

<b>Application Number:</b>	22/00368/FUL
<b>Proposal:</b>	Development of 1 no. three bedroom dwelling (re-submission of application 21/01210/FUL).
<b>Site:</b>	Land south of John Street, Heyrod, SK15 3BS
<b>Applicant:</b>	Johnson Mowat
<b>Recommendation:</b>	Grant planning permission, subject to conditions.
<b>Reason for Report:</b>	A Speakers Panel decision is required in accordance with the Council's Constitution as the application relates to a departure from the Statutory Development Plan.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

## **1. SITE & SURROUNDINGS**

- 1.1 The application site is located on the southern side of John Street, Heyrod. The site is allocated as Green Belt on the UDP Proposals Map.
- 1.2 The application site measures 0.05 hectares and slopes gradually to the south. The site is located in Flood Zone 1.
- 1.3 The application site is a greenfield site. To the west is a substantial sized dwelling which received planning approval in 2019.
- 1.4 To the east is a cottage style dwelling that has recently been extended in the form of a two storey side extension. Across John Street to the north are a mixture of semi-detached bungalows and dormer bungalows. The surrounding area is mainly rural with a mixture of residential development.

## **2. PROPOSAL**

- 2.1 The application seeks planning permission for the development of one detached dwelling. The proposed dwelling will measure approximately 9m in width with a length of 9m. It will have a pitched roof with a ridge and eaves height of approximately 7.5m and 4.8m respectively.
- 2.2 There is an attached garage proposed that would face John Street measuring 3.5m wide with a length of 5.6m containing a pitched roof measuring 3.8m to the ridge, 2.3m to the eaves. There is an open porch proposed to the front elevation.
- 2.3 The side elevation of the dwelling faces John Street and due to a change in ground levels, the property will be approximately 1.1 metres below the street level.
- 2.4 A new access is proposed off John Street that will measure 3 metres wide serving a driveway with a 1metre wide footpath along the front boundary.
- 2.5 A slate roof tile is proposed with stonework to match the surrounding properties. Upvc windows are proposed. A timber post and mesh fence with mixed native hedging is proposed along the full length of the north, east and south boundaries.

2.6 Amendments have been submitted during the course of the application. The changes are summarised as follows:

- Introduction of windows to the northern facing side elevation (fronting John Street)
- Change in the exterior of materials to include a slate roof and stone walls.
- Introduction of a Native species hedging and planting
- Introduction of a 1m hard surfaced porous footway to the front boundary on John Street.

2.7 The application is supported with the following documents :

- Drainage Strategy
- Stage 1 Geo-Environmental Desk Study Report
- Planning Statement
- Topographical Survey
- Preliminary Ecological Appraisal
- Tree Report

### 3. PLANNING HISTORY

3.1 21/01210/FUL: Development of 1 no. three bedroom dwelling with access off John Street. Withdrawn – 08.12.2021.

### 4. PLANNING POLICY

#### **National Planning Policy Framework**

4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.

4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

#### **Development Plan**

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

#### **Tameside Unitary Development Plan (2004)**

4.5 **Part 1 Policies:**

- 1.3: Creating a Cleaner and Greener Environment.

- 1.4: Providing More Choice and Quality Homes.
- 1.5: Following the Principles of Sustainable Development
- 1.10: Protecting and Enhancing the Natural Environment
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

#### 4.6 **Part 2 Policies:**

- OL1: Protection of the Green Belt
- OL2: Existing Buildings in the Green Belt
- C1: Townscape and Urban Form
- H10: Detailed Design of Housing Developments
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- N7: Protected Species
- MW11: Contaminated Land
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

#### **Supplementary Planning Documents**

##### 4.7 Residential Design Supplementary Planning Document

#### **Places for Everyone**

4.8 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

4.9 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.10 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

#### **Other Considerations**

4.11 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

4.12 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

## 5. **PUBLICITY CARRIED OUT**

5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement, the application has been advertised as a departure from the development plan:

- Neighbour notification letters to neighbouring premises
- Display of a site notice
- Advertisement in the local press

## 6. SUMMARY OF THIRD PARTY RESPONSES

6.1 There have been approximately 9 letters of objection received in relation to the proposal and the comments are summarised below :

- Conflict With Land Use Policy
- Sets A Precedent
- Traffic/Parking Matters
- Visual Amenity
- Development Too Big
- Noise/Hours of Operation
- Out Of Character
- Loss Of Sun/Day Lighting/Overshadowing
- House to built on the Green Belt and there are no exceptional circumstances to allow this to be built
- The road does not have pavements and is only wide enough for one car.
- An extra driveway onto this lane will cause danger and congestion for cars horse riders dog walkers and local children.
- Access for large wagons and construction vehicles is difficult.
- Heavy build traffic.
- Site plan incorrect , the proposed site entrance plan is directly in front of my house and garden and contrary to as stated on the plans there is no brick wall in front of my property it is open with no fencing only a flower bed and block paved drive.
- The dwelling is directly opposite my property and will make my front garden unusable and unsafe for children.
- Safety of walkers, bike riders and children.
- The new Tameside cycle loop route passes this way and I feel the build and the traffic issues it will create will pose a hazard to the cyclists Tameside council are trying to promote to ride up John St.
- The proposed build is also out of character with the village and the character will be lost.
- Noise and disruption.
- Precedent for house building on the green belt.
- Loss of Openness.
- Loss of views.
- The builds taking place now were built on existing footprints but plans for the new build house is on green belt land and will cause disruption and noise.
- No existing structure were there previously.
- Block views of the green belt.
- The two recently granted planning permissions are not on greenbelt land, one is an extension to an existing cottage the other built on the footprint of existing farm buildings. The recently built Moorfield farm had to strictly adhere to the size and shape of a previous battery hen shed to preserve the surrounding green belt. The greenbelt is protected from inappropriate development except in very exceptional circumstances. In this case there are no exceptional circumstances.

- The land is not infill, it will not complete a street scene it is not affordable housing and is not using previously developed land.
- Drainage and flooding issues.
- There is also the possibility big solid gates could be added (as has been done on neighbouring properties) to the drive which would again prevent walkers, cyclists and village residents alike from appreciating the green belt and it would ensure the views of the green belt were reserved for the new property owners alone.
- This proposed property does not benefit anyone in the village and will endanger the safety of the village residents, children and members of the public due to the access issues.
- Planning statement is contradictory.
- The build would cause residents and the village children great disruption and endanger their safety. It would negatively impact on the area and village as a whole.
- There will be loss of sunlight/overshadowing which will have a greater impact due to my semi bungalow being lower set than my next door neighbour.

*Comments regarding the Hedging*

- I am concerned that tall hedges and walls will be built across the road frontage with large electric gates as on other recent builds this blocking the open aspect for all visitors and locals.
- Hedging and trees to be planted are they native species and any large hedges or trees will affect the openness of the green belt for the village residents, cyclists and walkers and massively affect visual amenity.
- The additional trees/hedges planted (laurel trees are mentioned, which are considered an invasive species of high impact not native to UK)

## **7. RESPONSES FROM CONSULTEES**

- 7.1 Local Highways Authority – No objections, subject to conditions requiring the construction of a footway, car parking to be constructed to adoptable standards and SUDs compliance, a surface water drainage scheme, a construction environment management plan and a scheme for secured cycle storage.
- 7.2 Greater Manchester Ecology Unit – There are unlikely to be any significant ecological issues associated with this development. No objections subject to a recommended condition in relation to biodiversity enhancements.
- 7.3 Arboricultural Officer – The proposal is acceptable from an Arboricultural perspective with fencing installed to protect the root protection areas of G1, linear group of trees on boundary.
- 7.4 United Utilities – No comments received.
- 7.5 Lead Local Flood Authority – The applicant should submit a comprehensive strategy supported by site based data and in accordance with the attached checklist where appropriate. No objections subject to a recommended condition for the submission of a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance.
- 7.6 Environmental Health – No objections subject to recommended condition for construction hours.
- 7.7 Contaminated Land – No objections subject to recommended conditions in relation to small scale soil sampling and unexpected contaminated land.
- 7.8 Landscape – No comments received.

## 8. ANALYSIS

### Principle of Development

- 8.1 The site is allocated as Green Belt on the saved UDP Proposals Map. The principle of the development must be considered against policies OL1, OL2 of the UDP and the policies of chapter 13 of the NPPF, whether built development is acceptable on the area of Green Belt.
- 8.2 Policy OL1 of the Tameside Unitary Development Plan states that *“the Green Belt will continue to be protected from inappropriate development and approval will not be given, except in very special circumstances, for the construction of new buildings for purposes other than:*
- (a) agriculture and forestry, or*
  - (b) essential facilities for outdoor sport and outdoor recreation, or*
  - (c) cemeteries, or*
  - (d) other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it.”*
- 8.3 Policy OL2 of the Tameside Unitary Development Plan states that *“Within the Green Belt, approval will only be given for the re-use or conversion of existing buildings where:*
- (a) the new use does not have a materially greater impact than the present use, on the openness of the Green Belt and the purposes of including land in it, and*
  - (b) any extension of the building does not result in disproportionate additions over and above the size of the original building (or in the case of a replacement dwelling, the new building is not materially larger than the one it replaces), and*
  - (c) any associated uses of land surrounding the building do not conflict with the openness of the Green Belt and the purposes of including land within it, and*
  - (d) the building is of permanent and substantial construction, is in an intact and generally complete condition, and is capable of conversion without major or complete reconstruction, and*
  - (e) the form, bulk, general design and external materials of the building is in keeping with its surroundings and retains the inherent character and scale of the original building.*
- The extension, alteration or replacement of existing dwellings within the Green Belt will be subject to criteria (b) and (e) above.*
- The Council will particularly encourage the re-use of buildings for purposes which facilitate job creation and diversification of the rural economy or help to protect rural services, and will permit such developments subject to conformity with the criteria above.*
- Where it is considered that permitting buildings to be taken out of agricultural use could lead to a consequential increase in new farm buildings that would have a seriously detrimental effect on the openness of the Green Belt, the Council will impose conditions withdrawing such permitted development rights.*
- 8.4 The policies only extend to the replacement of existing dwellings for residential use and makes no reference to infill sites. Therefore whilst there is a degree of consistency between the Development Plan and the National Planning Policy Framework for the purposes of the assessment greater weight is afforded to chapter 13 of the NPPF.
- 8.5 Paragraph 148 of the NPPF states that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

- 8.6 Paragraph 149 of the NPPF states that the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. A number of exceptions are stated including limited infilling in villages.
- 8.7 For the purposes of assessing this application the dictionary definition of the term 'village' is often helpful as a starting point. It is a *"group of houses and associated buildings, larger than a hamlet and smaller than a town situated in a rural area"*. The definition extends to areas in cities or towns that have *"features characteristic of village life"*. In addition a *"village settlement generally has a place of worship and a central meeting point"*.
- 8.8 In this case, there is a village hall which is located to the north-east approximately 120 metres away from the application site. There is also a village shop on Wakefield Road which is approximately a six minute walk from the site. Along Wakefield Road there are a number of bus stops within a five-minute walking distance of the site that provide a regular service to nearby towns and district centres including Ashton, Mossley, Greenfield and Oldham where a wider range of services and shops are available.
- 8.9 Officers are of the view that the site is located within the defined village boundary for the reasons outlined above. That being the case, it is accepted that the application site is located within a village and the main issue for consideration is whether the proposal amounts to limited infilling.
- 8.10 There is no definition in the National Planning Policy Framework as to what limited infilling comprises. Inspectors, in assessing a number of appeal proposals have concluded that there is no specific definition of the term 'infill' in the context of the paragraph 149 exception. In practice, it is normally taken to mean a small gap situated within an otherwise built up frontage or between existing buildings.
- 8.11 This is further supported by Wood v SSCLG 2014 which has determined that whether or not a proposed development constitutes limited infilling in a village is a question of planning judgment and this would depend upon their assessment of the position on the ground. This case law has established that it is necessary to consider whether, as a matter of fact on the ground, a site appears to be within a village and whether or not a site lies outside a village boundary. Decisions made on appeal also advise that the physical circumstances of a site and its relationship to a settlement are relevant in considering whether a site should be deemed infill.
- 8.12 In a recent appeal decision (APP/E2734/W/20/3257773) the Inspector found that infill development should:- *"fill a gap in an otherwise developed road frontage between existing buildings"*.
- 8.13 In this context Heyrod is classed as a village The application site is an open area of grassland, however to the west of the site is a substantial sized dwelling known as Moorfield Farm. Planning permission was granted for a new dwelling here in 2019 (19/00480/FUL).
- 8.14 Opposite the site are semi-detached bungalows some with dormers. To the south-east of the site is a dwelling known as Lynford Cottage which has recently been extended in the form of a two storey side extension (21/00861/FUL). The site would be viewed within this context.
- 8.15 It is noted that the southern side of John Street is of a rural feel when travelling along the highway, however the application site is located between Moorfield Farm and Lynford Cottage and within a village frontage. This also includes a recently approved dwelling to the west of Moorfield Farm which is currently under construction (21/00006/FUL). Beyond Lynford Cottage there is a pattern of built development, further north past the bungalows on John Street are two residential cul-de-sac streets (Hall Avenue) consisting of bungalows again with some properties containing dormers; where Chamberlain Road comprises two storey semi-detached properties. As such, other built development is clearly visible either

side of the site and beyond. The proposal would form part of the linear pattern of development along John Street. Therefore, taking these considerations together, the proposal would amount to infill development as the site is a small gap in an otherwise built up frontage. The proposal amounts to limited infilling within a village.

- 8.16 It is acknowledged that the pattern of development on this side of John Street is somewhat spacious, with generous plots forming its character, but it does not negate the proposal being described as infill development. The proposed development would not extend beyond the defined built extent of the settlement and would be contained within the existing envelope of the development along John Street, noting that the proposed development will be built within the building line of Moorfield Farm. Again, for these reasons the site represents an infill site in a village.
- 8.17 The application site is also located in an area that was classified as the natural space and accessible countryside typology by the Open Space Review. However, the analysis states that there is no deficiency with access in the Heyrod location and concludes that the limited gaps present are not significant. This is reinforced by the analysis presented comparing the quantum of provision for natural space and countryside (in hectares per 1,000 population) against the level set by the Fields in Trust (FIT) guidance. The table highlights the very high level of provision of 41.27 ha in Stalybridge, compared to the 1.8ha set out by the FIT.
- 8.18 In respect of the plot itself, it sits between two residential properties, which form part of a wider established built form. The site is within part of a small group of properties surrounded by open countryside to the rear (north). Again as explained above on the opposite side of the road there is a small collection of semi-detached bungalows. Given the grain of the village settlement pattern in that location and the nature of the site and scale of the proposed development, officers are of the view that the scheme is considered as limited infilling in a village and would not be inappropriate development in the Green Belt and as result the principle of development is considered acceptable.
- 8.19 For the reasons set out above, the development comprises 'limited infilling within a village' and is therefore 'appropriate' having regard to the exceptions set out in Paragraph 149 (e) of the NPPF. Appropriate development does not cause harm to the openness of the Green Belt as recent case law has determined that, where development is found to be 'not inappropriate' when applying Paragraphs 149 and 150 of the Framework, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt.

## **9. DESIGN**

- 9.1 Paragraph 130 of the NPPF *states that planning policies and decisions should ensure that developments :*
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and,*
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.*
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks."*



- 9.2 Paragraph 134 of the NPPF states that *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”*.
- 9.3 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”*.
- 9.4 UDP Policy H4 states *“The overall provision of new housing in the Borough should incorporate a range of dwelling types, sizes and affordability to meet the needs of all sections of the community and to help create better balanced communities for the future.”*
- 9.5 UDP Policy H10 states *“The layout, design and external appearance of proposed housing developments, which are acceptable in relation to other relevant policies in this plan, will be required to be of high quality and to meet the following more detailed criteria:*
- (a) a design which meets the needs of the potential occupiers, provides an attractive, convenient and safe environment for the local community, and complements or enhances the character and appearance of the surrounding area, and*
  - (b) suitable arrangements for parking, access to and from the highway, and delivery, refuse and emergency vehicles, including access by pedestrians, cyclists and disabled people, and for convenient access to public transport where appropriate, with no unacceptable impact on the surrounding highway network, and*
  - (c) suitable landscaping and fencing, including retention of existing features such as trees and hedges where practical, which enhance the appearance of the development, ensure privacy and security where necessary, enable discrete storage of wheelie bins and minimise the visual impact on surrounding areas.*

*The Council will encourage and permit new and innovative design solutions wherever this can be achieved without adverse effects on existing character.*

- 9.6 Policy RD2 in the Residential Design SPD covers general character considerations and is clear in the expectation of achieving high quality development that enhances a locality and contributes to place making taking into account the historic environment, proportions existing building styles.
- 9.7 The proposed layout would result in the principle elevation facing the western side of the site. An active frontage to John Street in the form of two proposed windows to the side elevation has been secured following the submission of amended plans at the officer’s request.
- 9.8 The property will continue the established pattern of development on the southern side of John Street noting there are a number of detached properties of varying styles within the immediate and surrounding streetscene. To the west of the application site is a recently constructed residential property of a much larger size that has set a precedent.
- 9.9 In terms of scale, the dwelling would be two storeys in height, reflecting the predominant scale of buildings in the surrounding area and the height of residential development on John Street and beyond.
- 9.10 Spaciousness and openness will be provided due to the generously sized garden and open space to the sides, rear and front of the property that will contribute significantly to the visual quality of the area, and the pleasant nature of the site. The positioning of the dwelling, set back approximately 3 meters into the site and set down at a lower level, further supports this.

- 9.11 The application site slopes in a south-easterly direction from John Street, resulting in circa. 3 metre difference between the floor levels of the properties on John Street (circa 170 AOD) and the application Site (circa. 167 AOD). The street scene view shows that the dwelling would be visible from John Street however, the development would, to some extent, be screened due to the dwelling being set down and positioned at a lower level. In addition, native hedging is proposed along the front boundary. This can be secured by condition.
- 9.12 The dwelling will not extend beyond the building line of the neighbouring property at Moorfield Farm.
- 9.13 Materials to match the surrounding dwellings are proposed in the form of stone, a slate roof and Upvc windows. The proposal would respect the design, scale, materials, character, appearance and proportions of the existing dwellings in the streetscene and would preserve character and appearance of the surrounding area noting the ridge height is no higher than the neighbouring properties.
- 9.14 Given the above, the design of the proposal would comply with adopted policy and is therefore acceptable.

## **10. RESIDENTIAL AMENITY**

- 10.1 Paragraph 130(f) of the National Planning Policy Framework states that *“Planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, 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.”*
- 10.2 UDP Policy H10 states *“any proposed housing development will be required to be of high quality and to meet the following criteria: - (d) no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing, or traffic, and (e) minimisation of the opportunities for crime and anti-social behaviour.”*
- 10.3 Policy RD5 of the Residential Design SPD states *“Minimum Privacy Distances must be achieved”.*
- 10.4 Policy RD11 of the Residential Design SPD states *“Houses - all houses should have private amenity space of a size and function suitable for its intended occupants. Houses of 3 or more bedrooms will be considered family homes and should have an outdoor space that reflects this.”*
- 10.5 Policy RD12 of the Residential Design SPD states *“Communal areas should be a private space for residents. Spaces should be considered an element of the overall design. Areas should not comprise of a bland space adjacent to a car park. Where appropriate, areas should be secure. Spaces should enable multi-resident use.”*
- 10.6 Policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. Internal space is interpreted by reference to the nearest equivalent new national technical standard which is given in the Government's Technical housing standards - nationally described space standard document (THS).
- 10.7 The adopted Residential Design Guide SPD (RDG) contains the separation distances that should be retained between buildings to prevent unreasonable overlooking into and overshadowing of neighbouring properties. A distance of 21 metres should be retained between an elevation containing habitable room windows and a corresponding neighbouring elevation that also contains habitable room windows.

- 10.8 The proposed new dwelling is sited approximately 32 metres away from Moorfield Farm, approximately 23 metres away from the neighbouring properties across John Street at no.50 and no.52 and the dwelling is also sited approximately 37 metres away from Lynford Cottage. The proposal meets the minimum separation privacy distance standards outlined in the council's Residential Design Guide SPD. The impact on the amenity of neighbouring properties in relation to loss of privacy is considered acceptable. The distances also mean that the impact on overshadowing on existing residents is also satisfactory.
- 10.9 The proposal would not result in an adverse impact on the residential amenity of any of the neighbouring properties. The proposal is considered acceptable and compliant with policy H10 of the UDP policy, RD5 of the SDP, and Sections 11 and 12 of the NPPF.
- 10.10 Local residents have raised concerns regarding the change/loss of view from their properties, their concerns are acknowledged and appreciated. However, there is little evidence to suggest that the proposal would be harmful in terms of its impact on living conditions in relation to outlook or privacy as there is a sufficient separation distance from the neighbours across John Street. In addition, the proposal will be set down into the site and partly screened from the aforementioned neighbours in the form of native hedging. Impact on a view, in and of itself, is not material to the decision.
- 10.11 Concerns from neighbouring properties have also been raised regarding the noise and disruption from the development during construction. The Council's Environmental Health Officers have recommended a condition restricting the hours of construction to daytime hours in order to protect the amenities of occupants of nearby properties.
- 10.12 Approximately 114sqm of internal floor area will be provided, thus the proposed dwelling meets the requirements of the minimal standards for a 2-storey, 3-bedroom dwelling (approx. 102sqm). The house would be provided with private amenity space in the form of spacious gardens surrounding the site including a paved area to the front elevation and a path to the rear. In terms of the residential environment that would be created the proposal is therefore considered compliant with policies 1.5 and H10(a) of the UDP; policy RD11 of the SPD; and, Section 12 of the NPPF.

## **11. HIGHWAY SAFETY**

- 11.1 Paragraph 111 of the NPPF states that "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"
- 11.2 Policy T1 of the UDP states that "*The Council will carry out new highway construction, highway improvement and traffic management schemes with the aims listed below. The access arrangements for development schemes must also be designed with these aims, wherever appropriate.*"
- (a) improving safety for all road users,*
  - (b) encouraging the use of non car modes,*
  - (c) providing safe and convenient facilities for pedestrians and cyclists,*
  - (d) improving road and community safety especially in residential areas,*
  - (e) improving safety and the environment in town and local centres, assisting their viability and encouraging new investment,*
  - (f) assisting sustainable development,*
  - (g) safe management of congestion problems,*
  - (h) improving the efficiency and attractiveness of public transport and the convenience and safety of passengers,*
  - (i) providing for the needs of people with mobility difficulties,*
  - (j) providing for the safe use of powered two wheelers,*
  - (k) providing for the sustainable movement of freight,*

*(l) conserving and enhancing the valued characteristics of an area through the use of appropriate design and materials.”*

- 11.3 Policy T7 of the UDP states that *“Development proposals will be required to consider provision for cyclists including secure cycle parking where appropriate.”*
- 11.4 Policy T10 of the UDP states that *“Proposals will be brought forward, following local consultation, for secure off-street parking where needed in residential areas and where suitable sites are available. New developments will be subject to maximum levels of parking provision, in accordance with standards to be established in association with the other Greater Manchester authorities and in line with national and regional guidance.”*
- 11.5 The proposed access into the site will measure 3 metres wide, where the access meets the requirements for visibility. In addition the proposed access meets the local highways authority requirement for maximum gradients.
- 11.6 The proposed development would generate only a small amount of vehicle movements. In light of this, the proposed development would not create a severe cumulative impact upon the highway network.
- 11.7 Policy RD8 states that there should be a maximum of 2 car parking spaces for 2/3 bedroom dwellings, this is also reiterated within policy T10 of the councils UDP, There is sufficient space for the parking of 2 vehicles within the proposed driveway and this is therefore considered acceptable.
- 11.8 To promote sustainable modes of transport there is a requirement for 1no. cycle storage units with adequate space to access the cycles This can be secured by condition, however it is noted that the garage could be utilised to store bicycles.
- 11.9 There has been two new dwellings in the vicinity which have been granted planning permission in the past 4 years. One has been completed (Moorside Farm) and the other was under construction at the time of the officers site visit. Due to the accumulated traffic generated by the new dwellings and the proposal, it has been agreed with the applicant that a safe pedestrian access is required. This will ensure that pedestrians have an area for vehicles to pass them safely due to the increase in vehicles during the construction phase and post construction.
- 11.10 There is currently a footpath to the front of the site, however this is overgrown and cannot be used safely. Therefore as part of this application, a minimum 1 metre footpath is required and will be provided along the front boundary of the site which will be paved in porous asphalt. This can be secured by condition.
- 11.11 Therefore subject to the recommended conditions, the proposed impact on highway safety is considered acceptable, meeting the requirements of local and national planning policy.

## **12. DRAINAGE AND FLOOD RISK**

- 12.1 The site is located within flood zone 1, is at the lowest risk of flooding, and is under one Hectares in size.
- 12.2 The applicant has submitted an outline drainage strategy with the planning application that has been reviewed by the Lead Local Flood Authority (LLFA).
- 12.3 The Drainage Strategy includes SUDs assessment and calculations. The application is acceptable in principle subject to the recommended condition of the submission of 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.

- 12.4 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. The strategy shall demonstrate that foul water and surface water shall be drained from the site via separate mechanisms and shall detail existing and proposed surface water run-off rates. The strategy shall also include details of on-going management and maintenance arrangements.
- 12.5 Following the above assessment, it is considered that the proposals would not result in a detrimental impact on flood risk or drainage capacity subject to the recommended condition.

### **13. ECOLOGY, TREES AND LANDSCAPING**

- 13.1 Greater Manchester Ecology Unit (GMEU) have reviewed the application. They note that there is unlikely to be any significant ecology issues associated with the development.
- 13.2 The development is restricted to a small area of low ecological value grassland, with no buildings, trees, or waterbodies on or near to the site other than a very recently constructed pond to the South-West.
- 13.3 It is very unlikely that there are any protected species reliant on this site for breeding or foraging habitat. The only bird nesting habitat on the site appears to be the trees along the eastern boundary which are shown on the submitted plans as being retained.
- 13.4 Paragraph 174 of the NPPF states that "*planning policies and decisions should contribute to and enhance the natural and local environment.*" The development will result in a small loss of low ecological value grassland to the building and hardstanding for vehicles. Given the remainder of the site will be garden of low ecological value habitat. Mitigation should be provided. This would best be achieved through some native boundary tree or hedge planting.
- 13.5 The proposed site plan indicates that a timber post and mesh fencing with mixed native hedge planting is proposed along the full length of the north, east and south boundaries of the site.
- 13.6 There are no trees located on the site, there are however a swathe of mature trees along the eastern boundary. The location of the proposed dwelling is at a sufficient distance not to have an adverse effect on any of the existing adjacent trees.
- 13.7 The proposal is acceptable from an arboricultural perspective noting that a condition will be applied to the decision notice for the provision of protective fencing in accordance with *BS 5837:2012 "Trees in relation to construction - Recommendations"* to be installed to protect the root protection areas of G1, linear group of trees on the eastern boundary.
- 13.8 As a result the impact on ecology and trees complies with the development plan and is considered acceptable.

### **14. GROUND CONDITIONS**

- 14.1 The site falls outside of the Coal Authority's defined Development High Risk Area. As such, a Coal Mining Risk Assessment is not required.
- 14.2 The applicant has submitted a Geo-Environmental Desk Study stating that no previous development is shown on historical mapping of the site. The site is currently a field with an

ornamental pond. The desk study also confirmed that no significant sources of contamination appear to be located in the immediate vicinity of the site.

- 14.3 The Environmental Protection Unit (EPU) have reviewed the submitted document and confirm that the reporting is satisfactory however there is a requirement for testing of any made ground soils within future garden areas to ensure that they are suitable for use. In addition, a condition relating to any unknown or unexpected contamination is also needed for this development.
- 14.4 The conditions recommended by the EPU are considered reasonable and necessary to ensure that future users of the proposed development would not be exposed to potential risks caused by contamination at the site, and subject to its imposition the application is thereby considered acceptable in this regard.

## **15. OTHER MATTERS**

- 15.1 Whilst the proposed development comprises appropriate development in the Green Belt a condition is recommended for the withdrawal of permitted development rights on site to ensure that any proposals for future extensions/alterations can be assessed in the interests of safeguarding the openness of the Green Belt and neighbour amenity.
- 15.2 A response received from a neighbouring property highlighted that the submitted site plan was incorrect, noting a brick wall was positioned incorrectly, this has been rectified with the submission of a revised site plan.

## **16. CONCLUSION**

- 16.1 The application proposes the erection of a 1no. detached dwelling within the Green Belt. The construction of new buildings in the Green Belt is considered inappropriate development subject to one of the exceptions within policy 149 of the National Planning Policy Framework being met.
- 16.2 As explained above, the development comprises 'limited infilling within a village' and is therefore 'appropriate' having regard to the exceptions set out in paragraph 149 (e) of the NPPF. Therefore the principle of development is considered acceptable.
- 16.3 The design and scale of the development is appropriate for this location and surrounding area. The applicant has responded positively to suggestions of design and highways improvement, and it is considered that the development would be appropriate visually noting the precedent already set by the adjacent dwelling at Moorfield Farm.
- 16.4 The proposal is not considered to be detrimental to residential amenity, given the nature of the proposed use and the considerable distance between residential uses.
- 16.5 The development would not cause undue impacts to highway safety, and would be considered acceptable subject to the imposition of conditions.
- 16.6 There are no objections to the proposals from the statutory consultees in relation to the proposals subject to the recommended conditions.
- 16.7 The Council cannot demonstrate a five-year supply of deliverable housing sites in a recently adopted plan or in any annual position statement, as is required by paragraph 75 of the NPPF. In turn, the test in the 4th bullet point of paragraph 11 applies, so that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

16.8 Overall, the proposal is considered to comply with the development plan and the NPPF, for the reasons set out in the report, and therefore Paragraph 11 of NPPF requires the development to be approved without delay. As such, it is recommended that planning permission is granted subject to recommended conditions. In accordance with policies outlined in the UDP and the National Planning Policy Framework.

## RECOMMENDATION

Grant planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

- 2) The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:

Location Plan

Proposed Floor Plans - Dwg no : 1781 / 12 / 21 Sht 3 Rev : B

Proposed Elevation Plans - Dwg no : 1781 / 12 / 21 Sht 2 Rev : D

Proposed South Elevation Plans - Dwg no : 1781 / 12 / 21 Sht 6 Rev : A

Proposed Site Plan - Dwg no : 1781 / 12 / 21 Sht 1 Rev : C

Proposed Section Plan - Dwg no : 1781 / 12 / 21 Sht 4 Rev : A

Proposed Landscape and Planting Plan - Dwg no : 1781 / 12 / 21 Sht 7 Rev : C

Proposed Site Access Plan - Dwg no : AMA/21058/SK001

2D Topographical Survey - Dwg no : 1216-150\_2D (A1)

Planning Statement Prepared by Johnson Mowat April 2022

Arboricultural Report Prepared by AWA Tree Consultants June 2021

Preliminary Ecological Appraisal Prepared by Futures Ecology September 2021

Stage 1 Geo-Environmental Desk Study

Drainage Strategy Prepared by Andrew Moseley Associates June 2021

CGI street view drawings

Reason: For the avoidance of doubt and to ensure that the development complies with the following saved Policies of the adopted Tameside Unitary Development Plan:

Policy OL1: Protection of the Green Belt

Policy OL2: Existing Buildings in the Green Belt

Policy C1: Townscape and Urban Form

Policy H10: Detailed Design of Housing Developments

Policy T1: Highway Improvement and Traffic Management

Policy T7: Cycling

Policy T10: Parking

Policy N7: Protected Species

Policy MW11: Contaminated Land

Policy U3: Water Services for Developments

Policy U4: Flood Prevention

Policy U5: Energy Efficiency and the National Planning Policy Framework (NPPF).

- 3) The materials of external construction shall be identical in appearance to those specified on the submitted application form and plans. The development shall be

carried out in accordance with the approved details. Unless otherwise approved in writing by the local planning authority.

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

- 4) No work shall take place in respect to the construction of the approved footway along the front boundary to the Development, as indicated on the approved site plan - Dwg no : 1781 / 12 / 21 Sht.1 Rev : C , 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. Details of the areas of the highway network/car park within the site to be constructed to adoptable standards/including SUD's compliance and the specification of the construction of these areas.

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.

Reason: To ensure that the development maintains highway safety.

- 5) 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.

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.

- 6) 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. The strategy shall demonstrate that foul water and surface water shall be drained from the site via separate mechanisms and shall detail existing and proposed surface water run-off rates. The strategy shall also include details of on-going management and maintenance arrangements. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the National Planning Policy Framework.

- 7) No part of the dwelling hereby approved shall be occupied until details of the secured cycle storage provision to serve the dwelling 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 details of the means of enclosure. The secured cycle storage arrangements shall be implemented in accordance with the approved details prior to the occupation of the development and shall be retained as such thereafter.

Reason: To ensure adequate cycle storage.

- 8) 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.

Reason: In order to protect the amenities of nearby residents in accordance with Unitary Development Plan policies 1.12 and H10.

- 9) Prior to the occupation of the development, full details of the ground conditions encountered in garden areas, including photographs, shall be submitted to the Council. Depending on the nature of the ground conditions encountered, further investigation including a programme of soil sampling and analysis may be required. Where necessary, a scheme of remediation to remove any unacceptable risks to human health from soils at the site shall be submitted to, and approved in writing by, the EPU. The scheme will be implemented and a completion / validation report submitted to the EPU demonstrating the new area of garden is suitable for its intended use. The discharge of this planning condition will be given in writing by the Local Planning Authority once all information specified in this condition has been provided to the satisfaction of the Environmental Protection Unit.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 184 of the National Planning Policy Framework.

- 10) If during development, contamination not previously identified is encountered, then no further development (unless otherwise agreed with the LPA), shall be undertaken until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 184 of the National Planning Policy Framework.

- 11) No development above ground level shall commence until details of Biodiversity enhancement measures to be installed as part of the development hereby approved have 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 the dwelling and shall be retained as such thereafter.

Reason: To ensure that biodiversity enhancements are secured to mitigate the environmental impacts of the scheme in accordance with paragraph 174 of the National Planning Policy Framework.

- 12) No development shall commence until tree protection measures to meet the requirements of BS5837:2012 have been installed around the trees to the east of the site. These measures shall remain in place throughout the duration of the demolition and construction phases of the development, in accordance with the approved details.

Reason: To ensure adequate protection of trees to be retained during the construction phase of the development.

- 13) Notwithstanding the provisions of the Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015) as amended, no development involving enlargements such as side/rear extensions, alterations to roofs, dormer windows or the construction of buildings surrounding the house (the 'curtilage') as permitted by Classes A to F and H of Part 1 of Schedule 2 of the Order shall be carried out.

Reason: In order that any proposals for future extensions/alterations can be assessed in the interests of safeguarding the openness of the Green Belt and neighbour amenity, in order to ensure compliance with Policies OL1 'Protection of the Green Belt', 'OL2: Existing Buildings in the Green Belt' and Policies C1 'Townscape and Urban Form' and H10 'Detailed Design of Housing Developments' of the Tameside Unitary Development Plan.