

Application Number 18/00862/FUL

Proposal Erection of a pair of semi-detached dwellings

Site Land Off Greaves Street, Mossley

Applicant Messrs Kennedy & Waugh

Recommendation Approve, subject to conditions

Reason for report Application called in by Councillor Stephen Homer

REPORT

1. APPLICATION DESCRIPTION

1.1 The applicant seeks full planning permission for the erection of a single pair of 2 bedroom semi-detached dwellinghouses on land which fronts Greaves Street and Stockport Road. The properties would be split level, with a two storey elevation presented to Stockport Road and a single storey (rear) elevation to Greaves Street. Pedestrian access would be taken from Stockport Road with vehicular access taken from Greaves Street. The properties would be enclosed by a low level stone wall / railing to the front and side boundaries with a stone wall enclosing a private rear garden with dedicated bin storage and parking for 4 vehicles to the rear.

2. SITE AND SURROUNDINGS

2.1 The application site is located to the east of Mossley town centre. The site is located on a slope with levels falling from north to south, it measures approximately 0.03ha and was previously owned by the Council. In its present capacity it has been cleared of trees and comprises of overgrown grassed area. Beyond the eastern boundary is a cobbled footway which links Greaves Street to the north, with Stockport Road to the south. The land to the west includes a retaining wall which separates areas of public open space. Stockport Road provides dedicated on street parking for local properties and Mossley Town Centre. The local housing stock comprises of traditional two storey stone built properties the majority of which are not served with dedicated off-street parking.

3. PLANNING HISTORY

3.1 No previous planning applications on the site there is a concurrent application (ref 18/00887/Ful) for development on adjacent land off Greaves Street for 4 dwellings has been refused against loss of functioning Green Space.

3.2 The site is currently registered as an Asset of Community Value (ACV) this was registered on 06.01.2018 and expires on the 06.01.2023

4. RELEVANT PLANNING POLICY

4.1 Tameside Unitary Development Plan (UDP) Allocation

The site is not allocated and is located within the settlement of Mossley.

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
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

Part 2 Policies

- H2: Unallocated sites
- H4: Type, size and affordability of dwellings
- H5: Open Space Provision
- H7: Mixed Use and Density
- H10: Detailed Design of Housing Developments
- OL4: Protected Green Space
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management
- T10: Parking
- C1: Townscape and Urban Form
- N4: Trees and Woodland.
- N5: Trees Within Development Sites.
- N7: Protected Species
- MW11: Contaminated Land
- MW12: Control of pollution
- MW14: Air Quality
- U1: Utilities Infrastructure
- U3: Water Services for Developments
- U4 Flood Prevention
- U5 Energy Efficiency

4.2 Other Policies

Greater Manchester Spatial Framework - Publication Draft October 2016;
Residential Design Supplementary Planning Document; and,
Trees and Landscaping on Development Sites SPD adopted in March 2007.

4.3 National Planning Policy Framework (NPPF)

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting safe and healthy communities
Section 12: Achieving well designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

4.4 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 Neighbour notification letters were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

6. RESPONSES FROM CONSULTEES

- 6.1 Local Highway Authority – No objections. Adequate arrangements are made for off-street parking to accommodate the demands of the development.
- 6.2 Borough Environmental Health Officer – No objections. Recommend conditions restriction construction hours of working and the provision of the bin storage facilities prior to occupation.
- 6.3 Contaminated Land Officer – Confirms that the site was historically developed. No reasons that the site would not be suitable for residential development subject to the safeguarding of a condition requiring further ground investigations.
- 6.4 Coal Authority – Site is within a low risk area so not a statutory consultee. No objections subject to standing advice.
- 6.5 United Utilities – No objection to the proposals, subject to the imposition of conditions requiring surface and foul water to be drained from the site via separate mechanisms and the submission of a surface water drainage strategy.
- 6.6 Mossley Parish Council – No comments at the time of writing the report.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 There have been 9 letters of objection received the reasons for which are summarised under the following themes:
- 7.2 Highways:
- Traffic congestion on local roads which has worsened since the closure of Cross Street Car Park
 - Parking many households have multiple car ownership and local roads are at capacity due to a dependence on on-street car parking.
 - On street parking obstructs pedestrians and the Emergency services struggle for access local roads
- 7.3 Amenity:
- Loss of light to habitable rooms of neighbouring properties
 - Development does not observe overlooking distances
 - Loss of views
 - Unacceptable disturbance during construction period
 - Devaluation of property
- 7.4 Infrastructure:
- Increase in population will put added strain on local schools and medical services which are already at capacity
 - No need for 2 bedroom properties there is a lack of 4 bedroom family houses within Mossley
- 7.5 Design:
- The use of artificial stone / slate is not appropriate
 - Eyesore within the locality
 - Dwellings are too small
- 7.6 Poor Communication:
- Not all residents have been consulted in writing

- Lack of site notice

7.7 Ecology:

- Loss of valuable greenery impacting adversely on wildlife
- Site lies next to a community orchard and the disturbance which would occur will be detrimental to this
- Valuable trees were removed prior to the submission of the application

7.8 Drainage:

- Loss of greenfield land will increase flooding in lower areas of Mossley

7.9 Other:

- Site was sold out of greed by the Council
- Should be retained as open space

8. ANALYSIS

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

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

9. PRINCIPLE OF DEVELOPMENT

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 212 - 217 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 spaces which are identified within the Development Plan but also non designated functioning areas of land in similar use, but which are too small to be shown as Protected Green Spaces on the Proposals Map. The site forms part of larger swathe of open space which extends west along Stockport Road and Greaves Street. The site had previously been in the ownership of the Council where it was maintained as an area of amenity space. Historically it had supported development with records showing that clearance was undertaken in the late 1970's.

9.4 Criterion (d) of policy OL4 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. The sites potential is limited to amenity space due to the fall in levels, it is not identified within the Council's Playing Pitch Strategy so is not intended to fulfil a future recreation or leisure function.

- 9.5 Aside from specific qualifying criteria for the release of land policy OL4 makes clear reference that the criteria should not apply if; 'part or all of the land involved would continue to fulfil a local need for amenity space, provide a valued sense of openness in the street scene, maintain the character and environmental quality of the area, maintain an open land corridor or substantial enclave of open space within the urban area, provide links to or continuity with wider areas of countryside, or form a wildlife corridor'.
- 9.6 The proposals represent the partial redevelopment of larger area of open space which is comparison has a higher amenity value and recreation function than that of the applicant site. Consideration to the current role and function of the Green Space identifies that it is limited to an amenity function. Historically the site was developed and the current form and role is a legacy of this site clearance, this should be afforded weight against policy OL4.
- 9.7 In addition to the provisions of policy OL4 the proposals must also be considered against their contribution to housing supply. In terms of housing development, the Council cannot at present demonstrate a deliverable five year supply of housing land. It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, paragraph 11 is clear that where no five year supply can be demonstrated, the presumption in favour of sustainable development identified within the footnote of paragraph 11 of the NPPF should be applied to determine planning applications.
- 9.8 The location in relation to Mossley's associated amenities, services and public transport confirms that it meets the test of being a sustainable location. The proposals would make a positive contribution to housing supply which would fulfil the economic objectives of sustainable development. However, the case for meeting Social and Environmental objectives is perhaps neutral given that the proposals would result in the loss of open space, albeit that which has a limited amenity and recreation function. Recognising the historic context it is considered that the value of the land in amenity terms would not outweigh the benefit of boosting the supply of housing in the Borough.
- 9.9 The listing of land as Asset of Community Value (ACV) does not prevent such land from being developed or sold. Planning permission is a decision against relevant planning policy. Listing as an ACV affects the process that must be followed if the owner wants to sell the land in question. This is a matter completely separate of the planning process and the ACV cannot be used as a justification to refuse or prevent planning permission.

10. RESIDENTIAL AMENITY

- 10.1 The Residential Design SPD identifies standards for new residential development. It is important that new residential developments achieve appropriate levels of amenity for proposed residents whilst not adversely affecting existing residents. This is mainly achieved by ensuring that developments adhere to inter-house spacing policy in terms of their position, scale and orientation in relation to that of existing properties.
- 10.2 The sites boundaries are to highway, footway and open space and not direct to existing residential properties. The properties would be fronted square to Stockport Road, the eastern gable would be located 12.5m from the gable of no.51 Stockport Road which has a ground floor window and door and first floor window on the corresponding gable. The separation distance and site characteristics is sufficient to ensure that levels of outlook to the existing property would be maintained. The nearest properties on Greaves Street would be 21m away. The fall in levels means that the properties would be a positioned at a much lower level to those Greaves Street, accounting for this and the split level design the outlook of these residents would be uninterrupted and existing levels of privacy retained.

- 10.3 In terms of the internal standards then then the dwellings would measure 70sqm which is meets the recommend national space standards. The accommodation itself would be well-proportioned in terms of habitable to non-habitable rooms and their outlook. Likewise the rear gardens provide a proportionate level of amenity space reasonable for 2 bedroom properties.
- 10.4 In terms of consideration to levels of noise and activity which could be associated with the development then this should not be readily distinguishable for residents of neighbouring properties. The design dictates that gardens would be suitably enclosed ensuring privacy to future inhabitants and that no overlooking would occur to existing residents.
- 10.5 Subject to the safeguarding of the recommended conditions it is considered that levels of amenity and overall privacy of existing residents would be acceptable.

11. CHARACTER OF THE SITE AND SURROUNDING AREA

- 11.1 Policy H10 is clear in its expectations of achieving high quality development that enhances a locality and contributes to place making. In terms of design reference points, the local vernacular comprises of traditional two storey stone built terraces which have a simple appearance with balanced fenestration.
- 11.2 The location of the properties would be opposite to the junction of Carhill Road to Stockport Road in addition to the pedestrian access between no,41. Stockport Road. The scale and mass responds well to the local context with the properties being on par with the local stock. Detailing in the form of artstone heads and sills would be provided as a further reference to the local housing stock, whilst artificial stone has been nominated this is not considered to be appropriate in the local context. To address this is recommended that a condition is applied to ensure the use of natural materials.
- 11.3 Insofar as the scale of the development then the site lends itself as an infill plot which can support 2 dwellings. The use of resin bonded driveways and natural stone for boundary treatments are acceptable subject to conditional approval.
- 11.4 Having full consideration to the design merits of the proposal and the layout of the scheme it is considered that the development would deliver an attractive residential environment which would enhance the existing area. The approach to the design responds to the local vernacular. It is therefore, considered that the proposal adheres to the objectives of UDP policies H4, H7 and H10 which stress the importance of residential development being of an appropriate design, scale, density and layout.

12. HIGHWAY SAFETY

- 12.1 Access would be split, pedestrian taken from Stockport Road and private drive from Greaves Street, both of which are adopted. Each of the properties would have 2 off street parking spaces which exceeds the minimum standards for 2 bedroom properties.
- 12.2 The access arrangements are suitable to protect all road users. Traffic movements to and from the site would be acceptable in terms of local capacity. The accessible location means that it is well served with access to public transport, services and relevant amenities within reasonable walking distance.
- 12.3 The concerns expressed within the representations in relation to the pressure for on-street parking across local streets are noted. The proposal exceeds parking requirements and should not exacerbate parking issues. The proximity to local services reduces car reliance which gives credibility to the sustainability of the site. Given this situation, in accordance

with the guidance contained within paragraph 109 of the NPPF, it is considered that planning permission should not be refused on highway safety grounds.

13. TREES & ECOLOGY

- 13.1 The site has been cleared of tree cover following the sale of the site. The ecological value is limited to grassland which is not of a significant ecological value. The provision of soft landscaping measures along with bird and bat boxes presents a modest opportunity to secure some enhancement/mitigation.

14. GROUND STABILITY

- 14.1 Levels fall across the site to the south, the properties would be split level to address this. The site has previously supported residential development as so the proposals are consistent with previous uses. As a precautionary measure it is recommended that ground investigation work is undertaken. This will be addressed via a pre-commencement condition the details of which will be reviewed the Councils contaminated land officer.

15. OTHER MATTERS

- 15.1 In relation to flood risk, the site is located within Flood Zone 1 and is therefore at a lower risk of flooding. In terms of drainage, United Utilities has raised no objections to the proposals, subject to a condition requiring foul and surface water to be drained from the development via separate systems and the submission and approval of a sustainable surface water drainage strategy.
- 15.2 These matters can be combined into one condition which is considered to be necessary to ensure adequate provision is made to serve the development. The applicant has indicated on the application form that foul water would be disposed of via the mains sewer network. No further detail is considered necessary in relation to foul water drainage for planning purposes as these will be required under the Building Regulations.
- 15.3 The EHO has raised no objections to the proposals, subject to the imposition of a condition limiting the hours of works during the construction process. This is considered reasonable and can be attached to the decision notice.
- 15.4 The scale of the development falls below the threshold of requiring any section 106 contributions.

16. CONCLUSION

- 16.1 The changes in levels across the site mean that its green space function is limited to visual amenity space. The proposals would result in the loss of a partial area of a much larger area of functioning green space which also serves as a recreation function. These factors are considered to reduce the harm to be attributed to the loss of open space when conducting the planning balance.
- 16.2 The loss of the green space can also be tolerated recognising that there is a historical precedent for residential development of the site. The properties would achieve an appropriate design and would suitably frame the street scene. A suitable level of amenity can be achieved and the proposals would contribute positively to the supply of housing. The accommodation is located within a sustainable location with good access to services and transport immediately on hand within Mossley.

- 16.3 Taking into account the relevant development plan policies and other material considerations, subject to the identified mitigation measures, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission.
- 16.4 There are no objections from any of the statutory consultees and the proposals are considered to accord with the relevant national and local planning policies quoted above.

17. RECOMMENDATION

Grant planning permission subject to 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. The development hereby approved shall be carried out in accordance with the following approved plans/details: Existing Site Plan (P3) 01A, Proposed Site Plan (P3) 02B, Proposed Plans and Elevations (P3) 03B.
3. No development, other than site clearance and site compound set up, shall commence until such time as the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority.
 - i) A preliminary risk assessment to determine the potential for the site to be contaminated and the impact of coal mining legacy and land stability on the land shall be undertaken and approved in writing by the Local Planning Authority. Prior to any physical site investigation, a methodology shall be approved by the Local Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration.
 - ii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment (including controlled waters) and/or resolve coal mining legacy issues shall be approved by the Local Planning Authority prior to implementation.
 - iii) Any additional or unforeseen contamination or coal mining legacy/land stability issues encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority.
 - iv) Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

The discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and other requested information have been provided to the satisfaction of the Local Planning Authority and occupation/use of the development shall not commence until this time, unless otherwise agreed by the Local Planning Authority.

4. Notwithstanding any description of materials in the application the dwellings hereby approved shall be constructed from natural coarse stone with (sawn, split, pitched or tooled) face and laid in regular courses, no above ground construction works shall take place until samples and/or full specification of materials to be used: externally on the buildings; in the construction of all boundary walls, fences and railings; 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.

5. 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. Foul and surface water shall be drained on separate systems and in the event of surface water draining to the public surface water sewer, details of the flow rate and means of control shall be submitted. The scheme shall include details of on-going management and maintenance of the surface water drainage system to be installed. The development shall be completed in accordance with the approved details and retained and maintained as such thereafter.
6. During demolition/construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
7. The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved proposed site plan (Drawing no. 1459 (P3) 03B) prior to the first occupation of any of the dwellings hereby approved and shall be retained free from obstruction for their intended use thereafter.
8. Details of Biodiversity enhancement measures to be installed as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a specification of the installations and scaled plans showing their location within the development. The approved enhancement measures shall be installed in accordance with the approved details, prior to the first occupation of any of the dwellings and shall be retained as such thereafter.
9. The driveways to serve each of the dwellings hereby approved shall be constructed from a bound material and on a level which prevents displacement of materials or surface water onto the highway and shall be retained as such thereafter.