

Application Number	20/00268/FUL
Proposal	Proposed residential development of 2 bungalows and associated works.
Site	Land adjacent to 24 Stablefold, Mossley, OL5 0DJ
Applicant	Mr Patrick Hand
Recommendation	Refuse planning permission.
Reason for report	The application has been called up to panel at the request of Councillor Sharif.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 The application relates to land located at the end of Stableford, a residential cul-de-sac located to the south-west of Mossley town centre. The site in question is presently undeveloped comprising partly wooded and agricultural land used for grazing. It borders the garden of no.24 Stableford, containing a detached dormer bungalow located to the north.
- 1.2 The site is roughly rectangular in shape, a stone wall runs through the middle on an east to west alignment, this demarks the separation between wooded area and open agricultural land. There is a fall in levels of approximately 7 metres across the site to the east, beyond the eastern boundary is the rear garden of the terraced properties fronting Andrew Street, there is a spring/culverted watercourse on the eastern boundary. To the south levels fall further across open agricultural fields and there are elevated views down the Tame Valley. Beyond the western boundary is a farm access track for Scout Farm.
- 1.3 Stableford from which the site would be accessed is wholly residential in character supporting detached bungalows. There is a turning head located outside of no.21 Stableford which separates it from no.23 Stableford, a detached dormer bungalow constructed in the former garden of no.21. The site borders the side and rear garden of no.24 Stableford, this dwelling has a raised balcony with openings along its side/southern elevation which directly overlooks the site.
- 1.4 Mossley town centre and associated amenities is accessible on foot with highway and pedestrian connections to the north. Mossley Train Station is approximately a 7 minute walk.

2. PROPOSAL

- 2.1 The application seeks full planning permission for the construction of 2 detached bungalows and associated works at the site. The dwellings would incorporate rooms within the roof space served by windows in the corresponding gables. The dwellings would have a finished floor level of 181.00m Above Ordnance Datum (AOD).
- 2.2 Access to the dwellings would be taken from Stableford via a private driveway providing turning and off-road frontage parking for each dwelling.
- 2.3 The dwellings would be sited on a near identical alignment to no.24 Stableford, it is also proposed to construct them from materials that match.

- 2.4 To accommodate the development all existing vegetation would need to be stripped/removed. A cut and fill exercise would be undertaken to create a level platform for the dwellings. A retaining wall would be constructed to the east/rear of Andrew Street properties which would measure 180.750 AOD at the top and 175.39 AOD at the bottom. Exact details have not been provided but a cross section drawing indicates this would be constructed as a green wall. Further planting is proposed at the foot of the retaining structure. A further retaining wall would be constructed to the front of the dwelling west of the access road, this would measure approximately 3m in height.
- 2.5 The application is supported with the following documents:
- Design & Access Statement;
 - Topographical Survey;
 - Arboricultural Impact Assessment & Tree Survey
 - Landscaping Plan

3. PLANNING HISTORY

- 3.1 17/00021/OUT – Erection of 1no. bungalow on land off Stablefold, Mossley - Outline planning application with some matters reserved (appearance and scale) for future consideration – Refused – 06.04.2017
- 3.2 18/00112/OUT – Outline Application with some matters reserved (appearance and scale) for future consideration - Erection of dormer bungalow and associated works – Withdrawn 15.11.2019

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). The site is unallocated bordering the Green Belt and SBI which are located immediately to the west.

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 of Homes;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1:10: Protecting and Enhancing the Natural Environment;
- 1:11: Conserving Built Heritage and Retaining Local Identity;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.6 **Part 2 Policies**

- H2: Unallocated Sites
- H4: Type, Size and Affordability of Dwellings
- H5: Open Space Provision
- H10: Detailed Design of Housing Developments
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- C1: Townscape and Urban Form
- OL4 Protected Green Space
- OL10: Landscape Quality and Character
- N3: Nature Conservation Factors
- N5: Trees within Development Sites
- N4 trees and Woodland
- N7: Protected Species
- MW11: Contaminated Land
- MW12: Control of Pollution
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

Places for Everyone

- 4.7 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.
- 4.8 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).
- 4.9 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

- 4.10 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.

- 4.11 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 major development by neighbour notification letter, display of a site notice; and advertisement in the local press.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 A total of 121 objections and a single letter of support have been received, the reasons for which are summarised as follows:

6.2 Land use

- Site is greenfield and should remain undeveloped.
- Questions over the Green Belt boundary which appears to have been moved from the original field boundary.
- Detrimental to the local environment.
- Previous applications have been rejected there should be consistency with these decisions.
- Contrary to Development Plan policies.
- Slope stability concerns site is on a fault and there have been previous landslides.
- Loss of valued greenspace.
- The Green Belt boundary on the UDP map is not consistent with the historic alignment.

6.3 Ecology & Trees

- Application form is misleading stating there are no trees or hedges.
- Loss of trees.
- Loss of wildlife habitat.
- Impact upon protected species (Bats/Badgers/Great Crested Newts).

6.4 Drainage

- Impact upon flooding from increased runoff.
- Andrew Street Properties already suffer from drainage problems development will add to this issue.
- Lack of adequate investigation into drainage.
- Contrary to the planning application, which states there are no watercourses within the area, there is a stream/spring on this land in that area. This has previously been affected by work undertaken elsewhere and subsequently affected residents of Andrew Street with some flooding.

6.5 Amenity

- Impact of constructing a 5/6 metre high retaining structure.
- Noise and disturbance.
- Loss of privacy / overlooking to rooms and garden space.
- Loss of daylight to Andrew Street Properties / dominance of structure.
- Disruption during construction.

- Encroachment onto neighbouring land.
- Impact of groundworks upon existing properties.

6.6 Procedures

- Concerns over consultation and neighbour notification procedures.
- Original notification letters were issued during lockdown when residents could not communicate.
- Inaccuracies within the supporting documentation.
- Unacceptable delays with decision making process.

6.7 Infrastructure

- Existing facilities within Mossley stretched.

6.8 Need/Demand

- There are enough developments within Mossley.
- No need for further housing.
- Dwellings would not be affordable.

6.9 Highways

- Development would add to existing congestion.
- Development would cause increased safety risks.
- Inadequate off-street parking and additional demands upon Stablefold.
- Development obstructs a public footpath.
- Local roads can't support construction traffic.

6.10 Design / Character

- Overdevelopment of the site.
- Sets a bad precedence.

6.11 One letter of support

- Dwellings would complement the setting of no. 24 Stablefold as they will have the same roof height.
- There are no bats within the area.
- The problem with draining water on Andrew Street is caused by drain shallowly buried along length of 24 Stablefold property for drainage for 23 Stablefold, I feel this problem could be rectified by developers for new houses.

6.12 Objections have also been received from Councillors Jack Homer and Tafeen Sharif which are summarised as follows:

6.13 Councillor Jack Homer concerns:

- There are issues with drainage from the proposed site for development, which residents believe that will be made worse by developing the area as experienced from previous development on Stablefold.
- Overlooking of properties on Andrew Street / Loss of amenity.
- Disruption and loss of wildlife habitat.
- Unacceptable loss of trees and impact upon the surrounding area.

6.14 Cllr Tafheen Sharif concerns:

- Development represent further encroachment into a rural setting.
- Development would be detrimental to the residential land visual amenity of existing residents on Stablefold.
- Stablefold has reached a reasonable capacity / limit for the highway.
- Need for an updated local and neighbourhood plan where a more balanced view can be taken on housing supply.

- The site is part of or adjacent to land identified as Open Heathland.
- Exacerbation of damage caused by existing water related issues – flooding to residents on Andrew Street.
- Loss of privacy and light to residents of Andrew Street.
- Conflict with land use policy with development being out of character.
- Concerns over access arrangements/noise and disturbance.
- Ecological disturbance and destruction of wildlife.
- Development is too large for the area.
- Development would set an undesirable precedent.

7. RESPONSES FROM CONSULTEES

- 7.1 Contaminated Land – Potential contamination from historic made ground at the site. No objections subject to condition requiring further investigation.
- 7.2 Environmental Health Officer – No objections, recommend conditions relevant to construction times.
- 7.3 Greater Manchester Ecology Unit (GMEU) – Reviewed the submitted ecology information. . The Ash trees present on the site are suffering from advanced Ash die-back disease and should be removed irrespective of whether a development is approved or not. Comment that no objections to the proposals on Ecology grounds, although in order to protect nature conservation interests it is recommended that;
- That no vegetation clearance required to facilitate the scheme should take place during the optimum time of year for bird nesting (March to August inclusive)
 - As a Condition of any permission which may be granted to the application, a Method Statement must be prepared giving details of reasonable avoidance measures to be taken during the course of any development to avoid any harm to amphibians.
 - Replacement tree planting should be sought for tree losses.
 - An artificial bat box should erected on or near to the site.
- 7.4 Local Highway Authority (LHA) – No objections subject to conditions. Note that the parking arrangements are suitable and befitting of the scale of the proposals. The total vehicle movements attributed to the development would not be significant.
- 7.5 Tree Officer – There is one tree identified as T1 Scots Pine on the submitted survey that is of higher value and to be retained in the plans. This tree should be protected to BS5837 and recommendations in the Arboricultural Impact Assessment during all works. Other trees on site are in poor condition and of limited amenity value. They would be category C trees under BS5837 and not considered a constraint to development.
- 7.6 United Utilities (UU) – No objections subject to details of the site drainage being conditioned in accordance with the drainage hierarchy and that site is drained on separate foul and surface water systems.

8. ANALYSIS

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

- 8.2 Paragraph 219 of the NPPF confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development.
- 8.3 The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For decisions on planning applications this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The site is unallocated on the UDP Proposals Map (2004), it is located at the head of the cul-de-Sac of Stableford, a residential street located to the south west of Mossley Town Centre. Policy H2 'Unallocated Sites' states that the Council will permit the redevelopment of previously developed land for residential use, where these are not specifically allocated for this purpose in the plan. Residential development on greenfield land which is not specifically allocated for this purpose will not be permitted unless an adequate five-year supply is no longer available.
- 9.2 Planning permission was previously considered to develop part of the site for a single bungalow. This application ref 17/00021/OUT was refused on the following grounds:
1. The proposed development, by reason of its prominent position at the end of a cul-de-sac and the restricted size of the application site, appears contrived within its setting and uncharacteristically cramped and would be at odds with the relatively more spacious layout of the neighbouring properties and therefore harmful to the character and appearance of the area in which it is located. It would thus fail to be compliant with policy RD22 of the Council's residential design guide and policy H10 (a) of the UDP.
- 9.3 The current lack of a 5 year housing supply is afforded significant weight to the assessment process. The NPPF is clear that the presumption in favour of sustainable development should be applied to determine planning applications in such instances, unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole. UDP policy H2 confirms that the Council will permit the development of greenfield sites when an adequate five year supply is no longer available.
- 9.4 The site is located on the periphery of Mossley town centre which is directly accessible. This central location within the urban fabric means that it is within the catchment of essential services and amenities including the train station, which is a short walking distance away. The location is accessible and sustainable for planning purposes.
- 9.5 The site supports trees and is partly used for grazing purposes, by virtue of its undeveloped nature the site functions in a green space capacity. Policy OL4 of the UDP offers protection to non-allocated functioning areas of land in similar use but which are not shown as protected green spaces on the proposals map.
- 9.6 Policy OL4 includes a number of exceptions where either protected or non-protected green space can be developed. These exceptions include the development being ancillary to the established use, redevelopment being required to upgrade the site to a desirable standard,

the replacement of the site with green space of an equivalent or better quality the retention of the site (sport 7 recreation) is no longer desirable. Aside from specific qualifying criteria for the release of land, policy OL4 makes clear reference that the criteria should not apply if; 'part or all of the land involved would continue to fulfil a local need for amenity space, provide a valued sense of openness in the street scene, maintain the character and environmental quality of the area, maintain an open land corridor or substantial enclave of open space within the urban area, provide links to or continuity with wider areas of countryside, or form a wildlife corridor'.

- 9.7 The site's open space function is as amenity space which complements the local landscape character and to some extent the setting of Stablefold. The value of the site must also be viewed in the context of the adjacent Green Belt, the associated trees and vegetation provide a buffer and clear demarcation between the openness of the adjacent Green Belt and the residential environment of Stablefold. The loss of the open space function would have a local impact in terms of the character of Stablefold, there would also be an influence on longer distant views which would be influenced by the associated encroachment of the development into otherwise undeveloped land. The influence of this is more profound when acknowledging the associated engineering works required to create the development platform to support the dwellings, which at its highest would measure in the region of 5m.
- 9.8 There has not been a compelling case presented by the applicant against the criteria of policy OL4. The development of the site would have a detrimental impact on the local environment, the current amenity value and function would be lost in its entirety. The resultant encroachment into the countryside would be undesirable, the boundary to the Green Belt would not be as strong as that which presently exists, the development would have a domineering impact to no demonstrable public benefit. The associated constraints of the site associated with the levels, existing vegetation and neighbouring properties (to be discussed later in the report) all influence the ability for the site to be developed. In the site's circumstances the proposals are viewed as being contrary to policy OL4.
- 9.9 Paragraph 8 of the Framework identifies three overriding objectives to sustainable development, economic, social and environmental. The balance between the loss of the functioning Green Space and its contribution to local amenity value and landscape character is not compelling. The representations that have been received coupled with the site assessment confirm that the site serves an important local green space function which fulfils a strong social and environmental role. The value of the site to the local community is reflected within the representations which are material to the balancing exercise. There is not considered to be an overriding economic (regenerative) case which would outweigh the associated harm that would result from development of the site and the loss of the functioning green space, the impact upon landscape character and residential amenity (to be discussed later) is also relevant to this assessment. Whilst welcomed, the contribution to housing supply is limited and does not outweigh consideration to the adverse social and environmental impacts and, therefore, it is not considered that the proposals constitute a sustainable form of development to which there would be significant and demonstrable public benefits.

10. DESIGN & LAYOUT

- 10.1 Policies C1 and H10 seek to ensure that developments are designed to respect their surroundings and contribute positively to the character of the area, having particular regard to the layout, density, design, scale, height, massing, appearance, materials and landscaping prevalent in the area. Proposals should respond to the townscape and landscape character of the local area, reinforcing or creating local identity and distinctiveness. Good standards of amenity, privacy, safety/security and open space should be provided for the occupants of new housing and good standards of amenity and privacy should be maintained for the occupants of existing housing.

- 10.2 The development would be a continuation of Stablefold, the dwellings would be aligned to the siting of no.24 although they would project closer to properties at the rear on Andrew Street. The proposed access would extend from the head of the current turning head. The existing soft landscaping frames the long view down Stablefold and provides a clear and functional separation from the residential environment and adjacent Green Belt.
- 10.3 In terms of design merits, the proposed bungalows would be typical in scale and design to existing properties on Stablefold. Building lines would be observed and eaves and ridge heights would be comparable, this would assist with a degree of assimilation. However, the fundamental design concerns are relevant to the influence upon land levels, loss of existing landscape character, and encroachment into open countryside.
- 10.4 To address levels, there would have to be significant remodelling of the site, this would include the removal of existing trees and vegetation to facilitate a cut and fill exercise. There would be a requirement for retaining structures, one to the west of the access road, and one on the eastern rear garden boundary of Andrew Street properties. No exact construction details have been provided, nor has there been any assessment of the slope stability and level of fill required. The submitted plan merely states that the structures would be constructed as a green wall and that the height, excluding boundary treatment, would be in the region of 5 metres.
- 10.5 An understanding of the site levels and construction method is fundamental to the proposals. At present there is an (approx.) 7 metres fall in levels, the retaining wall would need to be constructed along the eastern and southern boundaries significantly altering the profile and character of the land. The site plan indicates that the properties would be positioned approximately 5.5m above the properties on Andrew Street, this excludes the height of the dwellings themselves as well as any rear boundary treatment which is likely to stand at 1.8m above the retaining structure. The cumulative impact of the retaining structures, boundary treatment and dwellings would present themselves as a significant intrusion into the openness of the adjacent Green Belt. The siting of the dwellings on such an elevated platform would give them a very domineering appearance and this would be in stark contrast to the existing environmental character.
- 10.6 UDP, NPPF policies and the guidance of the SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making. The NPPF emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 134). The cumulative impact of the above design issues identifies that the associated engineering works to accommodate the development would have a significant adverse impact upon the local environment quality.

11. RESIDENTIAL AMENITY

- 11.1 The adopted policies within the Council's Residential Design Guide Supplementary Planning Document strive to raise design standards. Good design is aligned to the delivery of high residential amenity standards. This should reflect equally on the environment of existing residents as well as that of future residents. Paragraph 130 of the NPPF states that development should seek to provide a high standard of amenity for existing and future users alike. This is reflected in policy H10 and the recommendations of the Residential Design Guide SPD, the guidelines of which seek to ensure that all development has regard to the amenity of existing and proposed properties.
- 11.2 The implications of the groundworks and location of the dwellings upon the amenity levels of neighbouring properties is a significant concern. Ultimately the relationship which would be forged would not be a successful one and it is considered that the development would result in clear and demonstrable harm to the occupants of the existing properties on Andrew Street.

The scale of this harm is largely attributed to the influence of site levels and required engineering works. The dwelling would tower above the properties on Andrew Street, whilst a 36 metre separation would be achieved from the rear elevation the retaining wall would encroach between 16.5 metres and 25 metres of the rear elevation of the dwellings, with a cumulative height of between 6.5/7 metres, this would be a domineering structure which would impact adversely upon levels of outlook and light. In addition the appearance of the dwellings and retaining works would be visually intrusive to these residents since the level of fenestration would result in a feeling of overlooking. Overall, they would experience a greater sense of enclosure.

- 11.3 Whilst a green wall may help to soften the appearance of the retaining works, the benefits of this on amenity levels would be limited. The mass of the retaining structure would represent a significant intrusion into the local environment and there is no reasonable mitigation which could be introduced to reduce the perceived harm.
- 11.4 With regard to the amenity which will be afforded to the residents of the development, it is of note that each of the properties would meet with the internal requirements set out in technical housing standards. The close proximity of the site to Mossley, transport links, nearby local amenities and open space means that residents would also benefit from an acceptable standard of access to local services.
- 11.5 Concerns have been raised within the representations about undue noise and disturbance arising from the construction period. A construction management plan could help to minimise disturbance and ensure that best practice measures are adhered to. Disturbance associated with construction would also be time limited. Notwithstanding consideration to the safeguards of planning conditions, the absence of any assessment of the level of cut/fill operations means that it is difficult to arrive at a meaningful conclusion upon the potential impact on neighbour's amenity. It is quite possible that a significant level of material would need to be imported via Stableford, the constrained nature of the site and influence of challenging levels suggests that disturbance upon residents could be significant, even if it is for a relatively short period.

12. HIGHWAYS AND ACCESS

- 12.1 Policy T1 requires all developments to be designed to improve the safety for all road users. Likewise paragraph 111 of the NPPF confirms that development should only be 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.
- 12.2 Each of the properties would have two dedicated off street parking spaces. As noted, the site's location is deemed sustainable given its proximity to Mossley, public transport and associated amenities. This has been considered by the Local Highway Authority (LHA) who deem that the parking arrangements suitably mitigate the impacts of the development.
- 12.3 The LHA has reviewed the application and the predicted vehicle journeys on the network during would not be significant. The LHA is satisfied that the increased vehicle trips generated by the development are minimal and therefore the residual cumulative impact on the road network would be acceptable.
- 12.4 The LHA is satisfied with the development arrangements and that they are designed to protect all road users. In recognition of this, the development has appropriately demonstrated that safe and convenient access can be achieved to meet all highway users' requirements. The disruption associated with traffic during the construction period can be managed to ensure minimal disruption would occur during the temporary period. Once operational, the associated traffic movements from the site would not be significant and there would remain appropriate capacity on the local network. Safety would not be compromised and future

residents would have direct access to public transport. The proposals would be in compliance with the requirements of T1, T7, T10 and T11 and NPPF paragraph 111.

13. DRAINAGE AND FLOOD RISK

- 13.1 The site is in flood zone 1 and at a lower risk of flooding. The site is, at present, undeveloped and the proposals would see an increase in the impermeable area. Paragraph 167 of the framework advises that in determining planning applications; 'local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment'.
- 13.2 No drainage details have accompanied the application, nor has any consideration to local drainage issues and the influence of the retaining works upon the local water table. The applicant has suggested that these are matters which could be adequately conditioned.
- 13.3 Residents of Andrew Street have reported drainage issues associated with current surface water management. A site visit confirms that there is a surface water drain passing through the site which connects to a culverted watercourse/drain under Andrew Street.
- 13.4 The drainage is considered to be locally sensitive. The lack of any details or strategy is a shortcoming of the application and it is not possible to make a meaningful assessment. The increase in site levels could have an influence upon the local water table, it also raises concerns about how the curtilage of the dwellings would be positively drained without adverse impact upon Andrew Street properties located at the lower level. The ability to positively drain the site without an adverse impact could be challenging. There are circumstances where such matters can be adequately addressed by a planning condition, and had such a significant change in land levels not been proposed such an approach would otherwise be deemed appropriate.
- 13.5 In the absence of a suitable drainage assessment it is considered that the proposals are contrary to paragraph 167 of the NPPF.

14. GROUND CONDITIONS

- 14.1 Paragraph 184 of the NPPF states; 'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.
- 14.2 There will be a requirement for several retaining walls and structures across the site in order to make secure and safe the levels to support the access road, dwellings and associated garden areas. These retaining structures would not only support existing ground but also additional material which would need to be imported to create the desired land levels.
- 14.3 No slope stability assessment has been undertaken of the ground conditions and there has been no engineering details provided relevant to the retaining structures. The influence and or failure of any such structures could have a profound impact upon the Andrew Street properties. It is not a matter which can be adequately conditioned. The failure to satisfactorily address and consider the implications slope stability is considered to be contrary to paragraph 184.
- 14.4 The site falls outside of the Coal Authority's defined development high risk area. As such, a coal mining risk assessment has not been undertaken.

- 14.5 The Environmental Protection Unit (EPU) have no fundamental concerns about the ability to develop the site for residential purposes. They recommend that planning condition could secure further site investigation with remediation if deemed necessary.

15. LANDSCAPING, TREES & ECOLOGY

- 15.1 Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment. The site currently has a reasonable ecological value, associated with the level of tree and vegetation cover, its proximity to the adjacent agricultural land gives the semi-rural appearance.
- 15.2 With reference to ecological matters GMEU have reviewed the proposals and stated that the loss of the habit to the development can be tolerated, in reaching this conclusion they note that the proposals would not sever or significantly fragment an established wildlife corridor. The Arboricultural Officer adds further weight to the planning balance by confirming that an adequate level of mitigation can be secured to compensate for the associated tree cover that would be lost.
- 15.3 The concerns relevant to landscaping are those relevant to place making and design. As identified previously, the proposals would represent a significant visual intrusion towards the Green Belt boundary. The loss of all existing vegetation and raising of land levels would be a departure from the current semi/rural environment. The ability to establish mature landscaping would be limited and the development would present a hard edge to the adjacent openness of the agricultural land. It not considered that suitable landscaping strategy could mitigate this harm. Notwithstanding the absence of objections from GMEU or the Arboricultural Officer, the proposals are viewed as being contrary to polices C1, N4, N5 and NPPF paragraph 174.

16. OTHER MATTERS

- 16.1 Noise: With removal of the employment uses, noise affecting the development is largely transport based. The EHO is satisfied that a suitable standard of amenity level can be achieved and there are no requirements for any noise related planning conditions. A construction management plan (to be conditioned) will ensure disturbance is kept to a minimum during the construction period. Residential use is fully compatible with the local established character, there is no reason why existing residents amenity should be impacted upon negatively from the development.
- 16.2 Heritage: There are no recorded assets within the vicinity of the site. The development will therefore not have any influence on the setting of any assets.

17. CONCLUSION

- 17.1 Council's current position on 5 year housing supply is material to the consideration of the application. However, the proposals would not achieve the 3 dimensions of sustainable development (i.e. social, economic and environmental considerations). There is no overriding case based on these considerations which would outweigh the associated harm that would result from the development associated with:
- Loss of functioning Green Space;
 - Impact of the scale and design of the development upon the amenity level of existing properties;
 - Potential adverse impact upon surface water drainage; and,
 - Impact upon local landscape quality and character

- 17.2 The proposals are considered to represent a significant overdevelopment of a limited site. The application has failed to address the site constraints in an acceptable manner and in the absence of any demonstrable benefits it is not considered that planning permission can be supported.

RECOMMENDATION:

Refuse planning permission for the following reasons:

1. The site functions as a valued area of open space within the local environment and makes a significant contribution to local character and environmental quality associated with its strong links to the adjacent countryside. The development would result in a significant loss of this amenity function. The resultant development would present itself as a visual intrusion into otherwise undeveloped countryside that would also compromise the setting and openness to the adjacent Green Belt. The applicant has failed to demonstrate that there is a compelling regenerative case to support a departure from the development plan that seeks to retain such areas. Consequently the proposal does not meet the exception test of UDP Policy OL4 'Protected Green Space', N4: 'Trees and Woodland' or N5: 'Trees within Development Sites' and paragraph 174 of the NPPF.
2. As a result of the challenging site levels, development of the site would require the construction of retaining structures. The cumulative effect of the elevated properties and retaining structures would have a significant and compromising influence upon levels of outlook, light and amenity for dwellings located on Andrew Street across the rear boundary. The change in site levels would also give rise to a greater perception of overlooking. This would be contrary to Saved Thameside UDP policies 1.1: Creating a Cleaner and Greener Environment, H10: Detailed Design of Housing Developments, and design Guidance contained within Chapter 12 of the NPPF.
3. The development is at risk from contributing to or being put at unacceptable risk from land instability issues. No assessment of the slope stability and site investigation has been carried out at the site to provide an accurate assessment of the risks to the stability of the land within the site, the potential risks to properties on Andrew Street and inform the design of any retaining structures. As such it is not possible to ensure that the proposed development will not contribute to unacceptable levels of land instability. The lack of an adequate assessment is considered to be contrary to paragraphs 174 and 183 within section 15 of the National Planning Policy Framework.
4. The application has not been supported with a drainage strategy or surface water management assessment. Given the change in site levels required to facilitate development the proposals could result in additional surface water drainage issues to properties located on Andrew Street. Consequently the proposals are considered to be contrary to NPPF paragraph 167.