

**Application Number 21/00131/FUL**

<b>Proposal</b>	To vary condition 2 (specifying the approved plans) of planning permission ref. 18/00119/FUL - Construction of 5 No. detached houses and associated works - to allow for alteration of house type.
<b>Site</b>	Lindisfarne Road, Ashton-under-Lyne
<b>Applicant</b>	Darson Homes Ltd
<b>Recommendation</b>	Approve, subject to conditions.
<b>Reason for Report</b>	A Speakers Panel decision is required at the discretion of the Head of Service in accordance with the Panel's Terms of Reference. A member of the public has requested the opportunity to address the Panel before a decision is made. Accordingly, the applicant, or their agent, will also have the opportunity to speak.

**1.0 APPLICATION DESCRIPTION**

- 1.1 Planning permission (ref. 18/00119/FUL), granted with conditions in January 2019, allows for the development of 5 detached houses and associated works on land south of Grove Street, Ashton-under-Lyne. A condition (no. 2) of that permission specifies the approved drawings in accordance with which the development shall be carried out.
- 1.2 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Where there is a relevant condition that can be varied, one of the uses of a section 73 application is to seek what is often called a minor material amendment to an approved scheme. In this instance, the application proposes that condition no. 2 of the extant permission be varied so that it specifies different drawings, showing the proposed amendments.
- 1.3 As approved each of the five houses is two-storey and contains four bedrooms, including one in the roofspace. The proposed amendments that the variation of the condition would allow include increasing the number of bedrooms in four of the houses to five bedrooms, again utilizing the roofspace. As before, there would be dormers on the rear of each house. In order to achieve the increase in the number of bedrooms the upper floor of each house would be extended across the top of what in the approved scheme is an attached garage at the side of the house. The garages would then be integral to the houses. The new two-storey sections at the sides of the houses would remain set back from the main frontage but be built back to the same extent of the rest of the house, whereas previously the garage was set in from the rear. The two-storey sections of the houses on the side would however not only be set back from the front but also the eaves and roof ridges would be lower than those of the main section of the houses
- 1.4 As before, each house would be brick-built with a tiled roof. At Plot 1, which would remain a four-bedroom house, there would be a driveway alongside a front garden in front of the integral garage. At Plots 2 – 5, which it is proposed will be five-bedroom houses, there would also be a driveway in front of the integral garages as well as an additional parking space in front of the house. Access to the site would be as before along a new section of road extending from Grove Street.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 Prior to work commencing on the approved scheme, the site comprised an open, freely-accessible area of grassland at the north-western periphery of the built-up area of Ashton. The application site is traversed by a footpath that runs north to south and links Lindisfarne Road and Grove Street, both of which are no-through roads. The area of land to the east of the footpath, and which wraps around the rear of houses in Grovewood Close, is included in the application site but would remain undeveloped.
- 2.2 The northern boundary of the land on which the houses are proposed is formed by the side and rear garden of the end house in Grove Street. A footpath leading to open, green belt land, which adjoins the land to the west, separates the development site from the end house in Lindisfarne Road to the south. The rears of houses in Grovewood Close face towards the development site and the land that is to remain open, across the footpath that traverses the site north to south.
- 2.3 There are no footways in Lindisfarne Road but there is a turning head in the carriageway. There are footways on either side of Grove Street but no turning facility in the carriageway. The footway on the eastern side of Grove Street continues as the footpath that crosses the application site to link with Lindisfarne Road where it adjoins the path leading to the open land to the west.

## **3.0 RELEVANT PLANNING POLICIES**

### **3.1 Tameside Unitary Development Plan (UDP) Allocation**

Unallocated

### **3.2 Part 1 Policies**

- 1.3: Creating a Cleaner and Greener Environment.
- 1.5: Following the Principles of Sustainable Development.
- 1.8: Retaining and Improving Opportunities for Sport, Recreation and Leisure.
- 1.10: Protecting and Enhancing the Natural Environment.
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

### **3.3 Part 2 Policies**

H2: Unallocated Sites.

H10: Detailed Design of Housing Developments.

OL4: Protected Green Space

T1: Highway Improvement and Traffic Management.

T10: Parking.

C1: Townscape and Urban Form.

MW11: Contaminated Land

### **3.4 Other Policies**

Residential Design Supplementary Planning Document.

Tameside District Council PPG17 Open Space Study 2010

It is not considered there are any local finance considerations that are material to the application.

### **3.5 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 9. Promoting sustainable transport  
Section 11. Making effective use of land  
Section 12. Achieving well-designed places  
Section 15. Conserving and enhancing the natural environment

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

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.

## 4.0 **PUBLICITY CARRIED OUT**

- 4.1 The application has been advertised by means of neighbour notification letters dispatched on 1 April 2021 to 19 addresses in Lindisfarne Road, Grove Street, Croxdale Close, Grovewood Close, Marsden Close, Wordsworth Crescent and Howbro Drive, and with a notice being posted at the site on 6 April 2021. Further notification letters were dispatched on 21 May 2021 following the receipt of revised drawings.

## 5.0 **RESPONSES FROM CONSULTEES**

- 5.1 The Head of Environmental Services (Highways) has raised no objections to the proposal, subject to conditions and a note regarding parking provision and working near to a highway being attached to any permission.

## 6.0 **SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 6.1 Objections have been received from thirty four individuals from twenty-eight households. Nine of the individuals and households are not local, and two are from outside the Borough.

- 6.2 The reasons given for objecting are that it is contended that:

- the proposed amendments to the design are so significant that they cannot be considered to be minor;
- the appearance of the development, particularly the lack of spacing between the houses, is out-of-keeping with the locality;
- the spacing will not allow for the construction of the drainage system;
- the driveways are too short and access to these will create danger on the road;
- the larger houses proposed, with more bedrooms, will generate additional traffic;
- rather than five bedroom houses, it is more affordable housing that is required;
- allowing the amendment will set a precedent that might be followed elsewhere; and,
- the development will cause over-looking and over-shadowing of existing houses.
- Objections are made also to the principle of the development and to the loss of the open space, and it is noted that the development, as now proposed, has begun before this application has been decided and that the developer has failed to adhere to conditions of the original planning permission

6.3 Representations offering support for the application have been received from forty-six individuals from twenty-nine households. Eleven of the individuals and seven of the households are not local, and seven are from outside the Borough. A number of the expressions of support purport to be from prospective buyers. The design of the houses is commended, and the development is considered to be an appropriate addition to the housing estate. Support is expressed for the additional accommodation that would be provided. It is contended that the grassland was little used.

## **7.0 ANAYLSIS**

7.1 The principle of the development having been established by the grant of planning permission, and the general arrangement remaining the same, the issues to be assessed in the determination of this planning application are:

- whether the proposed amendments can be considered to be minor in context; and, if so;
- the appropriateness of the design and appearance of the houses,
- the residential environment that would be created,
- the impacts of the amendments on the local highway network, and
- the impacts of the amendments on existing residential amenities.

## **8.0 WHETHER THE PROPOSED AMENDMENTS CAN BE CONSIDERED TO BE MINOR**

8.1 The significant difference between the development that is approved and the scheme that is now proposed is that the roofs on top of the garages, which are attached to the side of the houses, would increase in height, both to the eaves and to the ridge, so as to accommodate the additional bedrooms. The larger roofs would also include front and rear dormers. As approved the eaves of the garage roofs are approximately 2.6m high and the ridges of the roofs are approximately 5.1m high. As proposed the eaves of the garage roofs would be approximately 3.4m high and the ridges of the roofs would be approximately 6.5m high. The eaves and ridges of the garage roofs would remain lower than those of the main bodies of the houses.

8.2 Another difference is that where previously the houses were to be provided with a garage with a driveway in front, the houses that would now be 5-bedroom would have an additional parking space alongside the driveway in front of the house. Had the houses been completed in accordance with the extant scheme, and were occupied, the provision of the additional parking space, or hard standing, would constitute permitted development.

8.3 The general arrangement of the development, and the spacing between the houses, would remain as already approved. The proposal remains for the development of five, detached houses. It is therefore considered that, whilst the proposed amendments would materially alter the development as approved, those amendments can be accepted as being minor in the context of the wider proposals.

## **9.0 DESIGN AND APPEARANCE OF THE HOUSES**

9.1 The arrangement of openings (windows and doors) at ground-floor level would be reversed, so that the front doors would now be on the side of the frontages nearer to the garages. Otherwise, other than the increase in height of the garage roofs, and the dormers, design and appearance of the houses would be largely unaltered and retain a traditional appearance. As

before, being detached and brick-built with tiled roofs, and incorporating features such as window sills and headers, together with a consistent palette of external finishes throughout, it is considered that the development will achieve a cohesive scheme that acknowledges the character of the locality within which it is set whilst remaining identifiably as a discrete development. It is therefore further considered that the detailed design, appearance, and scale of the amended scheme will remain compliant with the relevant requirements of UDP policy H10(a), the SPD policy RD2 and Section 12 of the NPPF.

## **10.0 RESIDENTIAL ENVIRONMENT THAT WOULD BE CREATED**

- 10.1 The proposed layout provides for an adequate garden for each of the new houses and, with a useable internal area each of approximately 157sqm at Plot 1, and 174sqm at Plots 2 – 5, provides adequate living space. In these respects it is considered that the proposal is acceptable and compliant with UDP policy H10(a) and SPD policy RD18.

## **11.0 IMPACTS ON THE LOCAL HIGHWAY NETWORK**

- 11.1 The proposed amendments include each house having an integral garage. At the house at Plot 1 there would be also be space enough to park a car on a driveway in front of the garage. Each of the other plots would include an additional car parking space alongside the driveway.
- 11.2 As approved, access to the development would be from Grove Street where there are footways on either side of the road but no turning facility in the carriageway. The new access road, forming a continuation of the highway in Grove Street, would terminate before Lindisfarne Road and the path that leads to the open land to the west. A turning facility would then be provided on the eastern side of the access road before it terminates. The footway on the eastern side of Grove Street would continue as the footpath that crosses the application site from north to south.
- 11.3 Given the proposed parking provision and road layout, it is considered that the amendments would not cause an unacceptable impact on highway safety, and the impact on the road network would not be severe, so that the proposal remains compliant with UDP policies T1 and T10 and Section 9 of the NPPF.

## **12.0 EXISTING RESIDENTIAL AMENITIES**

- 12.1 The proposed amendments would not alter the spacing distance that would exist between the proposed houses and the existing neighbours. At the front, the proposed dormers in the garage roofs would be set back from the front of the main sections of the new houses, and so further away from neighbouring houses. At the rear, the dormers would look out towards the open green belt land to the north.
- 12.2 The spacing between the new houses within the proposed development, and between the new houses and the existing neighbours, is such that there would remain adequate distances in-between in accordance with UDP policy H10(d), SPD policy RD5 and Section 12 of the NPPF.

## **13.0 CONCLUSION**

- 13.1 The proposed amendments being considered acceptable and, in context, as being of a minor nature, according to Planning Practice Guidance the grant of planning permission under section 73 should repeat the relevant conditions from the original planning permission, unless they have already been discharged. Where an application under section 73 is granted, the effect is the issue of a new planning permission and that may be subject to conditions differing from those to which the original permission was subject.
- 13.2 Following the grant of the original conditional planning permission, application (ref. 19/00108/PLCOND) was made for approval of details reserved by the conditions precedent. It is therefore recommended that this application be approved subject not only to condition 2, at variance to which the original permission was subject, but also, in certain instances, to conditions differing from those to which the original permission was subject where the details required by those conditions were submitted and approved previously. The conditions would then specify the approved details.

## **RECOMMENDATION**

That Members resolve TO GRANT planning permission for the development subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: those ref.

LFP 001 – Location Plan, approved under cover of planning permission ref. 18/00119/FUL; and,

1257 02 SK03 A – Site Plan, and

1257 02 SK05 – Layouts and Elevations,

received on 07.05.2021.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

- 2) Prior to the first occupation of the dwellings hereby approved the following information shall be submitted to, and be approved in writing by, the local planning authority:
  - Confirmation that no contamination was encountered during development works, or full details of any remediation undertaken (it is recommended that should any contamination be discovered that construction works cease and the Environmental Protection Unit is informed immediately); and,
  - Written confirmation that the development works are complete and the site is suitable for a residential end use.
  - The responsibility to properly address contaminated land issues, including safe development and secure occupancy, and irrespective of any involvement by this Authority, lies with the owner/developer of the site.

Reason: To ensure that the site is suitable for its intended end use and to remove any unacceptable risk to people/buildings/environment from contaminated land as per paragraph 178 of the National Planning Policy Framework.

- 3) The materials to be used externally in the development hereby approved, in accordance with the details illustrated on the approved plans, ref. 1257 02 SK03 A and ref. 1257 02 SK05, shall be:

Ibstock Ivanhoe Westminster bricks, code AO825A,

details of which were received on 15.05.20 and were approved, ref. 19/00108/PLCOND, on 16.09.2020;

Woodgrain Shiplap dormer cladding, code FC151, colour anthracite grey, and

paving stones, being Brett Landscaping Alpha TRIO 60, code NLATV60, and

fascias, code FW400, colour anthracite grey, and

rainwater goods, being gutters Freeflow round downpipe and fittings, code FRP400, colour anthracite grey,

details of which were received on 15.06.20 and were approved, ref. 19/00108/PLCOND, on 16.09.2020; and,

Marley Modern Smooth Grey roof tiles, and

the close boarded timber boundary fence,

details of which were received on 29.09.20 and were approved, ref. 19/00108/PLCOND, on 16.09.2020.

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

- 4) The boundary treatments for each house, as indicated on the approved plan, 1257 02 SK03 A, shall be provided prior to the first occupation of that house.

Reason: To ensure that the appearance of the development respects the character of the surrounding area and preserves the residential amenity of neighbouring properties.

- 5) The car parking spaces to serve each dwelling as part of the development hereby approved shall be laid out as shown on the approved site plan, ref. 1257 02 SK03 A. C prior to the first occupation of that dwelling and shall be retained free from obstruction for their intended use thereafter. Driveways shall be constructed on a level that prevents water discharging into the highway.

Reason: In the interest of highway safety, in accordance with UDP Policy T1: Highway Improvement and Traffic Management.

- 6) The planting scheme shall be carried out in accordance with the details indicated on the approved plan ref. 1257 02 SK03 A. The planting scheme shall be implemented in the first planting season (Nov-Mar) following the occupation of the first house.

Any newly planted trees and plants forming part of the approved scheme which, within a period of five 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 by the developer unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development is served by a landscaping scheme that preserves the character of the surrounding area.

- 7) No part of the development hereby approved shall be occupied until details of a maintenance management plan for the area of land that is to remain undeveloped, and including the newly planted trees, as indicated on the approved plan ref. 1257 02 SK03 A, has been submitted to, and approved in writing by, the local planning authority. Following the occupation of the first house, the management plan shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: To ensure that the development is served by a landscaping scheme that preserves the character of the surrounding area.

- 8) Prior to first occupation of the development hereby approved a scheme detailing the street lighting to be provided to the access road and shared parking areas shall be submitted to, and approved in writing by, the local planning authority. This scheme will include details of how the lighting will be funded for, how it will be maintained in the future, and a phasing plan which will specify when the approved details will be completed. Development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To secure the provision of satisfactory access to the site and in the interests of road safety and security.

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

Reason: To safeguard the general amenity of the area in accordance with UDP policy 1.12/1.13/H10.

- 10) A clear view shall be provided on both sides of the driveways where these meet the footway. It shall measure 2.4metres along the edge of the site access and 2.4 metres along the footway. It must be clear of anything higher than 600mm above the access, except for vertical iron railings to a design that includes rails of not greater than 15mm diameter spaced at not less than 100mm intervals.

Reason: To secure the provision of satisfactory access to the site and in the interests of road safety and security.

- 11) The development hereby approved shall be implemented in accordance the Construction Environment Management Plan prepared by Darson Homes Limited, and which was received on 10.03.20, and was approved, ref. 19/00108/PLCOND, on 16.09.2020.

Reason: To ensure that the impact of the construction phase of the development would be contained within the site and would not have a detrimental impact on highway safety or the residential amenity of neighbouring properties.

- 12) Throughout the period of site preparation and construction, until the occupation of the house hereby approved, no trees, shown to be retained on the approved plan ref. 1257 02 SK03 A, within the site, shall be felled, uprooted, lopped, topped or otherwise destroyed or damaged, including disturbance to roots, without the previous written consent of the Local Planning Authority. Where any tree is damaged or destroyed without consent, another tree shall be planted of such size, species, and in such a position as may be specified in writing by the Local Planning Authority.

Reason: To ensure that the soft landscaping scheme is appropriately maintained.

- 13) The development hereby approved shall be drained of surface and foul water in accordance with the details shown on drawing ref. 19-390 D01, Rev B, dated 08.11.2019, which was received on 27.02.20 and was approved, ref. 19/00108/PLCOND, on 16.09.2020.

Reason: To secure a satisfactory system of drainage and to prevent pollution of the water environment in accordance with the National Planning Policy Framework.