

Application Number 18/01078/FUL

Proposal	Erection of 2no. 4 bedroom, two storey, detached dwellings and associated works.
Site	Land rear of 80 Currier Lane, Ashton-Under-Lyne.
Applicant	PSD Construction Ltd
Recommendation	Approve, subject to conditions
Reason for report	A Speakers Panel decision is required because of the receipt of a request to speak.

REPORT

1. APPLICATION DESCRIPTION

- 1.1 The application has been submitted for full planning permission for the erection of 2no detached properties. The dwellings would be 2 storeys in height and accommodate 4 bedrooms. Parking would be provided for 2 vehicles in addition to an internal double garage for each property. Access improvements are proposed to the existing track which would include a passing place for 2 vehicles and improved visibility splay onto Currier Lane. Landscaped gardens would be provided to the front and rear
- 1.2 To facilitate access improvements it will be necessary include land which is within the ownership of Nos 76 and 80 Currier Lane. These areas have been included within the application boundary but fall outside the Applicants Ownership. The applicant confirms that the properties are owned by family members who have consented to the works. The requisite notice has been served on these land owners.
- 1.3 The application has been accompanied with the following reports; Design & Access, Tree Survey.

2. SITE & SURROUNDINGS

- 2.1 The application relates to a backland area to the rear of properties fronting Currier Lane. The site is roughly triangular in shape, and, with the exception of some garage structures within the north eastern corner, the site is undeveloped. Access is taken from an unadopted service track which runs between no.s 76 & 80 Currier Lane which also serves as access to garages located within the rear gardens of no.s 82-90 Currier Lane.
- 2.2 To the rear of the site there are two large detached properties which are also accessed via a private road (The Churches). The site is level but this falls from the southern boundary down to Currier Lane. This effectively means that the site is elevated in relation to the Currier Lane properties. There are mature trees and hedgerows located on the Western and Northern boundary to the Churches.
- 2.3 The wider area is principally residential in character with examples of large detached and traditional terrace stock, infill plots have been accepted elsewhere within the area. Generally dwellings are set within landscaped gardens giving a leafy suburban character.

3. PLANNING HISTORY

- 18/00559/FUL – Erection of 4no. detached two storey dwellings including associated access and landscaping works – Withdrawn 06/08/2018

4. RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation: Unallocated

4.2 Part 1 Policies

- 1.3: Creating a Cleaner and Greener Environment;
- 1.4 Providing More Choice and Quality of Homes;
- 1.5 Following the Principles of Sustainable Development;
- 1.11 Conserving Built Heritage and Retaining Local Identity,
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.3 Part 2 Policies

- H7: Mixed Use and Density
- H10: Detailed Design and Housing Developments
- OL4: Protected Green Space
- C1: Townscape and Urban Form
- N5: Trees within Development Sites
- U4: Flood Prevention
- T1: Highway Improvement and Traffic Management.
- T10: Parking.
- MW11: Contaminated Land.

4.4 National Planning Policy Framework (NPPF)

- Chapter 2: Achieving sustainable development
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment

4.5 Other Policies

- The Greater Manchester Joint Waste Development Plan Document April 2012
- The Greater Manchester Joint Minerals Development Plan Document April 2013
- Trees and Landscaping on Development Sites SPD adopted in March 2007.

Planning Practice Guidance (PPG)

- #### **4.6**
- 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**
- Planning Practice Guidance advises that Local Planning Authorities should adopt a proportionate approach to the advertisement of applications made under section 73 of the Town and Country Planning Act.

- 5.2 The application has been advertised by way of site notice. In addition 11 notification letters were sent out to surrounding neighbouring properties at the time of writing the report there had been 3 letters of objection.

6. RESPONSES FROM CONSULTEES

- 6.1 Environmental Health – No objections recommend conditions are applied limiting construction hours and that the details of any plant equipment are provided prior to occupation.
- 6.2 GMEU – No objection to the ecology assessments undertaken. Recommend that the mitigation/enhancements measures which are recommended are implemented.
- 6.3 Highways – No objections subject to recommended conditions.
- 6.4 Tree Officer – The trees to be removed around the location of the dwellings are mainly low value and adequately mitigated for by the planned replacement planting. The improvements to the access road with Currier Lane will mean the removal of two trees. One is low value but the mature Sycamore is of significant amenity value to the surrounding area. Recommend that a landscaping condition is applied requiring replacement tree planting.
- 6.5 United Utilities – Raise no objections subject to recommended conditions that the property is served with separate foul and surface water drainage systems (details to be submitted).

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 2 letters of objection has been received in addition to 2 letters of comment. The following points have been raised:
- There is a legal covenant running across the land which provides access for no.74 Currier Lane. The application fails to acknowledge this.
 - Over development of the plot
 - Noise impact to residents
 - Damage to wildlife
 - Loss of trees and shrubbery
 - Road safety – Impact of increased traffic through access track onto Currier Lane
 - Currier Lane is a Heritage Highway the development will cause further disruption
 - Inaccuracies within the Design & Access Statement
- 7.2 Points raised in the letters of comment:-
- The current planning application is more acceptable than the original one and note that the access from Currier Road is improved by the passing bay. There ought to be signs for "No parking" as the access road is effectively single track.
 - Properties could be angled further to reduce direct line of sight to Currier Lane Properties.
 - Boundary Fences should be consistent and trees protected under TPO.
 - The area for development has long been an area that has had issues with security and by building these houses I believe the security of the area will be improved.
 - Improvement to the access road will make up for any additional traffic.

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
 - 6) Other Matters

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 The site falls within an unallocated area on the UDP proposals map. Whilst there are some outbuildings within the site it remains predominantly undeveloped. For planning purposes it is not considered that the scale of development on the site is substantial enough to constitute previously developed land. However, in land use terms the proposals would be directly compatible with the overriding established character of surrounding uses.
- 9.4 It is noted that within the representations a claim has been made to a right of way across the land. This matter has been brought to the applicant's attention who refutes any such claim. The objector has not been able to furnish any conclusive evidence that such a right exists. The granting of any planning permission does not in any way infer that consent of the landowner is given, any contest to ownership/access rights must be taken up with the applicant separate of the planning application process. If it should transpire that the applicant does not own or have access rights of the land included in a planning consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the relevant landowners. It remains that the Authority cannot get involved with private disputes, this is a civil issue.
- 9.5 The site is considered to be a sustainable location recognising the services, amenities and public transport options which are on-hand within the Ashton Area. The proposals would make a positive contribution to housing supply in line with the principles of National Planning Guidance.

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 existing properties.

- 10.2 The site shares a boundary to properties on Currier Lane and The Churches. It represents a backland site which sits in relative isolation to the street scene and the 8 properties located across the boundary. The siting of the properties dictates that they would be positioned with front and rear elevations a minimum of 26m from the rear elevations of properties on Currier Lane and within the Churches and 15m between rear elevations and side gables. This is compliant with the recommendations of the adopted SPD and it is considered that levels of outlook and privacy would be maintained at a reasonable level.
- 10.3 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 recognising the compatibility of the uses with the established character of the area. The design identifies that garden areas would be sufficiently enclosed to maintain appropriate levels of privacy. Vehicle activity would be commensurate to existing levels associated with occupants of properties on Currier Lane.
- 10.4 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 The proposal would involve the erection of 2 dwellings on a site area of 0.14 hectares, which equates to 14.2 dwellings per hectare. A previous application for 4 dwellings was withdrawn at the advice of the LPA, it would therefore not be desirable to see number increased above those currently proposed.
- 11.2 Policy H10 is clear in its expectations of achieving high quality development that enhances a locality and contributes to place making. The proposals represent examples of 2 large detached (family) properties. In terms of design reference points the layout and scale of the dwellings is akin to the detached properties within the Churches which also read as a backland development to the rear of Currier Lane.
- 11.3 Paragraph 130 of the NPPF identifies that planning permission should be refused for development which fails to take opportunities available for improving the character and quality of an area. It also stipulates that where design accords with clear expectations in plan policies, design should not be used by the decision-maker as a reason for refusal.
- 11.4 A bespoke approach has been taken to the design of the proposed dwellings. The properties would be split level as a result of a hipped roofline which strives to reduce the overall mass of the building. The access and parking areas would be taken from the frontage which includes an integral double garage. The use of traditional materials (to be conditioned) would reference the local vernacular.
- 11.5 Insofar as the scale of the development then the site lends itself as a practical infill plot which can support 2 good sized family dwellings. The majority of existing trees can be retained, which taken with proposed landscaping would also uplift the setting of the properties and uplift the overall appearance of the locality as a whole. The proposed levels of soft landscaping would break up front parking areas to the overall enhancement of the setting of the properties. The use of a cellular confinement system (geoweb) to driveway areas provides a permeable drainage solution and offers protection to tree root areas.
- 11.6 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 properties present would have an independent appearance, whilst providing good quality family housing. 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 The site would be accessed from the existing access single width track located off Currier Lane. The track is unadopted and also serves as a rear access to a number of properties.
- 12.2 The proposals would see improvements to the carriageway including the provision of a dedicated passing place for vehicles to allow two way movements. This would provide improvements for vehicle and pedestrian users of the track as it would prevent the need for reversing manoeuvres into the public highway (in the event of vehicles meeting)
- 12.3 The Highways department comment that the access arrangements are suitable to protect all road users. The nature of the entrance would ensure that vehicles approach the site at low speeds. Exact details of the improvement measures will need to be determined by a planning condition. Further (pre-commencement) conditions will require the submission and approval of a construction environment management plan and that the driveways are constructed from a bound material with appropriate levels of drainage.
- 12.4 The plans indicate that 2 in curtilage car parking spaces would be provided for the dwellings in addition to 3 visitor spaces. The parking arrangement is such that vehicles would be able to access and egress the properties in a forward motion. All of the boundary treatments would be restricted to a height of 600mm to ensure appropriate visibility is maintained. Overall the level of parking provision accords with the guidelines of UDP policy T10. Traffic movements to and from the site would be acceptable in terms of local capacity. The Highways officer comments that these arrangements are sufficient. The accessible location means that it is well served with access to public transport, services and relevant amenities within reasonable walking distance.

13. TREES & ECOLOGY

- 13.1 In relation to the impact of the development on trees it is noted that there are several protected trees located within the curtilage of no. 76 Currier Lane. The proposals would entail the removal of 7 individual trees in addition to a single group. All of the highest 'category A' trees would be retained within the site but a protected (Category B) Sycamore would require removal to facilitate junction improvements to the visibility splay of the access road. It is noted that the canopy covers telephone lines which serves several immediate properties so significant pruning works are likely to be required at some point.
- 13.2 The Tree Officer has raised no objections to the proposed development. Trees present within the site are generally located towards the boundaries. Details of the species mix to be planted in a proposed landscaping scheme have been submitted and are considered to be acceptable. Compliance with these details can be secured by condition.
- 13.4 In relation to ecology, GMEU have not raised any objections to the proposals, subject to conditions being imposed on any permission granted. These conditions would limit the timing of tree/vegetation removal on the site to outside of the bird breeding season to ensure that there would be no adverse impact on protected species and a requirement that biodiversity enhancements are included as part of the development, this would be determined following a walkover survey. These conditions are considered acceptable.

14. OTHER MATTERS

- 14.1 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 mechanism and the submission and approval of a sustainable surface water drainage system.
- 14.2 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 included as part of the construction management plan conditions that is proposed.
- 14.3 Details of the bin storage arrangements to serve the development have been submitted and are deemed acceptable. A condition will be applied to ensure their implementation.
- 14.4 Consultation with the Contaminated Land Officer has not raised any objections to the proposals, subject to securing an intrusive ground investigation into potential sources of contamination on the site and approval of a remediation strategy (if required) by condition. Such a condition is considered to be reasonable given the undeveloped nature of the site.
- 14.5 The site is located in a low risk area with regard to coal mining legacy and there are no such objections to the proposals. An informative can be added to the decision notice advising the applicant of their responsibilities on this regard.
- 14.6 In accordance with the Written Ministerial Statement (WMS) of 28 November 2014, no tariff based contributions are to be sought in relation to affordable housing, open space or education provision, as the proposal would not exceed 10 dwellings. The WMS is a material planning consideration, forming part of the Planning Practice Guidance. Given the need to boost the supply of housing in sustainable locations, as required by Section 5 of the NPPF, it is considered that financial contributions are not necessary to make the scheme acceptable in planning terms.
- 14.7 In relation to comments made by objectors it is not considered that these would warrant a refusal of planning permission.

15. CONCLUSION

- 15.1 The proposals represent an opportunity to maximise the residential occupation of the existing plot within an established residential area. The properties achieve an appropriate design which would provide good quality family orientated accommodation without giving rise to amenity issues. 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.
- 15.2 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.
- 15.3 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.

16. 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:

Arboricultural Impact Assessment Ref BE676.1 Rev B
Design and Access Statement December 2018
Plot 1 House Type 1 ref 3286/19A
Plot 2 House Type 2 ref 3286/20
Proposed Site Layout 3286/18D

3. 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.
4. 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.

5. The car parking indicated on the approved plan 3286/18E shall be provided to the full satisfaction of the Local Planning Authority and thereafter kept unobstructed and available for its intended purpose. Parking areas or driveways must be at least 3.1 metres wide and 6 metres long where in front of house doors or 5.5 metres long where in front of a garage. The areas shall be maintained and kept available for the parking of vehicles at all times.
6. A clear view shall be provided on each side of the site access where it meets the footway in Currier Lane. Its area shall measure 2.4 metres along the edge of the site

access and 2.4 metres along the footway. It must be kept clear of anything higher than 600mm above the access.

7. Prior to commencement of work on site the applicant shall undertake a condition and dilapidations survey of the highway fronting the site and giving access to the site and prepare and submit a report to the Engineering Operations Manager. The developer will be responsible for making good any damage caused to the highway by the development works or by persons working on or delivering to the development. Any damage caused to the street during the development period shall be reinstated to the full satisfaction of the Highway Authority prior to the occupation of any part of the development.
8. The development shall not commence until details of a lighting scheme to provide street lighting (to an adoptable standard), to any shared private driveway or parking court have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance. The approved works shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.
9. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.
10. No development shall take place until full details of the mitigation measures identified in the Arboricultural Impact Assessment Ref BE676.1 Rev B, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
12. No development shall commence until tree protection measures to meet the requirements of BS5837:2012 have been installed around all of the trees on the site to be retained (including the trees protected by Tree Preservation Orders within the site and adjacent to the boundaries of the land.) These measures shall remain in place throughout the duration of the demolition and construction phases of the development, in accordance with the approved details.
13. No development above ground level shall commence until an ecological walkover survey has been conducted. The survey shall make appropriate recommendations for Biodiversity enhancement measures to be installed as part of the development hereby approved to 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

14. 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.
15. 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; 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.