

Application Number 22/00262/FUL

Proposal Construction of 9no. 3 bed dwellings including ancillary works/excavation.

Site Land on Stamford Road, Mossley

Applicant Mr Wilcox

Recommendation Refuse planning permission.

Reason for Report A Speakers Panel decision is required because the application has been called in for a decision by Councillor Sharif.

1. SITE & SURROUNDINGS

- 1.1 The site is approximately 0.79 hectares in area and is situated along the south side of Stamford Road on land to the west of 77 Stamford Road. There is evidence from historical maps showing that part of the site was previously occupied by numbers 85 to 97 Stamford Road and houses accessed from Back George Street. The site includes land within the designated line of the Town Centre shown on the adopted Tameside Unitary Development Plan (UPD) map.
- 1.2 The site slopes steeply from Stamford Road up to the back of properties on George Street, to the south of the site. A public footpath runs between no. 9 George Street and The Blazing Rag public house, leading through the site, although the majority of the route is an informal footway with minimal surfacing, with some areas overgrown.
- 1.3 There are mature trees in the eastern portion of the site, adjacent to the western gable end of no. 77 Stamford Road. That property and the terrace of units of which is part are 2 storey dwellings, as are the properties on the northern side of Stamford Road, which face the northern boundary of the site.

2. PROPOSAL

- 2.1 The applicant seeks full planning permission for the construction of 9no. 3 bed dwellings including ancillary works/excavation to a plot of land on Stamford Road in Mossley.
- 2.2 The proposed dwellings would form a terraced row, staggered in three blocks and be set back from the footpath at varying distances. The dwellings would be 2 storeys in height and would each be constructed of equal widths and proportions. The ridge heights of the properties would increase (stagger upwards) moving in a westerly direction reflecting the changes in ground levels along Stamford Road. Private amenity space would be provided for each dwelling at the rear, facing the properties on George Street to the south.
- 2.3 The dwellings are proposed to be constructed with artificial stone external elevations, dark grey pitched slate roofs (with central roof light) and dark grey window frames with stone heads/window cill detailing.

3. PLANNING HISTORY

- 3.1 07/01602/FUL – Erection of 1 pair of semi-detached dwellinghouses (site area limited to the north eastern corner of the land that is the subject of this current application) – approved

- 3.2 20/00463/FUL - Construction of 2 number 4 Bedroom Town Houses 2 number 2 bedroom town houses and 12 apartments – refused. The reasons for refusal are as follows:
1. In the opinion of the Local Planning Authority, the proposed development would be of a scale and design that would be detrimental to the character of the surrounding area. The variation in the widths of each bay of the building results in an inconsistency to the principal elevation of the development. This element of the design, along with the height of the scheme and the inclusion of dormer windows on the principal elevation are factors which are considered to contrast negatively with the simple, regular character and two storey scale of the properties that face the site on the opposite side of Stamford Road. The proposal are therefore considered to be contrary to policies H10 and C1 of the Tameside UDP and the NPPF.
 2. In the opinion of the Local Planning Authority, the proposed development would result in a detrimental impact on the residential amenity of the properties on the northern side of Stamford Road, given the fact that the building would be 3 storeys in height and would include dormer windows serving habitable rooms in the roofspace. The separation distance between the front elevation of the proposed development and the corresponding elevation of 90-94 Stamford Road is just below 9 metres. Given the limited nature of the separation distance to be retained and the fact that the properties on the opposite side of Stamford Road are only 2 storeys in height, it is considered that the proposal would result in harmful overlooking and an overbearing impact on the amenity of those neighbouring properties. The proposal are therefore considered to be contrary to policies H10 of the Tameside UDP, policy RD5 of the Residential Design Guide SPD and the NPPF.
 3. In the opinion of the Local Planning Authority, the proposed development would result in a detrimental impact on highway safety, due to the necessary movements within Stamford Road associated with the garages within the houses that form part of the development. Access to the proposed garages would require either performing a manoeuvre in the narrow highway on Stamford Road (adjacent to the traffic light controlled junction of Stamford Road and Stamford Street) to reverse into the spaces, or reversing out of the garages into the highway. The conflict with traffic within the highway associated with either scenario is considered to result in a highway safety hazard. In accordance with the contents of paragraph 109 of the NPPF, planning permission should therefore be refused.
- 3.3 21/00344/FUL – Construction of 2 number 4 bedroom town houses 2 number 2 bedroom town houses and 12 apartment (Resubmission of application 20/00463/FUL) – Appealed on non-determination. Recommendation: refusal.
- 3.4 Appeal Reference APP/G4240/W/21/3277156 (Appeal of 21/00344/FUL) – appeal dismissed and planning permission refused.

4. RELEVANT PLANNING POLICIES

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.

4.4 The following are also relevant:
Section 2: Achieving Sustainable Development;
Section 5: Delivering a sufficient supply of homes;
Section 7: Ensuring the vitality of town centres;
Section 8: Promoting healthy and safe communities;
Section 11: Making Effective use of Land;
Section 12: Achieving well-designed places;
Section 15: Conserving and enhancing the natural environment; and
Section 16: Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

4.5 This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

Development Plan

4.6 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 (UDP) Allocation:

4.7 The northern portion of the site is located in Mossley Town Centre.

4.8 Part 1 Policies

- Policy 1.4: Providing More Choice and Quality Homes.
- Policy 1.5: Following the Principles of Sustainable Development
- Policy 1.6: Securing Urban Regeneration
- Policy 1.10: Protecting and Enhancing the Natural Environment.
- Policy 1.11: Conserving Built Heritage and Retaining Local Identity.
- Policy 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.9 Part 2 Policies

- C1: Townscape and Urban Form
- H1: Housing Land Provision.
- H2: Unallocated Sites (for housing)
- H4: Type, size and affordability of dwellings
- H5: Open Space Provision
- H6: Education and Community Facilities
- H7: Mixed Use and Density.
- H10: Detailed Design of Housing Developments
- MW11: Contaminated Land
- MW12: Control of Pollution
- MW14 Air Quality
- N3: Nature Conservation Factors

- N4: Trees and Woodland
- N5: Trees Within Development Sites
- N7: Protected Species
- OL4: Protected Green Space
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management.
- T10: Parking
- T11: Travel Plans
- T13: Transport Investment
- U3: Water Services for Developments
- U4: Flood Prevention.
- U5: Energy Efficiency

Supplementary Planning Documents

4.10 The following are relevant:

- Residential Design Supplementary Planning Document;
- Trees and Landscaping on Development Sites SPD adopted in March 2007; and
- Tameside Open Space, Sport and Recreation Study (2010)

Places for Everyone

4.11 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).

4.12 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

4.13 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.

4.14 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 Neighbour notification letters were issued and two notices were displayed adjacent to the site for 21 days, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement.

6. SUMMARY OF THIRD PARTY RESPONSES

6.1 30 letters of objection have been received from neighbouring residents, raising the following concerns (summarised):

- The scheme proposes to high a density of development on the site, which result in a detrimental impact on the character of the area, highway safety and the residential amenity of neighbouring properties;
- Development too big;
- Concerns regarding the impact of overlooking into and overshadowing of neighbouring properties, which would be harmful to the amenity of the existing residents;
- Concerns regarding highway safety. Three bedroom houses are family houses – each is likely to have at least one car. The development of this site will cause traffic chaos and disruption for a significant period of time. This situation would be detrimental to highway safety;
- Problems for any emergency vehicles to get through the traffic lights during construction.
- The proposals do not make adequate provision for car parking. Reliance on on-street parking is not a feasible option and the size of the units will result in increased pressure for parking in the locality;
- The scale of the development would result in a population increase that would have a detrimental impact on the capacity of services and facilities e.g. schools, doctor surgeries;
- The proposed development would result in the loss of open space that has both amenity and biodiversity value.
- The scale of the proposed development would have a detrimental impact on the character of the area;
- Sets a precedent;
- Concerns regarding the impact of traffic and noise generated during the construction phase of the development on the residential amenity of neighbouring properties.
- The proposal to have lawned areas to the front of these properties is ludicrous - there is queuing traffic for the traffic lights at all hours of the day and night. Air pollution would make the utilising of these lawns very unpleasant (at best).
- Re-routing of the Public Right of Way – concerns as to the location of the public right of way and associated noise and nuisance - as it will become a gathering point.
- Drainage strategy is deficient.
- No fundamental objection to the land being used for housing but parking is an issue. A more appropriate alternative would be smaller houses for demographics less likely to have a car e.g. older people and social housing tenants.
- The site would be better suited to a single or pair of dwellings with parking for two cars to reflect the needs of modern society.

6.2 Councillor Sharif has objected to the application, raising the following concerns (summarised):

- Inappropriate siting and layout
- Inadequate parking provision
- Impact on local commercial and residential amenity
- Highway safety- Potential for unsafe parking and turning on a main road
- Loss of green space
- The proposal does not follow a historic street frontage townscape, which would historically be “back of pavement” in character
- The development does not provide parking spaces – none for the occupants of the proposed three bedroom family houses, nor for visitor use.
- Parking impact on the town centre - resident parking will result in surroundings streets, already overburdened, and causing conflict and loss of amenity to other residents.
- Parking safety hazards when unloading, albeit briefly, on the road side near to the traffic junction/ also temporary parking on pavements.
- Concerns for future use of front garden areas as areas for off-street parking.
- Disruption to amenity and highway safety during the construction phase of the development.

- 6.3 Councillor Homer has objected to the application, raising the following concerns (summarised):
- Chaos during construction period in relation to highway safety.
 - Further chaos once construction as the homeowners try to access their parking spaces.
 - Land should remain as green space and left to nature as any development is not practical due to the proximity of the site to the traffic lights at the busiest junction in town.
- 6.4 Clerk to Mossley Town Council – objects to the proposal, noting the following concerns (summarised):
- The application was considered at the meeting of the Town Council on Wednesday 22 May 2022:
 - The Town Council strongly objects to this proposal on the grounds of: 1. inappropriate siting and layout 2. Inadequate parking provision 3. Impact on local commercial and residential amenity 4. Potential for unsafe parking and turning on a main road.

7. RESPONSES FROM CONSULTEES

- 7.1 Local Highway Authority (LHA) – Concerns regarding the lack of parking serving the proposed units and the potential for severe highway circulation issues on Stamford Road during construction, especially given the existing traffic signals which are adjacent to the proposed development.
- 7.2 Lead Local Flood Authority (LLFA) – the submission of further details regarding surface water drainage is considered to be necessary, prior to the determination of the application.
- 7.3 United Utilities (UU) – no objections to the proposals subject to the imposition of conditions requiring the submission and approval of a sustainable surface water drainage strategy and that foul and surface water are drained from the site via separate mechanisms.
- 7.4 Borough Environmental Health Officer (EHO) – no objections to the proposals subject to details of soundproofing scheme to be installed to mitigate the impact of external noise sources on the residential amenity of future occupants and a limitation on the hours of work during the construction phase of the development being secured by conditions.
- 7.5 Borough contaminated land officer - no objections to the proposals subject to the imposition of a condition requiring an intrusive investigation into potential sources of ground contamination of the site and the approval of a remediation strategy prior to the commencement/ first occupation of development.
- 7.6 Borough Tree Officer – No objection to the proposal. There are a number of trees on site but these are low value and in relatively poor condition, growing out of stonework / walls etc. These would not be considered a constraint to development.
- 7.7 Transport for Greater Manchester (TfGM) – no objection to the proposal. It is noted that car parking provision and vehicle access have been removed following application references 20/00463/FUL and 21/00344/FUL, and as such TfGMs previous concerns relating to vehicle access arrangements are no longer relevant. TfGM offer the following other comments:
- The footway fronting the site on Stamford Road would benefit from renewing / resurfacing and any redundant vehicle crossings bordering the site should be reinstated as continuous footway.
 - Given the development's close proximity to the traffic signals on Stamford Road, the applicant will need to liaise with TfGM UTC to discuss any potential impacts during construction and once the development is complete.

- 7.8 Greater Manchester Police (Designing out Crime Officer) – no objection to the proposal. comments advising that the proposed development should be design and constructed to Secured By Design standards; all garden boundary treatments adjacent to publically accessible land in particular to the side and rear should be 2100mm; dusk till dawn lighting should be installed on all external doors; and, any external bin store should be a secure, lockable and fire resistant enclosure.
- 7.9 Greater Manchester Archaeological Advisory Service (GMAAS) – no objections to the proposals on the grounds of archaeological significance and no conditions considered necessary in this regard.
- 7.10 Environment Agency (EA) – unable to provide a site specific review due to high workload.
- 7.11 Greater Manchester Ecology Unit (GMEU) – no objection to the proposal subject to conditions relating to protected species, nesting birds and invasive species (Japanese knotweed).

8. ANALYSIS

- 8.1 Before considering the key issues at hand in relation to this application, it is important to reflect upon the differences between the previously refused applications (20/00463/FUL; 21/00344/FUL) and the current scheme. The main differences are summarised as follows:
- An increase in the number of dwellings from 4 town houses to 9 dwellinghouses. The scheme however does not now propose any apartments (previously 12);
 - Removal of all proposed dedicated off street parking;
 - A reduction in the height of the units from 3 storeys to 2 storeys;
 - External alterations to the dwellings including design, form and layout across the site.
- 8.2 The key issues to be assessed in the determination of this planning application are:
- 1) The principle of development
 - 2) The impact of the proposed design and scale of the development on the character of the site and surrounding area;
 - 3) The impact on the residential amenity of neighbouring properties;
 - 4) The impact on highway safety;
 - 5) The impact on the ecology and trees;
 - 6) The impact on flood risk/drainage; and
 - 6) Other matters

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Loss of open space:
- 9.2 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. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 208 - 219 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies.
- 9.3 Paragraph 213 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 and Section 5 of the NPPF requires Local

Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations.

- 9.4 Policy OL4 of the UDP seeks to retain areas of protected green space, including not only designated spaces (this site is not designated in this regard) but also 'areas of land in similar use but which are too small to be shown as Protected Green Spaces on the 'Proposals Map'.
- 9.5 Criterion (d) of the policy states that an exception to the policy requirement to retain green space can be made where the retention of a site or facilities for sport or recreational use is not necessary and the site has no special significance to the interests of sport and recreation. Tameside has a Playing Pitch Strategy and Action Plan report which does not identify the application site as being necessary to deliver the Council's aspirations to develop leisure space in the long term (next 6 years+).
- 9.6 There are a number of protected areas of open space within 10 minutes walking distance of the proposed development sites, which is the recommended walking distance threshold for Tameside, including Mossley Park to the south of the site.
- 9.7 Paragraph 97 of the NPPF states that Local Green Space designation will not be appropriate for most green areas or open space and that the designation should only be used where the following criteria apply:
- Where the green space is in reasonably close proximity to the community it serves;
 - Where the green space demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and,
 - Where the green area is local in character and does not apply to an extensive tract of land.
- 9.8 Whilst the land would comply with criterion 1 and 3, it is considered that the land does not hold the value required by criterion 2. The lands itself is not designated as a site of ecological or historic significance (either nationally or locally and the gradient of the land limits its value for recreational use).
- 9.9 The site does currently provide a visual break in development along Stamford Road. However, given the relatively dense nature of development surrounding the site and the fact that the site is within the built up centre of Mossley, it is considered that the undeveloped space is appreciated only from public views immediately adjacent to the site. It is therefore considered that the undeveloped nature of the land does not perform the role of a landscaped buffer on the edge of a settlement or provide a transition between areas of varying density or character.
- 9.10 Following the above assessment, it is considered that the loss of the open space would not result in harm that would significantly and demonstrably outweigh the benefits of the scheme, including the provision of new housing in a sustainable location, as discussed below.
- 9.11 Principle of redevelopment for housing:
- 9.12 The applicant has made reference to the fact that the site has been included in Strategic Housing Land Availability Assessments (SHLAA) produced by the Council. It is correct that the site was previously identified within the Council's SHLAA, but it was subsequently discounted from the Council's 2021 residential land supply due to the minimum yield threshold - as outlined within the Strategic Housing and Employment Land Availability Assessment (SHELAA) methodology. Paragraph 1.8 of the 2021 SHELAA states that: *'It is important to clarify that identification of land in this assessment does not imply that either planning permission will be granted or that a site will be allocated in the local plan. All land and future development proposals remain subject to the plan making and development*

management processes. The assessment does not preclude land from being developed for uses other than that identified in this assessment, nor does it preclude the possibility of development being granted on sites that have not been included in this assessment.'

- 9.13 It is acknowledged that there is historic evidence of housing development on the site. However, it is also the case that the definition of previously developed land, as set out in the NPF, excludes land that '...was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape' from being considered brownfield land. This exclusion is considered to apply to this site, in which the predominant characteristic of the site is of open space between development on the Stamford Road streetscene.
- 9.14 Notwithstanding the above however, the site includes land within the allocated Mossley Town Centre Boundary and is situated within close proximity of regular bus services and within a 15 minute walk of Mossley train station. Section 7 of the NPPF refers to residential development enhancing the viability of town centres and that consideration is relevant to this location.
- 9.15 The Council accepts that it cannot currently demonstrate a five year supply of housing land and as such, the redevelopment of the site for residential purposes in a sustainable location is worthy of significant weight in the determination of this application.
- 9.16 Following the above assessment, the principle of development is considered to be acceptable, subject to all other material planning considerations being satisfied.

10. CHARACTER

- 10.1 The previous applications related to three storey townhouses which were refused partly on design grounds. As outlined in the refusal reasons noted above, the scale of the development was considered to be unacceptable, with the height and varying widths of the properties to the principal elevation considered to be irregular and uncomplimentary to the existing streetscape. The photographic evidence of the development which once occupied the site (four storey development with commercial units on ground floor) is noted, however this development was demolished a number of years ago and the character of the site has evolved into one that appears largely undeveloped.
- 10.2 The current scheme proposes 9no. two storey terraced dwellings put together in a staggered block form with varying distances from the footpath along Stamford Road. It is acknowledged that the applicant has sought to address previous design concerns by reducing the height of the proposed dwellings and ensuring that all properties maintain the same width; however the alterations to the design have created new design issues in relation to bulk and mass which are outlined below.
- 10.3 Viewed in complete isolation, the proposed dwellings would reflect the two storey scale of the properties that face the site on the opposite side of Stamford Road. However, given the limited size of the plot and the number of units proposed, the development would be high density and would unacceptably dominate this section of the streetscape. The dense block form of 9 dwellings in this location would be of a scale that would be detrimental to the character of the surrounding area. Although the properties would be staggered back from the footpath to address residential amenity concerns, this does not off-set the dominance and bulk of the proposed development when viewed within the confines of the narrow slim-line plot of land. Moreover, the staggered principal elevations of the proposed terraced row and creation of inconsistent front gardens of different depths, would also be at odds with the general linear character of the terraced properties within the immediate vicinity which front the footpath. Any boundary treatment used to demark the edges of the front gardens would

also be at odds with the character of the street and would not be conducive to the surrounding make-up of the area.

- 10.4 For these reasons, it is considered that the scale and massing of the proposals would result in a detrimental impact on the character of the surrounding area. As such, the proposal consequently conflicts with UDP Policies H10 and C1 which, amongst other things, seek high quality design and require proposals for built development to respect the townscape, topography and urban form of an area. Conflict would also arise with advice contained in Policy RD2 of the Council's Residential Design Guide Supplementary Planning Document 2010 (SPD) which requires a consideration be given to how a proposal would align with the height, width and scale of surrounding buildings when assessing an area's character. In addition, it would also fail to accord with the design objectives of the Framework, specifically Section 12.

11. RESIDENTIAL AMENITY / RESIDENTIAL ENVIRONMENT CREATED

- 11.1 The adopted Residential Design Guide (RDG) requires 21 metres to be retained between corresponding elevations of properties of the same height that contain habitable rooms, reducing to 14 metres where properties face each other across a highway. A separation distance of 14 metres is also required to be retained where an elevation with an opening serving a habitable room and a corresponding blank elevation.
- 11.2 The RDG also requires a separation distance of 14 metres where developments faces each other across a highway. Policy RD5 does include a caveat that variations from these standards may be applied to infill plots, where existing spacing between buildings should be taken into account.
- 11.3 The proposed development would be 2 storeys in height but would include habitable room windows in the roof space (with roof lights to the front roof plane). It is considered reasonable to assess this proposal as the development of an infill site and it is the case that development extending to the back of the footway forms the predominant character of development along Stamford Road.
- 11.4 In this case, because some of the front elevations of the proposed development have been staggered back from the footway, the separation distance between the proposal and the corresponding front elevations of the properties to the opposite side of Stamford Road ranges from 10m – 15.5m. Given that the existing and proposed properties are of a similar height, the minor shortfall of the distance required by the RDG is accepted and the caveat which allows variations to the standard requirements can be exercised in this case. It is not considered that the proposal would result in harmful overlooking nor have an overbearing impact on the amenity of those neighbouring properties.
- 11.5 The section plans submitted by the applicant indicate that the eastern portion of the proposed development would be at a level where only a small portion of the upper section of the roof of the scheme would be visible over the height of the treatment on the common boundary with that neighbouring property, due to the substantial change in levels between the sites. This would prevent direct opportunities for significant overlooking into the rear garden of no.9 George Street.
- 11.6 Whilst the height of the development would increase from east to west, the degree of land level change ensures that opportunities for clearer overlooking across the common boundary would be sufficiently oblique to prevent an adverse impact on the residential amenity of that neighbouring property.
- 11.7 The other buildings that back on to the southern boundary of the site are in use as a doctors surgery and a public house. Given the nature of those established uses, it is considered that

the proposed development would not result in an adverse impact on the amenity of those neighbouring properties.

- 11.8 The property to the west of the site (on the junction of Stamford Road and Stamford Street) is a three storey building which has an established use as a restaurant. The western gable elevation of the proposed development would not include any openings and would be separated from the main corresponding elevation of that neighbouring property by the stairwell and rear yard associated with that building. Given this situation and the established use of that building that is situated in a densely developed edge of centre location, it is considered that the proposed development would not result in an adverse impact on the amenity of that neighbouring property.
- 11.9 The gable end elevation of the neighbouring property to the east of the site is currently screened by mature trees on the eastern edge of the application site. Given this situation and the fact that the corresponding gable elevation of the proposed building would not contain any openings and would be set off the common boundary with a common space and bin storage area, it is considered that the proposals would not result in harm to the amenity of that neighbouring property.
- 11.10 Following the above assessment, it is considered that the proposal would not have an unduly harmful impact on the occupiers of any neighbouring properties with regards to overlooking and loss of privacy. The height of the development is such that it would also not appear unduly overbearing or oppressive – reflecting the two storey height of the majority of the existing properties along Stamford Road. The proposal is therefore found to be acceptable in respect of neighbour amenity.
- 11.11 Reflecting the requirement of Section 12 of the NPPF, that developments create places with a high standard of amenity for existing and future users, UDP policy H10(a) requires that the design of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, meets the needs of the potential occupiers. To this end 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).
- 11.12 This requires that as a minimum, a 3-bedroom (4 person), 2-storey dwelling provides at least 84m² gross internal floor area and 2.5m² of built in storage. For a 3-bedroom, 4 person, 3 storey dwelling, a minimum gross internal floorspace of 90sqm is required. The proposal achieves the minimum requirements and all living spaces have access to natural light. The proposal is therefore found to be acceptable in this regard and would provide a good standard of amenity for future occupiers.

12. HIGHWAY SAFETY

- 12.1 The scheme proposes no off-street car parking spaces.
- 12.2 Policy RD8 of the Residential Design Guide requires 2 car parking spaces per 2 and 3 bedroom unit and 3 spaces for units of 4 or more bedrooms and the scheme would therefore fall some way below those standards.
- 12.3 It is noted that the site is within a sustainable location, within a 15 minute walk of Mossley train station, with regular bus services to and from Ashton and Oldham operating along Stamford Road within a shorter walk of the site. A range of services and facilities, including a foodstore and the public open space at Mossley Park are also within reasonable walking distance of the site.

- 12.4 The proposed scheme however falls well below the parking provision standard for 3 bedroom properties. The Local Highway Authority (LHA) have objected to the proposal as the parking arrangements are inadequate. It is noted that on street parking within the immediate vicinity is limited due to existing Traffic Regulation Orders on Stamford Road (double yellow lines) and there is, as existing, high demand for on-street parking on surrounding streets. The proposal, which comprises 9 x 3 bedroom family homes, would result in additional demand and increased on street parking which would have a detrimental impact on road safety. The proposal would also result in a loss of amenity enjoyed by road users and local residents, by reason of this additional demand and substandard parking provision.
- 12.5 It is noted that no off-street parking was proposed as part of application 21/00344/FUL and the deficit in this case was deemed to be acceptable. However, in the case of this application, there is a key fundamental difference in the nature of the proposed units. Previously comprising majority apartments, the functionality of the proposed scheme differed and the potential occupants having a different relationship/linked trips within the nearby local centre. Occupants of apartments tend to rely less on car travel and rely more on the use of local sustainable transport facilities. However the current proposal relates to 9 x 3 bedroom houses which are more likely to be used as family homes, where there is a reasonable assumption that reliance on car use/travel is higher, pressing additional demand on the local road network for parking. This section of Stamford Road has been highlighted by the LHA as susceptible to significant highway safety issues.
- 12.6 The LHA have also noted that Stamford Road is a well-used highway, by vehicles, cyclists and is well traversed by pedestrians. In this particular location, there are parking restrictions immediately outside of the site with double yellow lines on Stamford Road. The LHA noted that any disruption to the free movement of Stamford Road from vehicles stopping, even temporarily, on the highway, can cause considerable issues on Stamford Road specifically and to a lesser extent on surrounding roads.
- 12.7 In a recent appeal decision relating to a nearby site on Brookfields, just off Stamford Road in Mossley, planning permission was refused for the erection of 21 dwellings owing to the unacceptable impact that the proposal would have on highway safety – particularly during the construction period. The construction access point would be taken via Stamford Road at an area with a widened pavement, used as a lay-by, and would be used for construction vehicles which would be “booked in” in advance in order to ensure that vehicles do not back up on Stamford Road. Despite this, it was concluded by the Inspector, that given the heavy use of Stamford Road, even timed deliveries would have the potential to have knock-on effects on the wider area and would be unacceptable in terms of highway safety – causing considerable severe road network disruption. Stamford Road is a main route through the locality to locations farther afield. Any problems could cause major traffic disruption and could have an unacceptable impact on highway safety and a severe cumulative impact on the road network. Although this refers to the construction stage, those issues noted above were still considered relevant and it was noted that highway safety must be addressed through all stages of development.
- 12.8 Taking into account the highway safety issues/concerns concluded in the above appeal decision, which relates to a site some 150m in distance away to the eastern part of Stamford Road, similarities are noted. Particularly, in respect of this current application, the site does not have the benefit of any additional widened footpaths for off-street storage of delivery vehicles (even temporarily) and is situated immediately adjacent to a signalised road junction where the A670 meets Stamford Road. Similarly, as found in the recent appeal decision cited above, the Local Highway Authority conclude that the development would have an unacceptable impact with regard to highway issues and would have a severe cumulative impact on the road network.
- 12.9 The LPA have no reason to disagree and as a result, find conflict with policies T1 and H10 of the Tameside Unitary Development Plan (2004) which state that, amongst other matters,

development should aim to improve road and community safety, be designed to address the safe management of congestion problems and make suitable arrangements for access. In addition to this the proposal is at odds with the guidance set out in Paragraph 111 of the National Planning Policy Framework.

- 12.10 Details of secured cycle storage provision could be secured by condition had the scheme been considered acceptable in all other regards, to further mitigate any harm arising from the deficit in car parking provision against the locally adopted standards.
- 12.11 Following the above assessment, it is considered that the proposals would result in a detrimental impact on highway safety due to inadequate parking provision to serve the proposed residential units. In accordance with the contents of paragraph 111 of the NPPF, planning permission should therefore be refused.

13. ECOLOGY AND TREES

- 13.1 Comments by objectors to the application regarding the ecological value of the site are noted. The site is not designated either nationally or locally as a site of biodiversity value. The Tree Officer has raised no objections to the scheme, concluding that the trees to be removed to facilitate the development are not of any amenity value or condition to warrant retention.
- 13.2 A condition requiring the submission and approval of biodiversity enhancements to serve the development could have been attached to a planning permission, had the scheme been considered acceptable in all other regards. As such, it is considered that a refusal of planning permission on the grounds of impact on ecology and/or trees could not be substantiated at appeal.

14. FLOOD RISK/DRAINAGE

- 14.1 The applicant has submitted a Flood Risk Assessment and Drainage Strategy. The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. The applicant has provided further details of the surface water run off rates and details of an indicative drainage strategy for the site. United Utilities has not raised any objections to the proposals, subject to the imposition of conditions requiring surface and foul water to be drained from the site via different mechanisms and the submission and approval of a sustainable surface water drainage strategy prior to the commencement of development. It is considered that this further information could have been appropriately dealt with by condition, had the scheme been considered acceptable in all other regards.

15. OTHER MATTERS

- 15.1 The condition recommended by the Environmental Health Officer in relation to a scheme for soundproofing of the accommodation to preserve the amenity of future occupiers and the restricting of the hours of work during the construction phase of the development could have been appropriately dealt with by condition, had the scheme been considered acceptable in all other regards.
- 15.2 A condition requiring further investigation into sources of potentially contaminated land on the site and any necessary remediation could have been dealt with by condition, had the scheme been considered acceptable in all other regards.
- 15.3 Whilst the comments of the Designing Out Crime Officer are noted, it is considered that a condition could have been imposed on a planning permission requiring details of the specific

crime reduction measures to be installed within the development, had the scheme been considered acceptable in all other regards.

- 15.4 The alignment of the Public Right of Way (MOS/189) which runs through the site has been considered by the Borough's Sustainable Travel Officer. The alignment of the PRoW is acceptable however as highlighted, no development should take place which affects this right of way in the absence of an appropriate closing or diversion order.

16. CONCLUSION

- 16.1 The site is situated in a sustainable location for housing and as such the principle of development is considered to be acceptable. However, for the reasons detailed in the main body of this report, the scale and design of the development are considered to be detrimental to the prevailing character of the surrounding area and highway safety.
- 16.2 The proposals are therefore considered to be contrary to the aims and objectives of policies C1, H10 and T1 of the Tameside UDP, policy RD5 of the Residential Design Guide SPD and section 12 of the NPPF.

RECOMMENDATION

Refuse planning permission for the following reasons:

1. The proposed development would be of a scale and design that would be detrimental to the character of the surrounding area, arising from the proposed density and bulk of the proposed development. The staggered principal elevations would fail to reflect the consistent linear form of the neighbouring properties on Stamford Road and the staggered front gardens would be an inconsistent and uncharacteristic feature within the locality. The proposal is therefore considered to be contrary to policies H10 and C1 of the Tameside UDP and the NPPF.
2. The proposed highway and parking arrangements associated with the size and nature of the proposed development are inadequate. There is limited on street parking in the immediate vicinity due to existing traffic regulation orders on Stamford Road and existing high vehicle parking demand on the surrounding streets. The proposal would result in increased on street parking and have a detrimental impact on road safety, resulting in severe highway circulation issues so close to the signalised junction and on the amenity enjoyed by road users and local residents. The cumulative impact of the proposal on the road network would be severe, contrary to the contents of paragraph 111 of the NPPF.