

Application Number:	23/00599/FUL
Proposal:	Erection of 4no. 1-bed bungalows with off-street parking.
Site:	Land on the Junction of Astley Street, Smith Street and Chapel Street, Dukinfield, SK16 4QN
Applicant:	Mr Darren Leetch
Recommendation:	Refuse planning permission.
Reason for Report:	A third party has requested to speak against the application before it 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 small wooded area of open space located at the junction of Astley Street, Smith Street and Chapel Street within Dukinfield. The site is roughly rectangular in shape and was until recently owned and managed by the council. Residential properties border the site, this includes 2-6 Smith Street which directly overlook the site, 313-321 Astley Street which share a rear boundary to the site and 240-252 Chapel Street which also overlook the site. These former are examples of late 19th Century brick terraces and the latter being 1950's Local Authority housing stock. Levels across the site are flat and it is publically accessible from the highway. There are 8 semi-mature trees on site which include beech, sycamore and oak, all of which are protected by a tree preservation order.

2. PROPOSAL

- 2.1 Planning permission is sought for the removal of a number of protected trees on site and the erection of 4no. 1 bedroom detached bungalow properties and associated landscaping. The dwellings would front and take access from Smith Street, opposite nos. 2-6.
- 2.2 Each dwelling would benefit from one off-street car parking space to the front of the plot with a private garden area to the rear.
- 2.3 Each of the bungalow properties would measure 5.7m x 7.5m and a 1m x 1.62m porch to the front elevation, with a total floor space of around 43sqm. Materials are proposed to be red facing brickwork, grey roof tiles (hipped roof), grey uPVC double glazed units and grey uPVC doors. 1.8m high timber fencing is proposed to the side and rear with a 1m high brick wall to the front.
- 2.4 All habitable living spaces would have access to natural light/ventilation. Internal living arrangements comprise a bedroom, open kitchen/lounge, wet room, store and central hallway connecting all rooms together.

PLANNING HISTORY

- 2.5 19/00260/FUL - Erection of a new 2-storey 13No bed HMO development with parking, amenity and ancillary spaces - Refused 20 June 2019

Reasons for refusal:

2.5.1 In the opinion of the Local Planning Authority, the site should be retained as an area of Open Space. The site functions as a valued area of open space within the local urban environment, it has a significant amenity value and contributes positively to local character and the overall local environmental quality. The development would result in a significant loss of this amenity function and the resultant reduction in the quantum of Open Space would exacerbate local deficiencies of residents access to functioning open space. The applicant has failed to demonstrate that there is a compelling regenerative case to support a departure from the development plan that seeks to retain such areas. Consequently the proposal does not meet the exception test of Tameside Unitary Development Plan Policy OL4 'Protected Green Space' or paragraph 97 of the National Planning Policy Framework and the loss of the Protected Open Space cannot be tolerated.

2.5.2 The development would result in the removal of 8 trees which have been assessed for their amenity value to warrant protection by a Tree Preservation Order. The loss of these high amenity trees would be significantly detrimental to the amenity and overall environmental quality of the area contrary to the requirements of policies of N4 'Trees and Woodland' and N5 'Trees within development Sites' of the Tameside Unitary Development Plan and Section 15 of the NPPF.

- 2.6 APP/G4240/W/19/3235933 (Appeal 19/00260/FUL) – Appeal Dismissed 18 November 2019

Summary:

- The proposed 13 bed HMO would make a modest contribution to the supply of housing. There would be limited economic benefits, most of which would be realised in the short term during the construction phase. There is little before me to demonstrate that there would be significant social benefits arising from a HMO in this location. Conversely, the proposal would result in the loss of protected green space and the associated valuable tree group. There would be significant harm to the character and appearance of the area. There would also be likely harm to a protected species.

3. PLANNING POLICY

National Planning Policy Framework

- 3.1 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.
- 3.2 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.

3.3 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.

3.4 The following chapters within the Framework are considered relevant:

- Section 2: Achieving Sustainable Development;
- Section 5: Delivering a sufficient supply of homes;
- Section 8: Promoting healthy and safe communities;
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land;
- Section 12: Achieving well-designed places;
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

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

Development Plan

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

Tameside Unitary Development Plan (2004) (UDP)

3.7 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 1.10: Protecting and Enhancing the Natural Environment.
- 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 H7: Mixed Use and Density.
- Policy H10: Detailed Design of Housing Developments
- Policy MW11: Contaminated Land
- Policy T1: Highway Improvement and Traffic Management.
- T7: Cycling
- T10: Parking
- N4: Trees and woodland
- N5: Trees within Development Sites;
- U3: Water Services for Developments
- U4 Flood Prevention
- U5 Energy Efficiency
- OL4: Protected Green Space

Supplementary Planning Documents

3.10 The following are relevant:

- Residential Design Supplementary Planning Document (SPD); and,
- Trees and Landscaping on Development Sites Supplementary Planning Document (SPD).

3.11 **Other Relevant Guidance**

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

Places for Everyone

3.12 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors 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.

3.13 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).

3.14 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.

3.15 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.

3.16 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.

3.17 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

3.18 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.

- 3.19 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.

4. PUBLICITY CARRIED OUT

- 4.1 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.

- 4.2 The representations received are summarised below within section 6 of this report.

5. SUMMARY OF THIRD PARTY RESPONSES

- 5.1 5no objections have been received. The following material comments have been raised (summarised):

- Loss of sun/day lighting/overshadowing, despite being single storey;
- Noise/ Hours of operation;
- Traffic/Parking matters – already on street parking issues with many people owning two vehicles plus work vehicles;
- Object to loss of green space;
- Development too big;
- Out of character;
- Sets a precedent;
- Visual amenity;
- Plan has been stopped before for larger building;
- Destruction of well-established stable trees which are protected by a Tree Preservation Order;
- Trees on site are good for local environment, homes for birds, carbon intake and oxygen out;
- Land is used all the time by local children to safely play out overlooked by parents and dog walkers;
- Concerns regarding maintenance of existing properties due to gardens/fencing abutting boundaries;
- Object to loss of existing trees and the planting of new trees along the common boundary with root systems causing damage to property;
- The one bedroom homes do not conform with the surrounding area so they will clash;
- Development area is too small for the proposal;
- Querying who the target market is for houses of this type;
- Appeal decision confirms Dukinfield has less than average amenity space;
- The small area could have been developed by the Council at a very low cost, with a seating area and flowerbeds which would increase biodiversity; and,
- Conflict with policy OL4.

- 5.2 Other issues have been raised which are not relevant to the decision (not constituting a material planning consideration):

- Loss of property value;
- Problems arising from the construction period (noise, dust, construction vehicles etc.); and
- Concerns regarding the sale of the land to private ownership.

6. RESPONSES FROM CONSULTEES

6.1 Local Highway Authority (LHA)

Object to the proposal.

6.2 Environmental Protection Unit (Contaminated Land)

No objection subject to the submission of a CLS1B contaminated land screening form prior to the commencement of development on site, in order to ensure that all potential contamination and ground gas risks are appropriately considered and where necessary, remediated during the development of the site.

6.3 Environmental Health (Public Protection)

No objections to the proposals subject to a condition controlling the hours of work during the construction phase of the development.

6.4 National Highways

Offer no objection to the proposal.

6.5 Arboricultural and Countryside Estates Officer

The proposed plans are not acceptable from an Arboricultural perspective, due to the required loss of protected trees.

6.6 Greater Manchester Ecology Unit

The proposals appear to result in a net loss of biodiversity for which no compensation has been made.

6.7 United Utilities

Strongly recommend that a detailed foul and surface water drainage plan is submitted as part of this application. Should permission be granted without the provision of this information, it is recommended that 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.

7. ANALYSIS

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

1. The principle of development with regard to recent planning history;
2. The impact of the proposed development on the character of the site and surrounding area;
3. The impact on the residential amenity of neighbouring properties and amenity of the future occupiers;
4. The impact on highway safety; and.
5. Any other material planning considerations.

8. PRINCIPLE OF DEVELOPMENT

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. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 208 - 219 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies.

- 8.2 Paragraph 213 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development.
- 8.3 Section 5 of the NPPF requires Local Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations. Further to this, when it comes to plan making, paragraph 62 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)".
- 8.4 Consistent with application 19/00260/FUL, a search of historic records identifies that the site was previously developed having supported terrace housing stock. Records suggest that these were demolished between 1967 and 1977. Recognising the passage of time and subsequent landscaping of the site it would not be reasonable to classify the land as being previously developed for the purposes of the planning assessment. The NPPF excludes land which had blended into the landscape from the definition previously developed land (PDL).
- 8.5 Whilst the site is unallocated, in lieu of its landscape value policy OL4 should be the prevailing policy against which the development proposals should be assessed against. Although the UDP pre-dates the NPPF, Policy OL4 is consistent with policies in the NPPF that relate to open space.
- 8.6 OL4 'Protected Green Space' applies to all areas identified as Protected Green Space and also equally to; *'areas of land in similar use but which are too small to be shown as Protected Green Spaces on the proposal map'*. Policy OL4 stipulates a number of qualifying criteria that may permit the release of Protected Open Space for development purposes. It however, makes clear reference that this criteria would not apply if; *'part or all of the land involved would continue to fulfil a local need for amenity space, provide a valued sense of openness in the street scene, maintain the character and environmental quality of the area, maintain an open land corridor or substantial enclave of open space within the urban area, provide links to or continuity with wider areas of countryside, or form a wildlife corridor'*.
- 8.7 In addition to the above it remains a core principle of the NPPF (paragraphs 92 & 93) that planning should plan positively for the provision and use of shared space. Paragraph 98 acknowledges the importance of the contribution that open spaces make to overall health and well-being. Paragraph 99 states that existing open space should not be built on unless the land is in question is surplus to requirements, would be replaced by space of an equivalent or better quantity/quality or is for alternative sport and recreation provisions.
- 8.8 No open space assessment has been undertaken specific to this application. Consideration of the site's value is that it provides a welcome area of openness within an otherwise dense urban grain. The space is framed by the highway and has a very meaningful and direct relationship to nearby residential properties. The trees which occupy the site are of a high amenity value, this value is further impressed by their prominence with in the street scene which give public view and ownership. A tree preservation order has now been placed on 8no trees on the site (The Smith Street, Dukinfield Tree Preservation Order (2019)).
- 8.9 It is therefore considered that the effect of the development would be to exacerbate local open space deficiencies in relation of functioning informal amenity/recreation space. Consideration to the current role and function of the green space identifies that it is a highly valued asset within the context of the local community and environment. The site has a very purposeful relationship to the residential properties on surrounding roads serving almost as a 'village green' function. The local terraced streets provide a dense form of development, the character of the area is also compromised by a dependence on on-street parking which detracts from the street scene. In contrast, the site presents an important break from the

built form which brings significant amenity benefits and actively achieves the environmental qualities referenced by policy OL4.

- 8.10 Further to the findings of the recent appeal decision, the current proposal is not deemed to be ancillary to the use of the land. It is not necessary to and it would not support the function of the land as open space. It would not provide a compensatory area of green space in a suitable location. Therefore, overall, the principle of development is contrary to policy OL4 and does not meet the exceptions set out in OL4 a) – c).
- 8.11 In recognising the significance of the loss of green space, and further to discussions in acknowledgement of the issues raised, the applicant has stated that they are willing to offer compensation through either the planting of trees at alternative location, a contribution under a section 106 agreement, or potentially conducting a loss of open space assessment if required. The applicant has advised that this would be in an effort to mitigate the impact and ensure a balanced approach to development and environmental conservation.
- 8.12 However in 2019, planning permission was refused for the erection of a new 2-storey 13No bed HMO development with parking, amenity and ancillary spaces. Although the scale of the refused scheme was greater than the current proposal, the impact in relation to policy OL4 remains consistent and is a strong material planning consideration.
- 8.13 As concluded in the first reason for refusal for planning reference 19/00260/FUL: *'In the opinion of the Local Planning Authority, the site should be retained as an area of Open Space. The site functions as a valued area of open space within the local urban environment, it has a significant amenity value and contributes positively to local character and the overall local environmental quality. The development would result in a significant loss of this amenity function and the resultant reduction in the quantum of Open Space would exacerbate local deficiencies of residents access to functioning open space...'*
- 8.14 In support of the subsequent appeal from 2019, an Open Space Assessment (OSA) was submitted in order to demonstrate that the site would meet the exception in policy OL4 (d), by virtue of being surplus to requirements and of no special significance to the interests of sport and recreation. The OSA relied on a study from 2010 (a full report was not provided) which found that there were a range of different types of open spaces in Tameside. However it also found that Dukinfield has below average amenity space, both in terms of the number of sites and their total area.
- 8.15 It was accepted by the Inspector at appeal that other types of open space can be found elsewhere, but ultimately the OSA failed to demonstrate that there was an adequate supply of amenity space in the area/ that the appeal site was surplus to requirements. In the absence of any site specific assessment, no additional evidence was provided to demonstrate that the application site was not of any significance to the local community.
- 8.16 Therefore, even if an open space assessment was undertaken as part of this application, the site is still occupied by a number of mature trees which collectively have been afforded a tree preservation order owing to the valuable contribution they make to the verdant character and appearance of the street scene and the townscape. As such, notwithstanding the provision of a potential OSA, the presence of the protected trees represents a fundamental issue/barrier to development on the site. The loss of these trees would be significantly detrimental to the amenity and overall environmental quality of the area, contrary to the requirements of policies N4 and N5 of the UDP. Replacement planting elsewhere would not be an acceptable solution and overcome this reason for refusal, give the harm that would arise specifically in this locality.
- 8.17 Although found to be contrary to Policies OL4, N4 and N5, It is nevertheless necessary to have regard to material considerations, specifically the NPPF and housing supply.

Housing Supply:

- 8.18 Whilst the principle of development is contrary to the development plan, it is nevertheless necessary to have regard to material considerations, specifically the NPPF.
- 8.19 In terms of housing development, the council cannot demonstrate a deliverable five year supply of housing land. It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, paragraph 11 is clear that where no five year supply can be demonstrated, the presumption in favour of sustainable development identified within the footnote of paragraph 11 of the NPPF should be applied to determine planning applications.
- 8.20 The balance between the loss of the functioning green space/protected trees and housing supply is not compelling. The representations that have been received coupled with the site assessment confirm that the site serves an important local green space function which fulfils a strong social and environmental role. The value of the site to the local community is reflected within the representations which are material to the balancing exercise. There is not considered to be an overriding economic (regenerative) case which would outweigh the associated harm that would result from development of the site/loss of the functioning green space. The contribution to housing supply does not outweigh consideration to the adverse social and environmental impacts and it is not considered that the proposals constitute a sustainable form of development to which there would be significant and demonstrable benefits.

9. CHARACTER AND APPEARANCE

- 9.1 The National Planning Policy Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Amongst other matters, paragraph 130 of the Framework requires new development to: function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout, appropriate and effective landscaping; be sympathetic to local character and history and establish and maintain a strong sense of place.
- 9.2 Policy C1 of the UDP, Townscape and Urban Form, states that 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. This is also echoed by UDP Part One Policy 1.3.
- 9.3 Policy H10 states that 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, and
 - 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. The Council will encourage and permit new and innovative design solutions wherever this can be achieved without adverse effects on existing character.

- 9.4 The Residential Design SPD also makes clear that proposals for new development should be drafted with an understanding of a place's character and identity, acknowledging the elements (buildings, features and spaces) that have shaped it and applying a respectful design that complements or enhances it. Policy RD2 provides detailed design criteria for new proposals. As set out in the above policies, in order to integrate sympathetically, the design of the proposal needs to be carried through to the proposed development in terms of: scale, massing, proportions, materials, fenestration patterns and general design/appearance.
- 9.5 In terms of design, the scale, overall proportions and general architectural style of the proposed bungalow properties fail to align with the surroundings and would be a departure from the well-defined character and established built form within the locality. That being traditional two storey/three storey terraced housing. The houses would provide an active frontage to Smith Street, but plot no.4 in particular, would have a poor relationship/connection with the adjoining road, Chapel Street, being situated at an askew angle with the proposed introduction of 1.8m fencing fronting the highway (in order to provide necessary levels of privacy for the future occupiers). It is accepted that alternative boundary treatment could be designed into the scheme, for example a matching brick wall, however this would have negative and unacceptable impacts on the visual quality of the street scene, of detriment to its openness and spaciousness. In this respect, the design of the proposal is contrary to the aims and aspirations of policy RD2 of the SPD and policies H10 and C1 of the Unitary Development Plan, as well as design criteria contained within the National Design Guide.
- 9.6 From a wider street scene perspective, the area of open space and subsequent trees that the site currently supports forms an important visual feature in the locality. Its contribution to the street scene and relationship to nearby properties adds significantly to local amenity. The development would result in the loss of practically all of the usable and functional area of the open space to development. This would undermine the value and use of the site, as it presently forms a welcome break from the dense built form and contributes positively to local streetscape and character. This openness and character would be lost to the development and the subsequent result would be harmful to the local environment.
- 9.7 In a bid to address the above issues, the applicant presented a revised draft site plan showing two pairs of semi-detached bungalows (as opposed to four detached). Accompanying elevation drawings were not provided. However due to the general scale/appearance of the bungalows, the draft proposal would have still failed to integrate sympathetically with the character of the existing street scene. The application is therefore considered on the basis of the original plans.

10. RESIDENTIAL AMENITY

Existing residential amenities

- 10.1 The NPPF outlines the importance of planning in securing good standards of amenity for future and existing occupiers of land and buildings. Policy H10 of the UDP states that new development should have no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing, or traffic.
- 10.2 Policy RD5 advises that buildings should be orientated to maximise levels of natural light / solar gain and minimise overlooking in habitable rooms and private gardens. To ensure this, the following minimum distances between extensions and existing properties are applied:
- Between two directly facing habitable rooms, a minimum distance of 21m is required and 14m between on street frontages and between bungalows.

- Between a habitable room window and a single storey blank wall, there should be a distance of 10m, which is increased to 14m for a two storey blank wall.

- 10.3 The above requirements can be relaxed in cases where there is oblique overlooking; or in cases which already fail to meet these standards, the Council can permit a further reduction in distance if it can be demonstrated that doing so will have no detrimental impact on the neighbouring property.
- 10.4 The proposal fails to comply with Policy RD5 (minimum privacy distances) of the Residential Design Supplementary Planning Document. The scheme falls short at around 10.8m between the properties opposite on Smith Street. With no clear material reasons to depart from these standards, Officers conclude there to be an unwarranted loss of privacy to the neighbouring occupiers, between the directly facing habitable room windows.
- 10.5 No other properties are considered to be unduly affected by the proposed development in regards to light, outlook and privacy. The development would be screened at the rear by a 2m high fence.

Residential Environment Created

- 10.6 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. To this end policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. Internal space is interpreted by reference to the nearest equivalent national technical standard which is given in the Government's Technical housing standards – nationally described space standard document (THS).
- 10.7 According to the THS, a 1 bed, 1 person, 1 storey dwelling should have a minimum gross internal floor area of 39m² (this is reduced to 37m² where a 1bed 1person has a shower room instead of a bathroom). In this instance the proposed dwellings are all single storey. Each of the bedrooms has access to natural light and ventilation. The bedroom is shown to be 8m² which is sufficient to accommodate one bedspace, in accordance with 10c of the THS. Overall, achieving an internal floor area of 43sqm, the proposal achieves the minimum space requirements.
- 10.8 In considering the level of private amenity space provided within the site to serve the proposed dwellings, regard has been had to Policy RD11 within the Tameside Residential Design Guide SPD. The Policy requires that all houses should have private amenity space of a size and function suitable for its intended occupants. In reviewing the proposals, the LPA are satisfied that gardens proposed will have adequate privacy to create a satisfactory useable/functional amenity space to serve the intended occupants.
- 10.9 Overall, despite the proposed dwellings being of a sufficient size with sufficient outdoor amenity space, there would be a loss of privacy to the existing occupiers of the residential properties opposite on Smith Street due to substandard separation distances being provided. Thus also resulting in a poor standard of amenity for the future occupiers of the proposed dwellings, contrary to Policy H10 of the UDP, the Residential Design SPD and the NPPF, in particular paragraph 130.
- 10.10 As above, in a bid to address the highlighted amenity issues, the applicant presented a revised draft site plan showing two pairs of semi-detached bungalows creating a 14m separate distance on the street frontage. However, given the other outstanding matters relating to the principle of development and design issues, accompanying elevation drawings were not provided and the scheme is considered on the basis of the original plans.

11. HIGHWAY SAFETY

- 11.1 The Local Highway Authority have considered the submitted plans (A1123-(02)AP001 revision P2) and cannot offer their support to the proposed development.
- 11.2 The application proposes off street parking arrangement for 4 dwellings on Smith Street to comply with Tameside MBC SPD Policy RD8: Parking Standards. This would require vehicles from the dwellings to access/exit at a location close to the junction of Smith St/Astley St and Chapel St, resulting in a highway safety concern, due to close proximity of the driveways to the junctions and the potential for conflict between vehicles accessing/exiting the dwelling and vehicles turning into the junctions and the reaction times involved by all drivers to assess speeds and forward visibility, the proposal is found to be unacceptable.
- 11.3 Tameside MBC Highways do not permit a vehicular dropped crossing to be constructed within 10m of a junction and 1.2m from a lighting column. The proposal would therefore be at a risk to public and highway safety, providing inadequate visibility splays, contrary to Policy T1 of the UDP, in particular subsections 1a) and d). The proposal therefore fails to achieve the required safe distances as required by the Local Highway Authority standards. The proposal would therefore fail to accord with the NPPF, in particular paragraph 111, which states that development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

12. CONTAMINATED LAND / GROUND CONDITIONS

- 12.1 The Council's Environmental Protection Unit (EPU) has reviewed the proposal and note the following:
- 12.2 Early 1851 town mapping shows a row of five terraced properties in the north west of the site running along Astley Street. A further single terraced property adjoins this row in the north east of the site. To the rear of these properties is larger building and two smaller buildings. The remainder of the south east of the site is open undeveloped land / fields and to the north - north west is the Peak Forest Canal. On the 1874 town map, a further row of five terraced properties has been constructed along the north east boundary of the site, running along Smith Street. These properties adjoin the ones in the north west of the site forming an 'L' shape. To the rear of these properties, the large unknown building and two smaller buildings are no longer present and instead, a single unknown building / structure is shown. There appear to have been no significant changes until circa 1940's when significant development has taken place in the surrounding area. On 1950's mapping, the terraced properties on site are identified as 303 – 311 Astley Street and 1 – 11 Smith Street. By the mid – late 1900's all properties on site have been demolished. The site appears to have remained undeveloped until the present day.
- 12.3 In addition to the above, mapping held by the EPU identifies the presence of a former landfill (called the Ashton-Under-Lyne Effluent Treatment Works Landfill) approximately 80 metres north – north west of the site on the opposite side of the Peak Forest Canal.
- 12.4 The former terraced properties on site may have been constructed from asbestos containing materials (ACM). The subsequent demolition of these properties may therefore have resulted in contamination of the soils at the site with ACM and asbestos fibres. The properties may also have had basements / cellars, which have since been infilled.
- 12.5 From experience of dealing with other sites in the borough, there is also the potential for made ground to be present. This type of ground is commonly associated with a range of contaminants including asbestos, heavy metals (e.g. arsenic, lead etc) and PAH's that may pose a potential risk to future site users / residents particularly, in garden and soft landscaped areas where soils are exposed. Depending on its nature and depth, made ground may also

pose a ground gas risk, as may the former landfill situated approximately 80 metres north – north west of the site.

- 12.6 On this basis, the EPU has no objection to the proposal subject to a condition requiring the submission of a preliminary risk assessment, site investigation strategy and remediation strategy, as well as a verification report to be approved in writing by the LPA. This is in order to ensure that any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 178 of The Framework. If the application was recommended for approval, a condition would be recommended on this basis.

13. DRAINAGE

- 13.1 The site is located within flood zone 1 and is therefore at a lower risk of flooding. In terms of drainage, United Utilities seeks a condition requiring foul and surface water to be drained from the development via separate systems and the submission and approval of a sustainable surface water drainage strategy. If the application was recommended for approval, a condition would be recommended on this basis.

14. TREES / ECOLOGY

- 14.1 Section 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Eight of the trees on the site are proposed to be removed and are subject to a tree preservation order.
- 14.2 The condition of the trees was deemed to be 'fair' with only minor defects which can be resolved with pruning, and the potential for the ground to be retained for circa 40 years. The Council's Arboricultural and Countryside Estates Officer has stated that as a group these trees are of significant amenity value to the surrounding area and their loss could not be mitigated for on the site while facilitating the development. Therefore the proposed plans are not acceptable from an arboricultural perspective, due to the required loss of protected trees. The
- 14.3 Greater Manchester Ecology Unit has been consulted on the proposal offering the following comments: No ecological information appears to have been submitted with the application. From aerial photography the site appears to support amenity grassland with trees. Overall the proposals appear to result in a net loss of biodiversity for which no compensation has been made. The proposals are therefore currently contrary to chapter 15 of the National Planning Policy Framework, which requires development to achieve a measurable net gain for biodiversity.

15. OTHER MATTERS

- 15.1 The Council's Environmental Health Officer has no objection to the proposal and recommends a condition controlling construction/conversion hours. If the application was recommended for approval, a condition would be recommended on this basis.

16. CONCLUSION

- 16.1 The site functions as a valued area of open space within the local urban environment, it has a significant amenity value and contributes positively to local character and the overall local environmental quality. The development would result in the loss of this amenity function and the resultant reduction in the quantum of open space would exacerbate local deficiencies of

resident's access to functioning open space. The application has not been supported by a compelling regenerative case to support a departure from the development plan that seeks to retain such areas. Notwithstanding the Council's current position on 5 year housing supply, the proposals would not achieve the three dimensions of sustainable development.

- 16.2 The site is also occupied by 8no trees which are protected by the Smith Street, Dukinfield Tree Preservation Order (2019), owing to the valuable contribution they make to the verdant character and appearance of the street scene and townscape. The loss of these trees would be significantly detrimental to character. Replacement planting elsewhere would not be an acceptable solution given the harm that would arise specifically in this locality.
- 16.3 The scale, overall proportions and architectural design of the proposed bungalows fail to align with the surroundings and would be a departure from the well-defined character and built form within the locality.
- 16.4 The proposal fails to comply with Policy RD5 (minimum privacy distances) of the Residential Design Supplementary Planning Document. With no clear material reasons to depart from these standards, Officers conclude there to be an unwarranted loss of privacy to the neighbouring occupiers.
- 16.5 The proposed parking arrangements would require vehicles from the dwellings to access/exit at a location close to the junction of Smith St/Astley St and Chapel St, resulting in a highway safety concern, due to close proximity of the driveways to the junctions and the potential for conflict between vehicles accessing/exiting the dwelling and vehicles turning into the junctions and the reaction times involved by all drivers to assess speeds and forward visibility, the proposal is found to be unacceptable.
- 16.6 On this basis in accordance with the requirements of local and national policy the application is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. The site functions as a valued area of open space within the local urban environment, it has a significant amenity value and contributes positively to local character and the overall local environmental quality. The development would result in a significant loss of this amenity function and the resultant reduction in the quantum of open space would exacerbate local deficiencies of resident access to functioning open space. The applicant has failed to demonstrate that there is a compelling regenerative case to support a departure from the development plan that seeks to retain such areas. Consequently, the proposal does not meet the exception test of UDP Policy OL4 'Protected Green Space' or paragraph 99 of the National Planning Policy Framework and the loss of the protected open space cannot be tolerated.
2. The development would result in the removal of 8 trees which are protected by the Smith Street, Dukinfield Tree Preservation Order (2019). The loss of these high value amenity trees would be significantly detrimental to the amenity and overall environmental quality of the area contrary to the requirements of policies of N4 'Trees and Woodland' and N5 'Trees within development Sites' of the Tameside Unitary Development Plan.
3. By reason of their overall form, scale and appearance, the proposed bungalows would fail to integrate sympathetically with the locality and would be a departure from the well-defined character and established built form, out-of-keeping with their immediate context. The proposal is therefore found to be contrary to Policies 1.3, C1 and H10 of the Tameside

Unitary Development Plan and the National Planning Policy Framework, in particular paragraph 130.

4. The proposal would fail to achieve satisfactory separation distances between habitable room windows resulting in a loss of privacy for both the existing occupiers at No.2-6 Smith Street and the potential future occupiers of the proposed dwellings. The development would also not be the form of sustainable development that the National Planning Policy Framework sets out a presumption in favour of, as it would be contrary to Paragraph 130 of the National Planning Policy Framework which seeks, amongst other matters, a high standard of amenity for existing and future users. The proposal is therefore contrary to Policy H10 of the Tameside Unitary Development Plan, the Tameside Residential Design Supplementary Planning Document, in particular RD5, and the National Planning Policy Framework.
5. The proposed parking arrangements would require vehicles from the dwellings to access/exit at a location close to the junction of Smith St/Astley St and Chapel St, resulting in a highway safety concern, due to close proximity of the driveways to the junctions and the potential for conflict between vehicles accessing/exiting the dwelling and vehicles turning into the junctions and the reaction times involved by all drivers to assess speeds and forward visibility. The proposal is therefore contrary to paragraph 111 of the National Planning Policy Framework.