

**Application Number** 19/00545/FUL

**Proposal** Variation of conditions 3 (car parking arrangements), 4 (boundary treatments) and 8 (refuse storage) of planning permission 17/00534/REM

**Site** Site of former Samuel Laycock School, Mere Side, Stalybridge

**Applicant** Contour Homes

**Recommendation** Grant planning permission subject to conditions

**Reason for report** A Speakers Panel decision is required because the application constitutes major development.

## **1.0 APPLICATION DESCRIPTION**

- 1.1 The applicant seeks full planning permission for the variation of conditions 3 (car parking arrangements), 4 (boundary treatments) and 8 (refuse storage) of planning permission 17/00534/REM.
- 1.2 Condition 3 of planning permission 17/00534/REM states that 'The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved proposed site plan (Drawing number 02 Issue P13), prior to the first occupation of any of the dwellings hereby approved and shall be retained free from obstruction for their intended use thereafter.'
- 1.3 This application seeks to make a minor alteration to the position of the car parking space at the rear of plot 27, moving the space eastwards from the western boundary of the site and relocating the bin storage area to adjacent to the western boundary of the plot.
- 1.4 Condition 4 of planning permission 17/00534/REM states that 'The boundary treatments shown on the approved proposed boundary treatment elevations plan (Drawing number 03 Issue P2) shall be installed in the locations shown on plan ref. proposed site plan (Drawing number 02 Issue P13), in accordance with the approved details, prior to the first occupation of any of the dwellings hereby approved.'
- 1.5 This application seeks to make a minor alteration to the boundary treatment of plot 27 to extend the 1.2 metre high close boarded fencing around the perimeter of the relocated car parking space and pulling the fence line further towards the southern boundary of that plot, with the metal railings at the back edge of the footway being retained in the approved position.
- 1.6 Condition 8 of the planning permission related to the provision of the bin storage arrangements for each plot as identified on the approved plans. Minor re-alignment of the means of enclosure to screen the refuse storage areas are proposed within some of the plots.

## **2.0 SITE & SURROUNDINGS**

- 2.1 The application site is 1.38 hectares in area and is located to the north of Mere Side and Lake Road, Stalybridge. Existing residential development lies to the south of the site and the area is characterized by a mix of detached, semi-detached and terraced properties. Stamford Park, a Grade II registered park and garden, lies to the west and north of the site. A footpath runs outside of the site along the southern and eastern boundaries. The site is currently being developed out following the granting of the original reserved matters application.

## **3.0 PLANNING HISTORY**

- 3.1 18/00654/MATCH – non material amendment to include an additional window at ground floor level in the gable elevation of 2 of the plots (7 and 11) (to be obscurely glazed, as labelled on the submitted plans), the widening of part of the footway in the south western corner of the site and the use of tarmac to treat the road surface in the eastern and north western parts of the development - approved
- 3.2 17/00534/REM – Approval of the layout, scale, appearance and landscaping for 2 storey residential development comprising 44 new dwellings (following granting of outline planning permission under ref. 16/00856/OUT. – approved
- 3.3 16/00856/OUT - Outline application for residential development and associated works - approved

## **4.0 RELEVANT PLANNING POLICIES**

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Planning Practice Guidance (PPG)

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

Not allocated, within the settlement of Stalybridge

### **4.2 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
- 1.6 Securing Urban Regeneration
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

### **4.3 Part 2 Policies**

- H2: Unallocated sites
- H4: Type, size and affordability of dwellings
- H5: Open Space Provision
- H7: Mixed Use and Density (Density being relevant to this proposal)
- H10: Detailed Design of Housing Developments
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management.
- T10: Parking

T11: Travel Plans.  
C1: Townscape and Urban Form  
N7: Protected Species  
MW11: Contaminated Land.  
U3: Water Services for Developments  
U4 Flood Prevention  
U5 Energy Efficiency

#### 4.4 **Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2018;

The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 ("GMSF") which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections

Residential Design Supplementary Planning Document; and,  
Trees and Landscaping on Development Sites SPD adopted in March 2007.

#### 4.5 **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 11: Making efficient use of land  
Section 12: Achieving well designed places  
Section 15: Conserving and enhancing the Natural Environment

#### 4.6 **Planning Practice Guidance (PPG)**

4.7 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.

#### 5.0 **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 and the Council's adopted Statement of Community Involvement.

#### 6.0 **RESPONSES FROM CONSULTEES**

6.1 Local Highway Authority – no objections to the proposals.

6.2 Borough Environmental Health Officer (EHO) - no objections to the proposals.

## **7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

7.1 No representations have been received.

## **8.0 ANALYSIS**

8.1 National Planning Practice Guidance promotes flexible options for planning permissions. Section 73 of the Town and Country Planning Act 1990 allows for applicants to apply to the Local Planning Authority to amend or vary conditions placed on a planning consent. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. The only restriction under section 73 is that planning permission cannot be granted to extend the time limit within which a development must be started.

8.2 NPPG advises that; 'In deciding an application under section 73, the local planning authority must only consider the disputed condition's that are the subject of the application – it is not a complete re-consideration of the application.' The original planning permission will continue to exist.

8.3 The principle of development was established through the granting of outline planning permission ref. 16/00856/OUT and reserved matters approval ref. 17/00534/REM determined the scale, layout and landscaping of the development. This application seeks to make minor amendments to the scheme approved at the reserved matters stage in relation to parking layout, boundary treatments and bin storage associated with one of the plots

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

- The impact of the revisions to the previously approved scheme on the character of the surrounding area.
- The impact of the revisions to the previously approved scheme on the residential amenity of neighbouring properties
- The impact of the revisions to the previously approved scheme on highway safety

## **9.0 CHARACTER**

9.1 The proposed extension of the 1.2 metre high fencing around the perimeter of the relocated car parking space associated with plot 27 would not result in a detrimental impact in the character of the development and would represent a modest change to the appearance of the extant scheme.

9.2 The extant scheme approved 1.5 metre high fencing along the rear boundary of the original parking space and 1.2 metre high fencing along the southern edge of the garden of that plot. The proposed alteration to the alignment of that fence would bring it closer to the 1 metre high railings on the back edge of the footway. However, this revised fence line would not be prominent in views from Mere Side looking into the development and the height of the fencing at the rear of the parking space would be reduced by 300mm in relation to the approved scheme.

- 9.3 The proposed relocated bin store would be screened from public view by a taller fence in this revised scheme than the extant permission and this alteration would therefore not result in an adverse impact on the character of the area.
- 9.4 The proposed re-alignment of the screening to the bin storage areas within some of the plots would not result in an adverse impact on the character of the area, with all storage areas still contained within the curtilage of each of the properties.
- 9.5 Following the above assessment, it is considered that the proposed amendments to the extant scheme would not result in an adverse impact on the character of the site or the surrounding area.

## **10.0 RESIDENTIAL AMENITY**

- 10.1 The proposed alterations would not result in a reduction in the separation distances between any of the buildings within the development or the pre-existing neighbouring properties. The amendment to the location of the fence line on the southern boundary of plot 27 would not be so significant as to result in harm to the amenity of the properties to the south through unreasonable overshadowing over and above the extant position. The same assessment applies to the relocation and minor modification to the bin store and screening. There are no objections on amenity grounds from the Environmental Health Officer. The proposed re-alignment of the screening to the bin storage areas within some of the plots would not result in an adverse impact on the residential amenity of any neighbouring properties.
- 10.2 The amended proposals would therefore not result in a detrimental impact on the residential amenity of any neighbouring properties.

## **11.0 HIGHWAY SAFETY**

- 11.1 The proposal would result in a modest relocation of the car parking space to the rear of plot 27. The proposals would not result in a reduction in the number of car parking spaces across the development and the driveway would remain of sufficient length. As a result, the proposals would not result in an adverse impact on highway safety. This assessment is corroborated by the lack of objection from the Local Highway Authority to the proposals.

## **12.0 CONCLUSION**

- 12.1 The minor nature of the modifications to the location of the parking space, the boundary treatment associated with plot 27 and the minor re-alignment of the screening to the bin storage areas within some of the plots are considered not to result in a detrimental impact on the character of the area, the residential amenity of neighbouring properties or highway safety.
- 12.2 The proposals are therefore considered to comply with the relevant national and local planning policies quoted above.

## **RECOMMENDATION**

Grant planning permission, subject the following conditions:

1. The development hereby approved shall be carried out in accordance with the following approved plans: Proposed site plan (Drawing number 102 Issue R2), proposed street elevations (1 of 2) (Drawing number 09 Issue P2), proposed street elevations (2 of 2) (Drawing number 10 Issue P2), proposed house type plans (Drawing number 05 Issue P5, Drawing number 06 Issue P5, Drawing number 07 Issue P5, Drawing number 08 Issue P4), amended floor plans (Drawing number 04 Issue P8), amended plan entitled Soft landscape Layout produced by Brooklyn Landscapes Ltd (Rev. F), proposed boundary treatment elevations plan (Drawing number 03 Issue P2) and eastern boundary elevation plan (Drawing no. SK01 Issue P1).
2. The materials to be used in the construction of the external faces of the buildings hereby approved shall accord with the details shown on drawing no.s 08 Issue P4, 07 Issue P5, 06 Issue P5 and 05 Issue P5 submitted as part of discharge of condition application ref. 18/00040/PLCOND and shall be retained as such thereafter.
3. The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved proposed site plan (Drawing number 102 Issue R2), prior to the first occupation of any of the dwellings hereby approved and shall be retained free from obstruction for their intended use thereafter.
4. The boundary treatments shown on the approved proposed boundary treatment elevations plan (Drawing number 03 Issue P2) shall be installed in the locations shown on plan ref. proposed site plan (Drawing number 102 Issue R2), in accordance with the approved details, prior to the first occupation of any of the dwellings hereby approved.
5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme approved in writing by the Local Planning Authority prior to the occupation of any part of the development. Any newly planted trees or plants forming part of the approved landscaping 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.
6. The visitor car parking spaces, and the associated landscaping within the development hereby approved shall be managed and maintained in accordance with the details included within the statement produced by Onward approved under discharge of condition application ref. 18/00109/PLCOND and shall be retained as such thereafter.
7. Prior to the occupation of any part of the development hereby approved, visibility splays shall be provided on both sides of the site access where it meets the footway. The visibility splays 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 ground level. The visibility splays shall be retained as such thereafter.

8. The bin storage arrangements to serve each plot shall be installed in accordance with the details indicated on approved plan drawing no. 102 Issue R2 prior to the first occupation of that plot and shall be retained as such thereafter.