

<b>Application Number</b>	18/00119/FUL
<b>Proposal</b>	Construction of 5 No. detached houses and associated works.
<b>Site</b>	Land South Off Grove Street, Ashton
<b>Applicant</b>	Darson Homes Ltd
<b>Recommendation</b>	Approve, subject to conditions
<b>Reason for report</b>	A Speakers Panel decision is required because, in accordance with the Council's Constitution a member of the public has requested the opportunity to address the Panel before a decision is made. The applicant, or their agent, will also be given the opportunity to do so.

## REPORT

### 1. APPLICATION DESCRIPTION

- 1.1 The application seeks full planning permission to develop five detached houses. The proposed houses would each be 2-storey and include four bedrooms. In each of the houses the roof space would be utilised to provide a bedroom with a dormer on the rear. The houses would be brick-built with tiled roofs.
- 1.2 Each house would have an attached garage with driveways alongside front gardens and gardens at the rear.
- 1.3 Access to the site would be along a new section of road extending from Grove Street.
- 1.4 The development would require the removal of four existing trees from the site. Twenty-seven existing trees would be retained. Four new trees would be planted.
- 1.5 The application is accompanied by a:
  - Design and Access Statement,
  - Planning, Design and Access Statement and
  - Open Space Assessment.

### 2. SITE AND SURROUNDINGS

- 2.1 The site comprises currently an open, freely-accessible area of grassland at the north-western periphery of the built-up area of Ashton. The application site is traversed by a footpath that runs north to south and links Lindisfarne Road and Grove Street, both of which are no-through roads. The area of land to the east of the footpath, and which wraps around the rear of houses in Grovewood Close, is included in the application site but would remain undeveloped.
- 2.2 The northern boundary of the land on which the houses are proposed is formed by the side and rear garden of the end house in Grove Street. A footpath leading to open, green belt land, which adjoins the land to the west, separates the development site from the end house in Lindisfarne

Road to the south. The rears of houses in Grovewood Close face towards the development site and the land that is to remain open, across the footpath that traverses the site north to south.

- 2.3 There are no footways in Lindisfarne Road but there is a turning head in the carriageway. There are footways on either side of Grove Street but no turning facility in the carriageway. The footway on the eastern side of Grove Street continues as the footpath that crosses the application site to link with Lindisfarne Road where it adjoins the path leading to the open land to the west.

### **3. RELEVANT PLANNING POLICIES**

#### **3.1 Tameside Unitary Development Plan (UDP) Allocation**

Unallocated

#### **3.2 Part 1 Policies**

1.3: Creating a Cleaner and Greener Environment.

1.5: Following the Principles of Sustainable Development.

1.8: Retaining and Improving Opportunities for Sport, Recreation and Leisure.

1.10: Protecting and Enhancing the Natural Environment.

1.12: Ensuring an Accessible, Safe and Healthy Environment.

#### **3.3 Part 2 Policies**

H2: Unallocated Sites.

H10: Detailed Design of Housing Developments.

OL4: Protected Green Space

T1: Highway Improvement and Traffic Management.

T10: Parking.

C1: Townscape and Urban Form.

MW11: Contaminated Land

#### **3.4 Other Policies**

Residential Design Supplementary Planning Document.

Tameside District Council PPG17 Open Space Study 2010

It is not considered there are any local finance considerations that are material to the application.

#### **3.5 National Planning Policy Framework (NPPF)**

Section 2. Achieving sustainable development

Section 5. Delivering a sufficient supply of homes

Section 8. Promoting healthy and safe communities

Section 9. Promoting sustainable transport

Section 11. Making effective use of land

Section 12. Achieving well-designed places

Section 15. Conserving and enhancing the natural environment

#### **3.6 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.

#### **4. PUBLICITY CARRIED OUT**

- 4.1 The application has been advertised by means of neighbour notification letters dispatched on 7<sup>th</sup> March 2018 to 40 addresses in Lindisfarne Road, Grove Street, Croxdale Close, Marsden Close, Wordsworth Crescent and Howbro Drive, and with a notice being posted at the site and in a local newspaper on 5<sup>th</sup> April 2018. The same neighbours were re-notified by letters dispatched on 10<sup>th</sup> July 2018 following the receipt of amended plans and again on 22<sup>nd</sup> October 2018 following receipt of an amended Open Land Assessment.

#### **5. RESPONSES FROM CONSULTEES**

- 5.1 The Head of Environmental Services (Highways) has raised no objections to the proposal and asked that a number of conditions and notes regarding adequate access arrangements, a dilapidation survey, vehicle facilities during the period of construction and road works be attached to any permission.
- 5.2 The Head of Environmental Services (Public Protection) has no objection to the proposal and suggested that a condition restricting the hours of construction work be attached to any permission.
- 5.3 The GMEU has raised no objections to the proposal and asked that a condition restricting the time of year tree felling takes place be attached to any permission.
- 5.4 United Utilities has no objection and suggested a number of conditions to ensure a sustainable system of drainage be attached to any permission.

#### **6. SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 6.1 41 representations were received in response to notification and publication of the original proposals. Of these 37 were objections and 3 were messages of support. An objection was received also from former Councillor Piddington. The reasons given for objecting were:
- the traffic generated would create danger, particularly in Lindisfarne Road and the wider estate;
  - having neither footways or visibility splays where it meets the east-west footpath, Lindisfarne Road is unsuitable to cater for the traffic that would be generated, access should instead be from Grove Street;
  - the impact on, and likely closure of, the footpaths during the period of construction;
  - the loss of the open space, where children can play safely over-looked by the rear of houses in Grovewood Close, and that this would conflict with UDP policy OL4 and the NPPF;
  - assertions made in the submitted Open Space Assessment are incorrect and that this document was not initially made available for public inspection;

- access for construction vehicles along would create danger along Grove Street, which is too narrow;
- loss of privacy at, and over-looking of, the rear of existing houses in Grovewood Close;
- being 3-storey and linked-detached, the design of the houses is out-of-keeping with the vernacular;
- the land is covenanted as open space;
- the loss of the wildlife habitats that the land provides and the inadequacy of the response from the GMEU;
- the impact on definitive rights of way (footpaths);
- the absence of any Health and Safety information or whether the houses would satisfy building regulations;
- the inadequacy of parking facilities and the consequent impact of on-street parking;
- vehicles creating danger to footpath users;
- no management proposals are included for the remainder of the site that would remain open and that this would then likely become unkempt and attract anti-social behavior; and,
- disturbance during the period of construction and by passing traffic when the houses are occupied.

6.2 Without objecting, another representation questioned why Grove Street was not to be used to provide access as it appears more suitable.

6.3 The other representations, in support of the proposal, welcomed the provision of new houses and asserted that the land was under-used and mainly by dog walkers.

6.4 Neighbours were re-notified following receipt of the amended proposals (see paragraph 4.1) and 31 further representations were received, all of which are objections, including from Councillor Choksi. Of these 11 were from neighbours who objected previously. The reasons for objecting previously were reiterated and fresh objections were raised:

- a link between Lindisfarne Road and Grove Street would become a rat run;
- that there are no measures to prevent or prohibit the use of a route from Lindisfarne Road through to Grove Street;
- the owner of the site has allowed it to become over-grown and unsightly;
- the development would have a negative impact on house values locally; and,
- vans that are parked currently on-street in Grove Street would hinder access.

6.5 Neighbours were again re-notified following receipt of an amended Open Land Assessment (see paragraph 4.1) and a further 20 objections were received, of which 4 were from neighbours who objected previously. The reasons for objecting previously were reiterated and the validity of the sale of the land was questioned.

## **7. ANALYSIS**

7.1 Initially the proposal was that access to the development site would be taken from Lindisfarne Road, with there being no vehicular access from Grove Street. This arrangement was reversed during the process of considering the application, so that vehicular access would be from Grove Street only.

7.2 The principal issues in deciding this application are then:-

- 1) the principle of the development
- 2) the impact on existing residential amenities
- 3) the design and appearance of the proposed houses
- 4) the residential environment that would be created
- 5) the impact on transportation
- 6) landscaping

## **8. PRINCIPLE OF THE DEVELOPMENT**

8.1 Although not allocated specifically as Protected Green Space UDP policy OL4 affords the same protection from built development to other areas of open land in similar use such as the application site. The principle of the development must therefore be considered against the policies of Section 8 of the NPPF and UDP policy OL4 and whether built development is acceptable on the area afforded the status of Protected Open Space.

8.2 The council commissioned an Open Space Study (the Study) and this was published in 2010. The Study covers a number of open space specific typologies and, of these, the application site will constitute an area of Amenity Space. As defined by the Study, the primary purpose of such an area is to provide opportunities for informal activities close to home or work or to enhance the appearance of residential or other areas. The standard applied in the Study to identify deficiencies in provision of areas of Amenity Space is that there are none within a 10 minute walking distance (approximately 440m). Whilst it is accepted this site is by definition open amenity space, this is addressed in paragraphs 8.2 to 8.10 below.

8.3 The Open Space Assessment that has been submitted in support of the application identifies that there are specific alternative open spaces within 10 minutes walking distance of the application site, these include:

- open land, which is included in the green belt, immediately to the west and south of the application site;
- formal playing fields and leisure facilities at Richmond Street Playing Fields, approximately 400m to the south; and,
- Daisy Nook Country Park, approximately 300m to the north-west.

- 8.4 The Assessment identifies also areas of allocated Protected Green Space:
- between Grovewood Close and Penrith Avenue, approximately 70m to the north along Grove Street;
  - beyond the rear of houses on the north side of Newmarket Road at the end of Taunton Brook Close, approximately 220m to the north; and,
  - between Platting Grove and Anglessey Road, approximately 470m to the north-east.
- 8.5 Albeit that these sites identified constitute open land, none fulfill the defined function of Amenity Space. Other Amenity Spaces are identified in the Study and analysis of these findings shows that if the application site were lost as Amenity Space, albeit only in part, 10 dwellings in Newmarket Road and 5 in Howbro Drive, 7 of which are located in the green belt, and generally facing towards open land around Taunton Brook and backing on to the open land at the northern extremity of Ashton Moss, where there is no dearth of open space, would be beyond a 10 minute threshold walk of alternative open spaces that fulfill the function of Amenity Space. These alternative Amenity Spaces are at Platting Grove and Borrowdale Crescent.
- 8.6 UDP policy OL4 allows for development on Protected Open Space where it can be demonstrated, by means of a suitable supply and demand study that the retention of a site is not necessary and the site has no special significance to the interests of sport and recreation. The demand for Amenity Space, within a 10 minute threshold walk of practically all of the residents that would be affected by the proposal, can be satisfied by the alternative spaces at Platting Grove and Borrowdale Crescent. The site has no special significance to the interests of sport and recreation. The evidence is that the contribution to the community of the application site as open space is mainly visual and for informal recreation.
- 8.7 It is the applicant's stated intention that should the planning application be refused the land will be enclosed with a 2m high fence timber fence to protect the land from possible accident claims, fly tipping, dog fouling, anti-social behaviour and trespass by travellers, in which case the area would no longer provide opportunities for informal activities and its function of enhancing the appearance of the locality would be diminished severely. If permission is granted a proportion (approximately 0.12ha, or one-third) of the site would remain open and be maintained. It is recommended that any permission be conditional upon maintenance plan being approved and implemented, in which case, the function of the area to provide opportunities for informal activities and to enhance the appearance of the locality would be retained, at least in part.
- 8.8 According to paragraph 100 of the NPPF:
- The Local Green Space designation should only be used where the green space is:
- in reasonably close proximity to the community it serves;
- 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), tranquility or richness of its wildlife; and
- local in character and is not an extensive tract of land.

- 8.9 The designation must satisfy each criterion. Whilst satisfying the first and third criteria, the application site holds no particular local significance because of its beauty, historic significance, recreational value (particularly if it were to be enclosed so preventing public access), tranquility or the richness of its wildlife. The retention of the site solely for the purpose of limited amenity value for nearby residents would represent the inefficient use of land contrary to Section 11 of the NPPF.
- 8.10 The development is therefore considered compliant with Sections 8 and 11 of the NPPF and policy OL4 of the UDP and therefore acceptable in principle.

## **9. RESIDENTIAL AMENITY**

- 9.1 The land onto which the proposed houses back comprises mainly the rear garden of a house in Howbro Drive. There would be more than 30m between habitable room windows in the front of the proposed houses and the rear of those directly facing in Grovewood Close and more than 21m between habitable room windows in the rear of the proposed houses and those in the rear of the neighbouring house in Howbro Drive. There are no windows in the sides of either of the houses in Lindisfarne Road and Grove Street that would neighbour either end of the row of proposed houses. UDP policy H10 requires that in new residential developments there is no unacceptable impact on the amenity of neighbouring properties through, among other things, loss of privacy and overshadowing. To this end, policy RD5 of the SPD requires that a minimum separation distance of at least 21m is maintained between directly facing habitable room windows (the distance is reduced where over-looking is oblique, as in the case of the neighbouring house in Howbro Drive).
- 9.2 The spacing between the new houses within the proposed development, and between the new houses and the existing neighbours, is such that there would be adequate distances in-between in accordance with UDP policy H10(d), SPD policy RD5 and Section 12 of the NPPF.

## **10. DESIGN AND APPEARANCE**

- 10.1 The local vernacular is characterised by houses that are brick-built and either semi-detached or detached. Being detached and brick-built, with tiled roofs, the houses would have a traditional appearance. Architectural features such as window sills and header features would be incorporated. A consistent palette of external finishes would be used throughout the development so as to achieve a cohesive scheme that acknowledges the character of the locality within which it is set whilst remaining identifiably a discrete development. It is therefore considered that the detailed design, appearance and scale of the proposed houses complies with the relevant requirements of UDP policy H10(a), the SPD policy RD2 and Section 12 of the NPPF.

## **11. RESIDENTIAL ENVIRONMENT CREATED**

- 11.1 The proposed layout provides for an adequate garden for each of the new houses and, with a useable internal area each of approximately 140sqm, provides adequate living space. In these respects it is considered that the proposal is acceptable and compliant with UDP policy H10(a) and SPD policy RD18.

## **12. TRANSPORTATION**

- 12.1 Each house would have an attached garage and space enough to park at least one car on a driveway in front.
- 12.2 It was proposed originally that the development would be accessed from Lindisfarne Road where there are no footways in but there is a turning head in the carriageway. This arrangement was amended so that now access is proposed from Grove Street where there are footways on either side of the road but no turning facility in the carriageway. The new access road, forming a continuation of the highway in Grove Street, would terminate before Lindisfarne Road and the path that leads to the open land to the west. A turning facility would then be provided on the eastern side of the access road before it terminates. The footway on the eastern side of Grove Street would continue as the footpath that crosses the application site from north to south.
- 12.3 Given the proposed parking provision and road layout it is considered that there would be no unacceptable impact on highway safety, nor would the impact on the road network be severe, so that the proposal is compliant with UDP policies T1 and T10 and Section 9 of the NPPF.

## **13. LANDSCAPING**

- 13.1 Having been consulted on the application the Greater Manchester Ecology Unit has no objection to the proposal on ecological grounds. Of the approximately 0.35ha site, approximately 0.12ha, or approximately one-third, of the land, to the east of the footpath, and which wraps around the rear of houses in Grovewood Close, would remain undeveloped. Four existing trees along the site's western boundary, and which would be in rear gardens of the new houses would be removed. Four new trees would be planted in the area that would remain open and this area would be maintained in accordance with an enforceable management plan. Having been consulted on the application the Council's Arboricultural Officer has confirmed that the proposed tree planting is appropriate to mitigate for the loss of the existing trees and so the landscaping proposals are considered acceptable and compliant with the requirements of UDP policy 1.10 and H10(c) and Sections 12 and 15 of the NPPF.

## **14. OTHER ISSUES**

- 14.1 Whether there are any covenants governing the use of the land is not an issue material to the consideration of the application. If planning permission is granted any such covenant would have to be discharged legally before any development could proceed. The Council's Head of Estates has confirmed that he is satisfied that the council's disposal of the land was carried out in accordance with all proper procedures.
- 14.2 A condition requiring a highways survey, as suggested by the Head of Environmental Services (Highways), is considered inappropriate because the reinstatement of any damage to the highway, which is the object of the condition, would be to require compliance with other regulatory requirements.



## **15. CONCLUSION**

- 15.1 Without impinging unduly on any existing amenities, it is considered that the proposed development would not result in a cramped built environment but rather provide new dwellings that are well integrated with neighbours and constitutes a sustainable development that conforms to the relevant requirements of the Residential Design SPD, the UDP and the NPPF. The recommendation is therefore for approval.

## **16. RECOMMENDATION**

Grant planning permission subject to the following conditions:

1. The development must begin not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: those ref.

LFP 001  
LFP-002  
LFP 003 rev. C  
LFP 004 rev. A  
LFP 006  
LFP 007  
LFP 008  
LFP 009  
LFP 010

3. Development shall not commence until 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 shall be undertaken and approved 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 shall be approved by the Local Planning Authority prior to implementation.
  - iii) Any additional or unforeseen contamination 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, 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; in the finishes to all external hard-surfaces; and, in the construction of the acoustic fence 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. The boundary treatments for each house, as indicated on the approved plan, ref. LFP 003 rev. C, shall be provided prior to the first occupation of that house.
6. The car parking facilities for each house, as indicated on the approved plan, ref. LFP 003 rev. C, shall be provided prior to the first occupation of that house, and thereafter kept unobstructed and available for the intended purpose.
7. The planting scheme shall be carried out in accordance with the details indicated on the approved plan ref. LFP 003 rev. C. The planting scheme shall be implemented in the first planting season (Nov-Mar) following the occupation of the first house.

Any newly planted trees and plants forming part of the approved scheme which, within a period of 5 years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species by the developer unless the local planning authority gives written consent to any variation.

8. No part of the development hereby approved shall be occupied until details of a maintenance management plan for the area of land that is to remain undeveloped, and including the newly planted trees,, as indicated on the approved plan ref. LFP 003 rev. C, has been submitted to, and approved in writing by, the local planning authority. Following the occupation of the first house, the management plan shall be implemented in accordance with the approved details.
9. Prior to first occupation of the development hereby approved a scheme detailing the street lighting to be provided to the access road and shared parking areas shall be submitted to, and approved in writing by, the local planning authority. This scheme will include details of how the lighting will be funded for, how it will be maintained in the future, and a phasing plan which will specify when the approved details will be completed. Development shall be carried out in accordance with the approved details.
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. A clear view shall be provided on both sides of the driveways where these meet the footway. It shall measure 2.4metres along the edge of the site access and 2.4 metres along the footway. It must be clear of anything higher than 600mm above the access, except for vertical iron railings to a design that includes rails of not greater than 15mm diameter spaced at not less than 100mm intervals.
12. The development shall not commence until details of the wheel cleaning facilities, temporary access, vehicle parking and turning facilities to be provided during the construction period, has been submitted to, and approved in writing by, the local planning authority. The approved

measures shall be implemented and retained in operation through the duration of the building works.

13. Throughout the period of site preparation and construction, until the occupation of the house hereby approved, no trees, shown to be retained on the approved plan ref. LFP 003 rev. C, within the site, shall be felled, uprooted, lopped, topped or otherwise destroyed or damaged, including disturbance to roots, without the previous written consent of the Local Planning Authority. Where any tree is damaged or destroyed without consent, another tree shall be planted of such size, species, and in such a position as may be specified in writing by the Local Planning Authority.
14. No tree felling or vegetation removal shall take place during the optimum period for bird nesting (March to July, inclusive).
- 16 The site shall be drained on a separate system, with only foul drainage connected into the foul sewer. No development shall commence until full details of the means by which the external hard-surfaced areas shall be drained of surface water have been submitted to, and approved in writing by, the local planning authority. The development shall then be implemented in accordance with the approved details.