

Application Number:	22/00262/FUL
Proposal:	Construction of 3no. 3 bed dwellings and 6no. 2 bed dwellings including ancillary works/excavation.
Site:	Land on Stamford Road, Mossley
Applicant:	Mr D 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 T 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 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. All adjacent terraced properties are two storeys in height, including those to the opposite side of Stamford Road.

2. PROPOSAL

- 2.1 As originally submitted, the applicant sought 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. During the course of the application, amendments to the house types and general plot layout were undertaken, as such the application now seeks planning permission for a revised scheme of 3no. 3 bed dwellings and 6no. 2 bed dwellings, including ancillary works/excavation.
- 2.2 With the exception of plot 9, which is a detached two storey 3-bed dwelling, the remaining 8 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. The front boundaries to plots 1-6 would be marked by low rise stone walls.

- 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 that the application be refused (appeal reference APP/G4240/W/21/3277156 - appeal dismissed and planning permission refused.

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.

- 4.4 The following chapters within the Framework are considered 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):

- 4.7 The northern part of the site is located in Mossley Town Centre according to the UDP Proposals Map, the remainder is unallocated.

4.8 Part 1 Policies

- Policy 1.3: Creating a Cleaner and Greener Environment
- 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)

4.11 **Other Relevant Policies**

- Ministry of Housing, Communities and Local Government: National Design Guide (2021)

Places for Everyone

4.12 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.

4.13 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).

4.14 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

4.15 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.

- 4.16 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, both on Stamford Road and George Street, 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.
- 5.2 Following design amendments to the scheme, on two occasions in January 2023 and May 2023, consultation was carried out for a further 14 days. The representations received are summarised below within section 6 of this report.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 Following the first round of consultation (21 day period), 30 letters of objection were 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 objects 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 objects 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 Mossley Town Council – objects to the proposal, noting the following concerns (summarised):

- 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.

6.5 Following the additional rounds of consultation, the subsequent further comments were received (summarised):

- development too big;
- Traffic/parking matters (school runs, refuse collections, commuters, main bus route and transport route for large heavy goods vehicles etc.) More importantly it is the only way up and down between top and bottom Mossley for emergency vehicles which are frequent. Any disruption on this road can be extremely chaotic for not only the residents of Mossley but the surrounding areas of Tameside and Saddleworth.
- visual amenity;
- Loss of Green space which locals attend to;
- The safety of residents could be put at risk by closures and disruption to this busy road as a result of a development of this nature.
- The proposed properties themselves seem to be of stone material and are only 2 storey, much like the others on the road, however none of the other houses have front gardens. Not only does there not seem to be enough room for a garden (the land isn't deep enough) but there are safety issues to be taken into account as this road is too busy to sit near or for children to play out next to;

- There is no parking proposed for the potential 9+ vehicles that will come with 9 properties, nor is there adequate bin storage for the 30+ bins that will be added to a road where bins and parking is already a massive issue. Bins left on this road are often tipped over for amusement or blown over by the wind resulting in litter cascading down the road;
- Loss of light;
- Loss of privacy through existing front facing windows;
- The challenges that come with excavating and developing the heavily sloping area, the removal of large trees etc. far outweighs the need for 9 new properties. I believe it would be ludicrous to allow this proposed development to go ahead;
- The land here is prone to movement. Building here could endanger one of the town's most successful businesses which is situated on land directly above and behind the site.
- Please no more fake stone houses. They look dreadful and stick out horribly against the natural stone and red brick of the original buildings. They also stand up poorly to the weather conditions.
- This plan indicates three car parking spaces, how dangerous would be for vehicles to reverse into the road causing potential accidents to both passing pedestrians, cyclists and other vehicles directly at a busy traffic junction;
- Highly probable that the owners will start 'pavement parking'
- Although the document states about the economic benefits from this build to the local community it doesn't address the economic strain of even more households being built in a very compact, already saturated area;
- We agree to the public footpath being moved and improved as it is currently in a poor state however it is still used as we see people accessing this regularly. This is contrary to the planning application which states it is disused.
- Unspecified period of time for excavation.

6.6 Further comments were received from Mossley Town Council:

- The development of the site in question land which will inevitably involve excavations due to the topography, deliveries or construction would be totally inappropriate and cause chaos at the 5-way junction. This was exemplified during the recent temporary road closure during re-cabling works.
- The development site plot is bisected by a marked footpath leading from Stamford Road to George Street adjacent to The Blazing Rag public house. There is a series of stone steps ascending to George Street which possibly predate Stamford Road itself. The developers are proposing to divert the short footpath and to replace the historic steps with a new set of concrete steps which will be detrimental to the character of not only the development but also locality;
- The land survey refers to the development of 4 apartments and 2 town houses. The current proposals seem to envisage households comprising a significant number of occupiers using cycles. However laudable, the is unrealistic; and,
- It appears that the revised application deletes all parking from some of the houses and then left some of them with in-front parking directly onto Stamford Road. This will result in vehicles driving into and reversing out of driveways on a very busy and dangerous part of the road, exacerbated by the likelihood of insufficient parking for all occupiers of the proposed development.

6.7 Further comments were received from Councillor Stephen Homer:

- Any attempt to develop that land would cause chaos for the town;
- Only recently the road was closed for 3 days while essential gas works were carried out causing mayhem with traffic and cutting the town in half;
- As this is the only road from top to bottom Mossley that you can travel in both directions and the only road suitable for all emergency vehicles its essential we do all we can to avoid its closure;
- Street scene photos do not show the fact the site is right at the traffic lights.

7. RESPONSES FROM CONSULTEES

7.1 Local Highway Authority (LHA)

No objection to the proposal subject to conditions. Initial objections relating to disturbance/highway safety during the construction period, lack of parking and the realignment of the public right of way have been addressed through the submission of a construction environment management plan and revised plans reducing 6 of the properties down to 2 bedrooms, and proposing off-street parking for the remaining 3no. 3 bed properties.

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. No updated comments received following second round of consultation.

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. No updated comments received following second round of consultation.

7.4 Environmental Health

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. No updated comments received following second round of consultation.

7.5 Contaminated Land

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. No updated comments received following second round of consultation.

7.6 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. The quantum of development in this instance does not trigger TfGM's requirement for a highway impact review.

It is noted that TfGM have previously provided comments relating to similar residential proposals at this site under Applications 20/00463/FUL and 21/00344/FUL. As part of these proposals, car parking provision and vehicle access have been removed from the scheme and as such TfGM's previous concerns relating to vehicle access arrangements are now no longer relevant. It is anticipated that servicing associated with the dwellings will take place on Stamford Road, as per existing arrangements for the surrounding properties. TfGM would refer to the Local Authority to determine whether the proposals in terms of the stepped access and the realignment to the public right of way conform to current standards and are acceptable.

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.

Confirmed: no additional comments to make in respect of the revised plans following the second round of consultation.

7.8 Greater Manchester Police (Designing out Crime Officer)

No objection to the proposal. Comments advising that the proposed development should be designed 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. No updated comments received following second round of consultation.

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. No updated comments received following second round of consultation.

7.10 Environment Agency (EA)

Unable to provide a site specific review due to high workload. Recommend referral to guidance notes. Confirmed: no additional comments to make in respect of the revised plans. No updated comments received following second round of consultation.

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). Confirmed: no additional comments to make in respect of the revised plans.

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;
- No apartments are now proposed (previously 12);
- 3 dedicated car parking spaces;
- A reduction in the height of the units from 3 storeys to 2 storeys; and,
- 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
- 7) Other matters

9. PRINCIPLE OF DEVELOPMENT

Loss of open space:

- 9.1 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. 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.
- 9.2 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.
- 9.3 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'.
- 9.4 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+).
- 9.5 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.
- 9.6 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.
- 9.7 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 site 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).
- 9.8 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, the undeveloped space is appreciated only from public views immediately adjacent to the site. 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.

- 9.9 Following the above assessment, the loss of the open space would not result in harm that would significantly and demonstrably outweigh the benefits of the scheme, in respect of policy OL4, including the provision of new housing in a sustainable location, as discussed below.

Redevelopment for housing:

- 9.10 The applicant has made reference to the fact that the site has been included in Strategic Housing and Employment Land Availability Assessments (SHELAA) produced by the Council. It is correct that the site was previously identified within the Council's SHELAA, but it was subsequently discounted from the Council's 2021 residential land supply due to the minimum yield threshold - as outlined within the methodology in the document. 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.'*
- 9.11 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 NPPF, 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 existing development on the Stamford Road street scene.
- 9.12 Notwithstanding the above, the site is primarily 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.
- 9.13 It is accepted that a five year supply of housing land cannot currently be demonstrated 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.
- 9.14 Following the above assessment, the principle of development is considered to be acceptable, subject to all other material planning considerations being satisfied.

10. CHARACTER AND APPEARANCE

- 10.1 The previous applications related to three storey townhouses/apartments which were refused partly on design grounds. As outlined in the refusal reasons above, the scale of the development was 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. The current undeveloped site does add a valued sense of openness/greenery to the visual quality of the street (although not worthy of protection under policy OL4 for the reasons identified above).
- 10.2 The current scheme seeks to address previous issues and proposes 8no. two storey terraced dwellings put together in a staggered block form with varying distances from the footpath along Stamford Road, with one detached 3 bedroom property. However, after undertaking multiple site visits to Stamford Road and the surrounding area, officers are not satisfied that the proposed dwellings would integrate sympathetically within the existing street scene. This is explored in more detail below with reference to the National Design Guide (NDG). To note,

the NDG supports paragraph 130 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 10.3 The NDG emphasises that the underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities. This includes people who use a place for various purposes such as: to live, work, shop, for leisure and recreation, and to move around between these activities; and those who visit or pass through. Paragraph 13 states that 'in a well-designed place, an integrated design process brings the ten characteristics together in a mutually supporting way. They interact to create an overall character of place. Good design considers how a development proposal can make a contribution towards all of them.'
- 10.4 At paragraph 25, the NDG states: A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout (or masterplan);
 - the form and scale of buildings;
 - their appearance;
 - landscape;
 - materials; and
 - their detailing.
- 10.5 In this instance, in considering only the external appearance of the proposed dwellings, Officers are satisfied that the general architectural style, height and individual width of the buildings is acceptable and would somewhat reflect the character of the existing terraced properties in the locality.
- 10.6 Given the limited size of the plot and the number of units proposed, the dwellings have been arranged in a terraced row formation with the exception of plot 9 which is detached. However, unlike the existing terraces which primarily exist in a parallel formation along Stamford Road, the proposed terrace properties are staggered back from the pavement in three different sections creating an uneven building line. This layout/alignment does not reflect the overarching grain and pattern of existing development along this section of the streetscape in which it would be primarily viewed, and so officers do not consider that the proposal would integrate sympathetically.
- 10.7 The staggered principal elevations 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. The proposed boundary treatment used to demark the edges of the front gardens, although shown to be natural stone, would also be at odds with the character of the street and would not be conducive to the surrounding make-up of the area, having a cluttered visual impact.
- 10.8 Additionally, the dominance and perceived density of the development would be exacerbated by the staggered form/positioning of the dwellings - particularly when viewed travelling west up Stamford Road. The resultant exposed gable elevations of plots 3 and 6 would be widely visible, creating an additional unwarranted perception of mass and bulk on this slim-line site.
- 10.9 In order to retain the existing alignment of the public right of way through the site, the position of plot 9 has been amended and now sits separately as a detached property to the east. It is positioned at an askew angle from both the highway and plot 8 (and adjoining terraced dwellings). The general siting/ orientation of this property would be at odds with/ bear a very poor relationship with the adjacent new terraces and overall would be discordant in its appearance and would fail to assimilate successfully into its surroundings.

- 10.10 The overall cumulative scale and mass of the 9 dwellings, in its proposed form/layout, would be of detriment to the existing visual quality of the streetscape in this location.
- 10.11 Although third party representations have raised concerns relating to the proposed materials, officers are satisfied that the specific detailing (fenestration, roof style etc.) and materials of the buildings are acceptable, compatible with policy RD20 of the SPD. Despite this, in line with paragraph 25 of the NDG, these parameters alone are not sufficient to create a visually successful scheme.
- 10.12 In the interests of working towards an acceptable solution, officers discussed different design proposals on site with the applicant and reviewed a number of draft revisions. However, an acceptable design solution was not forthcoming and the amendments proposed are not significant enough to overcome the identified harm to the character and appearance of the street scene. It was found that where one issue was addressed, another arose.
- 10.13 For these reasons, the layout, scale and form (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 and the aims and aspirations of the National Design Guide.

11. RESIDENTIAL AMENITY / RESIDENTIAL ENVIRONMENT CREATED

Existing Occupiers

- 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 face 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 11m – 16.5m. 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 doctor's surgery and a public house. Given the nature of those established uses, 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 include one window opening at ground floor level, but 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, 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, no 75 Stamford Road, 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/set back from the highway, the proposals would not result in harm to the amenity of that neighbouring property.
- 11.10 Following the above assessment, 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.

Future Occupiers

- 11.11 Reflecting on 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 2-bedroom (3 person), 2-storey dwelling provides at least 70 square metres gross internal floor space and 2 square metres of built in storage, whilst a 3-bedroom (4 person), 2-storey dwelling provides at least 84 square metres gross internal floor area and 2.5 square metres of built in storage. For a 3-bedroom, 4 person, 3 storey

dwelling, a minimum gross internal floorspace of 90 square metres is required. The proposal achieves the minimum requirements and is therefore found to be acceptable in this regard.

- 11.13 Quite separate to the internal living space standards, in considering the quality of private amenity space provided within the site to serve the proposed dwellings, regard has been had to Policy RD11 within the Tameside Residential Design Guide SPD. This policy outlines that all residential properties should have access to private or communal outdoor space whatever the type or location. It is noted that gardens, terraces and balconies provide residents with outdoor areas for relaxation, leisure and clothes drying, and contribute considerably to resident wellbeing. All houses should have private amenity space of a size and function suitable for its intended occupants.
- 11.14 To facilitate the proposed development, significant earthwork removal would be required and the existing rock face would be further exposed marking the rear boundary of the site. Due to the layout of the buildings within the site, the rock face and neighbour boundary fencing to the south would be up to 5.7m in height above the finished garden level and in some cases be less than 3m in distance away from the rear kitchen windows of the proposed dwellings. The dominance of the rock face, arising from its height and close proximity, would create an undesirable, enclosed and compromised living environment for the future occupiers and a poor quality of outlook, contrary to policies H10 and C1 of the UDP. The development would also not be the form of sustainable development that the Framework sets out a presumption in favour of, as it would be contrary to paragraph 130 of the Framework which seeks, amongst other matters, a high standard of amenity for existing and future users.
- 11.15 Upon further consideration of the quality of outlook to be created, it is noted that plot 1 has an additional window to the west facing gable and the ground floor 'open plan' layout to all units allows for additional light from the front facing windows to pass through. It is also noted that the first floor rear facing windows to all properties serve non-habitable rooms, and each dwelling has a front garden. However, these factors do not significantly outweigh the identified harm with regards to the overbearing impact/sense of enclosure. Situated at a busy road junction within the town centre of Mossley, the front gardens do not provide necessary 'outdoor areas for relaxation, leisure and clothes drying' or provide suitable mitigation for the substandard rear garden space for the proposed dwellings, contrary to Policy RD11.
- 11.16 In addition to the above, due to the constrained plot sizes of some of the units, around half of the proposed properties have insufficient space to potentially expand in the future, whilst also retaining an acceptable outdoor amenity space – for example through exercising permitted development rights for a single storey rear extension. Although not a reason for refusal, the NPPF highlights the importance of achieving sustainable development, as outlined within section 7, the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 11.17 As such, the proposal would fail to create a high standard of amenity contrary to paragraph 130 of the NPPF, creating an undesirable enclosed living environment particularly at the rear when considering the resultant poor quality of outlook. The proposal is also in conflict with UDP Policies H10 which, amongst other things, seeks to achieve a design which meets the needs of the potential occupiers.

12. HIGHWAY SAFETY

- 12.1 As originally submitted, the proposal did not make provision for any off-street parking for the 9no 3 bed dwellings. As part of revisions, in order to address the initial objection from the Local Highway Authority (LHA), the following revisions have been made:

- Plots 1-6 have been reduced to 2 bed properties;
- Off-street parking provision for one vehicle has been included (each) for plots 7-9 (these dwellings have been retained as 3 bed); and,
- Submission of a construction environment management plan.

- 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 railway 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 In light of the above amendments made, the LHA have removed their objection to the proposal on highway safety grounds.
- 12.5 In terms of design/geometry, the LHA are satisfied that the access/egress from the proposed 3 bedroom dwellings drives onto Stamford Road is satisfactory and meets the LHA requirements for max gradients of 1 in 14 and the visibility splays comply with Manual for Streets/LHA requirements.
- 12.6 In respect of capacity, after reviewing the supplied information, the LHA is satisfied that the vehicle trips generated by the proposed development of the site is expected to generate a minimal increase in vehicular trips over the course of an entire day, therefore in the LHA's opinion the additional traffic generated by the proposed residential development should be accommodated on the local highway network without any significant detrimental impact.
- 12.7 Stamford Road is a main route through the locality to locations farther afield. It is therefore acknowledged that any problems during construction could cause major traffic disruption and could have an unacceptable impact on highway safety and a severe cumulative impact on the road network. In order to address previous highway safety concerns, a construction environment management plan (CEMP) has been provided upfront by the applicant for the consideration of the LHA. The LHA has noted that Stamford Road is traffic sensitive, with any restriction to the free flow of traffic by the developer would be unacceptable, apart from the agreed spoil removal conditioned for Saturday mornings only. Within the CEMP it is noted that all deliveries will be accessed off Birberry Court and times restricted to off peak hours to minimise disruption to the adjacent residents. This arrangement has been agreed by the LHA to be acceptable.
- 12.8 In terms of parking arrangements, the development proposes 1 No. off Street vehicle parking spaces for each of the 3 bedroom dwellings and no off street parking provision for the other 6no. 2 bed properties. This is below the requirement set out in the SPD, however the LHA is satisfied that the development is located within Mossley Town Centre which has access to various modes of sustainable transport and this along with conditioned cycle storage would mitigate for the reduced off parking required. Electric vehicle charging could be the subject of a condition to promote sustainable vehicle trips by the residents. Additionally 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.
- 12.9 Public footpath MOS/189 crosses part of the site. As detailed above, in order to ensure that the public right of way (PRoW) was not affected, plot 9 has been separated from the row of terraced properties and now sits as a detached property to the east of the site. The LHA has confirmed that there is no objection to the PRoW remaining on its current alignment. In the event of an approval, the LHA would require the PRoW to be upgraded to a satisfactory

construction to improve permeability through the development and promote walking trips within the vicinity of the development. The alignment of the public right of way has also been considered by the Sustainable Travel Officer where the alignment is acceptable but no development should take place which affects this right of way in the absence of an appropriate closing or diversion order.

- 12.10 Following the above assessment, and in the absence of an objection from the LHA, the proposals would not result in a detrimental impact on highway safety or have a residual cumulative impact on the highway network which would be severe, subject to the provisions of the submitted CEMP. The proposal is therefore considered to accord with paragraph 111 of the NPPF and policies T1 and H10 of the Tameside Unitary Development Plan (2004).

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, 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 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, should 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 also be dealt with by condition.
- 15.3 Whilst the comments of the Designing out Crime Officer are noted, a condition could be 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 When considering the structural implications of the proposal, had the scheme been considered acceptable in all other regards, the LPA would have required geotechnical

information about the rock face at the back including local and global stability to be submitted for considerations as well as the stability of all properties above the rock face.

- 15.5 Details relating to the new external steps forming the PRow through the site and a supporting wall design, would also be required to be submitted to the LHA for approval. Subject to details, an Agreement in Principle may also be required by the LHA.

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 would provide substandard/compromised outdoor amenity space for the proposed dwellings, resulting in a poor quality of outlook and an undue sense of enclosure for the future occupiers.
- 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, by reason of its layout, scale and form (massing), would be detrimental to the character and appearance of the surrounding area. In particular, the staggered principal elevations would fail to reflect the consistent linear form of the neighbouring terraced properties on Stamford Road and the staggered front gardens would be an inconsistent and uncharacteristic feature within the immediate locality. The proposal is therefore contrary to Policies H10 and C1 of the Tameside Unitary Development Plan. Conflict would also arise with advice contained in Policy RD2 of the Council's Residential Design Guide Supplementary Planning Document 2010 (SPD) and would fail to accord with the design objectives of the Framework, specifically Section 12 and the aims and aspirations of the National Design Guide.
2. Arising from its height and proximity and due to the site layout/ resultant topography of the land, the dominance of the exposed rock face and fencing above, which would form the rear boundary to the south of the site, would create an undesirable, enclosed and compromised living environment for the potential future occupiers and a poor quality of outlook, from both within and outside the dwelling. The proposal is therefore contrary to Policy RD11 within the Tameside Residential Design Supplementary Planning Document and Policies H10 and C1 of the Tameside Unitary Development Plan. The development would also not be the form of sustainable development that the Framework sets out a presumption in favour of, as it would be contrary to Paragraph 130 of the Framework which seeks, amongst other matters, a high standard of amenity for existing and future users.

Informative Notes

- 1) This decision relates to the following:
 - a. Site Location Plan 1:1250 received 7 March 2023
 - b. Drawing number PA/02/2022/01 revision L – Site Layout received 12 June 2023
 - c. Drawing number PA02/2022/02 revision C - Proposed Elevations received 15 June 2023
 - d. Drawing number PA02/2022/05 – Typical Floor Plans 2 bed house plots 1 to 6 received 23 January 2023

- e. Drawing number PA02/2022/04 revision A – Typical Floor Plans 3 bed houses 7, 8 & 9 received 15 June 2023
- f. Drawing number PA02/2022/03 revision A – Elevation and Typical House Section plots 1 to 8 received 15 June 2023
- g. Drawing number PA/02/2022/05 – Sections through site Plots 1 to 3 received 23 January 2023
- h. Bin Storage Specification Document
- i. Planning Support and Access and Design Document June 2023 received 15 June 2023
- j. Preliminary Construction Management Plan received 27 September 2022
- k. Drainage Strategy received 15 March 2023
- l. Topographical Survey received 15 March 2023
- m. Arboricultural Impact Assessment received 15 March 2023
- n. Phase 1: Preliminary Risk Assessment received 15 March 2023