

**Application Number** 19/00108/FUL

<b>Proposal</b>	Variation of conditions 2 (approved plans), 5 (landscaping details) and 8 (tree protection) of planning permission 17/00794/FUL to make alterations to the elevations of one of the plots, the soft landscaping and boundary treatments approved under that planning permission.
<b>Site</b>	2-32 Wordsworth Road Denton
<b>Applicant</b>	Keyworker Homes (Macclesfield) Limited
<b>Recommendation</b>	Grant planning permission subject to conditions
<b>Reason for report</b>	A Speakers Panel decision is required because the application constitutes major development.

**1. APPLICATION DESCRIPTION**

- 1.1 The applicant seeks to vary 3 of the conditions imposed on the original planning permission (ref. 17/00794/FUL) to allow variations to the landscaping scheme and boundary treatments to be implemented as part of that approved scheme, with minor revisions proposed to the elevations of one of the plots. Planning permission 17/00794/FUL granted full planning permission for the erection of 16 x 3 bed dwellings on the site.
- 1.2 The amendments to the elevations propose the replacement of a door on the side elevation of plot 4 with a false door that would serve as a window to the kitchen of the home in question instead of a usable door, along with removal of the canopy above the door shown on the current approved plans.
- 1.3 The landscaping plan submitted with this variation of conditions application comprise the incorporation of more details of the various types of boundary treatment and some minor amendment to the previously approved treatments and the details of the planting within the development.

**2. SITE & SURROUNDINGS**

- 2.1 The site measures approximately 0.34 hectares and is located at the junction of Wordsworth Road to the east and Mancunian Road to the north and is within a residential area. To the south the site adjoins Spenser Avenue.
- 2.2 Located to the south west is a multi-storey apartment block with a four-storey apartment building to the north west. On the opposite side of Manchester Road and Wordsworth Road are other multi-storey apartment buildings. To the south of Spenser Avenue is two and three storey residential accommodation.
- 2.3 The site was previously occupied by a number of retail units with apartments above, but all buildings have now been demolished and the site is currently vacant with soft and hard landscaping in localised areas on the site.

**3. RELEVANT PLANNING HISTORY**

- 3.1 17/00794/FUL - Residential development comprising 16 no. 3 bed houses – approved
- 3.2 13/00929/FUL - Proposed residential development comprising 16no. 3 bed houses – approved (lapsed May 2017)

- 3.3 10/00361/FUL - Renewal of previous consent 05/01071/FUL for 60 no. 1, 2 and 3 bed apartments together with 2no. retail units – approved
- 3.4 05/01071/FUL - Residential development comprising of 60no. 1, 2 and 3 bed apartments and 2no. retail units – approved

#### **4. RELEVANT PLANNING POLICIES**

4.1 National Planning Policy Framework (NPPF)

4.2 Planning Practice Guidance (PPG)

4.3 **Tameside Unitary Development Plan (UDP) Allocation**  
Unallocated, within the settlement of Denton.

#### **4.4 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
- 1.6: Securing Urban Regeneration
- 1.10 Protecting and Enhancing the Natural Environment
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

#### **4.5 Part 2 Policies**

- H1: Housing Land Provision
- H2: Unallocated Sites.
- H4: Type, size and affordability of dwellings
- H5: Open Space Provision
- H7: Mixed Use and Density.
- H10: Detailed Design of Housing Developments
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management.
- T10: Parking
- T11: Travel Plans
- T13: Transport Investment
- C1: Townscape and Urban Form
- N7: Protected Species
- MW11: Contaminated Land.
- U3: Water Services for Developments
- U4 Flood Prevention
- U5 Energy Efficiency

#### **4.6 Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2019;

The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 (“GMSF”) which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections

Residential Design Supplementary Planning Document; and,  
Trees and Landscaping on Development Sites SPD adopted in March 2007.

#### **4.7 National Planning Policy Framework (NPPF)**

Section 2: Achieving sustainable development  
Section 5: Delivering a sufficient supply of homes  
Section 8 Promoting healthy and safe communities  
Section 11: Making efficient use of land  
Section 12: Achieving well designed places  
Section 15: Conserving and enhancing the Natural Environment

#### **Planning Practice Guidance (PPG)**

- 4.8 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.

### **5. PUBLICITY CARRIED OUT**

- 5.1 Neighbour notification letters were issued 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. This is in addition to a site notice and press notice.

### **6. RESPONSES FROM CONSULTEES**

- 6.1 Borough Tree Officer: No objections to the proposals. The proposed soft landscaping scheme is considered to be appropriate.
- 6.2 Local Highway Authority: No objections to the proposals, subject to the re-imposition of the conditions attached to the original permission relating to highways matters.

### **7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 No third party representations have been received.

### **8. ANALYSIS**

- 8.1 National Planning Practice Guidance promotes flexible options for planning permissions. Section 73 of the Town and Country Planning Act 1990 allows for applicants to apply to the Local Planning Authority to amend or vary conditions placed on a planning consent. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. The only restriction under section 73 is that planning permission cannot be granted to extend the time limit within which a development must be started.
- 8.2 NPPG advises that; 'In deciding an application under section 73, the local planning authority must only consider the disputed condition's that are the subject of the application – it is not a complete re-consideration of the application'. The original planning permission will continue to exist.
- 8.3 The principle of development was established through the granting of planning permission for the erection of 16 x 3 bed units on the land under application ref. 17/00794/FUL. The plans submitted with this variation of condition application do not propose to alter the number of dwellings, the layout of the development or the means of access as approved under the original planning permission.

- 8.4 The current permission is subject to a Section 106 Agreement which secures financial contributions towards education and off site green space enhancement schemes. The issue of contributions is therefore not to be revisited in this application. There is a clause in the Agreement which allows variation applications such as this to be approved without affecting the obligations that the developer has committed to as part of the original planning permission. As such, no deed of variation to the Section 106 Agreement would be required to ensure that the obligations are still legally binding.
- 8.5 The issues to be assessed in the determination of this planning application are the impact of the revisions to the previously approved appearance of the dwellings and the landscaping and boundary treatments on:
- the character of the surrounding area;
  - the residential amenity of neighbouring properties

## **9. CHARACTER AND APPEARANCE**

- 9.1 The proposed alterations would not result in a change to the location or orientation of any of the properties from the extant scheme. The replacement of the door with a false door and window in the northern gable elevation of plot 4 is considered not to be an alteration that would adversely affect the character of the development or the surrounding areas from public views.
- 9.2 In relation to the alterations to the proposed hard landscaping scheme, the proposed amendments would improve the quality of the treatment on the western boundary adjacent to the turning head (at the end of the access road), replacing the timber fencing approved in the extant scheme with metal railings, resulting in a softer terminating vista on entry into the development. This variation application initially proposed that the rear garden area associated with plots 1, 2, 3 and the side and rear boundary of plots 9 and 10 would be demarcated by a timber feather edge fence.
- 9.3 Officers expressed concerns regarding this element of the proposals as these sections of plot boundaries would be visible from the main access road into the development. The proposals have been revised to propose metal railings with hedge planting behind along the boundaries of plots 9 and 10 and to reduce the height of the solid fencing to the rear of plots 1, 2 and 3 to 1.3 metres, with the upper 0.5 metre section to include trellis in the amended scheme. These amendments are considered to result in more appropriate boundary treatments across the development.
- 9.4 Following these revisions, the amended scheme is considered not to result in an adverse impact on the character and appearance of the site and the surrounding area in comparison with the extant permission.

## **10. RESIDENTIAL AMENITY**

- 10.1 Given that the scale, siting and orientation of the proposed buildings would remain as approved in the extant scheme, it is considered that the proposed amendments would not result in any materially different impact on the residential amenity of any of the neighbouring properties in terms of overshadowing. In relation to overlooking, the window to be installed in the northern gable of plot 4 would face the neighbouring properties to the north of Mancunian Road. Given the oblique relationship to be retained between that elevation and the block of flats on the opposite side of Mancunian Road, as well as the impact of the highway which bisects this distance, it is considered that additional opportunities for overlooking would not be detrimental to the residential amenity of those neighbouring properties.

## **11. OTHER MATTERS**

- 11.1 In relation to soft landscaping, the scheme includes native species hedgerow planting at the entrance to the development (including hazel, holly, blackthorn and Field maple) and new trees would be planted across the development, including Field Maple and Rowan. There would be fewer trees planted within the curtilage of the dwellings than in the extant scheme but more trees would be planted in the prominent public locations in the north western corner and on the grassed verges either side of the main entrance to the development. The planting of a higher number of trees within public areas outside of individual plots is considered to be a benefit in relation to the long term maintenance of the soft landscaping scheme. The Tree Officer has raised no objections to the proposals.
- 11.2 The unaffected conditions that were attached to the original planning permission are all considered to remain relevant and necessary to make the scheme acceptable in planning terms and are therefore proposed to be re-imposed should this variation of condition application be approved.

## **12. CONCLUSION**

- 12.1 It is considered that the proposed amendments to the previously approved scheme would be relatively minor in nature and would not result in an adverse impact on the character of the surrounding area, the residential amenity of neighbouring properties or any other material consideration.
- 12.2 There are no objections to the proposals from the statutory consultees in relation to the revisions proposed to the extant scheme.
- 12.3 The application is therefore considered to accord with the relevant national and local planning policies listed earlier in this report.

## **13. RECOMMENDATION**

Grant planning permission, subject to the following conditions:

1. The development must be begun not later than the expiration of three years from 14.03.2018 (i.e. the date that planning application 17/00794/FUL.)
2. The development hereby approved shall be carried out in accordance with the following approved plans:

1:1250 Site location plan (Drawing number C2082-01)  
Amended Proposed Block Plan (Drawing number C2082-02 Rev. B)  
Amended Proposed Floor Plans – 2 dwellings (Drawing number C2082-03 Rev. A)  
Amended Proposed Elevations – 2 dwellings (Drawing number C2082-04 Rev. A)  
Amended Proposed Floor Plans – 3 dwellings (Drawing number C2082-05 Rev. B)  
Amended Proposed Elevations – 3 dwellings (Drawing number C2082-06 Rev. A)  
Amended Proposed Ground Floor Plan – 7 dwellings (Drawing number C2082-07 Rev. D)  
Amended Proposed First Floor Plan – 7 dwellings (Drawing number C2082-08 Rev. B)  
Amended Proposed elevations – 7 dwellings (Drawing number C2082-09 Rev. D)  
Amended Plan entitled Amendments to Finishing Materials (Drawing number C2082-11 Rev. A)  
Landscaping Proposals Planting Plan (Drawing number WORD1307\_L003 Rev. H)  
Proposed Lighting and Installation Design Layout plan (Drawing no. 15120-D-01 Rev. A)

3. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and/or full specification of materials to be used: externally on the buildings; in the construction of all boundary walls, fences and railings; and, in the finishes to all external hard-surfaces have been submitted to, and approved in writing by, the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.
4. The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved proposed site plan Amended Proposed Block Plan (Drawing number C2082-02 Rev. B) prior to the first occupation of any of the dwellings hereby approved and shall be retained free from obstruction for their intended use thereafter.
5. The soft landscaping scheme detailed on the approved Landscaping Proposals Planting Plan (Drawing number WORD1307\_L003 Rev. H) shall be implemented in full prior to the first occupation of any part of the development hereby approved, in complete accordance with the approved details.
6. The approved landscaping scheme shall be implemented before the first occupation of any part of the development or in accordance with a programme agreed previously with the local planning authority. Any newly planted trees or plants forming part of the approved scheme which, within a period of 5 years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species.
7. No development, other than site clearance and site compound set up, shall commence until 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 has been 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 and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall be discharged to the public sewerage system either directly or indirectly unless specifically otherwise agreed in writing. Foul and surface water shall be drained on separate systems and in the event of surface water draining to the public surface water sewer, details of the flow rate and means of control shall be submitted. The scheme shall include details of on-going management and maintenance of the surface water drainage system to be installed. The development shall be completed in accordance with the approved details and retained and maintained as such thereafter.
8. No development shall commence until protection measures to meet the requirements of BS5837:2012 have been installed around the trees identified to be retained as part of the development hereby approved (as identified on the approved Landscaping Proposals Planting Plan (Drawing number WORD1307\_L003 Rev. H.) The measures shall remain in place throughout the duration of the construction phase of the development, in accordance with the approved details.
9. No development, other than site clearance and site compound set up, shall commence until such time as the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority.
  - i) A preliminary risk assessment to determine the potential for the site to be contaminated shall be undertaken and approved by the Local Planning Authority. Prior to any physical site investigation, a methodology shall be approved by the Local Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration.

- ii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment (including controlled waters) shall be approved by the Local Planning Authority prior to implementation.
- iii) Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority.
- iv) Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

The discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and other requested information have been provided to the satisfaction of the Local Planning Authority and occupation/use of the development shall not commence until this time, unless otherwise agreed by the Local Planning Authority.

- 10. No development above ground level shall commence until an updated Crime Impact Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall indicate how the design of the development meets the requirements of the document Secured by Design Homes 2016 or guidance which supersedes that document. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 11. None of the dwellings hereby approved shall be occupied until details of the means of storage and collection of refuse generated by the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of the required number of bins to be stored within each plot and any communal bin storage areas and scaled plans of the means of enclosure of all bin stores, including materials and finish. The bin storage arrangements for each dwelling shall be implemented in accordance with the approved details prior to the occupation of that dwelling and shall be retained as such thereafter.
- 12. No development shall commence until such time as a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:
  - Wheel wash facilities for construction vehicles;
  - Arrangements for temporary construction access;
  - Contractor and construction worker car parking;
  - Turning facilities during the remediation and construction phases;
  - Details of on-site storage facilities;

The development shall be carried out in accordance with the approved Construction Environmental Management Plan.
- 13. During demolition/construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank and Public Holidays.
- 14. The driveways to serve the development hereby approved shall be constructed from a bound material and on a level that prevents displacement of material or surface water on to the highway and shall be retained as such thereafter.

15. The external lighting scheme detailed on the approved Proposed Lighting and Installation Design Layout plan (Drawing no. 15120-D-01 Rev. A) shall be installed prior to the occupation of any part of the development hereby approved, in strict accordance with the approved details and shall be retained as such thereafter.
16. The openings in the following elevations of the development hereby approved (as identified on the approved proposed Block plan) shall be fitted with obscured glazing (to meet the requirements of Pilkington Level 3 as a minimum) and shall be fixed shut below a height of 1.7 metres above the internal floor level of the rooms that they serve:

Western gable elevation of Plot 1;  
Western gable elevation of Plot 13; and,  
Eastern gable elevation of Plot 3

The development shall be retained as such thereafter.