

Application Number:	22/00565/FUL
Proposal:	Demolition of existing stables/structures and erection of 1 residential dwelling.
Site:	Whitehall Cottage, Luzley Road, Ashton-under-Lyne, OL6 9AJ
Applicant:	Mr and Mrs Ward
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	Speakers Panel decision is required in accordance with the Council's constitution because a member of the public have requested a Speakers Panel decision.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 The application site comprises a field located to the rear of Whitehall Cottage on Luzley Lane to the north of Ashton under Lyne. The site is roughly square in shape and contains stables and a number of small outbuildings to the northern and eastern boundaries. The site levels decrease moving east to west.
- 1.2 Vehicular access into the site is via a narrow access track to the southwest side of Whitehall House which is currently used solely by the stables.

2. PROPOSAL

- 2.1 The application seeks planning permission for the development of one detached dwelling following demolition of existing stables/structures on site. The proposed dwelling will measure approximately 14.7m in width with a length of 4.9m containing a canopy to the front measuring 0.8m in length. It will have a pitched roof with a ridge and eaves height of approximately 3.5m and 2.3m respectively.
- 2.2 There is an existing stables building on site including three outbuildings along the rear boundary shared with Whitehall House. It is proposed to demolish these buildings which are currently spread across the site and develop a single residential unit on the footprint of the existing stables building.
- 2.3 The dwelling would be constructed of (Larch or Cedar) vertical timber cladding, a zinc sheeting dark grey roof and grey uPVC/composite windows and doors.
- 2.4 The existing access would be utilised and the existing hardstanding replaced with stone setts including a stoned turned area to enable vehicles to enter and exit the site in a forward gear. Two car parking spaces would be provided.
- 2.5 The existing post and wire fence surrounding the site would be retained and additional tree planting is proposed along the boundary to the south-east with Whitehall House and Whitehall Cottage.

3. PLANNING HISTORY

- 3.1 13/00835/FUL - Two-storey side extension and conversion to two separate dwellings - Approved on 31.01.2014.

4. PLANNING POLICY

National Planning Policy Framework (NPPF)

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

Planning Practice Guidance

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

Development Plan

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

Tameside Unitary Development Plan (2004)

4.6 Part 1 Policies:

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

4.7 Part 2 Policies:

- OL1: Protection of the Green Belt
- OL2: Existing Buildings in the Green Belt
- OL10: Landscape Quality and Character
- C1: Townscape and Urban Form
- C10 Development Affecting Archaeological Sites

- H4: Type, Size and Affordability of Dwellings
- H10: Detailed Design of Housing Developments
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- N4: Trees and Woodland
- N5: Trees within Development Sites
- N7: Protected Species
- MW11: Contaminated Land
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

Supplementary Planning Documents

4.8 Residential Design Supplementary Planning Document

Places for Everyone

4.9 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.

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

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

Other Considerations

4.12 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.

4.13 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 departure from the development plan by a newspaper advertisement, site notice and neighbour letters.

6. SUMMARY OF THIRD PARTY RESPONSES

6.1 Four letters of representation have been received citing objections to the application:

Conflict with Land Use Policy

- It should be noted that Whitehall House was a single detached dwelling which was extended by the applicants making it into two semi-detached properties.
- The original house was sold with the understanding that there would be no further developments.
- We believe this plot of land is already fully developed and any further development would have a detrimental effect on existing amenities and services.
- The last stable was built in the first week of October 2018 which is in fact less than 4 years ago. Therefore the stables dimensions shouldn't be included in the tallying up calculation for the purpose of the application.
- Building on green belt is not in my best interests.
- The development of a log store and garden shed being classed as equestrian is quite frankly absurd.

Noise & Hours of Operation

- The concern here would be the increase in vehicle movement around the boundary of the property.
- Currently vehicle movements are limited in that the applicants only occasionally use the gate and access pathway to the rear of their property.

Out of Character.

- There are no examples of this dwelling type anywhere within the Hamlet of Luzley.
- Not in keeping with the existing buildings in the area.

Sets a Precedent.

- This in our opinion most certainly sets a precedent as there are numerous unused agricultural buildings currently situated on green belt land around Luzley.
- This development would set a precedent on green belt land.

Traffic & Parking

- We are already experiencing huge problems with parking and access to both Whitehall Cottage and Whitehall House. A third dwelling would only escalate this issue.
- The proposed dwelling has gated access directly from the lane so, where would their visitors to the new property park?
- Increased traffic comings and goings.

Loss of privacy

- Residential services for example window cleaning and gardening etc. further impacting on our privacy

Visual Amenity

- Loss of a view
- Trees will and are already being planted to hide the new property from the road. This is already having an adverse effect on those very views.
- The vastly increased use of the entrance gate and access pathway would adversely affect privacy and that of the bats that currently inhabit all our garden areas.
- Would hate to see a modern house devalue and spoil the natural beauty of this wonderful rural spot.

Other Matters

- Civitas Supporting Planning Statement refers to a stable complex that is no longer in use, when in actual fact one of the stables is currently still being use to this day.

- The collection of out buildings, which include various storage, sheds, and a fire wood drying shelter have been erected since 2015. None of which have been used for equestrian purposes. There was one stable initially but this was increased to two in October 2018 to accommodate a second horse.
- The planning application would have you believe that the current buildings are an unused stable complex, when in actual fact they are no more than a couple of stables and garden out sheds. They also refer to the reduction in traffic, when in actual fact there has never been any horse boxes or any other equestrian traffic using the access.
- The applicants are proposing to replace the shared existing septic tank with a larger vessel. This would be positioned closer to Whitehall Cottage and be shared by all three dwellings. Experience has told us that sharing a septic tank is not the ideal scenario, therefore we should make it known that if permission is granted it should be on the understanding that the applicant provides individual septic tanks for each property. This may even be a requirement of United Utilities.
- The applicants have created unlimited gated access to an adjoining field owned by their next door neighbour for horse grazing requirements as the development site is too boggy and lacking in grass to be considered for grazing.
- We believe the new application will include a multi burning fuel stove and due to the low level of the proposed plans any outlet is just another concern as the wind blows from that direction towards our property most of the time. We have stables in our garden that could be at a risk of fire due to this.
- There are access issues for the fire service.
- Please may I request that this application be referred to panel for a committee hearing of which I wish to attend and present my objections.

7. RESPONSES FROM CONSULTEES

- 7.1 Local Highways Authority (LHA) – No objections, subject to conditions requiring secured cycle storage provision, electric vehicle charging point and sustainable drainage scheme.
- 7.2 Greater Manchester Ecology Unit (GMEU) – Would not consider it reasonable to require a bat survey to be submitted to support the application. No objections subject to recommended conditions and informatives in relation to biodiversity enhancements and protected species.
- 7.3 Arboricultural Officer – The proposal does not involve the removal of any existing significant trees or vegetation therefore the proposal is acceptable from an Arboricultural perspective.
- 7.4 United Utilities – No objections but recommend that a condition is applied requiring that the site is drained in accordance with the drainage hierarchy.
- 7.5 Lead Local Flood Authority (LLFA) – No objections subject to recommended condition for a surface water drainage scheme.
- 7.6 Environmental Health – No objections subject to recommended condition for construction hours.
- 7.7 Contaminated Land – No objections subject to recommended conditions in order to ensure that all risks posed by contamination and ground gas are fully investigated and where necessary, remediated during the development of the site.
- 7.8 GMAAS – If consent for the development is given, GMAAS recommend that the archaeological works are secured by a condition.

8. ANALYSIS

8.1 PRINCIPLE OF DEVELOPMENT

8.2 The site is allocated as Green Belt. The principle of the development must be considered against policies OL1, OL2 of the UDP and the policies of Section 13 of the NPPF, specifically whether built development is acceptable in this area of Green Belt.

8.3 Policy OL1 of the Tameside Unitary Development Plan states that *“the Green Belt will continue to be protected from inappropriate development and approval will not be given, except in very special circumstances, for the construction of new buildings for purposes other than:*

(a) agriculture and forestry, or

(b) essential facilities for outdoor sport and outdoor recreation, or

(c) cemeteries, or

(d) other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it.”

8.4 Policy OL2 of the Tameside Unitary Development Plan states that *“Within the Green Belt, approval will only be given for the re-use or conversion of existing buildings where:*

(a) the new use does not have a materially greater impact than the present use, on the openness of the Green Belt and the purposes of including land in it, and

(b) any extension of the building does not result in disproportionate additions over and above the size of the original building (or in the case of a replacement dwelling, the new building is not materially larger than the one it replaces), and

(c) any associated uses of land surrounding the building do not conflict with the openness of the Green Belt and the purposes of including land within it, and

(d) the building is of permanent and substantial construction, is in an intact and generally complete condition, and is capable of conversion without major or complete reconstruction, and

(e) the form, bulk, general design and external materials of the building is in keeping with its surroundings and retains the inherent character and scale of the original building.

The extension, alteration or replacement of existing dwellings within the Green Belt will be subject to criteria (b) and (e) above.

The Council will particularly encourage the re-use of buildings for purposes which facilitate job creation and diversification of the rural economy or help to protect rural services, and will permit such developments subject to conformity with the criteria above.

Where it is considered that permitting buildings to be taken out of agricultural use could lead to a consequential increase in new farm buildings that would have a seriously detrimental effect on the openness of the Green Belt, the Council will impose conditions withdrawing such permitted development rights.

8.5 The policies only extend to the replacement of existing dwellings for residential use and makes no reference to previously developed land. Therefore whilst there is a degree of consistency between the development plan and the Framework, for the purposes of the assessment greater weight is afforded to the guidance within section 13 of the Framework.

8.6 Paragraph 137 of the NPPF states that *“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*

- 8.7 Paragraph 147 of the NPPF states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances..”*
- 8.8 Paragraph 148 of the NPPF states that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 8.9 Paragraph 149 of the NPPF states that *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*
- a) buildings for agriculture and forestry;*
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
 - e) limited infilling in villages;*
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- not have a greater impact on the openness of the Green Belt than the existing development;*
 - or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*
- 8.10 For the purposes of assessing this application against para 149g of the NPPF, the definition of the term ‘previously developed land’ as referenced in the glossary within the NPPF states that : *“Previously developed land is Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*
- 8.11 The submitted Planning Statement asserts that the proposal adheres to paragraph 149(g) – being the complete redevelopment of a previously developed site which would not have a greater impact on the openness of the Green Belt than the existing development. It is stated that the proposal would reduce the footprint and sprawling nature of the current development.

- 8.12 In the view of the Local Planning Authority (LPA) it is not considered that this proposal would comprise 'limited infilling'. Unlike the buildings on Luzley Road, which front the street at a depth of only one property, the proposed dwelling would be set back behind Whitehall Cottage with open fields to the north, south and west – therefore not comprising an 'infill site'. It is however acknowledged that the site comprises '*previously developed land*' owing the presence of the existing stable buildings and other outbuildings currently in situ (as can be seen on aerial imagery and from the planning officers site photographs).
- 8.13 Paragraph 149(g) is explicit in that redevelopment of brownfield sites should not have a greater impact on the openness of the Green Belt.
- 8.14 As referenced above (para.137 of the NPPF), the fundamental aim of Green Belt policy is the prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8.15 In assessing the acceptability of the proposal against the provisions of para 149g of the NPPF, the proposed building must be compared with that it replaces. In this respect the volume calculations have been provided in support of the proposal:
- Total floor area of existing buildings: 70.4m²
 - Total floor area of proposed building: 72m²
 - Total volume of existing buildings: 177.57m³
 - Total volume of proposed building: 198.08m³
- 8.16 It is noted that whilst the proposed dwelling will be somewhat larger in volumetric terms in relation to the development than that it replaces, in visual terms it would not be materially larger than that it replaces. The removal of the existing haphazard stables building and outbuildings appear cluttered on the site and removal would materially increase openness. The proposal will replace existing buildings with no architectural or historic merit. In addition, the proposed dwelling would be located on the same footprint as the existing stables but would be approximately 0.4m higher than the existing ridge height of the stables. Although marginally higher the proposal will still be limited to one storey in height.
- 8.17 Whilst the proposed dwelling would have a greater overall perceived mass and bulk than the existing outbuildings, arising from the concentrated block form of the building, it is considered that the proposal would not result in a disproportionate addition over and above the size of the original buildings. In this respect, the volume of the proposed building would not be disproportionate to the size of the original building and existing outbuildings on site.
- 8.18 In assessing harm to the openness of the Green Belt, consideration must be given to the spatial and visual impacts of the development. Whilst in both spatial and visual terms the dwelling of the size proposed would lead to a minor impact on openness this is not of such magnitude that it would cause any significant harm to the openness and visual amenities of this part of the Green Belt. Taking into account some of the very special circumstances set out above, there would be limited harm as outlined below.
- 8.19 By virtue of the above, the proposals would not be any more harmful to the openness of the Green Belt than the existing development. Being contained within the volume and footprint of the existing building and being of a sympathetic design within the rural character of the area. The proposed development would not encroach into the wider undeveloped areas of the Green Belt nor would result in sprawl.
- 8.20 Appropriate development does not cause harm to the openness of the Green Belt as recent case law has determined that, where development is found to be 'not inappropriate' when applying paragraphs 149 and 150 of the Framework, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green

Belt. Therefore on this basis the proposals are compliant with paragraph 149 (g) and paragraph 150 (d) of the NPPF and are considered to represent appropriate development within this area of the Green Belt and would not result in harm to its openness or character.

- 8.21 It is considered that there would be no demonstrable harm to the openness of the Green Belt from the resulting new building and land use change. The modest stable block and outbuildings sit neatly and discretely within the rural environment. In this regard, they are in keeping with a number of other ancillary buildings, also visible within the area.
- 8.22 The existing stables are tight to the boundary, in close proximity to the existing adjacent built form. The adjoining land within the site remains largely open and contributes positively to the green and spacious quality of the landscape in this location. Having said that, the proposal would not be visually prominent when viewed from the front of Luzley Road. When viewed from the open, undeveloped Green Belt to the rear of the site, the proposed building would be seen in the context of the existing dwellings known as the Whitehall Cottage and Whitehall House. The building would not be visually prominent nor interrupt any views through the site from the beyond adjacent farmland to the north, west and east. Accordingly, the proposed development would not have an unacceptable visual impact upon the openness of the Green Belt.
- 8.23 The building would be less sprawling than the existing development on site and it is considered that the proposal would not form a dominant or prominent addition to the landscape resulting in further encroachment.
- 8.24 Whilst there would be an increase in the domestic appearance of the land, this would not result in an urbanising effect, nor have an unacceptable material impact on the openness for the following reasons:
- The size and scale of the proposed building – the building of a low pitched roof will ensure the proposal is not substantially larger than the existing roof of the stables block.
 - The proposed timber cladding materials would ensure that the dwelling will blend into the surroundings giving a rural feel.
 - The existing access would be utilised.
 - Replacement hardstanding is proposed from tarmacadam to stone further providing the area with a more 'rural' feel than the existing situation.
 - In terms of landscaping, landscaping improvements are proposed in the form of hedging, shrubbery and trees which will further screen the development from the surrounding area and neighbouring properties.
 - The existing haphazard structures and buildings on site that give a cluttered feel and appearance will be removed.
 - The appearance of an untidy site would be improved if the above points are incorporated.
 - The proposed use would be compatible with other residential properties in the area and it is considered there are tangible impacts on the land noticeably improved environmental impacts.
- 8.25 As such, in spatial and visual terms, the proposal will not have a greater impact on the openness of the Green Belt than the development it replaces. Therefore, for the reasons outlined above, on balance, the development is appropriate in the Green Belt, and the principle is acceptable.
- 8.26 It would be appropriate in this instance to attach a condition to remove permitted development rights for extensions/additions/outbuildings; given that future additions would negate the 'very special circumstances' justifying inappropriate development in the Green Belt.

9. DESIGN

- 9.1 Paragraph 130 states *“that planning policies and decisions should ensure that developments:*
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and,*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.”*
- 9.2 Paragraph 134 of the NPPF states that *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”.*
- 9.3 UDP Policy C1 states *“In considering proposals for built development, the Council will expect the distinct settlement pattern, open space features, topography, townscape and landscape character of specific areas of the Borough to be understood, and the nature of the surrounding fabric to be respected. The relationship between buildings and their setting should be given particular attention in the design of any proposal for development”.*
- 9.4 UDP Policy H10 states *“The layout, design and external appearance of proposed housing developments, which are acceptable in relation to other relevant policies in this plan, will be required to be of high quality and to meet the following more detailed criteria:*
- a) a design which meets the needs of the potential occupiers, provides an attractive, convenient and safe environment for the local community, and complements or enhances the character and appearance of the surrounding area, and*
 - b) suitable arrangements for parking, access to and from the highway, and delivery, refuse and emergency vehicles, including access by pedestrians, cyclists and disabled people, and for convenient access to public transport where appropriate, with no unacceptable impact on the surrounding highway network, and*
 - c) suitable landscaping and fencing, including retention of existing features such as trees and hedges where practical, which enhance the appearance of the development, ensure privacy and security where necessary, enable discrete storage of wheelie bins and minimise the visual impact on surrounding areas.*

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

- 9.5 Policy RD2 in the Residential Design SPD covers *general character considerations and is clear in their expectations of achieving high quality development that enhances a locality and contributes to place making taking into account the historic environment, proportions existing building styles.*
- 9.6 The proposed dwelling would be approximately 3.5 metres high. The dwelling will be constructed of (Larch or Cedar) vertical timber cladding with a zinc sheeting dark grey roof and grey uPVC/composite Windows and doors. The hardstanding area and footpaths within the curtilage are to be finished in stone.

- 9.7 Spaciousness and openness will be provided due to the generously sized garden to the south-west and open space to the sides, rear and front of the property which will contribute significantly to the visual quality of the area, and the pleasant rural nature of the site.
- 9.8 The form, bulk, design and materials would remain in keeping with its surroundings and inherent character of the existing building would be largely retained. The building will be sited on footprint of the existing stables and the LPA believe the proposal is a higher quality form of development than what is currently on site. Therefore the proposal would respect the design, scale, materials, character, appearance and proportions of the existing building and would preserve character and appearance of the surrounding area. The proposal is therefore considered to be acceptable in terms of design and is considered to be in accordance with the NPPF and policies C1 and H10 of the UDP and, Sections 11 and 12 of the NPPF.

10 RESIDENTIAL AMENITY

- 10.1 Paragraph 130(f) of the National Planning Policy Framework states that *“Planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
- 10.2 UDP Policy H10 states *“any proposed housing development will be required to be of high quality and to meet the following criteria: - (d) no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing, or traffic, and (e) minimisation of the opportunities for crime and anti-social behaviour.”*
- 10.3 Policy RD5 of the Residential Design SPD states *“Minimum Privacy Distances must be achieved”*.
- 10.4 Policy RD11 of the Residential Design SPD states *“Houses - all houses should have private amenity space of a size and function suitable for its intended occupants.”*
- 10.5 Policy RD12 of the Residential Design SPD states *“Communal areas should be a private space for residents. Spaces should be considered an element of the overall design. Areas should not comprise of a bland space adjacent to a car park. Where appropriate, areas should be secure. Spaces should enable multi-resident use.”*
- 10.6 Policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. Internal space is interpreted by reference to the nearest equivalent new national technical standard which is given in the Government's Technical housing standards - nationally described space standard document (THS).
- 10.7 Reflecting the requirement of Section 12 of the NPPF, that developments create places with a high standard of amenity for existing and future users, UDP policy H10(a) requires that the design of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, meets the needs of the potential occupiers.
- 10.8 Living Conditions for Existing Occupiers
Policy RD5 of the Tameside Residential Design SPD states that *“There should be 10metres between a habitable room window to a single storey blank wall and a distance of 21 metres should be retained between an elevation containing habitable room windows and a corresponding neighbouring elevation that also contains a habitable room window.”*
- 10.9 The proposed dwelling will be sited at its closest point approximately 22metres away from Whitehall House and approximately 22metres away from Whitehall Cottage. There are no

windows proposed to the side elevation facing the above properties. As such, the proposed impact on these neighbours is considered acceptable.

- 10.10 Whilst there would be angled views to the rear garden of Whitehall House from the proposed habitable room windows, it is considered that there would be no significant loss of amenity currently enjoyed by the occupier of Whitehall House that would warrant refusal of the application noting the separation distance between the proposal and the neighbouring property.
- 10.11 Following the above assessment, it is considered that the proposal would not result in an adverse impact on the residential amenity of any of the neighbouring properties. The proposal is considered acceptable and compliant with policy H10 of the UDP policy, RD5 of the SDP, and Sections 11 and 12 of the NPPF.
- 10.12 Living Conditions for Future Occupants
The technical standards (THS) recommend a minimum internal floor area of 70sqm for 2bed accommodation. 73sqm of internal floor area will be provided which meets the requirements of the THS.
- 10.13 Private amenity space is an essential part of the character and quality of the environment of residential properties. Commensurate with the size and type of dwelling, and the domestic activities it is intended to accommodate, residential properties usually require in-curtilage, private open space. In this instance the domestic activities will require private amenity space, sufficient in both size and appropriateness, to accommodate bin storage, clothes-drying and, sitting-out.
- 10.14 There is an extensive garden area that would provide a private outdoor space for future occupiers of the proposals and the private outdoor spaces proposed are considered acceptable in both size and appropriateness, to accommodate bin storage, clothes-drying and, sitting-out. Notwithstanding there is extensive areas of farmland. In addition the neighbouring property at Whitehall Cottage will still retain an adequate amount of private outdoor amenity space.
- 10.15 In terms of the residential environment that would be created the proposal is therefore considered compliant with policy H10 of the UDP; policies RD11 & RD12 of the SPD; and, Section 12 of the NPPF.

11 HIGHWAYS

- 11.1 Paragraph 111 of the Framework states that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 11.2 The LHA are satisfied that the access/egress from the existing access onto Luzley Road is satisfactory and meets the LHA requirements for max gradients of 1 in 14 and the visibility splays comply with Manual for Streets/LHA requirements.
- 11.3 Policy RD8 states that there should be a maximum of 2 car parking spaces for 2+ bedroom dwellings, this is also reiterated within policy T10 of the councils UDP. The submitted plan shows parking provision for 2 no. off street parking space within the redline boundary, which is in line with TMBC SPD requirements.
- 11.4 To promote sustainable modes of transport electric Vehicle Charging points are required for the development to be secured by condition.

- 11.5 The applicant must provide secure/covered cycle storage for the dwelling to LPCB LPS1175 Security Rating 2 standards, or similar approved for with sufficient space to access the cycles to comply with Policy RD10: Design of Cycle Parking - Tameside Residential Design Supplementary Planning Document, therefore provision for cycle storage will be conditioned.
- 11.6 The LHA are satisfied that the vehicle trips generated by the dwelling will not have not have in the LHA's opinion a residual cumulative impact on the road network that would be severe. Subject to the recommended conditions, the proposed impact on highway safety is considered acceptable and there are no objections from the highways engineers.

12. ECOLOGY & TREES

- 12.1 Paragraph 174 of NPPF states that *"Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;"*
- 12.2 No ecological report has been provided, the buildings proposed for demolition appear to be low risk for bats, being of timber construction with felt roofs, including sheds and similar outbuildings. These generally have lower potential to support roosting bats. Planning guidance advises that protected species surveys should only be required where there is a reasonable likelihood of the species being present, and impacted upon by the proposals. Therefore, in this instance, a bat survey is not required.
- 12.3 Bats and their roosts are protected by law, and can and do turn up in unexpected places. An informative could be attached to a grant of planning permission making the applicant aware of the legal protection that protected species such as bats receive, and that the granting of planning permission does not negate the need to abide by the laws that are in place to protect biodiversity.
- 12.4 A condition is recommended to ensure work that will impact on habitats where nesting birds may be present (for example demolition of a building or works to trees and other vegetation including undergrowth like bramble), should not be undertaken in the main bird nesting season (March – August) unless suitable checks for active bird nests have been undertaken.
- 12.5 As referenced above, section 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Wherever possible measures to enhance the site for biodiversity should be secured. These conditions are considered to be necessary to encourage enhancements and net gains for biodiversity to be delivered through the planning system.
- 12.6 The proposal does not involve the removal of any existing significant trees or vegetation, there are however a swathe of trees and hedging along the northern and eastern boundary.
- 12.7 The proposed site plan indicates that 8.no trees are proposed along the eastern boundary shared with Whitehall House and Whitehall Cottage. As a result the impact on ecology and trees is considered acceptable.

13. ARCHAEOLOGY

- 13.1 Policy C10 of the UDP states that *“Where development is proposed which could have an adverse effect on Scheduled Ancient Monuments or other nationally important remains, there will be a presumption in favour of physical preservation in situ. Development will not be permitted if it would cause material damage to the existing remains, nor detract from the aesthetic, historical or educational value of the site and its setting.*
Where development is proposed in other areas of known or suspected archaeological importance, the Council will ensure that:
(a) provision is made for the prior investigation and evaluation of the site, and
(b) facilities are made available for suitable inspection during site preparation, and
(c) sites and monuments are not needlessly damaged or destroyed, and unavoidable damage is mitigated, and
(d) preservation of the archaeological evidence in situ is the preferred solution, or if this is not justified, adequate provision is made for excavation and recording before and during development.
Wherever practical, measures should be taken to facilitate the conservation, accessibility and interpretation of archaeological remains, in the light of the educational, recreational and tourism potential which they may have.”
- 13.2 With regard to the below-ground archaeological potential of the site, again there are no sites listed within the site boundary, though GMAAS is aware of work that has recently taken place less than 200m to the north/north-west close to the electricity pylon on elevated ground above the site. A preliminary geophysical survey and evaluation via test-pitting has revealed the probable remains of a Bronze Age burial cairn with indications of a potentially extensive network of associated features. The site has potential to be of national importance, representing a previously unknown prehistoric landscape within this part of Greater Manchester, linking with other known Pennine-fringe sites in western Derbyshire and south-west Yorkshire. The elevated position of the cairn would have benefitted from relatively free-draining soils with good lines of sight to the valley basin to the west and the rising land to the east. Geophysical survey close to the cairn has not (as yet) identified anomalies that might be associated with any settlement, as these are likely to be on lower-lying ground closer to water sources, but the potential for being close-by the burial monument can not be ruled out.
- 13.3 Topographically there exists a shallow valley, potentially the former course of a stream, leading away from the proposed development site beyond the boundary to the south-west. The relatively level ground on which the development site is located, at the foot of the elevated ridge, represents an area of unknown potential.
- 13.4 GMAAS recommend that a carefully undertaken archaeological watching brief is maintained during groundworks associated with the development, particularly where any stripping of modern overburden will expose the natural land-surface beneath. This would allow for the identification and recording of any archaeological features and/or deposits that might be revealed, informing the necessity for any further stages of more detailed evaluation or excavation. As such there are no objections to the proposal subject to the recommended GMAAS condition to ensure that the archaeological works are undertaken.

14. DRAINAGE AND FLOOD RISK

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

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

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

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

- 14.3 The site is located within flood zone 1 and is at the lowest risk of flooding. The applicant has not submitted a drainage strategy, however the impact on drainage and flood risk is considered acceptable in principle subject to the recommended condition from United Utilities and the LLFA, for the submission of a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions.
- 14.4 Following the above, the proposals would not result in a detrimental impact on flood risk or drainage capacity.

15. GROUND CONDITIONS

- 15.1 The site falls outside of the Coal Authority’s defined Development High Risk Area. As such, a Coal Mining Risk Assessment is not required.
- 15.2 Early mapping (mid – late 1800’s) shows the site and surrounding area as open fields. A building (possibly Whitehall house / cottage) and various outbuildings are shown immediately to the east. Historical mapping appears to show very little changes to the site or surrounding area although, a stables and number of outbuildings currently occupy the site.
- 15.3 The site and surrounding area may have been used for agricultural purposes. Potential contaminants associated with this use include herbicides and pesticides. It was also common historically for ash to be spread across agricultural sites to improve soil drainage and plant growth. Ash fill is often associated with a range of contaminants including heavy metals and PAH’s. There is also the potential for made ground to be present at the site, which is commonly associated with a range of contaminants similar to those of ash fills and asbestos. Depending on the nature and depth of any made ground present, it may also pose a ground gas risk. The stables may also have been used to store potentially contaminating materials or products.
- 15.4 When considering the potential contamination and ground gas issues discussed above, it is recommended that the conditions proposed by the EPU are considered reasonable and necessary to ensure that future users of the proposed development would not be exposed to potential risks caused by contamination at the site, and subject to its imposition the application is thereby considered acceptable with regard to impacts on contaminated land.

16. OTHER MATTERS

- 16.1 There is no planning history for the construction of the stables and three outbuildings on this site, there has also been extensive hard-standing on site along with the creation of an access and erection of an access gate without planning permission.

- 16.2 Google earth images and aerial view images over a time period dating back to 2009 and taken into account the comments, details and photographs received from a member of the public and the applicant appears that the site has successively been developed over a period of 13 years. No enforcement complaints regarding the buildings on site, hard-standing and access gate have been received.
- 16.3 The agent has confirmed that the first stable block (timber frame clad in corrugated sheet) was completed in 2013. Stable 2 (flat base of flags and timber framework) was built in 2017 with a further food store also built in 2014.
- 16.4 Section 171B of the Town and Country Planning Act 1990 states that in the case where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed. Of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.
- 16.5 On the balance of probability taking into account the evidence, all of the operational development including hardstanding works appear to have been completed in excess of four years from when the application was made. As such, the construction of the stables, three outbuildings, hard-standing, creation of an access and erection of an access gate without planning permission are exempt from enforcement action.
- 16.6 The Council's Environmental Health team have reviewed the proposal and raised no objection subject to the recommended condition of construction/conversion works within appropriate hours (to protect the amenity of the area/nearby residential units). Bin storage has been provided on the submitted site plan. As such, the proposal is considered appropriate in relation to environmental amenity concerns.
- 16.7 The loss of a private view and the devaluation of a property are not material planning considerations.

17. PLANNING BALANCE AND CONCLUSION

- 17.1 The Council cannot demonstrate a five-year supply of deliverable housing sites in a recently adopted plan or in any annual position statement, as is required by paragraph 75 of the NPPF. In turn, the test in the 4th bullet point of paragraph 11 applies, so that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 17.2 The application proposes the erection of a 1no. detached dwelling within the Green Belt. The construction of new buildings in the Green Belt is considered inappropriate subject to one of the exceptions within policy 149 of the National Planning Policy Framework being met.
- 17.3 As explained within section 8 of the report – Principle of Development, the development comprises '*limited infilling or the partial or complete redevelopment of previously developed land*' and is therefore 'appropriate' having regard to the exceptions set out in Paragraph 149 (g) of the NPPF. Therefore the principle of development is considered acceptable.
- 17.4 The design and scale of the development is appropriate for this location and surrounding area. The applicant has responded positively to early suggestions of design improvement following the submission of pre-application, and it is considered that the development would be appropriate visually noting the existing site settings.

- 17.5 The proposal is considered not to be detrimental to residential amenity, given the nature of the proposed use and the considerable distance between residential uses.
- 17.6 The development would not cause undue impacts to highway safety, and would be considered acceptable subject to the imposition of conditions.
- 17.7 There are no objections to the proposals from the statutory consultees in relation to the proposals subject to the recommended conditions. The comments from neighbouring properties are noted however, it is considered that the neighbouring properties would not be subject to an unacceptable level of amenity that would warrant refusal of the application.
- 17.8 Overall, the proposal is considered to comply with the development plan and the NPPF, for the reasons set out in the report, and therefore Paragraph 11 of NPPF requires the development to be approved without delay. As such, it is recommended that planning permission is granted subject to recommended conditions. In accordance with policies outlined in the UDP and the National Planning Policy Framework.

RECOMMENDATION

Grant planning permission subject to the following conditions:

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

Location Plan - Dwg no : 1433-A-LOC
Existing Site Plan, Existing Floor and Elevation Plans - Dwg no : 1433.100
Proposed Site Plan, Proposed Floor and Elevation Plans - Dwg no : 1433.200 Rev : B
Supporting Planning Statement

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

Policy OL1: Protection of the Green Belt
Policy OL2: Existing Buildings in the Green Belt
Policy OL10: Landscape Quality and Character
Policy C1: Townscape and Urban Form
Policy C10 Development Affecting Archaeological 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
Policy N4: Trees and Woodland
Policy N5: Trees within Development Sites
Policy N7: Protected Species
Policy MW11: Contaminated Land
Policy U3: Water Services for Developments
Policy U4: Flood Prevention
Policy U5: Energy Efficiency and the National Planning Policy Framework (NPPF).

- 3) The materials of external construction shall be identical in appearance to those specified on the submitted application form and plans. The development shall be carried out in accordance with the approved details. Unless otherwise approved in writing by the local planning authority.

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

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

Reason: To ensure adequate cycle storage.

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

The specification of the charging points installed shall:

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

Reason: To promote sustainable modes of transport.

- 6) Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The strategy shall demonstrate that foul water and surface water shall be drained from the site via separate mechanisms and shall detail existing and proposed surface water run-off rates. The strategy shall also include details of on-going management and maintenance arrangements. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

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

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

Reason : In order that any proposals for future extensions/alterations can be assessed in the interests of safeguarding the openness of the Green Belt and neighbour amenity, in order to ensure compliance with Policies OL1 'Protection of the Green Belt', 'OL2: Existing Buildings in the Green Belt' and Policies C1 'Townscape and Urban Form' and H10 'Detailed Design of Housing Developments' of the Tameside Unitary Development Plan.

- 8) No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following:
1. Informed by the updated North West Regional Research Framework, a phased programme and methodology of investigation and recording to include:
 - i - an archaeological watching brief undertaken during groundworks
 2. A programme for post investigation assessment to include:
 - i - analysis of the site investigations records and finds
 - ii - production of a final report on the investigation results.
 3. Deposition of the final report with the Greater Manchester Historic Environment Record.
 4. Dissemination of the results commensurate with their significance.
 5. Provision for archive deposition of the report and records of the site investigation.
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: In accordance with NPPF Section 16, Paragraph 205 - To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

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

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

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

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

- 11) No works other than the excavation of the foundations and / or piling works for the development shall be undertaken at the site until the CLS2A Contaminated Land Screening Form has been submitted to, and approved in writing by the Local Planning Authority (LPA). Where necessary, a programme of investigation (including soil analysis and/or ground gas monitoring) shall be undertaken at the site in order to enable an assessment of the risks posed by contamination to be carried out. The proposed scheme of investigation shall be agreed with the LPA prior to being undertaken.

Where necessary, a remediation strategy detailing the works and measures required to address any unacceptable risks posed by contamination shall be submitted to, and approved in writing by, the LPA. The strategy shall include full details of the information that will be obtained in order to demonstrate the scheme has been appropriately implemented. The approved remediation scheme(s) shall be fully implemented and a verification / completion report demonstrating this and that the site is suitable for its proposed use shall be submitted to, and approved by, the LPA.

If, during development, contamination not previously identified is encountered, then 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.

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