical or horizontal emphasis of the building's fenestration. It advises that the Old Town's gridiron urban grain is a key element of its historic character, as such new development must be sited within these defined blocks to retain this character and restrict the possible mass of developments. It identifies the site as a potential development sit within the western gateway. This along with sites adjacent to Park Parade, present a poor gateway experience with large areas of surface car parks and underutilised land. As such there is a need to promote appropriate development to improve these key sites.

10.4 Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

10.5 Paragraph 206 states that any harm to, or total loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

10.6 Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.7 The present contribution of the site to the overall character of the Ashton Town Centre Conservation Area is negative. The proposed building would essentially present itself as an infill within an established frontage and building line. The building would be provide an active frontage to Stamford Street Central. Fleet Street would be framed in a positive manner and would also benefit from increased animation and surveillance a result of the buildings design. The building would not abut no.203 Stamford Street (Former Hudson bay Night Club) so

there would be a gap maintained to the street frontage. However, the land is outside of the applicant's ownership and it is likely that this land will come forward for development. The overall benefits attributed to the development outweigh any perceived harm of this land being excluded.

- 10.8 The supporting Design and Access statement and Heritage Appraisals provides a contextual assessment of the locality and the response of the design proposals. The redevelopment proposed would address this positively by addressing the current gap along Stamford Street. The Heritage Appraisal states that the proposal would result in a positive enhancement of the Conservation Area, it states; 'Although not utilising the grand Victorian classicism of the 19th century, the proposal will nonetheless, produce a simple line of buildings that is, ultimately, contextual to this site and respectful of those quality, non listed buildings such as the adjacent Sunday School and former Banks. In light of the current condition of the site therefore, this proposal will offer a considerable enhancement of the Conservation Area through the development of what is currently an unsightly site'. The impact upon the Church of the setting of the Church Of the Nazarene would be neutral and on the Oddfellows would be positive. The conclusions of this assessment are considered robust and are supported.
- 10.9 The building's form and choice of materials is relatively simple. The use of a red brick and slate effect roofing material references the established vernacular of the Conservation Area and reinforces an element of compatibility with existing buildings within the locality. The vertical emphasis of the openings aligns to the elevations on nearby properties. The overall dimensions of the build also give it a 'Mill' like appearance which is respectful of the industrial heritage of the town.
- 10.10 The overall height and scale of the building is comparable with the prevailing character of properties located along Stamford Street Central. The redevelopment of the site presents an opportunity to create a development that would have a more positive impact on this part of the Conservation Area. In line with the requirements of both national and local planning policy, the design quality and public benefits brought about by the proposed scheme is considered to be acceptable. The comprehensive redevelopment of the site and introduction of a residential use would have a positive impact on the character of this part of the Conservation Area which would be of a significant environmental benefit.
- 10.11 Following the above assessment, it is considered that the amended proposals would achieve the requirements set out in UDP policies C3 and C4 and Section 16 of the NPPF and satisfy the statutory duties as quoted above.

11. RESIDENTIAL AMENITY

- 11.1 Church Street is built on an established grid iron and there is a tight relationship to properties to the rear on the opposite site of Fleet Street. The planning history dictates that the acceptability of residential development has been accepted albeit on a scale (building height) larger than what is now proposed. The building would stand at 3 storeys in height and would be sited 24m away from the rear elevation of 2 storey terraces located on Crown Street. This separation complies with the interface distance recommended within the SPD and as such the relationship and influence upon existing residents amenity levels is deemed to be acceptable.
- 11.2 Internally, the 1-bedroom accommodation would measure between 45 and 47sqm and the 2 bedroom accommodation would measure 59sqm. The 1 bedroom accommodation would fall within the scope of standards but the 2 bed would be below. The applicant has justified this on grounds that they meet Homes England standards, the apartments are designed to a high energy efficiency rating to ensure low overall running costs. The development's viability is identified marginal and there is an acute need for more affordable housing to address housing waiting list demands. The accommodation would allow for separate living, sleeping and

kitchen areas in addition to dedicated storage provision the apartments would also have dedicated Juliet balconies.

- 11.3 With respect to private amenity space there would be limited communal space outside of the apartments. That which would be provided is limited to parking, bin storage and cycle storage and landscaping strips. Again precedents of previous approvals carry weight in the assessment but it must also be noted that such arrangements are not uncommon in a town centre environment. Furthermore it is considered that the buildings central location, with access to services and other amenities, mitigates and compensates for these perceived limitations.
- 11.4 It is noted that with the central location there are commercial uses within the vicinity of the site. A noise report has been submitted which concludes that a suitable residential environment can be achieved. A review by Environmental Health is supportive of the proposals subject to a recommendations that a robust glazing specification is applied to all openings as recommended within the noise report. This is a matter which can be suitably conditioned. On the basis of the above assessment, the proposals are considered to be acceptable, safeguarding conditions will ensure that internal living standards and that of established commercial operations would not be unduly impacted on by noise or disturbance.

12. HIGHWAY SAFETY & ACCESSIBILITY

- 12.1. In a town centre location the site is inherently sustainable and is easily accessed by public transport, foot or bicycle. Ashton town centre is served with bus, tram and train connections across the Greater Manchester Region. It is also apparent that a host of amenities and employment opportunities are immediately on hand, it is reasonable to assume that future residents would undertake journeys by sustainable means.
- 12.2 It is acknowledged that the current use of the site for car parking provides convenience for town centre users and supports overall parking provision within the town. However, it must be accepted this represents an interim use, the car park was established due to circumstances around the demolition of the sites former buildings. It was never envisaged that this would be a permanent use nor would it be deemed to be appropriate given the high profile of the site within the Conservation Area. The associated loss of car parking from the current use is therefore tolerated and mitigated by capacity at other town centre car parks.
- 12.3 Vehicular access to the parking spaces would be via a continuous dropped crossing onto Fleet Street. Given the current parking use that if the development would replace overall vehicle movements would be significantly reduced. A total of 13 parking spaces would be provided in addition to secure cycle storage. Policy RD8 of the adopted RDG indicates that 0.5 spaces per unit may be acceptable within Ashton town centre. The provision of car parking spaces falls below the lower end of the policy requirement. Bus, tram and railway stations are all under a 10 minute walk from the site and the scheme would meet the level of secured cycle parking provision for each of the dwelling required by RD8 (35 to be provided). Highways have reviewed the proposals and raise no objections. It is noted that no off street parking is dictated by the constraints of the site, in addition there is also capacity for parking across dedicated car parks within the centre including those located to the rear of Stamford Street which mitigate the impacts of the development.
- 12.4 The Local Highway Authority have confirmed their approval of the initiatives detailed within the applicant's Sustainable Travel Plan and its recommendations should be conditioned.
- 12.5 Improvements to the existing footways of Stamford Street, Mill Lane and Fleet Street within the demise of the building would be secured by condition. This would secure local environmental improvements to benefit of not only future residents but also existing.

- 12.6 The central location of the building on a busy thoroughfare presents a challenging environment for construction works to be undertaken. Strict adherence to the provision of a Construction Method Statement (to be conditioned) to ensure that the interests of nearby commercial premises, highways traffic and pedestrians are not unduly prejudiced.
- 12.7 With regard to servicing and waste management matters, the apartments and commercial units would be serviced from dedicated bin stores accommodated within the ground floor of the building. It is recognised that locally there are waste management issues, back streets to Stamford Street are particularly prone to incidents of fly-tipping. The capacity and location of the bin storage is deemed acceptable and would not add to any offsite problems.
- 12.8 To conclude, the access and parking arrangements have been assessed as being acceptable. The site is within a sustainable location which benefits from immediate access to services and transport options. As such in the absence of any demonstrable adverse impacts, and subject to recommended conditions, the development is considered to adhere to the provisions of policies T1, T7, T8 and T10 by providing safe, secure and convenient access for all road users.

13. DRAINAGE AND FLOOD RISK

- 13.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. The site has historically been developed and in its present guise is laid completely to hard surfacing. Surface run-off will not be increased by the development and future residents are not considered to be at risk.
- 13.2 A drainage strategy has been submitted which would address surface water drainage via an attenuated system. United Utilities have reviewed this but cannot support it without further evidence as to why SUDS have been discounted. Recognising the urban nature of the site and its relative constraints it seems unlikely that SUDs would work at the site, however, the applicant and UU are happy for this to be looked at in more detail as part of a planning condition.

14. GROUND CONDITIONS & ARCHAEOLOGY

- 14.1 The site falls within the Coal Authority's defined Development High Risk Area. An appropriate and up-to-date coal mining risk assessment has been undertaken to the satisfaction of the Coal Authority, the site can be made suitably stable for development subject to agreement of the foundation design to be addressed under a future Building Control application.
- 14.2 The Environmental Protection Unit (EPU) has identified that there is on site contamination as a result of historic uses of the site. Subject to a condition requiring further site investigations and remediation (if necessary) there are no objections raised to the development of the site.
- 14.3 GMAAS have confirmed their support to the assessment which has been undertaken. They confirm that the potential for finding anything of archaeological significance is low. On this basis there seems no reason to seek to impose further archaeological requirements on the applicant.

15. LANDSCAPING & ECOLOGY

- 15.1 Section 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site has a very low ecological value and this is influenced by previous and established uses, as well as the urban nature of the surrounding environment. There would be some soft landscaping within areas to the rear of

the site although this would be best suited to ornamental species. Physical features such as bat and bird boxes can be incorporated into the building to raise the biodiversity value in accordance with aspirations of local and national policy.

16. DEVELOPER CONTRIBUTIONS

- 16.1 In relation to developer contributions, any requirements in this regard must satisfy the following tests (as stated in paragraph 57 of the NPPF):
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 16.2 The scale of the development constitutes a major development, as such there would normally be a requirement to meet Affordable Housing (15%), Green Space and Highways contributions as per the requirements of policies H4 (affordable housing) , H5(open Space) H6 (education) and T13 (highways) of the Development Plan. In this instance, the affordable housing requirement would be exceeded through the applicant's intention to provide all of the apartments on an affordable basis which would be secured by condition, the delivery of 35 apartments on an affordable (social rent) basis is significant to the planning assessment.
- 16.3 Recognising the nature of the accommodation, which is unsuited to family accommodation, no contribution is required to mitigate any potential educational requirements. Highways requirements are limited to addressing improvements to carriageways and footways in the vicinity of the site, these works can be secured by condition which would also secure Green Space / Public realm improvements within the Conservation Area.

17. NOISE & DISTURBANCE

- 17.1 A noise survey has been undertaken of the local environment and this has established that the dominant source of noise is from the highway (Stamford Street). To mitigate against associated noise it is proposed to introduce acoustic glazing in addition to mechanical ventilation of the units, this would also seek to address any potential transference of noise from ground floor commercial units. This mitigation along with the details of any extraction and plant equipment required for the operation of the commercial units is recommended to be conditioned.

18. SUSTAINABILITY

- 18.1 The application stresses that the redevelopment of a brownfield site within an accessible urban environment is highly sustainable. The apartments would be constructed to efficient standards including enhanced insulation and low energy fixtures to reduce overall energy usage. There are no issues raised on sustainability grounds, the proposals being deemed as an efficient and appropriate development of the site.

19. OTHER MATTERS

- 19.1 The application has been accompanied with a Crime Impact Statement. This has been reviewed by the Greater Manchester Police Designing Out Crime Officer, who has concluded that the contents of the statement are sufficient. The Crime Officer recommends that physical security measures are implemented, in order to achieve good levels of security and reduce the fear of crime for future users of the development and for members of the public. The

design and layout of the development itself would ensure that good levels of surveillance are achieved across public areas including the riverside walkway.

- 19.2 The application site is not within a designated Air Quality Management Area. The highly sustainable nature of the location ensures that it is realistic to assume that a significant proportion of trips generated by the development would be via cycle and pedestrian connection to public transport. Further mitigation would be provided via the inclusion of electrical vehicle charging points and a condition requiring details of these facilities is attached to the recommendation.

20. CONCLUSION

- 20.1 The site is previously developed, brownfield land, and is not allocated for other purposes. The opportunity to see the site redeveloped would address a longstanding gap site within the Conservation Area, this would be positive to the overall character and appearance of the area.
- 20.2 The design and scale of the development is considered to be acceptable and would be respectful to the established development pattern along Stamford Street Central. The re-introduction of built form would be respectful to the historic context, the design and appearance being such that it would harmonise successfully into the street scape.
- 20.3 The relationship between the development and surrounding heritage assets would be positively enhanced as a result of development which responds positively to the local context. The proposals would improve the site, would complement other developments within this area of the town centre which is would be of significant social, economic and environmental benefit.
- 20.4 The redevelopment of a brownfield site for residential purposes would be compatible with the Housing Strategy and would add to the growing residential offer within the town centre. The development would add to and contribute to much needed, good quality affordable housing in a period of documented under supply.
- 20.5 The site is located within a highly sustainable location as demonstrated by its central location with access to town centre amenities, employment opportunities and public transport services. Precedents have been established on previous approvals, it is considered that there are significant regeneration benefits associated with the redevelopment of a prominent long-term vacant site within the Conservation Area.
- 20.6 The proposal is considered not to be detrimental to residential amenity, with the relationship between the building and nearby properties on Fleet Street being acceptable and reflective of that of developments across the town.
- 20.7 The development would not cause undue impacts to highway safety, it can be a safely accessed and serviced from the established highway network and overall levels of parking would be appropriate to the scale of development within an accessible town centre location.
- 20.8 There are no objections to the proposals from the statutory consultees in relation to the proposals which is considered to be an efficient use of an existing urban site.
- 20.9 Overall, when considering the proposal against the policies of the NPPF as a whole the collective benefits associated with the proposal are positive. The development would accord with the main aims and objectives of the development plan and represent sustainable development. There have been no negative economic, social, or environmental impacts identified from the development. The proposal would therefore result in sustainable

development in accordance with the development plan and the NPPF.

RECOMMENDATION

Grant planning permission, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2) The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.

Plans:

Site Location Plan RG383/LP01 Rev A
Proposed Site plan and Section RG383/PL01 Rev F
Proposed Floor Plans RG383/PL02 Rev E
Proposed Elevations RG383/PL03 Rev F

Reports:

Affordable Housing Statement Jigsaw Homes
Crime Impact Assessment ref 14th December 2023 v1.1
Design and Access Statement
Heritage Impact Assessment (The Urban Glow 2023)
Noise Assessment ref NP-010226
Planning Statement (Benson Planning Studio)
Preliminary Risk Assessment & Coal Mining Risk Assessment ref GRO-21208-3521
Travel Plan ref LTP/23/5707

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

- 3) Notwithstanding any description of materials in the application, samples and/or full specification of materials to be used: externally on the building; in the construction of all boundary walls 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 polices 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 site investigation strategy, based on the Groundtech Preliminary Risk Assessment (Reference: GRO-21208-3521) and the LPA's contaminated land comments within the consultation memorandum dated 12 February 2024 is required. This will detail all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed

assessment of the risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.

2. The findings of the site investigation and detailed risk assessments referred to in point (1) including all relevant soil / water analysis and ground gas / groundwater monitoring data.
3. Based on the site investigation and detailed risk assessment referred to in point (2) and options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.
4. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in (3) will be 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/use, 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/use 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) Prior to the commencement of development, 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 if identified as necessary;
 - (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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

- 7) The parking/manoeuvring facilities, indicated on the approved plan ref Proposed Site plan and Section RG383/PL01 Rev F shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

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

- 8) No work shall take place in respect to the construction of the approved highway on Fleet St, as indicated on the approved site plan, until a scheme relevant to highway construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of:-

1. Surface and drainage details of all footways.
2. 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.
3. 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 an 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.

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.

- 9) Prior to the occupation of the development a scheme relevant to the improvement of highway footways within the demise of the development (Stamford Street Central, Mill Lane, Fleet Street) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of:

1. Phasing plan of highway works;
2. Surface treatments and drainage details of all footways;
3. Full lighting details; and,
4. Details of carriageway markings and signage.

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.

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

- 10) The approved development shall be carried out in strict accordance with the submitted travel plan - Proposed Residential Development Stamford Street Central Ashton-under-Lyne Travel Plan December 2023. The approved travel plan shall be operated at all times that the development is occupied and shall be reviewed and updated on an annual basis in accordance with details that shall be outlined in the approved plan. The travel plan and all updates shall be produced in accordance with current national and local best practice guidance and shall include details on the method of operation, appointment of a Travel Plan Coordinator/s, targets, infrastructure to be provided, measures that will be implemented, monitoring and review mechanisms, procedures for any remedial action that may be required and a timetable for implementing each element of the plan. Reason: In the interest of

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

- 11) The secure cycle parking area shown on approved drawing Ref Proposed Site plan and Section RG383/PL01 Rev F shall be provided prior to the first occupation of the development and thereafter retained. The cycle store shall provide secure storage for a minimum of 35 cycles, confirmation of the installation of the storage shall be submitted for approval in writing by the local planning authority.

Reason: To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with UDP Policies T1: Highway Improvement and Traffic Management, T7 Cycling and T10 Parking

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

- Hours of construction work and deliveries;
- Phasing of the development;
- Location of site compound/offices which shall be located to minimise disturbance to the amenity of existing residents outside of the site;
- Construction traffic management measures including details of access arrangements, turning and manoeuvring facilities, material deliveries, vehicle routing to and from the site, traffic management, signage, hoardings, scaffolding, where materials will be loaded, unloaded and stored, contractor parking arrangements and measures to prevent the discharge of detritus from the site during construction works,
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction
- Details of any public relations measures e.g. Considerate Constructors Scheme

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

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

- 13) 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.

- 14) The noise mitigation measures recommended in Nova Acoustics Residential Noise Assessment, reference NP-010226 shall be implemented in full and shall be retained thereafter. Written proof shall be provided to the Local Planning Authority that all mitigation measures have been implemented in accordance with the agreed detail prior to first occupation of the development,

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

- 15) 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.

- 16) The development hereby approved should be constructed in accordance with the recommendations contained within the submitted Crime Impact Statement details of which shall be submitted to and approved in writing by the Local Planning Authority, the approved works shall be carried out prior to the first residential occupation of the development.

Reason:

In the interests of security of both future occupants and visitors to the site

- 17) The details of an emergency telephone contact number for the site manager shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete.

Reason: To prevent detrimental impact on the amenity of nearby residents should any issues relevant to disturbance arise.

- 18) A scheme for the Biodiversity Enhancement and Mitigation Measures including 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 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.

- 19) The building shall not be occupied for residential purposes until a scheme showing the location, design and screening of a single satellite television reception aerial/dish capable of distributing a signal to each flat within the development has been submitted to and approved in writing by the local planning authority. Any aerial/dish must be located so as to minimise its effect on the appearance of the building and all distribution cables must be routed internally. The aerial/dish shall be installed in accordance with the approved details.

Reason: To reduce the proliferation of satellite dishes in the interests of the appearance of the development and the character of the Ashton Conversation Area.

- 20) No installation of any externally mounted plant equipment (including utility meter boxes, flues, ventilation extracts, soil pipe vents, roof vents, lighting, security cameras, alarm boxes, television aerials) shall take place until details (including the location, design, method of support, materials and finishes) have been submitted to and approved in writing by the local planning authority. Such plant and other equipment shall not be installed other than in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of the appearance of the development and the character of the Ashton Conversation Area.

- 21) All openings within the development shall be set within a minimum reveal of 10mm unless otherwise agree in writing with the local planning authority.

Reason: In the interests of the appearance of the development and the character of the Ashton Conversation Area.

- 22) The brickwork to the approved development shall incorporate the feature coursing and details as identified on the approved drawing Proposed Elevations ref RG383/PL03 rev F and detailed on page 7 of the applications Design and Access Statement.

Reason: In the interests of the appearance of the development and the character of the Ashton Conversation Area.

- 23) Notwithstanding the submitted details the development shall incorporate a single date stone details of which shall be submitted to and approved in writing by the Local Planning Authority. The date stone shall be installed in accordance with approved details.

Reason: In the interests of the appearance of the development and the heritage and character of the Ashton Conversation Area.

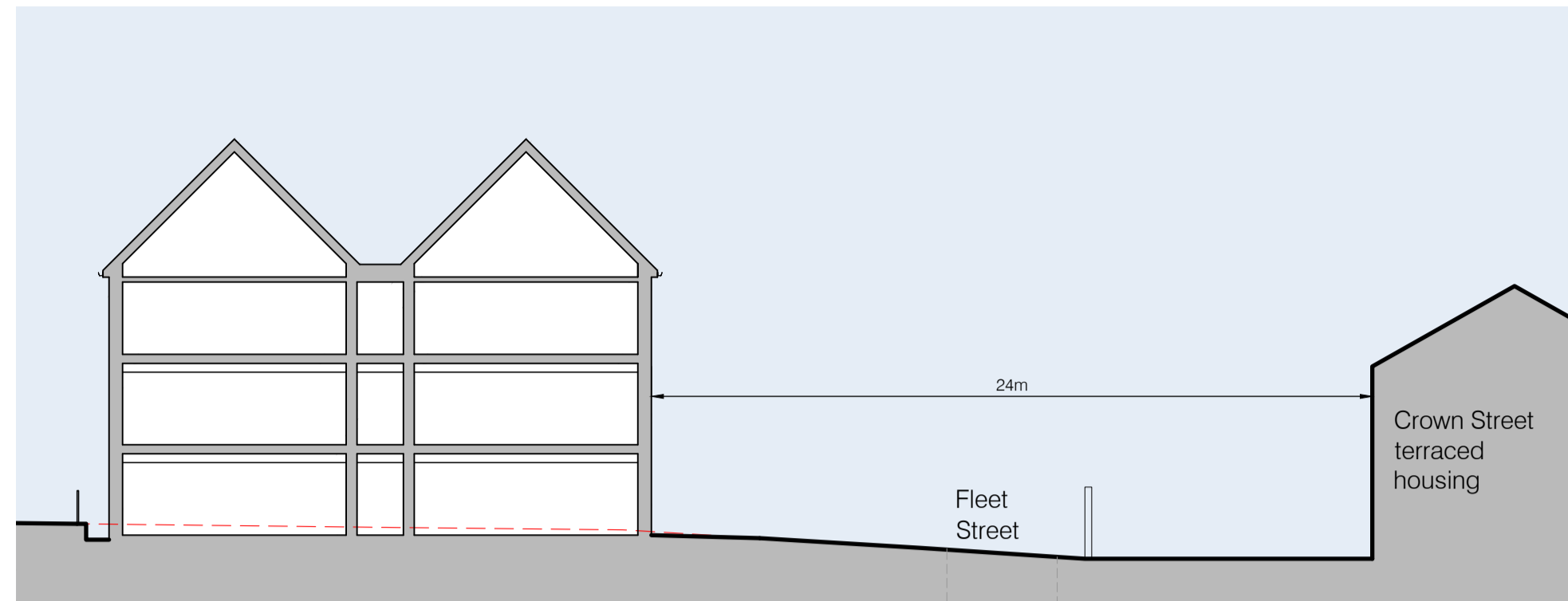
- 24) Details of landscape management and maintenance responsibilities (management plan) of all communal areas and landscaping features shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The management plan shall be carried out in accordance with the approved details.

Reason: In the interests of the general amenity and management of the site and the appearance and character of the Ashton Conversation Area.

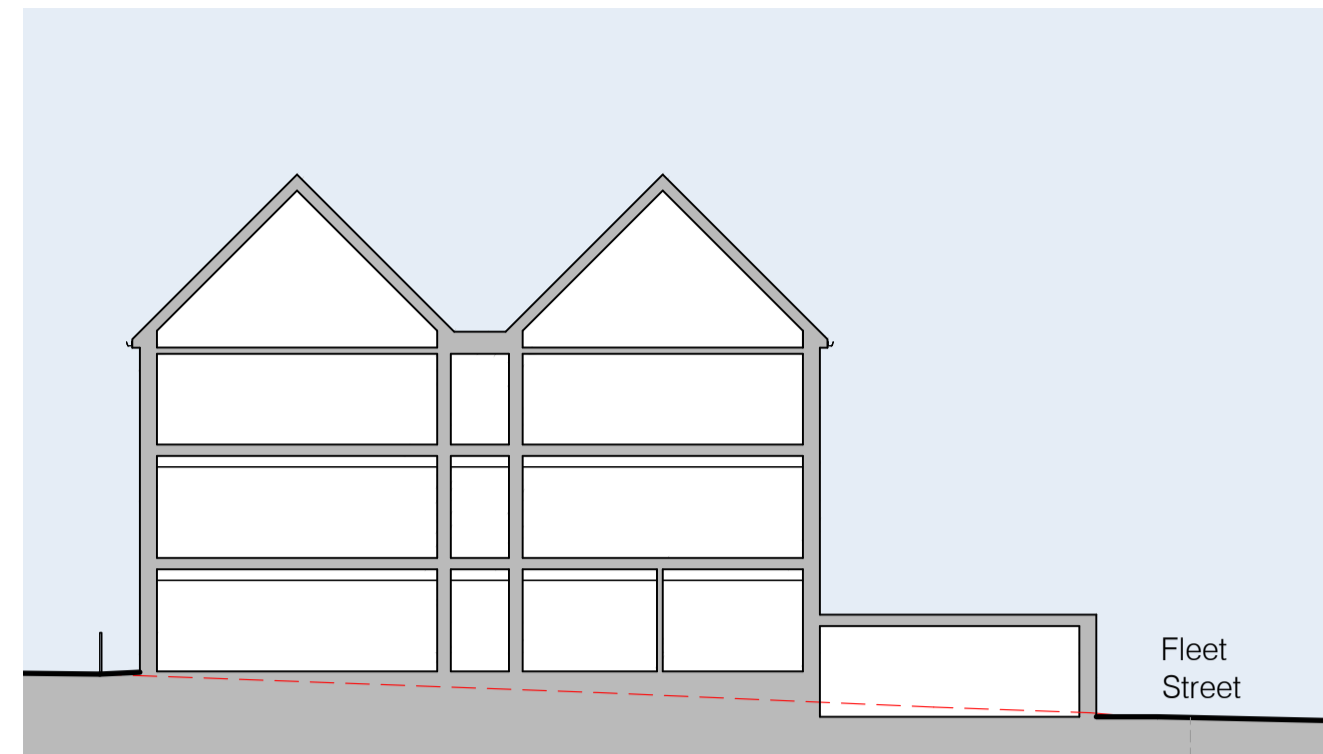
- 25) All apartments within the approved development shall be provided and occupied on an affordable basis and maintained as such in perpetuity as detailed within the submitted Affordable Housing Statement provided by Jigsaw homes.

Reason: To meet identified housing need in accordance with UDP policy H5 and paragraph 66 of the NPPF.

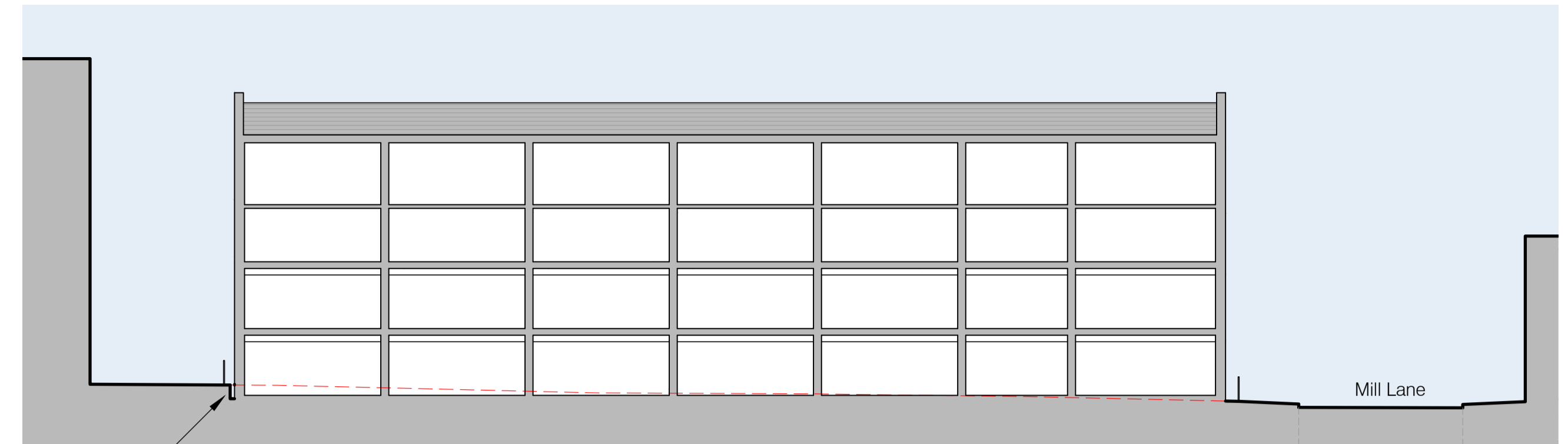
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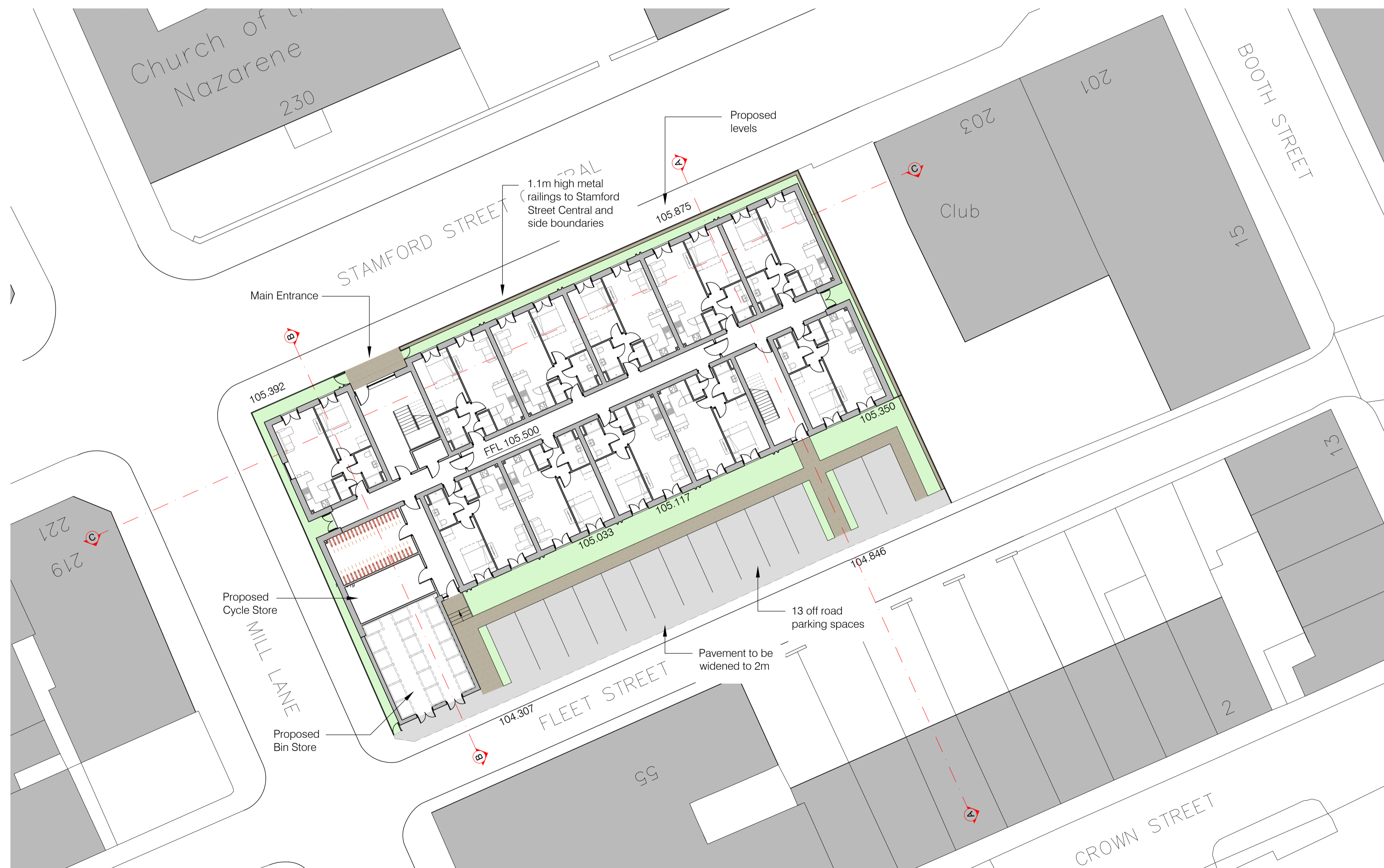
Proposed Site Section AA
1:200



Proposed Site Section BB
1:200



Proposed Site Section CC
1:200
Retaining wall to be provided at site edge where proposed levels lower than adjacent land



Proposed Site Plan
1:200



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- Rev F - Inset brick panels added to East Elevation - 05.03.24
- Rev E - Entrances revised and parapets added - 31.01.24
- Rev D - Notes added - 21.12.23
- Rev C - Design revised in accordance with HA requirements - 11.12.23
- Rev B - Design revised in accordance with HA requirements - 29.11.23
- Rev A - Red line boundary shown - 15.11.23

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client
Ashton Alban (Central) Ltd
 project
Land at Stamford Street Central, Ashton-under-Lyne
 drawing
Proposed Site Plan and Sections

scale	date	drawn
SHOWN@A1	14.11.23	RL
drawing no.	revision	
RG383 / PL01	F	

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Second Floor Plan
1:100



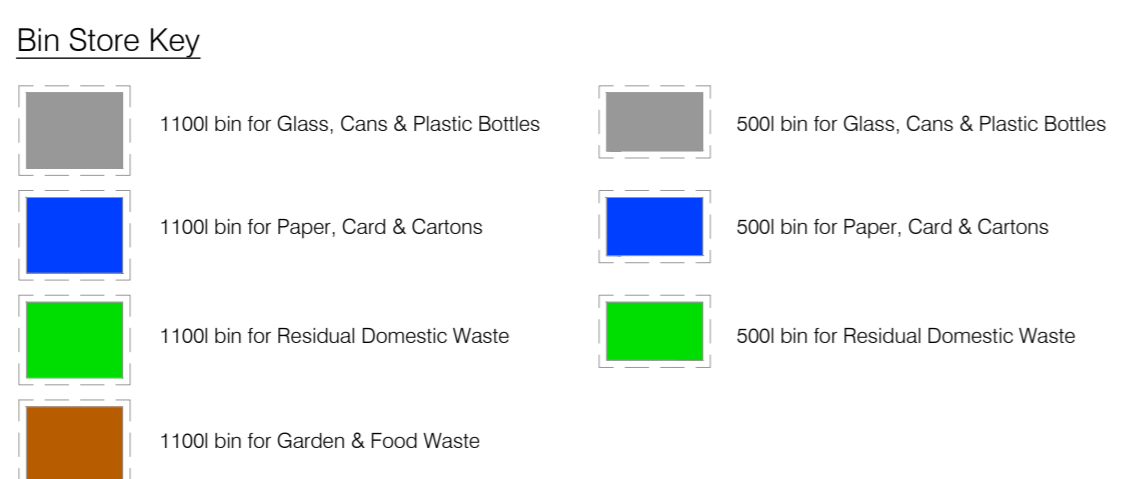
First Floor Plan
1:100

Accommodation Schedule	
-	30 x 1 bed (45m ²)
-	3 x 1 bed (47m ²)
-	2 x 2 bed (59m ²)
	TOTAL = 35 units

Internal Floor Area	
-	Ground Floor GIFA = 784m ²
-	First Floor GIFA = 736m ²
-	Second Floor GIFA = 736m ²
	TOTAL GIFA = 2256m²



Ground Floor Plan
1:100

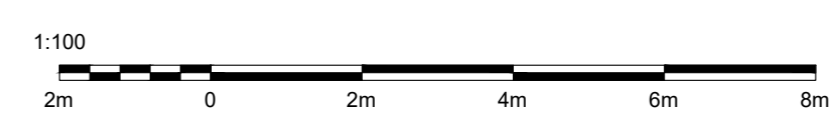


Rev E - Inset brick panels added to East Elevation - 05.03.24
 Rev D - Bin storage, cycle store and plant room updated - 27.02.24
 Rev C - Main entrance updated and bin details provided - 31.01.24
 Rev B - Design revised in accordance with HA requirements - 11.12.23
 Rev A - Design revised in accordance with HA requirements - 29.11.23



client
Ashton Alban (Central) Ltd
 project
Land at Stamford Street Central,
Ashton-under-Lyne
 drawing
Proposed Floor Plans

scale SHOWN@A1	date 14.11.23	drawn RL
drawing no. RG383 / PL02	revision E	



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North Elevation
1:100



West Elevation
1:100

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South Elevation
1:100



East Elevation
1:100

Page 129

MATERIALS:

- ① Red brick
- ② Grey Roof tile
- ③ uPVC Windows and Doors in Anthracite grey
- ④ PPC aluminium handrail in Anthracite grey
- ⑤ Feature double soldier course
- ⑥ Feature vertical protruding brick courses to rmps
- ⑦ Alternating inset contrasting brick to ground floor
- ⑧ Feature decorative panel
- ⑨ Parapet with aluminium coping
- ⑩ AOV

Rev F - Inset brick panels added to East Elevation - 05.03.24
 Rev E - Entrance canopy updated - 31.01.24
 Rev D - Entrance revised, parapets and AOVs added - 31.01.24
 Rev C - Elevations updated - 21.12.23
 Rev B - Design revised in accordance with HA requirements - 11.12.23
 Rev A - Design revised in accordance with HA requirements - 29.11.23

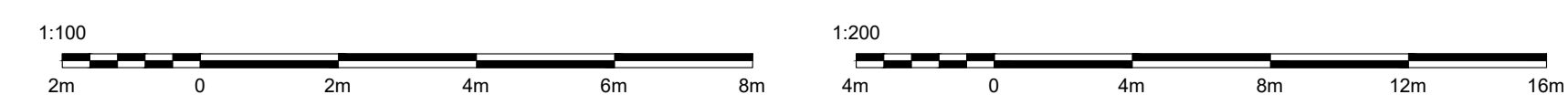
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client
 Ashton Alban (Central) Ltd
 project
 Land at Stamford Street Central,
 Ashton-under-Lyne
 drawing
 Proposed Elevations

scale	date	drawn
SHOWN@A1	13.11.23	RL
drawing no.	revision	
RG383 / PL03	F	



Stamford Street Central Elevation
1:200



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Rev.

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client

Ashton Alban (Central) Ltd

project

Land at Stamford Street Central,
Ashton-under-Lyne

drawing

Visualisation at junction of Stamford
Street Central and Mill Lane

scale NTS@A4	date 05.03.24	drawn RL
drawing no. RG383 / PL04		revision -

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Page 33

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client

Ashton Alban (Central) Ltd

project

Land at Stamford Street Central,
Ashton-under-Lyne

drawing

Visualisation facing West along
Stamford Street Central

scale NTS@A4	date 05.03.24	drawn RL
drawing no. RG383 / PL05		revision -

©

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Application Number 23/01124/FUL

Description: Erection of a three storey building providing 35 affordable rented residential apartments and associated works.

Address: 217 Stamford Street Central, Ashton-under-Lyne.

Images 1 & 2: Aerial views

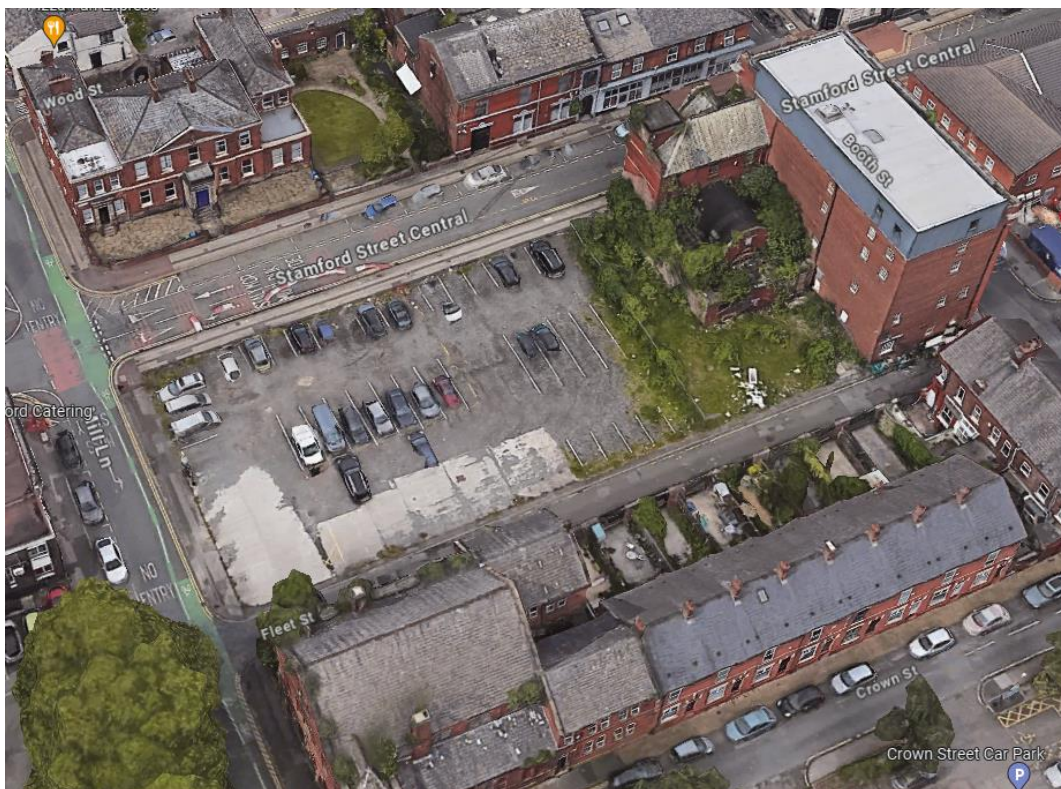
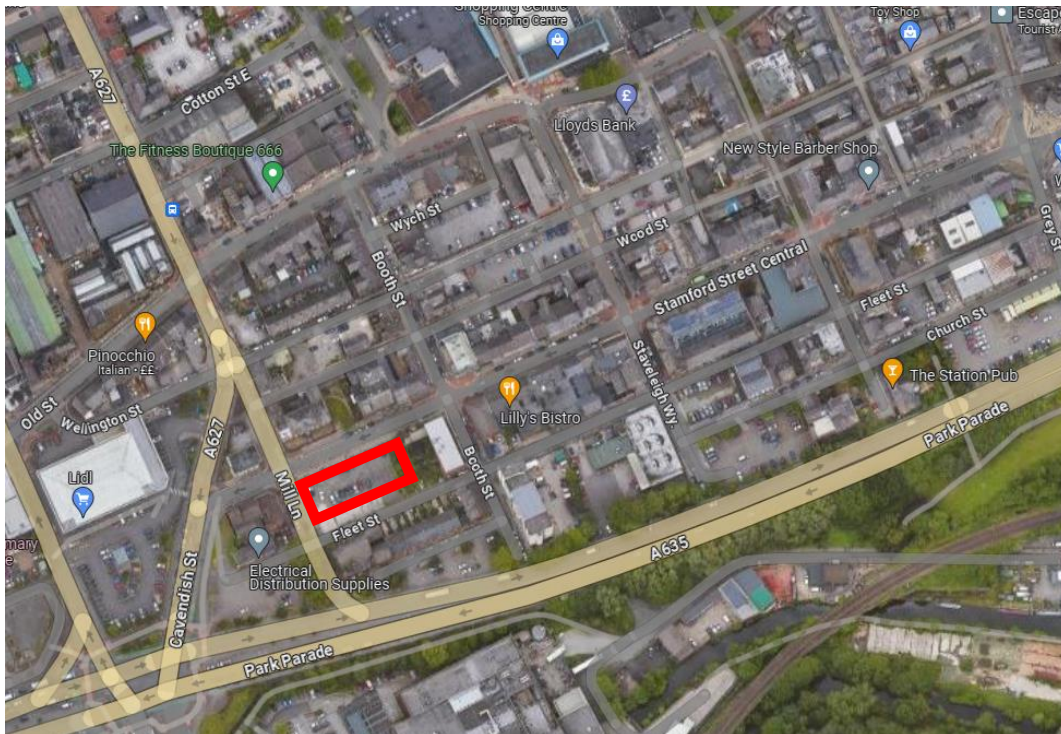


Image 2: Current Site



Image 3: View along Mill Lane



Image 5: View up Stamford Street Central



Image 6: Fleet Street



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Appeal Decision

Site visit made on 23 December 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2024

Appeal Ref: APP/G4240/D/23/3331645

3 Linksfield, Denton M34 3TE

- 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 Alistair Rutherford against the decision of the Tameside Metropolitan Council.
 - The application 23/00744/FUL dated 11 August 2023, was refused by notice dated 6 October 2023.
 - The development proposed is described as a First Floor Front Elevation.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the development on (i) the character and appearance of the host property and area in general; and (ii) the living conditions of the occupiers of No. 4 Linksfield Road.

Reasons

Character and Appearance

3. The site is a detached two storey property within a predominantly residential area. The appeal property is set back considerably from No. 4 Linksfield. Property type and design are predominantly uniformed within the area, notwithstanding this there the appeal site has been extended and altered, along with other neighbouring properties.
4. The proposed development would extend forward from the existing property above the existing single storey front projections. Notwithstanding this given the set back of the property compared to No. 4 Linksfield and the proposed projection forward from the shared building line with No. 2 the proposed development would balance the currently substantial stagger in properties.
5. The change in roof design at the front whilst a departure from the prevailing design of two storey properties in the area would not appear incongruous given the two storey rear extension to nearby property, No. 20 Sandbrook Way which is visible in the context of the appeal site.
6. I find that the proposed development would not harm the character and appearance of the host property and area in general.

7. There is no conflict with Policies C1 and H10 of the Tameside Unitary Development Plan (2004) (the UDP) which seek amongst other things for developments to respect the character of an area.
8. There is no conflict with Policies RED1 and RED9 of the Tameside Residential Design Supplementary Planning Document (2010) (the SPD), which seeks amongst other things to ensure residential extensions acknowledge the character of the property and wider area, creating an extension that compliments and is proportionate.

Living Conditions

9. There is a considerable stagger between the appeal site and No. 4 Linksfield, No. 4 is located forward of the appeal property. Due to the location of the proposed extension, close to the boundary with No. 4 Linksfield, along with the projection and height the proposed extension which combined with the existing built form would create an oppressive and overbearing form of development.
10. Due to the mass and location the proposed development would exacerbate the sense of enclosure the existing built form creates for the occupants of No. 4. Whilst a detached single storey garage exists at No. 4 this would not mitigate the dominant form the proposed development would create.
11. I conclude that the proposed development would harm the living conditions of the occupiers of No. 4 Linksfield.
12. The proposal conflicts with Policy H10 of the UDP which seek amongst other things to protect the amenities of existing occupiers of neighbouring properties.
13. There is also conflict with Policy RED9 of the SPD which seeks amongst other things to ensure development do not impact on neighbour's outlook.

Conclusion

14. Whilst I have found that the proposed development would not harm the character and appearance of the host property nor the area in general this does not outweigh the harm I have identified in relation to living conditions of the occupiers of No. 4 Linksfield.
15. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR



Appeal Decision

Site visit made on 30 January 2024

by Anthony J Wharton BArch RIBA RIAS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2024

Appeal Ref: APP/G4240/C/23/3318913

3 Burkitt Street, Hyde SK14 1QQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Mohammed Tahibur Rahman against an enforcement notice (EN) issued by Tameside Metropolitan Borough Council (the LPA).
 - The enforcement notice, reference 22/00085/ENDEV, was issued on 21 February 2023.
 - The breach of planning control as alleged in the notice is: the erection of a second storey extension (outlined in blue on the attached plan for identification purposes) to the rear of the premises in excess of the parameters set out within Article 3, Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015. (GPDO).
 - The requirements of the notice are as follows:
Remove the second storey extension (outlined in blue on the attached plan for identification purposes) and reinstate the rear wall and roof of the single storey rear extension in materials to match the existing property.
 - The period for compliance with the requirements is Three (3) calendar months.
 - The appeal is proceeding on the ground (a) only as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is dismissed. See formal decision below.

Matter of clarification

2. The notice refers to the unauthorised extension to the property as being a 'second storey extension'. However, the extension serves the first floor of the property and not the second floor. For the avoidance of doubt, I have dealt with the appeal on the basis that the only part of the development enforced against is that part which sits between the sloping roof of the ground floor extension and eaves line at roof level below the dormer window. However, the parties are clear about what is enforced against and I shall use the Council's wording as set out in the notice.

The appeal site and the surrounding area

3. The appeal property is a traditional two-storey, red brick, mid-terraced dwellinghouse located on Burkitt Street, in this residential area to the south of Hyde town centre. It has a rear yard which backs onto a narrow pathway between the Burkitt Street houses and those of Mona Street opposite. The surrounding area largely comprises other traditional red brick terraced houses with back yards opening out into back pathways or lanes.
4. Most of the houses on the two streets remain unaltered, but I did note some small extensions and alterations to properties in the surrounding streets. The adjacent property at No 1 has a large outrigger extension and No 6 Mona Street has also been

extended. To the rear of No 3 there is a ground floor extension with a mono-pitch which extends the full width of the plot; the 'second storey extension' (serving the first floor), the subject of the notice, and a dormer extension to the roof. These are all clearly visible from the rear, as well as from Nelson Street which is to the north-east.

Background information

Planning History

5. In 2019 planning permission was sought (19/00231/FUL) for a part single, part double storey rear extension and rear dormer extension. The proposed ground floor element projected 5m from the rear elevation of the property and the first floor element projected 2.138m from the rear elevation. The ground floor extension was to serve a kitchen and downstairs WC; the first floor addition to serve a third bedroom with a rear facing window, and the second floor to serve 2 bedrooms including a WC. The application was refused on 10 May 2019. The reason for refusal was as follows:

By reason of the size and siting of the proposed rear extension, the development would result in an undue loss of amenity to the occupants of the neighbouring residential properties, in particular No.1 and No.5 Burkitt Street and Nos. 2-6 Mona Street, as a result of direct overlooking causing loss of privacy, loss of light and a resultant harmful impact on outlook. The proposal was therefore contrary to the National Planning Policy Framework, UDP Policies 1.3 and H10 and the Residential Design SPD.

6. The planning application was re-submitted (19/00464/FUL), part retrospectively, and the proposed scheme was reduced in scale. The ground floor element now only projected 3m from the rear elevation and the first floor element projected 2m from the rear elevation. The application was also refused on 27 July 2019. The reason for refusal was as follows:

The proposed rear extension, by reason of its size and siting, would result in an undue loss of amenity to the occupants of neighbouring residential properties, in particular no.1 Burkitt Street in respect of loss of light/outlook and numbers 2-6 Mona Street in respect of loss of privacy as a result of direct overlooking. The proposal was therefore contrary to the National Planning Policy Framework, UDP Policies 1.3 and H10 and the Residential Design SPD.

7. However, the part single, part double storey rear extension and the rear dormer extension, as seen during my site visit, were constructed. The works carried out do not correspond with the submitted plans for either application.

Enforcement action

8. The Council had received enforcement enquiries after the first decision was issued. It appears that a neighbour to No 3 had been contacted with a view to removing the shared boundary wall. The neighbour had been concerned about the effect that the works would have on their living conditions and had not agreed to the proposal put forward by the appellant.

9. The Council received a further enforcement complaint stating that a two storey rear extension had been constructed at No.3 Burkitt Street without planning permission. The Council's Enforcement Officer confirmed that the whole of what had been constructed did not benefit from planning permission. However, it was accepted that the ground floor rear extension was permitted development (PD) in accordance with Schedule 2, Part 1, Class A of the General Permitted Development Order

(GPDO). It was also accepted that the rear dormer also constituted PD under Schedule 2, Part 1, Class B of the GPDO.

10. It follows that only the 'second storey' (first floor rear) extension, the subject of the EN, is unauthorised. Since the EN was issued, a further planning application (23/00195/FUL) was submitted retrospectively for this 'second storey' (first floor rear extension). This was later withdrawn. In 2023 a further planning application was submitted (23/00225/FUL) for a part single, part double storey, rear extension. However, the Council was unable to determine this due to the EN being in place.

11. Thus, the EN relates only to the 'second storey' (first floor rear) extension. The reason given for issuing the EN is *'the unauthorised second storey, rear extension, by reason of its size and siting, would result in an undue loss of amenity to the occupants of neighbouring residential properties, in particular no.1 Burkitt Street in respect of loss of light/outlook and numbers 2-6 Mona Street in respect of loss of privacy as a result of direct overlooking. The proposal is therefore contrary to the National Planning Policy Framework, UDP Policies 1.3 and H10 and the Residential Design SPD.*

Relevant Policy

12. The most relevant policies are 1.3; H10(a) and H10(d) and C1 of the Tameside Unitary Development Plan (UDP). These deal respectively with *Creating a Cleaner and Greener Environment*, the *Detailed Design of Housing Developments* and *Conservation and enhancement of the urban environment*. The Tameside Residential Design Guide SPD (RDG) is also relevant and the National Planning Policy Framework (NPPF) is a major material consideration, particularly the policies in section 12 of the document.

The Appeal on ground (a)

Main issues

13. The main issues are firstly, the effect of the appeal extension on the living conditions of the occupants of neighbouring properties in Birkitt Street and Mona Street and, secondly, its effect on the character and appearance of this residential part of Hyde.

Effect on Living conditions

14. Having seen the relationship of the unauthorised extension to the neighbouring properties, I share the Council's concerns about its effect on the living conditions of the occupants of the nearest properties in both Burkitt Street and Mona Street.

15. The relevant policies within the RDG, that relate to rear extensions and their impact on the living conditions of neighbours, are policies RED2 and RED3. Policy RED2 requires a separation distance of 18m between 2 habitable rooms from an extension to an extended dwelling. The distance between the original rear wall of No.3 Burkitt Street and the properties opposite to the rear on Mona Street is only approximately 16.5m. It is therefore contrary to the policy.

16. Having seen the relationship between the properties the distance between the rear elevation of the first floor rear extension, and particularly No.6 Mona Street, does not comply with the 18m requirement. Because the first floor rear extension currently serves a habitable room, the inadequate spacing distance between the properties has resulted in a loss of privacy to the neighbouring occupants, as a result of direct overlooking.

17. I have noted that the appellant has suggested that the first floor rear extension could be altered to serve a bathroom, with the rear facing window being provided with obscured glazing, in order to mitigate for the risk of direct overlooking/loss of privacy

to the neighbours on Mona Street. I agree with the Council that this would, in part, overcome the impact of direct overlooking. However, there would still be the perception of being overlooked due to the small distance between properties. In any case, if the appellant wished to do this then it would need to be the subject of yet another application.

18. Having seen the relationship of No 1 (with its two-storey outrigger) to No 3, I also share the Council's concerns about the impact that the appeal extension has had on the living conditions of the occupants of this property. The ground floor window at No 1 serves a kitchen and other windows serve a bathroom and a habitable room. Having noted the position of these windows in relation to the works carried out at No 3, I agree with the LPA that the outlook for the occupants at No 1 must be oppressive. I consider, therefore, that the first floor rear extension is contrary to policy RED2 of the RDG.

19. I also consider that the proximity and positioning of the first floor rear extension at the appeal property must have resulted in an obtrusive and overbearing effect when seen from No 1. It must also have also resulted in a loss of light, particularly to the side facing windows of the outrigger at No 1. It follows that this is also contrary to policy H10(d) of the UDP.

20. As indicated by the Council the relationship between No.3 and No.5 Burkitt Street is intimate, due to the layout of the terraced properties and the limited outdoor yard areas. Although the first floor rear extension does not affect the required 45 degree line rule, set out in SPD policy RED3, the two storey brick wall which runs a considerable length of the shared boundary line with No.5, appears significantly oppressive and overbearing to the neighbouring occupants. This is particularly the case with regard to the use of the yard area. The rear extension is therefore, again contrary to policy H10(d) of the UDP.

Effect on Character and Appearance

21. As indicated by the LPA, the appeal property is modest in scale with limited outdoor space to the front and rear. From my visit I noted its tight and intimate relationship with other properties in the terrace and with those opposite on Mona Street. Having viewed the appeal extension from both near and distant viewpoints, I share the Council's concerns about its negative visual effect in this part of the town.

22. I agree with the Council that the extension totally dominates the rear elevation and that it is an over-excessive addition to the simple original design of the rear elevation of the house. I find that its overall form and scale is perceived as an alien and obtrusive addition to the house and that it constitutes overdevelopment of this tight terraced site. From Nelson Street to the north, the extension is clearly visible and its overall bulk and massing is clearly noticeable as a completely out of scale addition to the terraced house.

23. As indicated by the LPA there is no consistency in the form or design of the appeal extension, having regard to the lean-to roof of the ground floor extension and dual pitched roof of the first floor extension. The fact that the appeal extension is not central to the original dwelling adds to its incongruity and obtrusiveness. Furthermore, the brickwork, does not adequately align with the brickwork used in the construction of the original terraced dwelling.

24. It also looks completely out of place and incongruous due to the fact that, apart from the outrigger at No 1, none of the other properties in either terrace have been extended at the same level or to the same extent. The part single, part double storey

rear extension is not visually attractive in terms of its architectural appearance and is most unsympathetic to the local character and appearance of this part of Hyde.

Conclusion

25. In conclusion I find that the appeal extension detracts from, rather than adding to, the overall quality of the character and appearance of this predominantly residential part of Hyde. I agree with the LPA that it is not a sustainable development and that due to its poor design is contrary to SPD policy RED1; policies H10(a) and C1 of the UDP and section 12 of the NPPF which seeks to achieve well-designed and beautiful places.

Other Matters

27. I sympathise with the predicament in which the appellant now finds himself. However, I have found the unauthorised development to be harmful in planning terms with regard to residential amenity and the character and appearance of the area. It follows that I consider that my decision should be made in accordance with the development plan and that there are no material considerations to indicate otherwise.

26. In reaching my decision I have taken into account all of the other matters raised by the Council, the Appellant and third parties. These include the full planning history of the site, the initial appeal statements and facts supporting the ground (a) appeal, all references to local and national planning policies, the appellant's response to the LPA statement (final comments) and the photographic evidence.

27. However, none of these carries sufficient weight to alter my conclusions on the main points at issue, and nor is any other factor of such significance so as to change my decision that planning permission should not be granted for the appeal extension.

Formal Decision

28. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under Section 177 (5) of the Act.

Anthony J Wharton

Inspector

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Appeal Decision

Site visit made on 27 February 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2024

Appeal Ref: APP/G4240/D/23/3332202

21 Claremont Gardens, Ashton-under-Lyne, Tameside OL6 9RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mohammed Shafiq against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 23/00659/FUL.
 - The development proposed is two storey rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. Therefore, I am satisfied that there is no requirement to seek further submissions from the main parties on the revised Framework.

Main Issues

3. The main issues are:
 - the effect of the proposal on the living conditions of the neighbouring occupiers of 20 Claremont Gardens, with particular regard to outlook, daylight and sunlight;
 - whether the proposal would provide satisfactory living conditions for occupiers of the appeal dwelling with regard to outlook, daylight and sunlight; and
 - the effect of the proposal on the character and appearance of the host property and surrounding area.

Reasons

Living conditions of neighbouring occupiers

4. The appeal property is located within a row of two storey detached properties on the northern side of Claremont Gardens. They are arranged along a staggered building line and there are narrow gaps between the properties such that they have a very close relationship to one another. The neighbouring properties on either side of the site, 20 and 22 Claremont Gardens, are set further back than the appeal property.

5. No 20 includes a rear conservatory close to the boundary with the appeal site, together with ground and first floor windows to the rear elevation. There is a high timber fence between the two properties.
6. The proposed extension would be positioned to the east of this neighbouring property. It would project five metres from the rear elevation and extend close to the boundary with No 20. It would rise substantially above the dividing boundary fence, appearing as an imposing feature when viewed from the rear of the neighbour's property, particularly from the conservatory and that part of the neighbour's rear garden closest to the site. Therefore, due to its proximity, height and significant length along the boundary, the extension would dominate the rear of the neighbour's property and result in a sense of enclosure and loss of outlook for the occupiers of this neighbouring property.
7. The submitted plans indicate that the proposed extension would not encroach on the 45 and 60 degree lines from the rear windows of the neighbouring property and would, therefore, accord with the guidance contained in Policy RED3 of the Council's Residential Design Supplementary Planning Document (SPD). Therefore, based on the evidence before me and my observations on site, I consider that the proposal would not result in significant loss of daylight to No 20. The rear elevations of the properties are north facing and they do not receive much direct sunlight. Taking into account the orientation of the properties, it is unlikely that the proposal would result in a significant loss of sunlight to the neighbour's rear windows, conservatory or rear garden.
8. The Council has raised no concerns in relation to the effect of the proposal on No 22. Given that this neighbouring property is set much further back than the appeal property, I see no reason to disagree with that assessment.
9. Nevertheless, I conclude that the proposed extension, due to its height, depth and proximity to the boundary, would significantly harm the living conditions of the neighbouring occupiers of No 20 with particular regard to outlook. It would therefore be contrary to Policy H10(d) of the Tameside Unitary Development Plan (2004) (UDP) which seeks to ensure that development has no unacceptable impact on the amenity of neighbouring properties.

Living conditions of occupiers of the appeal dwelling

10. Both rear bedrooms are currently served by first floor windows to the rear elevation. One of those bedrooms would be converted into a bathroom, while the other would be retained as a bedroom but the existing rear window would be blocked by the proposed extension. A new window serving this bedroom would be provided to the western gable end.
11. As the western gable is positioned so close to the side wall of No 20, the new bedroom window would have a limited outlook and reduced exposure to daylight and sunlight. However, the plans also indicate that the bedroom would be served by a roof light which would provide an outlook to the sky and receive some daylight and sunlight. Given this, I consider that the proposal would be acceptable in this regard, particularly given the high standard of accommodation to be provided overall.
12. Consequently, I conclude that the proposal would provide satisfactory living conditions for occupiers of the appeal dwelling with regard to outlook, daylight

and sunlight. It would comply with Policy H10(a) of the UDP, which requires the design of development to meet the needs of future occupiers.

Character and appearance

13. The appeal property is a relatively large two storey detached dwelling with a pitched roof and a prominent two storey gable feature to the front elevation. The narrow gaps between the side walls of the property and those on either side means that the sides and rear of the property are not prominent. The surrounding area is characterised by two storey detached and semi-detached dwellings of similar design and materials. They are set back from the road and are generally arranged along linear or slightly staggered building lines.
14. The proposed extension would be a substantial addition to the rear, extending across the full width of the property with a significant projection from the rear elevation and a ridge height matching that of the existing building. However, the depth of the extension would be disguised to some extent by the relationship with the adjacent properties which extend further back than the appeal property. The existing rear roof slope of the building would still be partially visible. The ridge of the extension would be slightly below the roof of the large gable feature to the front which would remain the predominant feature of the property. Therefore, its scale and siting at the rear would ensure that the proposal would be a subordinate addition overall. The proposal would only be partially visible from the front due to the narrow gaps on either side and it would have little effect on the street scene.
15. For the above reasons, I find that the proposal would not be harmful to the character and appearance of the host property or the surrounding area. Accordingly, it would comply with Policy C1 of the UDP and Policies RED1 and RED4 of the SPD. Amongst other things, these policies and guidance seek to ensure that development respects the character of the area.

Other Matters

16. Whilst I appreciate that the extension would provide additional accommodation for the appellant's family and increase the value of the property, that could be said of many domestic extensions and I attach limited weight to this factor. Therefore, this consideration does not outweigh the significant harm that I have identified or the conflict with the development plan.

Conclusion

17. Whilst the proposal would not have a harmful effect on the living conditions of occupiers of the appeal property or the character and appearance of the area, it would be harmful to the living conditions of the occupiers of 20 Claremont Gardens, with particular regard to outlook. Therefore, for the reasons given, I conclude that the development would be contrary to the development plan. There are no material considerations to suggest a decision other than in accordance with the development plan and therefore the appeal is dismissed.

M Ollerenshaw

INSPECTOR

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