

Application Number 18/00102/FUL

Proposal	Proposed new one-bedroom bungalow, garden and detached outbuilding.
Site	Land off Winton Avenue, Audenshaw
Applicant	Mr James Ward
Recommendation	Grant planning permission, subject to the completion of a Section 106 agreement, and subject to conditions
Reason for report	A Speakers Panel decision is required because, in accordance with the Council's Constitution the application has been called-in by councillor Ryan and includes the requirement of a Section 106 legal agreement.

REPORT

1. APPLICATION DESCRIPTION

- 1.1 The application seeks full planning permission for the development of a detached bungalow with a detached, outbuilding in the garden at the rear.
- 1.2 The bungalow would be brick-built and contain an open-plan kitchen/dining/sitting room, a bedroom and bathroom. A single parking space would be provided in front of the bungalow.
- 1.3 Outline planning permission (ref. 15/00240/OUT) was granted in May 2015 for a 2-bedroom bungalow with a separate double garage on the site. The site has since been subject to a topographic survey, including a trace of a public sewer and culvert within the site. An accurate location of these drainage features required an adjustment of the layout of the proposed development, including the reduction of what was an initially-proposed double garage to a detached outbuilding and an amendment to the footprint of the proposed bungalow.
- 1.4 The proposal includes the diversion of the culvert from a point outside the site. If the application is approved it is recommended that the works to divert the culvert be secured by means of a Section 106 legal agreement.

2. SITE AND SURROUNDINGS

- 2.1 The site is located at the northern end of Winton Avenue, which is a no-through road, before the embankment up to the M60 motorway and railway. The land is unkempt, overgrown and disused. A metal palisade fence running along the foot of the embankment forms the site's northern boundary. Winton Avenue forms the site's eastern boundary. A passageway behind houses in Spring Bank Avenue forms the site's southern boundary whilst the disused land continues beyond the site's western boundary along the foot of the adjacent embankment. The site is enclosed to the east, south and west by metal, chain-link fences and is not publically accessible.
- 2.2 The surroundings are predominantly residential and characterised by well-spaced, two-storey terraced houses.

3 PLANNING HISTORY

- 3.1 05/00505/FUL - Erection of 3 no. 1 bed apartments, five parking spaces, external bin store and open space - Refused in June /2005. The reasons for refusal related to too great a coverage of hard areas, overlooking and loss of amenity to neighbouring residents, and traffic generation.
- 3.2 05/00507/FUL - Erection of two semi-detached dwelling houses - Refused in June 2005. The reasons for refusal related to the development having an unduly overbearing visual appearance, traffic generation and possible obstruction of the culvert.
- 3.3 14/01095/OUT - Erection of single domestic garages and open space – Outline permission granted, with conditions, in January 2015.
- 3.4 15/00240/OUT - Erection of single storey 2 bedroom bungalow with separate double garage – Outline permission, granted, with conditions, in May 2015

4. RELEVANT PLANNING POLICIES

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Planning Practice Guidance (PPG)
- 4.3 **Tameside Unitary Development Plan (UDP) Allocation**
Unallocated
- 4.4 **Part 1 Policies**
 - 1.3: Creating a Cleaner and Greener Environment.
 - 1.4: Providing More Choice and Quality Homes.
 - 1.5: Following the Principles of Sustainable Development
 - 1.10 Protecting and Enhancing the Natural Environment
 - 1.12: Ensuring an Accessible, Safe and Healthy Environment
- 4.5 **Part 2 Policies**
 - H2: Unallocated Sites.
 - H4: Type, size and affordability of dwellings
 - H10: Detailed Design of Housing Developments
 - OL4: Protected Green Space
 - T1: Highway Improvement and Traffic Management.
 - T10: Parking
 - C1: Townscape and Urban Form
 - N3: Nature Conservation Factors
 - MW11: Contaminated Land
- 4.6 **Other Policies**
 - Residential Design Supplementary Planning Document
- 4.7 **National Planning Policy Framework (NPPF)**
 - Section 1 Delivering sustainable development
 - Section 4. Promoting sustainable transport
 - Section 6 Delivering a wide choice of high quality homes
 - Section 7 Requiring good design
 - Section 8 Promoting healthy communities
 - Section 11. Conserving and enhancing the natural environment

4.8 Planning Practice Guidance (PPG)

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

5. PUBLICITY CARRIED OUT

- 5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement neighbour notification letters were issued on 27th March 2018 to 15 addresses in Winton Avenue and Spring Bank Avenue.

6. RESPONSES FROM CONSULTEES

- 6.1 Head of Environmental Services (Public Protection): Raises no objections to the proposed development subject to the imposition of conditions limiting the hours of works and deliveries during the construction process, requiring a scheme for protecting the development from externally generated noise from the M60 motorway and the railway and requiring the submission and approval of an assessment into potential sources of contamination and a remediation strategy.
- 6.2 Head of Environmental Services (Highways): Raises no objections to the proposed development subject to the imposition of conditions requiring the provision of the parking space, a highways conditions survey and the culvert diversion works.
- 6.3 Borough Arboriculturalist: Raises no objections to the proposals there being no significant existing vegetation on the site and trees on the adjacent railway embankment should not be affected.
- 6.4 Highways England: Raises no objection to the proposed development.
- 6.5 United Utilities: Identifies an easement crossing the site but raises no objections to the proposed development subject to the imposition of conditions regarding drainage and requiring a Construction Risk Assessment.
- 6.6 Councillors - A representation offering objection to the proposals has been received from Councillor Ryan on behalf of local residents and requested for a determination at Speakers Panel. Concerns raised are the size of the plot being inappropriate, the bungalow being too close to existing houses in Spring Bank Avenue and Winton Avenue, the access to the garage being inappropriate and unreasonable and the change to the character of the Spring Bank Avenue alleyway.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 Six letters of objection have been received from neighbouring residents, raising the following concerns (summarised):
- the development would have a negative impact on property values;
 - loss of existing privacy and over-looking from existing houses in Spring Bank Avenue which are at a higher level;
 - loss of outlook from, and light to, the rear of houses in Spring Bank Avenue;

- the development being prejudicial to the safety of users of the alleyway due to vehicles
- possible damage to the culverted watercourse causing a flood risk
- disruption during the period of construction;
- damage to existing trees on the embankment
- loss of the wildlife habitat the site provides;
- access to the rear of houses in Spring Bank Avenue being restricted, including for emergency vehicles; and
- the traffic generated exacerbating parking problems and restricting the ability of vehicles to manoeuvre and turn in Winton Avenue which is a no-through road.

7.2 Concern is expressed also about local residents not being notified about the sale of the land.

8. ANALYSIS

8.1 The issue to be assessed in the determination of this planning application are:

- 1) The principle of development
- 2) The impact on the character of the surrounding area;
- 3) The impact upon the residential amenity of neighbouring properties;
- 4) The impact on highway safety
- 5) The impact on ecology and trees

9. PRINCIPLE OF DEVELOPMENT

9.1 The most recent of the previous planning permissions (ref. 15/00240/OUT) expired on 8th May 2018 and so carries significant weight in determining whether the principle of the development is acceptable. Nevertheless, although historic maps indicate that the site once accommodated houses all evidence of these has disappeared and the land is open and so must be considered against the policies of Section 8 of the NPPF and UDP policy OL4 and whether built development is acceptable on the area open space.

9.2 The contribution of the application site as open space to the community is mainly as a buffer between houses and the motorway and railway rather than it serving a functional purpose. The retention of the site solely for this purpose for residents immediately adjacent would represent the inefficient use of land within the urban area and would not comply with the Core Principles of NPPF. Having no specific recreational or amenity value, and there having been no material changes in circumstances since the grant of the previous permission to indicate otherwise, it is considered that the principle of development on this site remains acceptable and compliant with paragraph 77 of the NPPF and policies H2 and OL4 of the UDP.

10. CHARACTER OF THE SURROUNDING AREA

10.1 Again, the previous planning permission carries significant weight in determining whether the impact on the character of the surrounding area is acceptable. Whilst the area is characterised by well-spaced terraced houses the proposed bungalow would be located at the end of the no-through road and largely hidden from view from surrounding roads by the

existing houses in Spring Bank Avenue. Being brick-built with a tiled roof in keeping with the vernacular, as previously, it is considered that in this location the presence of the proposed bungalow would not result in an adverse impact on the character of the site or the surrounding area and so compliant with policies 1.3, 1.4, H4, H10 (a) and C1 of the UDP.

11. RESIDENTIAL AMENITY

- 11.1 At the nearest point there would be a distance of more than 16m between the front wall of the proposed bungalow and windows in the front of existing houses in Winton Street and a distance of approximately 18.5m between the sole habitable window in the front of the bungalow and these neighbouring houses. There would be a distance of approximately 10m between the side of the bungalow, where there would be no windows, and the rear of existing houses in Spring Bank Avenue.
- 11.2 In order to prevent undue over-looking or over-shadowing of neighbouring properties the council's normal policy is that a distance of at least 14m be maintained between habitable room windows in houses on street frontages. A distance of 10m is required normally between habitable room windows and a single-storey wall containing no windows.
- 11.3 In this arrangement it is considered that the layout of the proposed development would not have an adverse impact on the amenity of neighbouring residents, in terms of over-looking or over-shadowing and the proposal would accord with policy H10 (d) of the UDP, policy RD5 of the SPD.

12 HIGHWAY SAFETY

- 12.1 The proposed scheme includes one car parking space. According to the NPPF: Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In this case, neither the local highway authority nor Highways England have raised any objections to the amended proposals.
- 12.2 Whilst the concern of local residents is noted, and there would be an increase in traffic on the local highway network, this is a residential area where regular car movements occur and are expected. Additional traffic movements during peak periods would not be of a volume sufficient to result in a severe adverse impact on the capacity of the highway network and so the scheme is considered acceptable and compliant with policies H10 (b), T1 and T10 of the UDP and Section 4 of the NPPF.
- 12.3 In this instance, and in the absence of any objection by the Head of Environmental Services – Highways, it is considered that the impact of the loss car parking space would not be severe and so acceptable.

13. ECOLOGY AND TREES

- 13.1 The scrub on the site has the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). It is therefore recommended that no vegetation clearance required to facilitate the scheme should take place during the optimum period for bird nesting (March to July inclusive), and that this requirement be secured by condition of any permission.
- 13.2 The Greater Manchester Local Record Centre hold no records for badgers within the locality of the proposed development. Badgers are however known to use railway embankments and are mobile in their habits. It is therefore recommended that if any large

holes are discovered during scrub clearance or at any other time during the works the applicant's attention be drawn to the need to cease work immediately and seek advice from a suitably qualified ecologist.

- 13.3 It is recommended also that that the applicant be made aware of the laws which are in place to protect biodiversity and that, if necessary, measures be taken to eradicate the invasive plant Himalayan Balsam from the site. Under the terms of the wildlife and Countryside Act 1981 it is an offence to cause this plant to spread. The development has potential to cause spread.
- 13.4 The council's Arboricultural Officer has confirmed that there are no trees of any significant amenity value on the site and that trees on the adjacent embankment should not be affected by the development.
- 13.5 Given the attachment of appropriate conditions to any permission it is considered that the impact of the development on the ecological value of the site, and on any trees, would be acceptable and compliant with policy N3 of the UDP and Section 11 of the NPPF.

14. OTHER ISSUES

- 14.1 The concerns expressed by local residents about any impact on house prices, and publicity of the sale of the land, are not a material consideration in the determination of the application and must not influence the decision.
- 14.2 A condition restricting the hours of construction, as suggested by the Head of Environmental Services (Public Protection), is considered inappropriate because the avoidance of nuisance, which is the object of the condition, would be to require compliance with other regulatory requirements. Another condition, suggested by Head of Environmental Services (Highways) is considered inappropriate also because again this would be to require compliance with other regulatory requirements.
- 14.3 The necessary diversion of the culvert can be secured via a Section 106 agreement and so the potential issue of flooding be avoided.

15. CONCLUSION

- 15.1 The principle of development on the site is considered to be acceptable given the predominantly residential character of the surrounding area and that the layout and scale of the development would not result in an unreasonable impact on the residential amenity of neighbouring properties.
- 15.2 The level of parking provision is considered to be acceptable and there are no objections to the proposal from consultees in relation to highway safety and the impact on trees and ecology.
- 15.3 The application is therefore considered to accord with the relevant national and local planning policies listed earlier in this report.

RECOMMENDATION

Grant planning permission, subject to the completion of a Section 106 Agreement to secure the necessary culvert diversion works and the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. 1068-01 Location Plan
1067 02 Existing Site Plan
1067 03 A Proposed Site Plan
1067 04 A Existing and Proposed Site Sections
1067-05 A Proposed Plans and Elevations

3. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and/or full specification of materials to be used: externally on the building; in the construction of all boundary walls and fences; and, in the finishes to all external hard-surfaces have been submitted to, and approved in writing by, the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

4. Foul and surface water shall be drained on separate systems.

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the local planning authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the local planning authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

5. All boundary treatments shall be installed in accordance with the details as shown on the approved proposed site plan (drawing number 1067 03 A) and drawing number 169/120, Rev. P prior to the first occupation of any of the dwellings hereby approved.

6. The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved proposed site plan (drawing number 1067 03 A) and the Existing and Proposed Site Sections plan ((drawing number 1067 04 A), prior to the first occupation of the bungalow hereby approved and shall be retained at all times thereafter.

7. No tree felling or vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive) unless otherwise agreed in writing with the local planning authority.

8. No development shall take place unless and until a scheme for protecting the development from externally generated noise from the M60 motorway and the railway has been submitted to, and approved in writing by, the local planning authority and such approved works (which may include additional soundproofing and acoustic glazing and ventilation) shall be completed before the first occupation of the bungalow hereby approved.

9. No works other than the excavation of the foundations and/or piling works for the development shall be undertaken at the site until the CLS2A Contaminated Land Screening Form has been submitted to, and approved in writing by, the Councils

Environmental Protection Unit (EPU). Where necessary, a scheme to deal with any contamination / potential contamination shall be submitted to, and approved in writing by the EPU. The scheme shall be appropriately implemented and a completion report demonstrating this and that the site is suitable for its intended use will be approved in writing by the EPU prior to occupation. The discharge of this planning condition will be given in writing by the Local Planning Authority (LPA) on completion of the development and once all information specified in this condition has been provided to the satisfaction of the EPU.

10. During construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
11. No development shall take place until a Construction Risk Assessment Method Statement (RAMS) for construction of the proposed development, is submitted to and approved by the local planning authority. The statement shall outline the potential impacts from all construction activities on infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to this infrastructure. The development shall be undertaken in accordance with the approved RAM.