

**Application Number** 20/00472/OUT

<b>Proposal</b>	Residential development comprising of 4No. houses (OUTLINE - for access, appearance, layout and scale)
<b>Site</b>	Land on the west side of 327 Birch Lane Dukinfield
<b>Applicant</b>	Mr Shaun McGrath
<b>Recommendation</b>	Refuse planning permission
<b>Reason for Report</b>	A Speakers Panel decision is required because the applicant requested a committee decision.

## **1.0 APPLICATION DESCRIPTION**

- 1.1 The applicant seeks outline planning permission including detail of access, appearance, layout and scale (landscaping reserved) for the erection of 4 dwellings on land located to the front of 327/325 Birch lane Dukinfield. The properties would be constructed in 2 pairs of 2 bedroom semi-detached, they would be of a traditional 2 storey hipped roof design. The properties would front onto Birch Lane where direct vehicle and pedestrian access would be taken to the highway, the existing driveway serving 327 & 325 Birch Lane would be retained.. Boundary treatments would comprise of either Pier and Panel walls, fencing and planted hedgerows.
- 1.2 The application has been accompanied with the following documents;
- Nosie Assessment
  - Planning Statement
  - Drainage Strategy

## **2.0 SITE & SURROUNDINGS**

- 2.1 The site is located within an established residential environment off Birch Lane, Dukinfield. The land is located to the front no.s 327 & 325 Birch Lane which are a pair of nineteenth century semi-detached properties of substantial construction. The properties are served by a shared private driveway which extends along the southern boundary, the land subject to the application is located to the north of this drive and to the front of the neighbouring property 325 Birch lane. Levels are flat and there is a hedgerow / stone wall to the sites highway frontage. The site is in a poor physical condition owing to activities undertaken by the applicant. Across the northern boundary are no,s 323/321 Birch Lane and to the south is the rear garden of no. 3 Bramhall Close. Bus services are located within the area and Hyde North train station is located within a short walking distance.

## **3.0 PLANNING HISTORY**

- 3.1 19/00764/OUT – Residential development comprising of 6no 3 bed semi-detached dwellings with off road car parking, refuse areas and associated landscape works.
- 3.2 20/00010/PREAPP – Proposed 2 pairs of semi-detached 3 bed / 2 storey dwellings (4no. dwellings) total.
- 3.3 A section 215 notice has been served on the applicant to address a legacy of activity at the site. The period of compliance is 19 January 2021 the notice requires:

- Removal of all waste, scrap and recyclable materials
- Removal of used vehicles
- Removal of all plant equipment
- Removal of all car parts and accessories
- Removal of boarded up caravan

3.4 Applications at the neighbouring property 325 Birch Lane:

3.5 19/00521/OUT – Proposed two storey detached dwelling house on land adjacent to 325 Birch Lane to be accessed from Bylands Fold – Refused and dismissed at appeal.

3.6 20/00749/OUT – Proposed 2 storey detached dwelling on land adjacent to 325 Birch Lane to be accessed from Bylands Fold – Pending Decision

## **4.0 RELEVANT PLANNING POLICIES**

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

The site is unallocated.

#### **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

#### **Part 2 Policies**

H2: Unallocated sites

H4: Type, size and affordability of dwellings

H5: Open Space Provision

H7: Mixed Use and Density

H9: Backland and Garden Development

H10: Detailed Design of Housing Developments

OL4: Protected Green Space

OL10: Landscape Quality and Character

T1: Highway Improvement and Traffic Management

T7: Cycling

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

#### **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.

### **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

### **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 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. In response there have been 3 letters of objection received.

## **6.0 RESPONSES FROM CONSULTEES**

- 6.1 Coal Authority – Raise no objection site is outside of the defined High Risk Area recommend standing advice.
- 6.2 Environmental Health Officer (EHO) - No objections to the proposals.
- 6.3 Contaminated Land – Identify that the site was used as an engineering works. Recommend that condition be applied for site investigations to determine level of remediation the site may require.
- 6.4 Tree Officer – No objections – confirmed that no trees or vegetation of any significance which would prohibit development.
- 6.5 Highways – No objections raised to the access arrangements. Recommend that conditions are applied to any approval.
- 6.6 United Utilities – No objections, reviewed the submitted drainage strategy which is deemed to be acceptable in principle. Recommend that if planning permission is granted the drainage strategy is conditioned.

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

- Loss of privacy from overlooking
- Would impact upon the access of properties on the opposite side of Birch Lane
- Result in additional parking problems on the highways if all parking spaces are in use
- Adverse impact upon wildlife
- Owner has misused the land for years systematically removing all vegetation and burying rubbish
- Every project undertaken at the site has resulted in mess and disturbance to neighbours
- Loss of existing stone boundary wall and hedgerow
- Prejudices ability to develop land at 325 Birch Lane
- Building line does not respect 327/325 Birch Lane
- Would form an incongruous addition
- Parking is not integrated in the development

## **8.0 ANALYSIS**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision taking this means:-
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
    - specific policies in the Framework indicate development should be restricted.

## **9.0 PRINCIPLE**

- 9.1 The land is not allocated on the saved UDP proposals map. The surrounding area has an established residential use and in this regard infill residential development would be compatible with surrounding uses. Residential curtilage is excluded from the definition of previously developed land as identified in the annex of the National Planning Policy framework (NPPF) regardless of a LPA's position on the supply of housing. UDP policy H2 applies to non-allocated sites permits the redevelopment of previously developed land, limited weight is afforded to this in light of the NPPF definition.
- 9.2 The site is located within an established residential environment. The host property is one of a pair of semi-detached dwellings, unusually the applicant owns land to the front of the neighbouring property 325 Birch lane. It is noted that the owner of 325 Birch Lane is also trying to secure planning permission on land to the side of their property.
- 9.3 UDP Policy H9 'Backland and Garden Development' states that new residential development within the curtilage of existing dwelling will only be permitted where:
- a) Arrangements can be provided for access and parking for both the existing and proposed dwellings, and
  - b) Garden areas can be retained, and
  - c) Privacy can be maintained between existing and proposed dwellings and

d) No serious detriment will occur to the character of the area enjoyed by other areas.

9.4 Policy RD22: 'Infill & Backland Sites' of the Tameside Residential Design Guide is also of relevance. This advises that:

- Plot and boundary widths should align with the surrounding street.
- Scale and mass of dwellings should align with their surroundings.
- Architectural styles and materials should generally align with the existing.
- Development must follow an existing building line and orientation, particularly at road frontage.
- Ensuring privacy distances are achieved.
- Proposals should not land lock other potential development sites.
- Retaining and providing appropriate outdoor amenity space, parking & access

9.5 In instances where the principle of residential development is considered to be acceptable it is imperative that any such application adheres to the requirements of policy H10 and (Detailed Design Of housing Developments) and the adopted Residential Design SPD particularly with reference to design, scale and the relationship to the street scene and existing properties. It is on the latter points that the application raises issues.

## **10.0 DESIGN AND CHARACTER**

10.1 The existing property is one of a pair of semi-detached which is setback considerably from Birch Lane. The front garden area currently forms a gap site within an otherwise built frontage with neighbouring properties to the site occupying a reasonably consistent building line to Birch Lane.

10.2 Concerns have been consistently raised with applicant about the need to address the scale of the development. Whilst amendments have been submitted during the course of the application they have not addressed the issues which have been raised. These concerns have centred upon the;

- The relationship of the development to Birch lane and host property.
- Character of Birch Lane.
- The impact upon the amenity/outlook of 325 Birch Lane.

10.3 The prevalent character of Birch Lane comprises of Semi-detached properties of relatively equal proportions. Front boundary treatments are a strong feature and car parking is generally accommodated to the side of dwellings, building lines are also consistent. These features contribute to a relatively uniform street scene. The applicant site is the exception to this, it marking a break in the building line owing to the setting of no.s 327 and 325 so far back from the carriageway. The challenge to the success of any infill development is the ability for it to successfully assimilate into its surroundings, the associated constraints of the site, i.e. its relationship to no.s 327 & 325 Birch Lane does make this more difficult.

10.4 The development of the site for 4 dwellings would represent a strong departure from the established character. It would see removal of the front boundary treatment in lieu of twin parking areas to each property separated by a modest landscaping strip. The frontage would appear dominated by the pairing and this would be harmful to the setting of the street scene. In addition to this. The properties would sit marginally forward of the neighbouring properties to the east (no. 323/321) and would have no meaningful relationship to either no. 327 and 325 which would effectively become back land development with a further compromised road frontage. It is considered that this relationship would be jarring and would result in a loss of character at the locality contrary to the objectives of RD2, RD21, RD22.

- 10.5 Having regard to the above it is considered that the proposals represent an overdevelopment of the site. The proposals would not forge a meaningful relationship to 327/325 Birch Lane, these would appear hemmed in and the loss of their frontage/presence within the highway would result in an undesirable form of tandem development. In addition to this the site has no meaningful relationship to land adjoining no. 325 Birch Lane, the owner of which is also trying to obtain planning consent. There could be scope to develop land in a comprehensive manner as advocated by Development Plan policies. To address each land holding separately is considered to represent a form of piecemeal development which would be in conflict with the above policy requirements along with that of National Planning guidance which promotes the effective use of land.

## **11.0 DESIGN AND RESIDENTIAL AMENITY**

- 11.1 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.
- 11.2 It is noted that there is a pending 215 notice served on the applicant to address a legacy of storage on the land in question. The amenity of neighbouring properties has been impacted by this hence the escalation to enforcement action. The determination of the application should not be seen as a means to addressing the associated issues.
- 11.3 Concerns are taken about the relationship of the proposals to no.325 Birch Lane. The amendments submitted sought to improve the outlook and amenity of no. 325 Birch Lane by the relocation of a communal parking court previously proposed at the rear of the dwellings. This was an improvement on the previous arrangement; it would reduce the potential level of disturbance from oncoming vehicles along the shared driveway. The amendments have resulted in a sense of enclosure to no.325, which, would have a fence located within 9.4m of its front window. Therefore notwithstanding the separation distances, it is considered that the owner no.325 would have an outlook from their principal elevation which is dominated by rear the boundary treatment/elevation of the proposed dwellings. This design and layout is therefore not considered to be inclusive or respectful to the setting or amenity of the inhabitants of no.325.

## **12.0 HIGHWAY SAFETY**

- 12.1 The LHA have reviewed the proposals and raised no objections. Each of the properties would have 2 off street parking spaces which exceeds the minimum standards for 2 bedroom properties, in addition there would be 2 dedicated bin and cycle storage provision.
- 12.2 Whilst there are concerns raised on residential amenity perspective the access arrangements are suitable from a Highways aspect, consultation with the LHA confirmed that the arrangements would protect all road users. Traffic movements to and from the site would be acceptable in terms of local capacity. The accessible location means that the site is well served with access to public transport (bus and rail), in addition local services and relevant amenities are also within a reasonable walking distance.
- 12.3 The concerns expressed within the representations in relation to the pressure for potential on-street parking 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. Outside of the site the frontage of Birch Lane is subject to parking restrictions which would police any potential overspill. 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.

### **13.0 TREES & ECOLOGY**

- 13.1 The site has been cleared of tree cover and the overall ecological value is limited. There would be a requirement for some hedgerow removal but this could be compensated for by the replacement planting. The provision of soft landscaping measures along with bird and bat boxes presents a modest opportunity to secure biodiversity enhancements as per the requirements of policy N7 and para 170 NPPF.

### **14.0 GROUND CONDITIONS**

- 14.1 Levels are flat across the site, consultations with the Coal Authority and EPU have raised no concerns. As a precautionary measure it is recommended that ground investigation would be required in the event of any planning approval. This could be adequately addressed via a pre-commencement condition the details of which will be reviewed the Councils contaminated land department.

### **15.0 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 within the submitted drainage strategy and recommend that this should be conditioned.
- 15.2 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.
- 15.3 The scale of the development falls below the threshold of requiring any section 106 contributions.

### **16.0 CONCLUSION**

- 16.1 The NPPF places a strong emphasis upon securing good quality design. Paragraph 124 of the framework identifies that this is fundamental to the planning/development process. The proposed properties would not create a successful form of infill development without harm occurring to the visual amenity and character of the street scene and the outlook, and residential amenity afforded to no. 325 Birch lane.
- 16.2 The development would result in the loss of a gap site within the Birch Lane frontage. The construction of 4 dwellings would be at odds to the building line of 321/323 Birch Road and that of the 325 and 327 Birch Lane. This would create an undesirable form of tandem development with no. 325 and 327 Birch being hemmed in having their frontage significantly encroached upon. The properties frontage would be dominated by parking, the loss of any front boundary enclosure and garden arrangements would be at odds to the strong/prevaling character of the street scene.
- 16.3 The relationship to of the properties to no.325 would also be particularly awkward. The proximity of the rear boundary treatments and elevation would be jarring, the resulting sense of enclosure to their principle elevation would imply a loss of privacy and outlook to these occupants which is considered to be unreasonable.

- 16.4 Given the relationship of the site to nos 325 and 327 Birch Lane it is considered that the proposals represent an undesirable form of piecemeal development. It is clear through the planning history that both land owners have tried to pursue independent development proposals to no avail. Both local and national planning policy promotes the effective use of land and this is best achieved through single comprehensive development, the proposals are prejudicial to this.
- 16.5 The proposal is therefore considered to represent an overdevelopment of a limited site which is unsuited to the local context owing to the poor relationship to the street scene and adjoining properties. This is not consistent with the design standards required by H10, the Design SPD or with the advice of the NPPF which champion good design which reflects positively on a locality as a key aspect to achieving sustainable development. Consequently the proposals are considered to be contrary to the requirements of UDP policies H9, H10, C1, RD22 in addition to the guidance contained within the NPPF.

## **RECOMMENDATION**

Refuse planning permission:-

1. The NPPF identifies that development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. The dwellings would have a poor relationship to nos 327 and 325 Birch Lane whose setting within the street scene would be significantly compromised. The dwellings would result in the loss of a gap site within the street scene, they would read as a cramped form of development at odds with the building line, parking and front garden arrangements of the local housing stock and overall prevailing character. As such it is considered that the dwellings would form a discordant and intrusive feature which would be detrimental harmful to the general character and setting of the local street scene. This would be contrary to the advice of the NPPF and the provisions of Tameside UDP policies H9: Backland and Garden Development, H10: Detailed Design of Housing Developments and RD22 of the adopted residential Design Guide SPD.
2. The dwellings by virtue of their siting would result in a loss of privacy and outlook to the occupants of no.325 Birch Lane. The dwellings would be hemmed in and result in an undue sense of enclosure to the detriment of their residential amenity. This would be contrary to the requirements of UDP policy H9: Backland and Garden Development and H10: Detailed Design of Housing Developments
3. The development represents an undesirable form of piecemeal development which would prejudice the opportunity to secure comprehensive development of adjoining land associated with no.325 Birch which has sought separate planning approvals. The approach is in conflict with the advice of the NPPF and the provisions of Tameside UDP policies H9: Backland and Garden Development and RD22 of the adopted residential Design Guide SPD.