

**Application Number:** 16/00176/FUL

**Proposal:** Two 3-bedroom dormer bungalows and associated parking and landscaping

**Site Location:** Land at side of 22 Mottram Old Road, Stalybridge

**Applicant:** R. B. Air Ltd

**Recommendation:** Approve

## **REPORT**

### **1.0 SITE & SURROUNDINGS**

- 1.1 The application site fronts Mottram Old Road to the east and forms part of the rear and side garden area of 22 Mottram Old Road which is situated at the southern end of the site.
- 1.2 Along the sites northern and western boundary is a mature Hawthorne hedge, beyond which are the properties on Shaw Moor Avenue which are predominantly detached bungalows. The site is within a residential area and is elevated from the properties on Shaw Moor Avenue
- 1.3 The application site is 0.7 hectares located in the centre of an established residential area. Existing houses back on to the site which is currently grassed with trees and bushes. The site is maintained by the applicant.
- 1.4 The site varies in levels sloping downwards from the south of the site. There is also some 4m in level difference between the north-west of the site and the rear of the properties 49, 51 and 53 Shaw Moor Avenue.
- 1.5 The site has access to public transport, with the nearest bus stops being located on 0.25km away on Mottram Road where the bus services go to Ashton and Manchester.

### **2.0 PROPOSAL**

- 2.1 This is a full application for the erection of two 3 bedroom detached dormer bungalows to the north of 22 Mottram Old Road.
- 2.2 The height of the bungalows measure 7.1m to the ridge and 3.2m to the eaves with dormer windows in the roof for bedrooms and bathroom. They will be constructed using red bricks with grey roof tiles.
- 2.3 The bungalows will be positioned in the centre of the site with the fronts facing north east onto Mottram Old Road. The site will be accessed via individual driveways off Mottram Old Road.
- 2.4 The development proposes to remove an existing birch tree, Mount Ash stump and a sycamore which is currently protected with a tree preservation order. The existing boundary treatments of post and wood infill fencing to the north and Hawthorne hedging to the west and north, infilling where appropriate and erect a drystone faced

retaining wall to the southern boundary and to separate the garden areas of the new properties would be retained.

2.5 A landscaping scheme has been submitted which indicates which trees and bushes area to be retained and proposes tree and low maintenance planting around the site.

2.6 Submitted in support of the planning application are the following: -

Proposed Plans and Elevations  
Arboricultural assessment  
Design and Access Statement

### **3.0 PLANNING HISTORY**

3.1 A previous planning application (reference number 13/00844/FUL) for a single dormer bungalow on the site was approved under delegated powers on 23 December 2013.

### **4.0 RELEVANT PLANNING POLICIES**

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

Unallocated

#### **4.2 Tameside UDP**

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

- 1.3 Creating a Cleaner Greener Environment
- 1.4 Providing More Choice and Quality of Homes
- 1.5 Following the Principles of Sustainable Development
- 1.6 Securing Urban Regeneration
- 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
- H9 Backland Development
- H10 Detailed Design of Housing Developments
- C1 Townscape and Urban Form
- T10 Parking
- T13 Transport Investment
- MW11 Contaminated Land

#### **4.3 Other Policies**

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

- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring Good Design

##### **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.

## **5.0 PUBLICITY CARRIED OUT**

- 5.1 As part of the assessment of the planning application 17 notification letters were sent out to neighbouring properties on 24th March 2016.

## **6.0 RESPONSES FROM CONSULTEES**

- 6.1 Head of Environmental Services – Highways has no objections to the proposed development subject to condition regarding car parking provision and visibility splays.
- 6.2 Head of Environmental Services – Environmental Protection has no objections subject to a condition relating to hours of construction/demolition.
- 6.3 United Utilities have no objections subject to drainage control conditions.

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

- 7.1 Four letters of objection have been received following the neighbour consultation exercise from 49, 51 and 53 Shaw Moor Avenue (both the tenant and the owner of 53 Shaw Moor Avenue have written). The grounds for objection can be summarised as follows: -

- The height of the properties will cause overlooking, loss of light and privacy
- Over dominant as land levels are some 4m difference and the properties are staggered making the domineering impact worsened
- Is it possible to forbid any extensions on the new properties in the future
- Concerns about drainage and water overflow
- Overdevelopment of a site better suited to smaller bungalows or less properties
- Impact on existing trees
- Could the existing tree be pruned back as part of the work?
- Noise during development
- Effect on wildlife
- Too many houses built in the area causing traffic problems.

- 7.2 The application is being presented to the Speakers Panel at the behest of Councillor Basil Beeley and the owner of 53 Shaw Moor Avenue.

## **8.0 ANALYSIS**

- 8.1 The principal issues in deciding this application are: -
- Principle of Development
  - Layout, Design and Landscaping
  - Amenity
  - Highway Safety and Accessibility
  - Loss of trees

## **9.0 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 for the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 208 - 219 of the NPPF sets out how its policies should be implemented and the weight which should be attributed to the UDP policies. Paragraph 215 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.
- 9.2 The site is designated as unallocated on the UDP and subject to policy H2. This policy confirms unless other considerations take precedence, the Council will permit the redevelopment of previously developed land for residential use where these are not specifically allocated for this purpose in the plan (UDP). This policy is intended to facilitate the approval of brownfield windfall sites for housing development.
- 9.3 Whilst Policy H2 of the UDP facilitates the approval of brownfield windfall sites for housing development unless other considerations take precedent, it is now accepted garden land is not classified as brownfield and this is acknowledged in the NPPF. Policy H2 states: -
- "Residential development on greenfield land which is not specifically allocated for this purpose in the plan will not be permitted unless an adequate five year supply is no longer available through outstanding commitments and remaining allocated sites."
- 9.4 Policy H2 of the UDP deals with windfall housing sites and recognises the importance of such sites in achieving the overall housing numbers. Whilst this policy suggests that brownfield sites should take precedence, there is an exception where an adequate five year supply of land is not available which is the case in Tameside and as such there are no substantive objections to the principle of releasing this site for residential development.
- 9.5 Paragraph 49 of the NPPF confirms housing applications should be considered in the context of the presumption in favour of sustainable development and adds relevant policies for the supply of housing should not be considered up to date if a five year supply of deliverable housing sites cannot be demonstrated.
- 9.6 The site is located within an established residential area with access to public transport and already has consent granted for one unit on the site. It is considered that and providing other SPD and UDP policies can be satisfied the proposal will contribute to the delivery of the Borough's 5 year housing land supply, deliver quality homes and create a sustainable, inclusive housing development which conforms to the Tameside UDP and is in accordance with the NPPF core principles and Section 6 of the NPPF.

## **10.0 LAYOUT, DESIGN AND LANDSCAPING**

- 10.1 The layout of the site allows for each house to have an adequate sized garden and off road parking.

- 10.2 Each house allows for over 106sqm of floor space for the occupants which is considered to be an acceptable size for a three bed property and in line with space standards set out in the National Housing Standards. The design of the houses and proposed materials complement the style of existing houses in the area.
- 10.3 The planted areas of landscaping proposed are minimal with two of the existing three protected trees retained in addition to the hawthorn hedge. One protected sycamore tree is shown to be removed. To compensate for the loss of the protected sycamore, two new oak trees and a mountain ash would be planted. The replacement trees are considered acceptable replacements by the councils Tree officer. With the majority of trees and bushes being retained, it is not considered that there will be any undue impact on wildlife in the area.
- 10.4 The proposed boundary treatments are consistent with those found in the surrounding area and are therefore considered acceptable.
- 10.5 It is considered that the design, appearance and layout of the development conforms to the requirements of the Residential Design SPD, UDP Policy H10 and Section 6 and 7 of the NPPF and is therefore acceptable.

## **11.0 AMENITY**

- 11.1 Policy H9 provides guidance on new residential development within the curtilage of existing dwellings and sets out specific criteria to protect the amenity of surrounding residents and the impact on the local character of an area. The policy therefore gives a strong basis for considering the impact on the surrounding community.
- 11.2 Under UDP Policy H9 applications for garden development will only be permitted providing suitable arrangements for access and parking can be provided; garden areas can be retained; privacy can be maintained between existing and proposed developments and no serious detriment would occur to the character of the area.
- 11.3 Policy RD5 of the Residential Design SPD specifies the acceptable spacing standards between new and existing buildings and the development has been designed to meet the minimum privacy and spacing requirements to ensure each property would avoid intrusive overlooking of neighbouring houses and to avoid issues with overshadowing and loss of sunlight.
- 11.4 Objections have been raised from neighbours regarding potential loss of privacy to the existing residents as a result of the development. The Residential Design SPD Policy RD5 requires a minimum separation distance of 21m between the existing houses on Shaw Moor Avenue and the proposed houses plus 1m for every 1m in land level difference, this is then reduced if the angle of overlooking is below 90degrees. This distance takes into account any loss of light and minimises overshadowing between properties. The applicant has provided a detailed plan which indicates the minimum separation distances have been achieved between all the proposed houses and the rear of the houses on Shaw Moor Avenue.
- 11.5 Therefore despite the objections received the privacy and spacing distances to existing properties on Mottram Old Road and Shawmoor Avenue are compliant with policy RD5 in the Residential Design SPD and it is not considered that proposed houses will result in a loss of privacy or amenity to the existing properties and the proposed houses comply with the Residential Design SPD.

## **12.0 HIGHWAY SAFETY AND ACCESSIBILITY**

- 12.1 The proposed dormer bungalows would be located within their own grounds and each have a private access drive located directly from Mottram Old Road with at least two off road parking spaces being available at the front of each property
- 12.2 There are local bus service which travels to along Mottram Old Road and the site is located approximately 1.3km from the town centre of Stalybridge.
- 12.3 Refuse collections will to be made via Mottram Old Road and there is sufficient space within the development for the storage of refuse and recycling to facilitate this.
- 12.4 The parking arrangements and access would not appear out of character with the area or unacceptably have a harmful effect of highway safety and are therefore considered acceptable and in compliance with UDP Policy H10 and T10 and the Residential Design SPD.

## **13.0 CONCLUSION**

- 13.1 It is considered the application complies with both development plan policy and national guidance and there is no significant harm resulting from the proposal in terms of traffic impact, impact on neighbours or character of the area. It is considered the scheme will also assist in the Borough meeting its 5 year housing supply whilst providing an addition to the mix of house types available within the Borough.

**RECOMMENDATION** - Grant Planning Permission subject to the conditions below;

### **Conditions:**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. Samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority before any work commences. The development shall be constructed with such approved materials.
3. 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 agreed previously with the Local Planning Authority. 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.
4. No part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

5. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.
6. During the period of construction, no work (including deliveries and vehicular movements), shall take place on Sundays and Bank Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday
7. Prior to occupation, the car parking indicated on the approved plan shall be provided to the full satisfaction of the LPA and thereafter kept unobstructed and available for their intended purposes. The areas shall be maintained and kept available for the parking of vehicles at all times.
8. A clear view shall be provided on both sides of the site access where it meets the footway on Mottram Old Road. 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.
9. The parts of the site to be used by vehicles shall be constructed, drained and surfaced in a manner agreed by this Council. These areas shall be used for the approved purpose only.
10. The development hereby permitted shall be carried out in accordance with the site location plans, arboricultural assessment and drawing numbers JWS/01A and JWS/02 received by the Council.