

Application Number 20/01027/FUL

Proposal	Demolition of existing detached bungalow and detached garage building and construction of 7 no. dwellinghouses and associated works on the land.
Site	164 Mottram Road, Stalybridge, SK15 2RT
Applicant	Mr Mahmood
Recommendation	Grant planning permission subject to conditions.
Reason for Report	A Speakers Panel decision is required because the applicant has been called in by one of the ward councillors.

1.0 APPLICATION DESCRIPTION

- 1.1 The applicant seeks full planning permission for the demolition of existing detached bungalow and detached garage building and construction of 7 no. dwellinghouses and associated works on the land.
- 1.2 The scheme proposes to take access from Mottram Road on the eastern boundary, with a pair of semi-detached properties positioned either side of the access on the eastern edge of the development. Due to relatively steep drop in levels in a westerly direction on the site, the dwellings would be 2 storeys in height on the elevations fronting onto Mottram Road, rising to 3 storeys on their western elevations.
- 1.3 The access road would scale the drop in land levels on the site (to be regraded as part of the proposed development), down to the level of 3 detached dwellings in the rear portion of the plot. As with the units in the eastern portion of the site, the front elevations of the properties in the rear portion of the plot would be 1.5 storeys in height (with accommodation in the roofspace), rising to 2.5 storeys on the rear elevations, facing the western boundary of the site.
- 1.4 The scheme proposes a mix of 1 x 3 bedroom, 4 x 4 bed and 2 x 5 bedroom properties.
- 1.5 The following documents have been submitted in support of the planning application:
 - Planning Statement;
 - Indicative Drainage Strategy;
 - Updated Ecological Appraisal;
 - Tree Survey; and
 - Contaminated Land Assessment.

2.0 SITE & SURROUNDINGS

- 2.1 The application site comprises the bungalow and associated curtilage at 164 Mottram Road and open land to the north and west of that property. The existing dwelling is located in the eastern portion of the site where land levels have been built up to be relatively flat. In the western portion of the site, land levels drop steeply away in a westerly direction from the eastern boundary of the site (fronting Mottram Road) down to the rear boundary of the site. Given the significant change in levels on the site, large retaining walls have been erected on the northern and western boundaries of the bungalow plot. There are trees protected by group Tree Preservation Orders on the land, adjacent to the northern and southern boundaries of the site.

3.0 PLANNING HISTORY

- 3.1 17/00925OUT - outline planning permission (all matters reserved) for the erection of 5 dwellings on the land following the demolition of the existing bungalow on the site – approved, 31 July 2018.

4.0 RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation:

The site is not allocated and is located within the settlement of Stalybridge.

4.2 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.
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.3 Part 2 Policies

- 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
- C1: Townscape and Urban Form
- N4: Trees and Woodland.
- N5: Trees within Development Sites.
- N7: Protected Species
- MW11: Contaminated Land.
- U3: Water Services for Developments
- U4 Flood Prevention
- U5 Energy Efficiency

4.4 Other Policies

Greater Manchester Spatial Framework - Publication Draft October 2018;

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 (SPD);
Trees and Landscaping on Development Sites SPD adopted in March 2007.

4.5 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 Effective Use of Land;
Section 12: Achieving Well-Designed Places; and
Section 15: Conserving and enhancing the natural environment

4.6 Planning Practice Guidance (PPG)

4.7 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.

5.0 PUBLICITY CARRIED OUT

5.1 Neighbour notification letters were issued and a notice 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.

6.0 RESPONSES FROM CONSULTEES

6.1 Local Highway Authority – no objections to the proposals, subject to a number of conditions being imposed on any planning permission granted. Conditions requiring details of the phasing of the highways works, the submission and approval of a Construction Environment Management Plan, the provision of secured cycle storage within each of the plots and the retaining structures to be installed and the retention of sufficient visibility spays from the access should be attached to any planning permission granted.

6.2 Lead Local Flood Authority – acknowledge that the site is in flood zone 1 and do not raise an objection to the proposals. Further information is requested prior to the determination of the application in relation to the feasibility of a sustainable surface water drainage strategy to serve the development.

6.3 Borough Tree Officer – expressed concerns in relation to the original proposal, specifically in relation to the loss of the trees identified as T3, 4, 5 and 6 (adjacent to the Mottram Road boundary of the site). Following revisions to the proposals and retention of these trees, the initial objection is withdrawn. Details of replacement planting for those trees that are to be lost should be secured by condition, along with the means of protecting the trees to be retained (including those that are subject to Tree Preservation Orders).

6.4 Borough Environmental Health Officer (EHO) – no objections to the proposals, subject to the imposition of conditions requiring the submission and approval of measures to mitigate the impact of external noise on the residential amenity of the future occupants of the development and limiting the hours of work during the construction phase of the development.

6.5 Greater Manchester Ecology Unit (GMEU) – there is evidence of the use of the existing garage on the site as a bat roost. The garage would be demolished as part of the proposed development and regard must therefore be had to the derogation tests in protected species legislation. In this case, it is considered that the mitigation measures proposed are of a standard sufficient to outweigh potential harm. Conditions requiring the implementation of these mitigation measures, the submission and approval of an external lighting scheme, details of the boundary treatments to be installed, details of a soft landscaping scheme (including the protection of trees to be retained) and details of a biodiversity enhancement scheme should be attached to any planning permission granted. Conditions limiting the timing of tree removal and the submission and approval of a method statement relating to the management of Himalayan Balsam are also recommended.

- 6.6 Borough Contaminated Land Officer – no objections to the proposals. Concur with the conclusions within the information submitted with the planning application regarding the potential contamination issues that need consideration and that a Remediation and Enabling Works Strategy is needed before movement of materials/soils at the site. A condition to this effect should be attached to any planning permission granted.
- 6.7 United Utilities - No objection to the proposed development subject to conditions relating to the details of foul and surface water drainage (including management of maintenance of sustainable drainage systems to be installed) being attached to any approval.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 Seven objections to the proposals have been received from neighbouring properties (following two rounds of notification), raising the following concerns (summarised):
- The Horse Chestnut trees adjacent to the Mottram Road boundary should be retained;
 - The boundary wall on the Mottram Road frontage should be constructed from stone as opposed to the brick wall that is proposed;
 - The proposals will result in harmful overlooking into and overshadowing of the neighbouring properties at no.s 3-11 Early Bank and on Acresbrook, adjacent to the site due to their close proximity and excessive height;
 - The removal of a substantial number of trees from the land has resulted in surface water draining from the site into neighbouring properties;
 - Evidence has been provided of the flooding of properties on Early Bank. The impact of surface water drainage from the site is made worse by the significant drop in levels down to the neighbouring properties. This scheme will increase the amount of hardstanding/developed area on the site and is therefore likely to increase flood risk;
 - Highway safety concerns associated with a net increase in dwellings in the locality and the intensification of an access point onto Mottram Road within close proximity of the junction with Early Bank;
 - The proposals will result in harm to the biodiversity value of the site;
 - The proposals involve substantial engineering works to change the land levels on the site, this will add to the surface water drainage concerns identified above;
 - The noise and disturbance that will occur during the construction phase of the development will result in harm to the residential amenity of neighbouring properties;
 - Protected trees appear to have been removed from the land without the required consent;
 - Four storey properties are considered to be of a scale that is out of character with the surrounding area;
 - The proposals that were granted outline planning permission were modest in scale and commensurate with the scale of neighbouring properties. Conversely, the proposals in this application are considered to be detrimental to the character of the area; and
 - The rear gardens of plots 5 to 7 are higher up than the properties on Early Bank and Acresbrook. This will result in a detrimental impact in relation to overlooking and surface water run-off.

Councillor Patrick has also written in response to the notification exercise, requesting that the application be determined at Speakers Panel if the officer recommendation is to approve, in light of the above objections and in particular those regarding flood risk.

8.0 ANALYSIS

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

- 1) The principle of development
- 2) The impact on the residential amenity of neighbouring properties;
- 3) The impact of the development on the character of the area;
- 4) The impact on highway safety;
- 5) The impact on the ecology and trees;
- 6) The impact on flood risk/drainage; and
- 6) Other matters.

9.0 PRINCIPLE OF DEVELOPMENT

- 9.1 For the avoidance of doubt, the land to the north and west of the dwelling is enclosed and is therefore not publically accessible. On that basis, the provisions of policy OL4 of the UDP are considered not to be relevant to the determination of this planning application.
- 9.2 The site is approximately one mile from the services and facilities in central Stalybridge. Whilst this is beyond reasonable walking distance, there are regular bus services running along Mottram Road, connecting to these facilities. The bus services along Mottram Road connect to Glossop, Stalybridge and Ashton, all of which are locations with services, facilities and sources of employment. Residential development surrounds the site. The site is therefore considered to be a sustainable location for residential development.
- 9.3 The site area is just over 0.3 hectares. The erection of seven dwellings on the site equates to a density of approximately 23 dwellings per hectare. Policy H7 of the UDP states that the Council will encourage schemes to make efficient use of land through development of densities between 30 and 50 dwellings per hectare. Clearly this scheme falls short of this density. However, the developable area of the site is limited by the presence of protected trees on the northern and southern edges and the implications of the dramatic drop in levels on the relationship with neighbouring properties. On that basis, it is considered that a lower density of development is justified in principle in this case.
- 9.4 Following the above assessment, it is considered that the principle of development is acceptable, subject to all other material considerations being satisfied.

10.0 RESIDENTIAL AMENITY

- 10.1 The adopted Residential Design Guide (RDG) requires 21 metres to be retained between corresponding elevations of properties of the same height that contain habitable rooms, reducing to 14 metres where properties face each other across a highway. A separation distance of 14 metres is also required to be retained where an elevation with a habitable room and a corresponding blank elevation face each other. An additional 3 metres should be added to these distances for each additional storey where buildings are taller than 2 storeys in height and 1 metre for every 1 metre change in ground levels between sites.

Impact on 20 Acresbrook (neighbouring property adjacent to the western boundary of the site):

- 10.2 The proposed plans indicate that a separation distance of approximately 17.4 metres would be retained between the rear elevation of the unit at plot 7 and this neighbouring property. The section plans demonstrate that the proposed basement level of plot 7 would be approximately 1.8 metres above the ground level of no. 20 Acresbrook, with the garden level of plot 7 approximately 2.3 metres higher than the neighbouring property.
- 10.3 There are two windows in the gable elevation of no. 20 Acresbrook. The first floor window is obscurely glazed and serves a bathroom. The ground floor window is a secondary window to a habitable room. Whilst that room is served by a window on the rear elevation of that

property and this provides another source of light into and outlook from that room, the issue of overlooking remained a concern in the original proposals, which included habitable room windows at the upper floor levels within the rear elevation of plot 7.

- 10.4 Officers have secured amendments to the proposed scheme to ensure that there are no primary habitable room windows on the west facing rear elevation of unit 7 above the basement level, save for rooflights which would not be at an angle that would allow direct overlooking into that neighbouring property. Those windows above basement level that would otherwise allow overlooking can therefore be obscurely glazed and fixed shut below a height that would prevent harmful overlooking into that neighbouring property, without harming the amenity of future occupiers.
- 10.5 The openings at basement level within plot 7 would be set sufficiently below the ground level of the neighbouring property to ensure that a treatment of 1.8 metres in height on the common boundary would prevent unreasonable overlooking from plot 7 into the habitable window on the corresponding gable elevation of no. 20 Acresbrook.
- 10.6 On the basis of the above, the rear elevation of the dwelling proposed at plot 7 can be treated as a 'blank' elevation for the purposes of applying the guidelines set out within the RDG, as outlined above. Following amendments to the height, the rear portion of the dwelling proposed at plot 7 is effectively 2.5 storeys in height, with direct overlooking not possible above the second storey. Given these circumstances, the proposed separation distance is considered to avoid any unreasonable overshadowing or overbearing impact on that neighbouring property.
- 10.7 Plots 5 and 6 within the proposed development would have a more oblique relationship with that neighbouring property, to a degree that would ensure that unreasonable overlooking between habitable rooms would be avoided. Following amendments to reduce the ridge height of the dwellings on those plots, it is considered that the separation distances to be retained to the western boundary of the site would be sufficient to prevent an overbearing impact on the amenity of the neighbouring property at 20 Acresbrook.
- 10.8 The upper floor windows on the rear elevation of plot 5 have been modified so that direct overlooking into the rear amenity space of 20 Acresbrook would be avoided. Given the fact that the proposed units at plots 5 and 6 are sited north east of that neighbouring property, unreasonable overshadowing would not occur.

Impact on the neighbouring properties on Early Bank (north of the site):

- 10.9 A separation distance of approximately 21 metres would be retained between the northern gable of plot 5 and the corresponding rear elevation of no. 11 Early Bank. The only window in the northern gable of plot 5 would serve a first floor landing and can therefore be required to be obscurely glazed and fixed shut below a height that would prevent any opportunities for overlooking, without harming the amenity of future occupiers.
- 10.10 The proposed section plans indicate that there would be approximately six metres difference between the ground floor level of the property at plot 5 and the floor level of the property at no. 7 Early Bank. The dwellings at plots 5 to 7 are split level between 1.5 storeys to the front and 2.5 storeys in the rear portions of those units. As the height of these units increases through the plot, the extent of the elevation above the level of the properties on Early Bank decrease.
- 10.11 Applying the RDG guidelines, the approximately 21 metre separation distance to be retained to the rear elevation of no. 11 Early Bank would exceed the requirements for a situation where a blank elevation of either a 3 storey building or a 2 storey building elevated 6 metres higher, faces a neighbouring property, by approximately 1 metre. It is therefore considered that there

would not be a harmful impact on the outlook from that neighbouring property as a result of the development.

- 10.12 There would be a more direct relationship between the proposed development and the properties at 7 and 9 Early Bank. However, the separation distances to those units would be comparable with no.11 and are therefore considered to be acceptable.
- 10.13 The property at no. 13 Early Bank extends closer to the northern boundary of the application site than no.11. However, the oblique relationship to be retained between plot 5 and that neighbouring property would be sufficient to prevent unreasonable overshadowing of or overlooking into that neighbouring property, in accordance with the RDG guidelines.
- 10.14 Plots 1 and 2 would be sited in the north eastern corner of the site. The plans indicate that a separation distance of approximately 21.8 metres would be retained between the rear elevation of plot 1 and no. 7 Early Bank. There would be two windows in the northern elevation of plot 1, both of which would serve a landing as opposed to habitable rooms.
- 10.15 These openings could therefore be obscurely glazed and fixed shut below a height that would prevent any opportunities for overlooking into no.7 or the other neighbouring properties on Early Bank, without harming the amenity of future occupiers. The oblique nature of the relationship to be retained between plots 1 and 2 and those neighbouring properties ensures that the separation distance would be sufficient to prevent an overbearing impact on or unreasonable overshadowing of any of the existing dwellings on Early Bank.

Impact on other neighbouring properties:

- 10.16 The neighbouring property at 170 Mottram Road to the south of the site sits at a higher ground level than the application site. Given this situation, the separation distances and oblique relationships to be retained, it is considered that none of the proposed dwellings would result in unreasonable overlooking into or overshadowing of that neighbouring property.
- 10.17 Sufficient separation distances would be retained between the proposed development and the properties at 3 and 5 Early Bank to the north west of the site and also the properties on the opposite side of Mottram Road (east of the site) to prevent any harmful overlooking into or overshadowing of any of those neighbouring properties.

Impact on the future occupiers of the development:

- 10.18 Approximately 19 metres would be retained between the corresponding elevations of plots 1-4 in the eastern portion of the site and units 5, 6 and 7 in the western portion of the plot. There would be a relatively significant change in levels (downwards in a westerly direction). However, the separation distance to be retained is considered to be sufficient to prevent unreasonable overlooking of or overshadowing to any of the future occupiers of the development. This assessment is made with regard to the fact that the relationship between the corresponding elevations would be similar to that across a street frontage, as per the RDG guidelines quoted above.
- 10.19 To conclude the matter of residential amenity, it is considered that the amended proposals would retain sufficient separation distances to ensure that the residential amenity of both existing neighbouring residents and future occupiers of the development would be adequately preserved, subject to the imposition of a condition requiring aforementioned openings to be obscurely glazed and fixed shut.

11.0 CHARACTER

- 11.1 Section 12 of the NPPF is entitled Achieving well-designed places. Paragraph 127 states that planning decisions should ensure that development achieves the following criteria (those relevant to this proposal):
- Developments that will function well and add to the quality of the area;
 - Developments that are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - Developments that are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities);
 - Developments that establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places;
 - Developments that optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space); and
 - Developments that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 11.2 Paragraph 130 of the NPPF states that ‘permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards....’
- 11.3 UDP policy C1 states ‘In considering proposals for built development, the Council will expect the distinct settlement pattern, open space features, topography, townscape and landscape character of specific areas of the borough to be understood, and the nature of the surrounding fabric to be respected. The relationship between buildings and their setting should be given particular attention in the design of any proposal for development.
- 11.4 The four dwellings that would be located adjacent to the eastern boundary of the site would back on to the Mottram Road boundary. This is contrary to the urban design principle that development should be outward facing to ensure positive engagement with its surroundings.
- 11.5 However, in this case there are considered to be material considerations that justify this design approach. There is a need to retain sufficient separation between the proposed buildings and the trees that are the subject of Tree Preservation Orders on the eastern boundary of the site. The mature trees provide a significant screen to the activity on the site at present.
- 11.6 It is also the case that the dormer windows on the elevation of the four dwellings that would front Mottram Road would give prominence to the design of the buildings when seen through the trees from public views on Mottram Road. In considering these elements collectively, it is considered that the treatment of the eastern edge of the proposed development would not result in a detrimental impact on the character of the surrounding area.
- 11.7 Objectors have referred to the scale of the buildings being excessive in relation to the height of neighbouring buildings. It is acknowledged that the existing building on the site is single storey and that the tallest of the properties to the north and west are predominantly 2 storeys in height. However, the detached dwelling to the south of the site is of much taller proportions and stands at 2 storeys with accommodation in the roof above. It is considered that the scale of the properties that would face Mottram Road would be commensurate with that of the property to the south.
- 11.8 The units in both the eastern and western portions of the site would be taller at the rear than the front due to the proposed treatment of the relatively steep change in land levels in a

westerly direction through the site. As a result of pre-application discussions, the applicant has proposed shorter units in the rear portion of the plot than the semi-detached units that would back on to the Mottram Road frontage. The three detached units in the rear portion of the plot would be 1.5 storeys (rooms in the roof above a single storey) on the front elevation, rising to 3 storeys at the rear.

- 11.9 The section plans indicate that the basement floor level of all of the detached units would be set below the garden level of the units by approximately 0.5 metres and it is also the case that the ridge height of the tallest of the detached house types has been reduced by 1 metre.
- 11.10 Given this combination of factors, it is considered that the scale of the development would not be detrimental to the character of the area and would respond appropriately to the change in land levels across the site and between the site and neighbouring properties.
- 11.11 The design of the houses would include tall gable features on the front elevations, which would give the development vertical emphasis, referencing the proportions of other properties on the Mottram Road frontage, particularly to the south of the site. Dorner windows would line through with the openings on the main elevations of the buildings, creating a uniformity that is again typical of period properties in the locality. The treatments of the boundaries of the plots and in particular the eastern edge of Mottram Road are important details that can be secured by condition.
- 11.12 In terms of overall plot layout, the central position of the access road on the eastern boundary would allow a symmetry to the Mottram Road frontage and the gable feature on the front elevation plot 6 would provide a strong terminating vista, at the end of the access road that will scale the declining land levels through the site.
- 11.13 On the basis of the above assessment, the proposals are considered to preserve the character of the site and surrounding area.

12.0 HIGHWAY SAFETY

- 12.1 The plans indicate that the proposed development would be accessed from Mottram Road on the eastern edge of the site. The access road would be positioned centrally along that edge of the site, allowing adequate visibility splays to be retained when using the proposed junction with Mottram Road.
- 12.2 The scheme would result in an intensification of the use of the site when compared to the established position. Although close to expiring, the outline planning permission for 5 dwellings remains extant at the time of assessing this full planning application. The net increase of two dwellings over the quantum of development approved by the outline permission is considered to have a limited impact on the capacity of the highway network. The assessment is corroborated by the lack of objection to the proposals from the Local Highway Authority (LHA).
- 12.3 Policy RD8 of the RDG indicates that two car parking spaces should be provided for 3 bedroom properties, with three spaces to be provided for properties with 4 or more bedrooms in locations such as this site. In the proposed scheme, the 4 x semi-detached units in the eastern portion of the site would be served by two car parking spaces, one being within an integral garage. The 5 bedroom units would be served by three car parking spaces with one being within an integral garage. The 3 bedroom unit at plot 7 would be served by two car parking spaces to the front of the dwelling.
- 12.4 The scheme therefore falls short of the standards set out in the RDG in respect of the 4 bedroom properties. Policy RD8 suggests that cycle parking is not required for properties that include integral garages. To provide mitigation for the deficit against the above

standards, it is considered reasonable to require cycle parking provision within each of the plots of the development, including those with garages.

- 12.5 As identified previously in this report, the site is considered to be situated in a sustainable location, with regular bus services within extremely close proximity of the site. These services allow connection to the services and facilities in Stalybridge and further afield by an alternative mode of transport to the private car. On that basis and given the additional cycle storage required as detailed above, it is considered that the level of parking provision would not be so low as to result in the displacement of car parking beyond the boundaries of the site to a degree that could be considered detrimental to highway safety.
- 12.6 In addition to cycle storage, the LHA recommends conditions requiring the submission and approval of a management plan for the construction phase of the development and the provision of the car parking spaces on the approved plans prior to the occupation of the apartments.
- 12.7 These conditions are considered reasonable and are attached to the recommendation. Details of the phasing of highway works and structural calculations relating to associated retaining structures can also be secured by condition.
- 12.8 Following the above assessment, it is considered that the proposals would not result in a detrimental impact on highway safety, subject to the imposition of appropriate conditions.

13.0 ECOLOGY AND TREES

- 13.1 As the scheme involves the demolition of a currently vacant building, any potential impact on protected species during this process must be given consideration. The applicant submitted a bat survey of the site, referring to previous surveys in which bat activity on the site was recorded. The garage of the existing dwelling on the site is considered to be a roost site for the purposes of assessing the scheme against the relevant protected species legislation.
- 13.2 Therefore, as identified in the updated survey report some form of Protected Species Licence (EPS) will be required from Natural England, to derogate from the provision of the legislation in order to implement the proposals should an application receive permission. In order to provide for a derogation under the legislation three tests exist, which the local planning authority must have regard to in their decision making:
- That the action is for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
 - That there is no satisfactory alternative; and
 - That the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.
- 13.3 GMEU has assessed the proposals and consider that the presence of small numbers of widely distributed frequent species of bat (a Common Pipistrelle was recorded in the survey period referred to above) at an occasional/transitional roost is considered to be of low conservation status. Following this assessment, GMEU consider that favourable conservation status (the third test) of the species can be maintained via the implementation of mitigation measures. They consider that the mitigation measures proposed in the survey submitted with the application (including details of any external lighting being approved) are adequate and compliance with these, along with a biodiversity enhancement scheme, can be secured by condition.
- 13.4 On the basis that these conditions are attached to any planning permission granted, along with details of soft landscaping scheme, limitation of the timing of tree/vegetation removal,

the protection of trees to be retained during the construction phase and a management plan for the treatment of invasive species on the site, GMEU has raised no objections to the proposals.

- 13.5 In relation to the impact on trees, the scheme has been amended to address concerns expressed by the Borough Tree Officer in relation to the original proposal, specifically in relation to the loss of the trees identified as T3, 4, 5 and 6 (adjacent to the Mottram Road boundary of the site). Following amendments to the scheme, the Tree Officer has confirmed that the initial concerns have been overcome, with these trees now all to be retained.
- 13.6 The trees to be removed in the amended scheme are considered to be of low amenity value and are therefore not a constraint to development from the Tree Officer's perspective. Subject to the aforementioned tree protection and soft landscaping conditions, there are no objections to the revised proposals in relation to the impact on trees, with the Tree Officer content that the revisions would avoid any harm to the protected trees on the site.

14.0 FLOOD RISK/DRAINAGE

- 14.1 The applicant has submitted an indicative drainage strategy in support of the application, which indicates the proposed location of drainage infrastructure to serve the development. The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding in relation to surface water.
- 14.2 The comments received from neighbouring properties regarding flooding of neighbouring properties on Early Bank are noted and the flooding caused to neighbouring properties is obviously a matter of concern. Paragraph 163 of the NPPF states that 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.' There are more stringent tests (sequential and exception) for residential development proposals in areas considered to be at a higher flood risk. However, as identified above, this site is not located in such an area.
- 14.3 The planning policy test for this proposal is therefore not to increase the rate of surface water run off above the existing situation. The LLFA consider that further information is required prior to the determination of the application in this regard. United Utilities have however raised no objection to the proposed development subject to conditions relating to the details of foul and surface water drainage (including management of maintenance of sustainable drainage systems to be installed) being attached to any approval.
- 14.4 The evidence provided of surface water flooding occurred without any substantive changes to the land levels on the application site. This current situation includes a rapid and significant drop in levels beyond the northern and western edges of the curtilage of the dwelling that currently occupies the site. The land levels are also higher on the application site at the common boundaries than the garden levels of the properties to the north and west of the site.
- 14.5 The proposed development would involve significant excavation and alteration of the land levels on the site to accommodate the proposed development. The main area of change in this regard would be in the central part of the site, between the two rows of dwellings. The alteration would include raising sections of the ground levels to create a more gradual descent in a westerly direction, with the dwellings built to accommodate the still significant change in levels through the site, as described previously in this report.
- 14.6 The proposed change in levels would result in a more gradual change through the site in a westerly direction. The section plans demonstrate that land levels in the south western part of the site (the location of plot 7) would reduce quite substantially. It is the case that levels would rise on the north western part of the site as part of the levelling exercise but it is considered that overall, the opportunities for draining surface water from the site before it

reaches the northern edge would increase as the extent of level change across the site would be substantially less when comparing the proposed and existing situations.

- 14.7 In relation to the potential impact of surface water run off on the neighbouring property to the west of the site (20 Acresbrook), the land levels would increase slightly to the rear of plot 5 compared to the existing situation, with smaller degree of change occurring to the rear of plot 6 and a reduction below the existing ground level to the rear of plot 7. It is also the case that the basement floor levels of the dwellings at plot 6 and 7 would sit below the finished ground level on the common boundary with that neighbouring property. It is therefore considered that the proposed development would not result in an increased risk of surface water flooding to that neighbouring property, subject to adequate drainage infrastructure being installed.
- 14.8 It is also the case that there is an extant permission for the redevelopment of the site for five dwellings. Whilst no matters of detail were approved as part of that outline approval, it is considered reasonable to assume that the quantum of development proposed would have necessitated broadly similar changes to the existing ground levels on the site than those proposed in this application. This is due to the limited surface area of the curtilage of the existing dwelling that occupies the south eastern portion of the site.
- 14.9 The quantum of development proposed in this application is greater than that approved in the extant outline approval. However, there is nothing to suggest that 5 detached properties on a similar overall footprint to this scheme could not come forward at the reserved matters stage pursuant to that outline permission. Even if the footprint of the 5 dwellings was to be less than this current scheme, the only viable option for access would be from the eastern boundary and as such, substantial land level changes would be required to facilitate that scheme.
- 14.10 Considering the above combination of factors, it is accepted that the flooding caused to the properties on Early Bank is a regrettable situation. However, as assessed in detail above, it is considered that the proposed development would result in less dramatic changes to land levels across the site than the existing situation, which when coupled with a sustainable drainage strategy, could have a beneficial impact on the rate of surface water run-off from the site.
- 14.11 As stated previously, the site is not located in an area classified as being at a higher risk of flooding from a strategic perspective. Given this situation, the fact that the planning policy test is that development should not result in an increased risk of flooding and with regard to the extant planning permission that applies to the site, it is considered that there is insufficient evidence to conclude that the potential impact of the development on flood risk cannot be adequately mitigated through the use of appropriate conditions on any planning permission granted.

15.0 OTHER MATTERS

- 15.1 The Borough EHO has not raised any objections to the proposals, subject to the imposition of a number of conditions. Details of the exact location and capacity of bin storage arrangements to serve development can be secured by condition. A condition limiting the hours during which construction works take place is also considered to be reasonable in this case, given the close proximity of neighbouring residential properties.
- 15.2 The EHO has recommended that a condition requiring the submission and approval of a scheme to mitigate the impact of the noise associated with traffic on Mottram Road prior to the commencement of development is attached to any planning permission granted. Given the close proximity of the building to the highway, the condition is considered to be reasonable and is attached to the recommendation.

- 15.3 In relation to ground contamination, the Council Environmental Health Protection Unit has recommended a condition be attached to any planning permission, requiring a full investigation into sources of contamination on the site. Given that the proposal would involve excavation beyond the footprint of the existing building and its curtilage on the site, this condition is considered to be reasonable and it attached the recommendation.
- 15.4 The site is not located within an area identified as being at high risk in relation to the lands stability issues caused by coal mining legacy. An informative advising the developer of their responsibilities in this regard can be attached to the planning permission.
- 15.5 In accordance with the Written Ministerial Statement (WMS) of 28 November 2014 and the subsequent update to the PPG, no tariff based contributions are to be sought in relation to open space or education provision, as the proposal would not exceed 10 dwellings. The WMS is a material planning consideration, forming part of the Planning Practice Guidance. In addition, the NPPF is clear that affordable housing contributions should only be sought on major development (paragraph 63) and this proposal does not meet that trigger.
- 15.6 Given the need to boost the supply of housing in sustainable locations (such as this site which is within walking distance of a regular public transport services connecting the site to the services and facilities in Stalybridge town centre), it is considered that financial contributions are not necessary to make the scheme acceptable in planning terms. This same assessment applied to the extant outline planning permission for the erection of 5 dwellings on the site.

16.0 CONCLUSION

- 16.1 The proposals are considered to be acceptable in principle, with the quantum of development resulting in a density that is considered to be commensurate with the character of the surrounding area, which contains predominantly residential development. The site is considered to be sited in a sustainable location, within very close proximity of regular public transport services that provide an alternative to trips via the private car.
- 16.2 The scale and massing of the dwellings in the western (rear) portion of the site has been reduced to ensure that the impact of the proposals on the residential amenity of the neighbouring properties comply with the Residential Design Guide, as covered in detail in the main body of the report.
- 16.3 It is acknowledged that the scale of the proposed dwellings would be substantially taller than the existing building on the site and would be taller than the predominantly 2 storey properties on Early Bank and Acresbrook (north and west of the site respectively). However, the detached dwelling to the south of the site displays the grander proportions that the proposed elevations display, with evidence of similarly large properties along Mottram Road, particularly to the south of the site. On that basis, it is considered that the proposed development would not result in a detrimental impact on the character of the area.
- 16.4 There are no objections to the proposed access arrangements from the Local Highway Authority. Whilst there is a deficit in parking provision against the required standards, as detailed in the main body of the report, it is considered that a requirement to provide cycle parking provision within those plots that also include an integral garage would provide adequate mitigation, given the very close proximity of regular public transport services.
- 16.5 The concerns expressed by neighbouring residents regarding flood risk are acknowledged and this matter is covered in detail in the main body of the report. The site is located in an area considered to be at a lower risk of flooding at a strategic level. The proposals involve a reduction in the extremity of the land level changes across the site and that the site benefits from an extant outline planning permission for residential development. Given this

combination of factors, it is considered that planning permission could not be refused on the basis of an increased risk of flooding, subject to a sustainable drainage strategy for the site being approved prior to the commencement of development.

- 16.6 The impact of the amended proposals in relation to ecology and trees are considered to be acceptable, as are all other environmental impacts of the development, subject to the imposition of appropriate conditions.
- 16.7 It is considered that all other material considerations can be satisfied through the imposition of conditions, where appropriate, as detailed in the main body of the report. The proposals are therefore considered to comply with the relevant national and local planning policies quoted above.

RECOMMENDATION

Grant planning permission, subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved plans/details:
 - 1:1250 Site location plan and block plan (plan ref. PL001 Rev P12)
 - Proposed sections A-B (plan ref. PL002 Rev P12)
 - Proposed sections 1-3 (plan ref. PL003 Rev P12)
 - Proposed floor plans - plots 1, 2, 3 and 4 (plan ref. PL101 Rev P2)
 - Proposed elevation plans - plots 1, 2, 3 and 4 (plan ref. PL102 Rev P2)
 - Proposed floor area plans - plots 1, 2, 3 and 4 (plan ref. PL103 Rev P2)
 - Proposed elevation plans - plot 5 (plan ref. PL402 Rev P1)
 - Proposed floor plans - plot 5 (plan ref. PL401 Rev P1)
 - Proposed elevations plans - plot 6 (plan ref. PL202 Rev P4)
 - Proposed floor plans - plot 6 (plan ref. PL201 Rev P4)
 - Proposed elevations plans - plot 7 (plan ref. PL302 Rev P5)
 - Proposed floor plans - plot 7 (plan ref. PL301 Rev P5)
 - Proposed separation distances plan – plots 1-4 (plan ref. PL006 Rev P11)
 - Proposed separation distances plan – plots 5, 6 and 7 (plan ref. PL007 Rev P12)
3. 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.

4. Notwithstanding any description of materials listed in the application or detailed on the approved plans, 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 (including retaining 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.
 5. The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved proposed site (Drawing no. PL001 Rev P12) prior to the first occupation of any of the dwellings hereby approved and shall be retained free from obstruction for their intended use thereafter.
 6. Notwithstanding the details submitted with the planning application, prior to the first occupation of any part of the development hereby approved, details of the boundary treatments to be installed as part of the development shall be submitted to and approved in writing by the local planning authority. The details shall include scaled plans of the treatments and details of the construction material and the finish to be applied. The boundary treatments shall be installed in accordance with the approved details prior to the first occupation of any of the dwellings.
 7. 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; and
 - Details of on-site storage facilities.
- The development shall be carried out in accordance with the approved Construction Environmental Management Plan.
8. Notwithstanding the details shown on the approved plans, no part of the development 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 storage and the means of enclosure. 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.
 9. Notwithstanding the details submitted with the planning application, no above ground development shall commence until full details of a scheme of hard and soft landscaping to be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The scheme shall include the following specific measures:

- A plan showing the location of all trees/hedges/shrubs to be planted, details of the species mix, the number of specimens to be planted, spacing between them and their height on planting; and
- The location and construction material of all hard surfacing.

The landscaping scheme shall be implemented in accordance with the approved details prior to the first occupation of any part of the development hereby approved.

10. The approved soft landscaping scheme to serve the development 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.
11. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. 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.
12. Prior to the first occupation of any of the dwellings hereby approved, details of a scheme for external lighting to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a scale plan indicating the location of the lighting to be installed, a LUX contour plan indicating the levels of light spillage and scaled elevations of lighting columns/supporting structures. The external lighting scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained as such thereafter.
13. No work shall take place in respect to the construction of the approved highway, as indicated on the approved site plan, until a scheme relevant to highway construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of:
 1. Phasing plan of highway works
 2. Surface and drainage details of all carriageways and footways;
 3. Details of the works to the reinstatement of redundant vehicle access points as continuous footway to adoptable standards following the completion of the construction phase;
 4. Details of the areas of the highway network within the site to be constructed to adoptable standards and the specification of the construction of these areas;
 5. Details (including scaled location and section plans and engineering calculations) of retaining structures within the curtilage of the dwellings and within the highway; and
 6. Details of carriageway markings and signage.

No part of the approved development shall be occupied until the approved highways works have been constructed in accordance with the approved details or phasing plan and the development shall be retained as such thereafter.

14. Notwithstanding the details submitted with the planning application, no development shall commence until the following details have been submitted to and approved in writing by the local planning authority:

- Scaled plans showing the elevations of the development into which noise attenuation are to be installed; and
- Manufacturer's specifications of the noise attenuation measures to be installed within the openings of those units.

The noise mitigation measures shall be implemented in accordance with the approved details, prior to the first occupation of any of the dwellings and shall be retained as such thereafter.

15. No development above ground level shall commence until details of an electric vehicle charging strategy for the development has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the number of charging points to be installed, their location within the development and details of the management and maintenance of these facilities. The electric vehicle charging infrastructure shall be installed in accordance with the approved details, prior to the first occupation of any of the dwellings hereby approved and shall be retained as such thereafter.

16. No tree felling or vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive) unless otherwise agreed in writing with the local planning authority.

17. Prior to the occupation of any part of the development hereby approved, visibility splays shall be provided on both sides of the site access where it meets the footway. The visibility splays shall measure 2.4 metres along the edge of the site access and 2.4 metres along the footway. It must be clear of anything higher than 600mm above ground level. The visibility splays shall be retained as such thereafter.

18. No development above ground level shall commence until details of biodiversity enhancement measures to be installed as part of the development hereby approved has been submitted to and approved in writing by the local planning authority. The details shall include a specification of the installations and scaled plans showing their location within the development. The approved enhancement measures shall be installed in accordance with the approved details, prior to the first occupation of any of the dwellings and shall be retained as such thereafter.

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

20. Prior to the commencement of any development, protection measures meeting the requirements of BS5837:2012 shall be installed around the trees to be retained on the site and adjacent to the boundaries of the land. The protection measures shall be retained in place for the full duration of the construction works.

21. Notwithstanding the details illustrated on the approved plans, prior to the first occupation of any part of the development hereby approved, details of secured cycle storage to be installed within the development shall be submitted to and approved in writing by the local planning authority. The details shall include scaled plans showing the location of the storage and details of the means of enclosure. The secured cycle storage shall be installed in accordance with the approved details, prior to the first occupation of any part of the development and shall be retained as such thereafter.

22. The development shall be carried out in accordance with the mitigation measured detailed in the approved bat survey.
23. Prior to the first occupation of any of the dwellings hereby approved, the following windows openings shall be fitted with obscured glazing (meeting Pilkington Level 3 in obscurity as a minimum) and shall be fixed shut below a height of 1.7 meters above the internal floor level of the room that they serve:
- First and second floor windows in the gable elevations of plots 1-4 (as shown on approved plan ref. PL101 Rev P2);
 - Ground floor windows on the rear elevation serving a through kitchen/dining room and bathroom of plot 7 (as shown and labelled obscure glazing) on approved plan ref. PL301 Rev P5);
 - First floor gable window of plot 7 (as shown on approved plan ref. PL301 Rev P5); and
 - First floor window on the rear elevation serving bedroom 1 of plot 5 (as shown on approved plan ref. PL401 Rev P1)

The development shall be retained as such thereafter.