

<b>Application Number:</b>	23/00650/FUL
<b>Proposal:</b>	New detached dwelling.
<b>Site:</b>	Fern Lodge, 134A Queens Road, Ashton-under-Lyne, OL6 8EG
<b>Applicant:</b>	Mr A Juceff
<b>Recommendation:</b>	Grant planning permission, subject to conditions.
<b>Reason for Report:</b>	A Speakers Panel decision is required because the application has been called in for a decision by Councillor McLaren.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D the Local Government Act 1972.

## 1. SITE & SURROUNDINGS

- 1.1 The application site comprises a corner plot at the junction of Queens Road (B6194) and Fern Lodge Drive and is located approximately 1km to the north-east of Ashton town centre. Queens Road is one of the main north-south routes from and to Ashton town centre. Fern Lodge Drive is a short no-through road that terminates at a cleared former mill site where, in April 2023, the Panel resolved to grant planning permission (ref. 22/00818/FUL) for 32 houses, subject to the completion of a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure financial contributions to off-site ecology and green space infrastructure. There is access from Fern Lodge Drive to playing fields behind neighbouring houses to the north in Queens Road.
- 1.2 The surrounding area is characteristically residential.

## 2. PROPOSAL

- 2.1 The site was occupied previously by a detached, stone-built bungalow, known as Fern Lodge, formerly Hurst library. The building has been re-modelled extensively so that it now comprises a new two-storey detached house that has incorporated and enveloped the previous bungalow. The principal, or front, elevation of the building remains the south-eastern side facing towards the neighbouring playing fields. There have been additions to the building on the north-eastern side and south-western side, and there has been an upward addition across almost all of the extended footprint of the building. The building now comprises a three-bedroom, 2-storey, detached house.
- 2.2 Externally, the walls of the building are finished with off-white/beige-coloured render.
- 2.3 Vehicular access in to, and egress from, the site remains along a driveway at the junction of Fern Lodge Drive with Queens Road, but set back from the footway behind a Council-owned, hard-surfaced highway verge. There is space enough to park more than three cars within the site. The provision of a secure cycle store is included in the proposal.

## 3. PLANNING HISTORY

- 3.1 21/00394/FUL - Remodelling of existing property to include addition of first floor and subsequent two storey front, rear and side extensions – withdrawn 30.06.2023

## 4. PLANNING POLICY

### **National Planning Policy Framework**

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

### **Development Plan**

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

#### Tameside Unitary Development Plan (2004)

### 4.5 **Part 1 Policies**

- 1.3: Creating a Cleaner and Greener Environment
- 1.4: Providing More Choice and Quality of Homes
- 1.5: Following the Principles of Sustainable Development.
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

### 4.6 **Part 2 Policies**

- H1: Housing Land Provision.
- H2: Unallocated Sites. H4: Type, Size and Affordability of Dwellings.
- H10: Detailed Design of Housing Developments.
- T1: Highway Improvement and Traffic Management
- T10: Parking
- C1: Townscape and Urban Form
- MW11: Contaminated Land

### **Supplementary Planning Documents**

- 4.7 Residential Design Supplementary Planning Document (SPD)

### **Places for Everyone**

- 4.8 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors have been appointed to carry out an independent examination. It is a joint plan covering nine of the ten

Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

- 4.9 Paragraph 48 in the NPPF sets out what needs to be taken into account when considering the weight given to emerging plans. It states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 4.10 Places for Everyone has been published and submitted, where examination is on-going. The inspectors have recently issued examination document IN36, which is a 'part one' post hearing note. IN36 states that subject to a number of action points contained therein, the inspectors are satisfied at this stage of the examination that a schedule of proposed main modifications are necessary to make the plan sound and would be effective in that regard. In addition, the inspectors have indicated their position on the proposed allocations and Green Belt additions. Other than consideration of final issues on five specific allocations, or a significant change in national policy, no further action points are likely to be issued before the main modifications are consulted on.
- 4.11 The plan is a material consideration and to date, very limited weight has been given to the policies within it, primarily due to the number of outstanding objections received as a result of previous consultations. However, following the above, it is now reasonable to give a greater degree of weight to the plan, being reasonable within the context of national planning policy.
- 4.12 Places for Everyone cannot be given full weight in planning decisions, as it does not form part of the adopted plan for Tameside. But given the stage reached, it is reasonable to give elements of the plan substantial weight, subject to the inspector's caveat that this is without prejudice to their final conclusions following consideration of responses to consultation on the main modifications later in the examination.
- 4.13 To clarify, IN36 gives a clear steer as to the wording required to make the plan sound. Substantial weight should therefore be applied to the text of the plan as amended by the schedule of main modifications, and not the published version of Places for Everyone.

#### **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 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 publicised by neighbour notification letters and the display of a site notice.

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

6.1 Councillor McLaren has commented that:

- there is a clear issue with overshadowing and lack of sun/daylight affecting the small semi detached properties directly at the rear facing Queens Road, which is a double blow to the residents as their gardens are south-facing;
- the property is too big for the site, similar to other developments in the St Michael's ward which are endeavouring to over fill sites, and if permission is granted it is likely to set a precedent;
- the property is located on a very busy junction which has double yellow lines and the applicant wishes to park three vehicles on this property, which should then be clearly indicated on the submitted plans. Given the size of the property there are likely to be numerous visitors; and,
- queries whether all necessary consents have been obtained from landowners.

6.2 Seven other representations have been received: one simply queries what are the differences between this and the previous (withdrawn) application; six are representations of support. The reasons cited for supporting the application can be summarised as follows:

- the development has improved a previously rundown and untidy site that was a target for vandalism, and where litter collected
- in terms of scale and appearance, the development is incorporated well with its surroundings
- the development has had a positive impact on the surrounding area, and added to the Boroughs housing stock, particularly of family homes.

## **7. RESPONSES FROM CONSULTEES**

7.1 The local highways authority considers that the development would not have an unacceptable impact on highway safety, nor would the residual cumulative impact on the road network be severe. A condition requiring the provision and maintenance of the parking facilities indicated on the submitted drawing, together with an informative note regarding working near to a highway, is suggested to be attached to any permission.

7.2 In order to mitigate the impact of traffic noise, the Head of Environmental Services (Public Protection) has suggested that a condition requiring the provision of noise insulation measures be attached to any permission. It is noted that the property is located within close proximity to potential sources of ground gas, i.e. reservoirs associated with the former mill on the neighbouring site, and as is the case for the majority of sites in the Borough there is also the potential for made ground at the site. It is therefore suggested that a condition requiring that details of the nature of the ground conditions encountered within any excavations at the site be provided within three months of any permission being granted.

## **8. ANALYSIS**

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

- the principle of the development;
- the impact on existing residential amenities, including the character and appearance of the site and the surrounding area;
- the residential environment created;
- the impact on highway safety and the road network.

## **9. PRINCIPLE OF THE DEVELOPMENT**

- 9.1 Residential use at the site is long-established and there is no designation or allocation for an alternative use. In order to make effective use of land, section 11 of the NPPF encourages as much use as possible of previously-developed, or brownfield, land. Previously-developed, or brownfield, land is defined in the NPPF as being 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. Constituting previously-developed land, the proposal for continued residential development on this unallocated site in an established residential area is considered acceptable in principle.

## **10. IMPACT ON EXISTING RESIDENTIAL AMENITIES**

- 10.1 Among other things, UDP policy H10(d) requires that housing developments do not result in an unacceptable impact on the amenity of neighbouring properties through loss of privacy or overshadowing. In order to prevent undue over-looking between dwellinghouses the Council applies minimum spacing distances that should be maintained between new and existing dwellings. These minimum spacing distances are given by policy RD5 of the Residential Design SPD. These distances are measured from habitable room windows.
- 10.2 There are no habitable room windows, that are primary windows to rooms, in the side of the neighbouring house in Queens Road, and no windows in the side of the house subject to the application that would look out into the garden of the neighbouring house. Windows to habitable rooms in the north-east facing wall, or rear, of the house subject to the application look out obliquely across the rear garden of the neighbouring house. In the house subject to the application, windows to habitable rooms look out over the garden and towards the playing fields beyond or else across Queens Road and Fern Lodge Drive. In this arrangement it is accepted that the development has not resulted in an undue impact, in terms of over-looking and over-shadowing of neighbouring houses, and so in these respects the proposal is compliant with policy H10(d) of the UDP, policy RD5 of the SPD and Section 12 of the NPPF
- 10.3 As was the Lodge, the building is situated at the end of a continuous row of houses where after, immediately to south, is an area of grassland. The use of render does not introduce a non-conforming external finish, whilst nearby houses are brick-built the Lodge was stone-built, nor does it interrupt a continuous row of brick-built houses. The stone boundary wall and metal railings are retained.
- 10.4 Given the separation distances that exist between the new house and its neighbours, it is considered that the presence of the proposed house does not appear out-of-keeping, or is disruptive, in the street scene. The development does not result in a cramped urban environment but rather provides a new, larger dwelling that is well integrated with the neighbours and make efficient use of the land available, and which achieves the necessary quality of design required by policies 1.3 and H10(a) of the UDP and Sections 2 and 12 of the NPPF.

## **11. RESIDENTIAL ENVIRONMENT CREATED**

- 11.1 UDP policy H10(a) requires that the design of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, meet the needs of the potential occupiers. To this end SPD policy RD18 recommends minimum floor areas that residential developments should achieve. Internal space being interpreted by reference to the nearest equivalent new national technical standard as given by the Government's technical housing standards – nationally described space standard document (THS), which require that a 3-bedroom, 2-storey dwelling, 6-person dwelling provides a minimum internal floor area of at least 102square metres (sqm). In order to provide one bedspace, a single bedroom should have a floor area of at least 7.5sqm and be at least 2.15m wide. In order to provide two bedspaces, a double bedroom should have a floor area of at least 11.5sqm. The submitted drawings indicate that each of the three bedrooms in the house could be a double bedroom.
- 11.2 The gross internal area of the house as built, as indicated on the submitted drawings, is approximately 264sqm and thus achieves the requirements of the THS for a 3-bedroom, 2-storey dwelling.
- 11.3 A condition of any permission suggested by the Head of Environmental Services (Public Protection) is that noise insulation measures be required. Despite Queens Road being a classified road (B6194), the proposal is not provide introduce a new dwelling, but rather the remodelling, albeit extensively, an existing dwelling in an established residential area. In these circumstances it is considered that the requirements of such a condition would impose an unjustifiable and disproportionate burden on the applicant.
- 11.4 Sufficient garden area is retained, particularly between the house and the neighbouring playing fields, to provide outdoor, private amenity space commensurate with a house of this type in this location.
- 11.5 Given the above, in terms of the residential environment that would be created the proposal is therefore considered compliant with policies 1.5 and H10(a) of the UDP; policy RD11 of the SPD; and, Section 12 of the NPPF.

## **12. IMPACT ON HIGHWAY SAFETY AND THE ROAD NETWORK**

- 12.1 The provision of space enough to park three cars in-curtilage is considered adequate to serve the re-modelled house. Provision for cycle storage is included in the proposals. The parking arrangements at the house allow for the provision of adequate visibility splays where driveway meet the highway. Having been consulted, the local highways authority has offered no objection. Given the relatively highly accessible location, there would be no unacceptable impact on highway safety nor would the residual cumulative impacts on the road network be severe so that, In terms of the impact on highway safety and the road network, the proposal is considered acceptable and compliant with policies H10(b) and T1 of the UDP and Section 9 of the NPPF.

## **13. OTHER ISSUES**

- 13.1 Whilst not a land use planning issue to be considered in the determination of the application, access to the driveway would be taken over land owned by the Council. Notice of the application has been served on the Council in accordance with the provisions of The Town and Country Planning (Development Management Procedure) (England) Order 2015. The Head of Estates has then confirmed that a licence for the homeowner to occupy the Council's land can be concluded, should planning permission be obtained.

## 14. CONCLUSION

- 14.1 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 74 of the NPPF. For decision-taking this means 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.
- 14.2 The principle of the development is established, and without impinging unduly on any existing amenities, it is considered that the house as built provides a new dwelling that conform to the relevant requirements of the Residential Design SPD, the UDP and the NPPF. The recommendation is therefore for approval.

## RECOMMENDATION

Grant planning permission, subject to the following conditions:

- 1) The development hereby approved shall be carried out strictly in accordance with the plan:

Plans and elevations As Existing – drawing no. 3849 rev. B – received on 25.08.2023.

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

- 2) The refuse and recycling storage space provision, indicated on the approved plan, drawing no. 3849 rev. B, shall be provided henceforth and thereafter maintained for the intended purpose at all times.

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

- 3) Within three calendar months of the date of this permission the parking spaces indicated on the approved plan, drawing no. 3849 rev. B, shall be surfaced in a solid bound permeable material (i.e. not loose chippings) and made available for the parking of motor vehicles, 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.

- 4) Within three calendar months of the date of this permission the cycle store indicated on the approved plan, drawing no. 3849 rev. B, shall be provided and thereafter maintained for the intended purpose at all times.

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

- 5) Within three calendar months of the date of this permission, full details of the nature of the ground conditions encountered within any excavations at the site and also the depth of foundations shall be submitted to the local planning authority. If any contamination was encountered, full details of any remedial works undertaken shall to be submitted for approval in writing by the local planning authority, in which case the discharge of this condition will depend upon any remedial works undertaken being satisfactory and being approved by the local planning authority. For further advice and guidance, please contact the Environmental Protection Unit on 0161 342 2691.

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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking and re-enacting that Order, with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed.

Reason: To prevent undue overlooking of neighbouring properties.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking and re-enacting that Order, with or without modification, express planning consent shall be required for any development referred to in Class A, Class AA, Class B and Class C of Part of Schedule 2 of that Order.

Reason: To prevent inappropriate additions to the building.