

Application Number 20/00441/FUL

Proposal Erection of single 3 bed dwelling (resubmission)

Site Land Opposite 28 Ashes Lane, Stalybridge

Applicant Mr P and Mrs S Styler

Recommendation Refuse planning permission.

Reason for Report A Speakers Panel decision is required because the applicant has requested the opportunity to speak.

1.0 APPLICATION DESCRIPTION

- 1.1 The application seeks planning permission for the erection of a detached two storey dwelling house on land situated off Ashes Lane with a new access via the existing un-adopted lane from the northern point of the lane.
- 1.2 The dwelling will be sited on a triangular shaped area of open land surrounded by the existing properties. The submitted plans indicate that the principal elevation of the dwelling house will face south towards Ashes lane. The internal layout comprises of an entrance hallway to the ground floor with two bedrooms, two bathrooms and an open plan lounge/kitchen/dining room and a further bedroom and bathroom to the second floor.
- 1.3 Externally, a driveway and car parking area is proposed to the side of the building. Access to this is via Ashes Lane. A small patio and grassed area is proposed to the rear (northern and eastern elevations).
- 1.4 The building is of a traditional design with a pitched roof to both the two storey and single storey areas. The proposed materials are brick with a slate roof.

2.0 SITE & SURROUNDINGS

- 2.1 The application site relates to a small parcel of land some 0.04 hectares in area elevated above the northern end of Ashes Lane. The site is undeveloped and overgrown with self-seeded shrubs and trees. The site is adjoined by existing garden areas serving properties on Ashes lane and Mottram Old Road and to the north east is the grade II listed property The Ashes (60 Mottram Old Road). The access road is un-adopted and unsurfaced and adjoins the south-eastern boundary of the site. Residential properties to the west of the site on Ashes lane are situated at a lower level.

3.0 RELEVANT PLANNING HISTORY

- 3.1 07/01000/FUL - Erection of 1no dwelling house – Refused for the following reasons:
 - 1) The proposed dwelling house by reason of its siting, scale, height and massing would form a visually intrusive feature, which fails to enhance or compliment the character and appearance of the surrounding area. The proposal therefore conflicts with Policies H9, H10 and C1 of the Tameside Unitary Development Plan and Supplementary Planning Document - Residential Development Guidelines.
 - 2) The proposed access is unsatisfactory by means of its width. Its use would cause the manoeuvring of vehicles in and out of the parking bays resulting in a danger to

pedestrians and vehicles using the access track. The proposal therefore conflicts with Policies T10, H9 and H10 of the Tameside Unitary Development Plan and Supplementary Planning Document - Residential Development Guidelines.

- 3.2 19/01087/FUL - Erection of a detached two storey dwelling and associated landscaping and services – Withdrawn.

4.0 RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation:

Unallocated

4.2 Part 1 Policies:

Policy 1.4: Providing More Choice and Quality Homes.
Policy 1.5: Following the Principles of Sustainable Development .
Policy 1.6: Securing Urban Regeneration Policy.
Policy 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.3 Part 2 Policies:

C1: Townscape and Urban Form.
C6: Setting of listed buildings.
H1: Housing Land Provision.
H2: Unallocated Sites (for housing).
H4: Type, size and affordability of dwellings.
H9: Back land and Garden Development.
H10: Detailed Design of Housing Developments.
OL4: Protected Green Space.
MW11: Contaminated Land.
N5: Trees within Development Sites.
T1: Highway Improvement and Traffic Management.
T10: Parking.
U3: Water Services for Developments.
U4: Flood Prevention.

4.4 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.

4.5 Other Policies:

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

4.6 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.

5.0 PUBLICITY CARRIED OUT

- 5.1 Neighbour notification letters were issued to 22 properties 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 CONSULTTEES

- 6.1 Head of Environmental Services (Public Protection) - no objections to the proposals subject to a condition restricting the working hours during the construction period.
- 6.2 Head of Environmental Services (Highways) – No objections subject to conditions regarding car parking provision to be maintained, access, cycle storage, a scheme for highways construction and structural design for retaining walls.
- 6.3 Arboricultural Officer - The trees within the site would be classed as Category C, lower value specimens and not a constraint to development.
- 6.4 Lead Local Flood Authority – Additional information is required.
- 6.5 United Utilities – Objection and request for further information it would appear that the dwelling proposed is to be constructed over an existing water main. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed. In line with the document, the proposals are not acceptable in their current format to United Utilities and therefore we must object to the development proposed. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 Councillor Patrick (Stalybridge South Councillor) – Objection to the development for the following reasons: conflicts with land use policy, the development is too big and out of character and concerns around visual amenity and the access is a danger to other road users. The previous application was too big for the plot, however the only change in this new application is that the applicant has reduced the size of the building. it is still far too big for the plot and would have is very little garden and is pushed into a site where all other properties have large gardens.
- 7.2 Representations have been received from 6 neighbours raising the following (summarised) points:
- Will comments made about the previous scheme be taken into account and why are no letters going out to notify about the development
 - The person at No. 58 Ashes Lane neighbouring the site is selling some of his garden for the development and benefitting from this application, somebody from the council must have given him inside information.

- The site is too restricted to accommodate a dwelling house while providing satisfactory and reasonable space standards around the house.
- The development would constitute an intrusion into the street scene to the detriment of the character of the area which comprises of stone cottages and large detached houses with large gardens.
- The proposal does not accord with residential guidance regarding the set back of a dwelling this would result in unacceptable overshadowing and overlooking of the neighbouring properties, giving no privacy and blocking out light.
- The proposed plans highlight a two-storey dwelling that maintains an elevated position appearing intimidating and intrusive.
- Extra traffic would be in use on Ashes Lane.
- The drainage system in the area is not good as in the surface water, which already blocks the grid at the corner of Ashes Lane, another dwelling would take up a portion of land where no surface water would be able to soak away and the houses below this dwelling would be flooded with any large deluges of rain.
- The main water pipe runs through this land and if planning application was granted for a dwelling it would mean diverting this water main.
- Heard through gossip that the proposed building has been "given the nod" it seems common knowledge that this has silently been resubmitted just to be "rubber stamped".
- Constant building work on Ashes lane for over a year and lack of parking for the size of building vehicles which over the year have been proved not to be able to cope with the street layout . It has become a living nightmare on this street and it is unfair to expect anyone to put up with all this again.
- The trees and shrubs that are currently on the site provide picturesque views of trees and shrubs for residents. The additional dwelling would inflict on these natural surroundings.
- Access to the proposed site is via an unsurfaced bridal path any construction work involved will increase the dirt and mudflow in the area causing problems with drainage.
- The bridal path and Ashes Lane are considerably narrow compared to other roads. The junction leading to the bridal path is already a burden for delivery drivers, emergency vehicles etc., and access to and from our homes are restricted at present. Any further traffic will increase the risk to pedestrians and local residents.
- The proposed dwelling will be positioned directly in front of a Grade (II) listed building, The Ashes, 60 Mottram Old Road, this property should be protected from the risk of damage of any construction or building work and the surrounding area should reflect such a property.
- The current surroundings are a haven for wildlife, and provide habitat for many wildlife, including badgers, foxes and bats. Any disruption will be detrimental to these animals.
- When the land was being auctioned it was described as being accessed from Mottram Old Road the access will have to come via Ashes lane.
- There is little parking on Ashes Lane for the residents and we struggle to park if we have visitors. The parking for the proposed build only has spaces for two vehicles so where will their visitors park.
- Existing problems with refuse bin collections.

8.0 ANALYSIS

8.1 The main issues to consider in the determination of this application are:

- The principle of the development;
- The design and impact of the proposed development on the street scene and character; and appearance of the surrounding area;
- Impact on the adjacent listed building;

- Residential amenity for existing and proposed occupiers;
- The effect of the proposal on highway and pedestrian safety;
- The impact on trees; and.
- Drainage.

8.2 These matters are considered in more detail below.

9.0 PRINCIPLE

- 9.1 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. The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.
- 9.2 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. 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.
- 9.3 The site is unallocated in the UDP and although an undeveloped site Policy OL4 needs to be considered. This seeks to retain areas of protected green space, including not only designated spaces but also 'areas of land in similar use but which are too small to be shown as Protected Green Spaces on the Proposals Map'.
- 9.4 Criterion (d) of the policy states that an exception to the policy requirement to retain green space can be made where the retention of a site or facilities for sport or recreational use is not necessary and the site has no special significance to the interests of sport and recreation. The policy then states that these exceptions will not apply if part or all of the land would continue to fulfil a local need for amenity space, provide a valued sense of openness in the street scene, maintain the character and environmental quality of the area, maintain an open land corridor or substantial enclave of open space within the urban area, provide links to or continuity with wider areas of countryside, or form a wildlife corridor.
- 9.5 The site in its current form provides value in its undeveloped and open character and whilst not large the site nevertheless provides a valuable wildlife area. Its position as the central point surrounded by a semi-circle of properties provides an open break within the urban area, framing the setting of the surrounding properties and adding to the character of the area. As such it is not considered that the site meets the policy exemptions in OL4 and the principle of development on this site is contrary to the policy and could not be supported in this location.

10.0 DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 10.1 Saved Tameside UDP Policies C1, H9 and H10 together with the NPPF all seek to ensure that any new development respects or improves the character of the surrounding area and adjacent properties in terms of its form, scale, mass, materials, layout, bulk and height.
- 10.2 UDP, NPPF policies and the guidance of the SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making. The NPPF emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para.

130). Policy RD22 of the adopted SPD applies specifically to infill site development it 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.

10.3 Infill sites can be notoriously difficult to develop, it is important that a balance is struck between the quantum of development and design choice as invariably the design and layout can look contrived. Generally, this works better if a bespoke approach can be taken to design and house types but also careful consideration to the overall scale and quantum of development.

10.4 The site has limited access opportunities and the application involves the construction of a detached house with access via a narrow private road to a single car length width private drive at the property and large retaining wall that is not characteristic of the area.

10.5 Ashes Lane is a narrow cul-de-sac and situated within a larger housing development. The general character of properties in the area is that of large detached dwelling houses in generous plots and whilst there are several designs of properties they all enjoy a spacious layout with generous, attractive, landscaped garden areas. The spacious nature of the area is shown in the general density that has been calculated at 12 dwellings per hectare for the houses surrounding the site.

10.6 In contrast, the proposed development site is a compact site for a dwelling of this size with limited opportunities for outdoor space resulting in a cramped appearance. The development of this site will detract from the spaciousness and openness that currently exist in this location and the arrangement would be at odds with the prevailing layout in the immediate area, which comprises of properties that are generally set apart within spacious plots.

10.7 The character and style of the property does not share the proportions of the surrounding properties and the layout of the plot appears contrived and forced compared to the spacious plots surrounding the site. The density of the plot is calculated at 21 dwellings per hectare which is over a 75% increase in density compared to the surrounding area. The development as a result would be detrimental to character of the area and would result in a conspicuous departure from the pattern of development on Ashes lane and the wider area more generally.

10.8 As such the proposal would be contrary to the National Planning Policy Framework which attaches great importance to good design and the need to respect the neighbouring buildings and the local area, UDP Policy H10 which sets the required design parameters for new residential development and more specifically, the Councils SPD Residential Design Policy RD22: Infill and Backland Sites which concerns the design of new residential development and requires new buildings to respect the siting, rhythm, scale, density, proportions and local distinctiveness of the adjoining townscape.

11.0 IMPACT ON THE ADJACENT LISTED BUILDING

11.1 The proposed dwelling is in close proximity to the Grade II listed property The Ashes (60 Mottram Old Road). The site at present provides a separation for the listed property from the more modern development on Ashes Lane and this frames the listed building and provides context for its setting.

- 11.2 The proposed development will be located in close proximity to the principle access for the listed property causing direct harm to the setting of the heritage asset by removing the existing openness and separation. It is not considered that the development of this site provides sufficient public benefit to outweigh the harm caused and is contrary to NPPF paragraph 193 and 196.

12.0 RESIDENTIAL AMENITY

- 12.1 The NPPF outlines the importance of planning in securing good standards of amenity for future and existing occupiers of land and buildings. Saved UDP Policy H10 requires new development to be of high quality and seeks to ensure that new development does not result in any detrimental impact on the residential amenities of existing occupiers through loss of privacy, overshadowing or traffic.
- 12.2 The Residential Design SPD expands on issues covered by Policy H10 with, amongst other matters, the requirement of new development to maintain adequate separation distances between proposed and existing dwellings in order to protect the amenities of future and existing occupiers.
- 12.3 In terms of the level of amenity created for proposed occupiers, the internal floor area of the proposed dwelling house would meet the requirements laid down in the Technical housing standards - nationally described space standard (NDSS) and as a result the internal layout and room sizes are acceptable.
- 12.4 There is a lack of private amenity space to serve the proposal. Whilst the Council do not give specific guidance relating to the amount of space required, SPD Residential Design Policy RD11: Private Amenity Space states that all houses should have private amenity space of a size and function suitable for its intended occupants. In this particular case, the outdoor amenity space is considered inadequate to cater for the needs of future occupiers and not appropriate for the setting of the dwelling.
- 12.5 As a result of the above, it is considered that the proposal would unacceptably fail to provide adequate private outdoor amenity space of a size and function suitable for future occupants. It would therefore fail to comply with both UDP Policy H10 insofar as it fails to meet the needs of potential occupiers and SPD Residential Design policies RD11: Private Amenity Space and RD22: Infill and Backland Sites. These policies amongst other matters require housing developments to have private amenity space of a size and function suitable for its intended occupants.
- 12.6 The topography of the site means that it is elevated above the closest residential properties 1-5 Ashes lane and this would lead to an overwhelming sense of enclosure and loss of amenity to those properties. Whilst spacing standards as defined in SPD policy RD5 would be observed to existing properties, the development of the site in the form proposed would represent a significant departure from the current arrangement and appears contrived in its setting in order to meet the defined distances. The relationship that would be forged between the development and existing residents would be poor and in terms of the overall quality of the environment created would be compromised in recognition of the relationship to existing properties. This would fall short of the Social Objectives of sustainable development.
- 12.7 In view of the above considerations, the proposed development would not satisfy the principles of the National Planning Policy Framework that seeks a good standard of amenity for all existing and future occupiers of land and buildings, or accord UDP Policies H9 and H10 and the advice contained in the adopted SPD.

13.0 HIGHWAY SAFETY

- 13.1 The proposed means of access into the site is via the existing unsurfaced track located to the south of the development. Objections have been received concerned about the access arrangements and the impact on parking in the area.
- 13.2 The existing situation in the area with access for refuse lorries and the position of the bins for collection is not a planning consideration. Comments about the intended previous access to the site are not relevant to this submission which assess the application on the current proposed access arrangements.
- 13.3 It is considered that the proposed means of access into the site and level of parking provision is acceptable and the development of a single dwelling on this site would not result in significant harm to the existing highways situation in the area. As such, the proposed development would not result in an unacceptable impact on highways safety. The Head of Environmental Services (Highways) has not objected to the proposal on highway safety grounds.

14.0 DRAINAGE AND LAND STABILITY

- 14.1 United Utilities object to the proposals due to the applicants' submitted plans indicating that the dwelling proposed is to be constructed over an existing water main. United Utilities need unrestricted access for operating and maintaining it, they will not permit development over or in close proximity to the main. An access strip as detailed in the 'Standard Conditions for Works Adjacent to Pipelines' is required and it is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.
- 14.2 An objection has been received that the drainage system in the area already struggles and surface water causes problems with blocked grids. Objectors are concerned that another dwelling would take up a portion of land where no surface water would be able to soak away and the houses below this dwelling could be affected by surface water
- 14.3 The LLFA has objected as the application should be accompanied by a drainage strategy which would identify any drainage related issues associated with the proposed development. The required information relating to drainage on the site has not been received and as such, the impact of the development on the drainage cannot be properly assessed. Overall surface runoff should not be increased by virtue of the increased hard-surfacing in lieu of garden areas.
- 14.4 The development will require the construction of a 3.5m retaining wall to the west of the site adjoining the boundary with properties 1-5 Ashes Lane. The NPPF advises that ground conditions should be adequately investigated. Paragraph 179 of the National Planning Policy Framework states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. If land stability could be an issue, developers should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected. No details regarding the stability of the site or the construction of the retaining wall have been submitted and as such the impact of the development on the stability and the construction of the retaining wall with a risk to surrounding properties cannot be properly assessed.

15.0 OTHER MATTERS

- 15.1 Comments have been received suggesting that no neighbour notification letters were sent out and some confusion was expressed as to the requirement of new letters detailing

objections. Council records confirm that these were sent as detailed in paragraph 5.1. The letters confirmed that if residents wish to have their views taken into account new letters with comments must be received for each separate planning submission.

- 15.2 The submission has been made by the applicant and, as part of the application site is within the neighbouring property, notice has been served on the neighbouring owner in line with the requirements of the Town and Country Planning Act. The comments regarding the knowledge this property has of the application owner are of no relevance to the planning merits or the determination of the submission and the Council is not aware of reasons why such allegations have been made.
- 15.3 With regard to comments received regarding the scheme having already been "given the nod" or that the resubmission has silently been resubmitted just to be "rubber stamped" are not based on any planning merit. The scheme has been resubmitted with a different design to attempt to overcome earlier concerns raised by officers and all correct notification processes have been followed.
- 15.4 The existing situation on Ashes Lane with regard to disturbance by building work is not a material consideration as part of this assessment. Building work is by its nature temporary and whilst the disturbance caused by several building schemes being underway concurrently is unfortunate this is not something that can be considered when assessing a planning submission.

16.0 CONCLUSION

- 16.1 The Revised 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 layout and orientation of the dwelling would not marry successfully with the established local pattern of development and the design of the proposal would not be appropriate to its context and setting. The proposed siting and retaining walls required, would reduce the sense of openness for dwellings on Ashes lane and Mottram Old Road, and would be significantly at odds with the characteristic form and pattern of residential development in the surrounding area and cause harm to the setting of the adjacent listed building. This juxtaposed relationship would create a compromised environment which is cramped in appearance to the detriment of the character of the area. 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.
- 16.2 Such concerns, amongst other matters, were also expressed in previous decisions for residential development. In addition, the proximity of the proposed dwelling to plot boundaries, and the limited private amenity space proposed is also a concern with regard to the level and standard of amenity created for proposed occupants of the proposal and harm for surrounding existing residents.
- 16.3 The Council cannot demonstrate a five-year supply of deliverable housing sites in a recently adopted plan or in any annual position statement, as is required by paragraph 74 of the NPPF. In turn, the test in the fourth bullet point of paragraph 11 applies, so that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would perform well in that it would be in an urban area where access to facilities is likely to be greatest. Nevertheless, good design is also a key aspect of sustainable development.
- 16.4 In terms of its component dimensions there would be a small social benefit in providing an extra housing unit. Economic advantages would also arise from the construction and

occupation of a new house. However, the harm to the character and appearance of the application site and the surrounding area identified would be significant, and as a result the environmental role of sustainable development would not be achieved. The limited social and economic benefits that would accrue from the development would be significantly and demonstrably outweighed by the harm to the character and appearance of the application site and the surrounding area and so when assessed against the policies in the NPPF taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development and contrary to policy 1.5 of the UDP and Section 2 of the NPPF.

RECOMMENDATION

Refuse planning permission for the following reasons:

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 proposal and in particular the access arrangements and site layout would not marry successfully with the existing housing stock surrounding the site. This juxtaposed relationship would create a compromised environment. The development would therefore form a discordant intrusive feature which would be materially harmful to the character of the locality and detrimental to the residential amenity of surrounding occupiers. Consequently, it is considered that the proposals would fail to comply with Saved Tameside UDP policy H9: Backland and Garden Development, H10: Detailed Design and Housing Developments and C1: Townscape and Urban Form, Supplementary Planning Guidance on Residential Design and guidance within the NPPF.
2. The proposed dwelling house as a result of its design and siting would be at odds with the established pattern of development surrounding the site which is characterised by properties which are generally set apart within spacious plots and the land currently contributes to an undeveloped buffer between Ashes lane and Mottram Old Road to the north. The proposal would result in a cramped form of development contrary to the design and form of the area. As such, the proposal would appear out of kilter to the detriment of its setting and character. This is considered to be contrary to the requirements of UDP policies H9 (d), H10 (a), C1 and paragraph 130 of the National Planning Policy Framework.
3. The proposed dwelling house as a result of its location and position would cause harm to the setting of the adjacent listed building The Ashes (60 Mottram Old Road). The proposal would result in the loss of the existing openness and separation as such the proposal would be detrimental to its setting and special character. This is considered to be contrary to the requirements of UDP policies C6 and paragraph 193 of the National Planning Policy Framework.
4. The application has failed to provide sufficient detail to demonstrate and reassure that appropriate mitigation can be provided within the site to ensure that the development will not impact on the existing surface water drainage arrangements in the vicinity of the site. As such the proposal is considered to be contrary to the requirements of UDP policies U3 and U4.
5. In the absence of an adequate slope stability report the applicant has failed to provide an adequate assessment of the suitability of the ground conditions to support development without affecting the stability of the site impacting on nearby residential properties (1-5 Ashes Lane). This is considered contrary to the requirements of Paragraphs 178 and 179 within the National Planning Policy Framework.