

## ITEM

<b>Application Reference</b>	<b>DC/080661</b>
<b>Location:</b>	185A Moss Lane Bramhall Stockport SK7 1BA
<b>PROPOSAL:</b>	Minor Material Amendment to planning permission DC070188 to facilitate a change in the layout of the site, in the height of the wall to properties on Cromwell Road and the inclusion of a security gate to the drive.
<b>Type Of Application:</b>	Minor Material Amendment
<b>Registration Date:</b>	11.04.2021
<b>Expiry Date:</b>	20210606
<b>Case Officer:</b>	Jane Chase
<b>Applicant:</b>	Porter & Daughter Property Development
<b>Agent:</b>	architectural designworks limited

## DELEGATION/COMMITTEE STATUS

Area Committee - Called up by Cllr Bagnall

## DESCRIPTION OF DEVELOPMENT

Planning permission was approved for the residential redevelopment of this site on 18<sup>th</sup> September 2018 (DC070188 refers). The approved development comprised the demolition of the existing garage complex and the erection of 4no. 2 storey flat roofed detached 2 bed dwellings of a contemporary design. Each dwelling would comprise a rectangular flat roofed ground floor element with the first floor comprising a flat roofed cube positioned over half of the ground floor and projecting out to the side. Materials comprise grey ceramic tiles at ground floor level with aluminium framed glazing together with smooth white render to the first floor. The revealed flat roof section of the ground floor would provide a balcony to each dwelling and would be enclosed by a frameless glass balustrade. Each house would benefit from 2 parking spaces to the side and a private rear garden. The wall of the building to be partially demolished on the boundary with 187 Moss Lane, 1 and 3 Cromwell Road was approved as being retained to a height of 6.6m. The access to the development from Moss Lane as approved was clear of any gates. Development of the site has commenced and is nearing completion.

Following complaints from residents regarding the demolition of the boundary wall to properties on Cromwell Road, the height of the development, position of windows and screens to the balconies, the Council's Enforcement Officers visited the site. It was ascertained that whilst the development accorded with that approved under DC070188 in relation to its height, the position of windows and screens to the balcony, the demolition of wall to properties on Cromwell Road did not. Since that visit it has also been ascertained that the siting of the houses within the site does not accord with that approved by DC070188.

Officers have liaised with the developer (who is not the applicant who secured planning permission under DC070188) to understand why the revisions have been

undertaken and to agree the appropriate course of action in terms of the planning permission. In this respect the following is noted:-

- It now appears that the site layout as approved by DC070188 is inaccurate in that it shows the application site as being wider than it actually is. As a result of this it is not possible to implement the development as per this approved plan. This application therefore seeks to retain the houses in the positions shown on the site layout submitted on the plan attached to this agenda.

- In respect of the boundary wall to Cromwell Road where it adjoins 1 and 3 Cromwell Road, whilst this was shown as being retained to a height of 6.6m on the approved plans, structurally this was not possible. Following discussions with the neighbouring occupiers, the developer has therefore at the southern end of the site to the side boundary of 187 Moss Lane retained a 4.7m length of sloping wall which was the side elevation of the demolished building rising from 3.8m to 4.9m high. Beyond this to the gardens of 1 and 3 Cromwell Road a 2.7m high wall has been erected.

This application therefore seeks amendments to DC070188 to retain the development as follows:

The layout of the houses remains in a grid form as approved however the siting of each house has changed accordingly:

Plot 1 (house type A) – as approved was 4.6m to 4.8m to the west boundary with 15 and 17 Roundway at ground floor level and 0.6m to 0.8m at first floor. As constructed this is 3.7m at ground floor and 1m at first floor. As approved this house was 6.6m from the north boundary with 17 Cromwell Road and as constructed it is 7.3m.

Plot 2 (house type A1) - as approved was 6.4m to 7m to the east boundary with 5 Cromwell Road at ground floor level and 2m to 2.4m at first floor. As constructed this is 5.4m to 5.9m at ground floor and 2.6m to 3m at first floor. As approved this house was 6.6m from the north boundary with 17 Cromwell Road and as constructed it is 7.3m.

Plot 3 (house type B and as approved was plot 4B) - as approved was 4.2m to 5m to the east boundary with 1 and 3 Cromwell Road at ground floor level, 1.6m to 2.2m at first floor. As constructed this is 3.3m to 3.8m at ground floor and 1m to 1.3m at first floor. As approved this house was 5m from the south boundary to the garage court of 1-4 Courtyard Mews at ground floor level, 13.4m at first floor level. As constructed it is 4.3m at ground floor and 10.4m at first floor.

Plot 4 (house type B and as approved was plot 3B) - as approved was 5.3m to the west boundary with 17 Roundway at ground floor and 5m at first floor. As constructed this is 5m at ground floor and 4.6m at first floor. As approved this house was 5.4m from the south boundary to the garage court of 1-4 Courtyard Mews at ground floor level, 13.6m at first floor level. As constructed it is 4.6m at ground floor and 10.8m at first floor.

As approved the 2 pairs of houses faced each other at distance of 15.6m at ground floor level, 21.2m at first floor level. As constructed they face each other at a distance of 12.2m at ground floor, 16.5m at first floor.

In summary, comparing the proposed layout with that approved:

Plot 1 – at ground floor level is 0.9m to 1.1m closer to the boundary with 15 and 17 Roundway than approved; 0.2m to 0.4m further away at first floor level. To the boundary with 17 Cromwell Road this house is now 0.7m further away than approved.

Plot 2 – at ground floor level is 1m to 1.1m closer to the boundary with 5 Cromwell Road than approved; 0.6m further away at first floor level. To the boundary with 17 Cromwell Road this house is now 0.7m further away than approved.

Plot 3 – at ground floor level is 0.9m to 1.2m closer to the boundary with 1 and 3 Cromwell Road than approved; 0.6m to 0.9m closer at first floor level. To the boundary with the garage court to Courtyard Mews this house is now 0.7m closer at ground floor level, 3m closer at first floor level.

Plot 4 – at ground floor level is 0.3m closer to the boundary with 17 Roundway than approved; 0.4m closer at first floor level. To the boundary with the garage court to Courtyard Mews this house is now 0.8m closer at ground floor level, 2.9m closer at first floor level.

The houses are largely finished in white render with dark grey aluminium windows and doors. House type B on plot 4 has timber detailing to the first floor rear elevation onto the roof terrace. The terraces are enclosed by opaque glass screens with those to either side being 1.8m high and those to the rear 1m high.

The boundary wall to 1 and 3 Cromwell Road has been reduced in height from 6.6m as approved to 2.7m as constructed. This wall is proposed as being rendered to the gardens of these neighbouring gardens.

1.4m high powder coated steel gates are proposed to the access onto Moss Lane with a side panel for letter boxes and an intercom to connect with the individual houses. These gates will be positioned 45m back from Moss Lane level with the rear wall of the garage court to Courtyard Mews.

## **SITE AND SURROUNDINGS**

The application site is located on the north side of Moss Lane and previously accommodated Mercury Garage, a car repair garage and MOT station accessed via a driveway from Moss Lane. To the north of the site was a parking area with buildings to the centre and south of the site comprising a single building, 2 storeys high on the boundary with part of the rear garden to 1 Cromwell Road and all of the rear garden to 3 Cromwell Road reducing to single storey to the other half of the boundary with 1 Cromwell Road, part of the rear garden to 183 Moss Lane and across the southern boundary with the garage court to Courtyard Mews.

The site now accommodates the development that this application seeks to retain and as described in this report above. As such there are 4no. 2 storey houses of a contemporary design each with forecourt parking and a private rear garden. Two are positioned side by side to the north of the site and opposite these to the south of the site are another two dwellings also positioned side by side.

To the west of the site are bungalows on Roundway, to the north is the rear garden of 17 Cromwell Road which extends across the entire width of the site east to west and to the east are 1.3 and 5 Cromwell Road, detached houses with shallow rear gardens. To the south of the site is the rear garden of 187 Moss Lane which extends

circa 4m along the eastern boundary of the site and the garages to 1-4 Courtyard Mews.

The site as previously laid out is shown on the aerial extract below:



## **POLICY BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

### **The Development Plan includes-**

- Policies set out in the Stockport Unitary Development Plan Review adopted 31<sup>st</sup> May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17<sup>th</sup> March 2011.

### **Saved policies of the SUDP Review**

L1.1 Land for Active Recreation

L1.2 Children’s Play

### **LDF Core Strategy/Development Management policies**

SD-3 Delivering the Energy Opportunities Plans – New Development

SD-6 Adapting to the Impacts of Climate Change

CS2 Housing Provision

CS4 Distribution of Housing

H-1 Design of Residential Development

H-2 Housing Phasing

AED-6 Employment Sites Outside Protected Employment Areas  
CS8 Safeguarding & Improving the Environment  
SIE-1 Quality Places  
SIE-2 Provision of Recreation and Amenity Open Space in New Developments  
SIE-3 Protecting, Safeguarding & Enhancing the Environment  
CS9 Transport & Development  
T-1 Transport & Development  
T-2 Parking in Developments  
T-3 Safety & Capacity on the Highway Network

### **Supplementary Planning Guidance**

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

Design of Residential Development  
Open Space Provision and Commuted Payments  
Sustainable Transport  
Transport in Residential Areas  
Sustainable Design and Construction

### **National Planning Policy Framework**

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 20th July 2021 and replaced the previous NPPF (originally issued 2012 & revised 2018 and 2019). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

*Para.1 “The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied”.*

*Para.2 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”.*

*Para.7 “The purpose of the planning system is to contribute to the achievement of sustainable development”.*

*Para.8 “Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

Para.11 “Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

Para.12 “.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

Para.38 “Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.

Para.47 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.

Para.126 *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*

Para. 130 *“Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

Para. 131 *“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.”*

Para.134 *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

Para.152 *“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”*

Para.154 *“New development should be planned for in ways that:*

- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.”*

Para.157 states *“In determining planning applications, local planning authorities should expect new development to:*

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption”.*

Para.167 *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*

Para. 174. *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*



Para.219 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

### **Planning Practice Guidance**

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

### **RELEVANT PLANNING HISTORY**

DC/064058; Type: FUL; Address: Mercury Garage, 185 Moss Lane, Bramhall, Stockport, Stockport, SK7 1BA, ; Proposal: Redevelopment of existing car repair garage and replacement with 4 dwelling houses and 2 apartments, with associated infrastructure; Decision Date: 30-MAR-17; Decision: GTD

DC/070188; Type: FUL; Address: Mercury Garage , 185A Moss Lane, Bramhall, Stockport, SK7 1BA; Proposal: Redevelopment of former Mercury Garage with courtyard development of 4 no new private dwellings.; Decision Date: 18-SEP-18; Decision: GTD

DC/076330; Type: DOC; Address: 185A Moss Lane, Bramhall, Stockport, SK7 1BA; Proposal: Discharge of condition 2 (materials), 3 (landscaping), 6 (bat boxes), 9 (SUDS), 11 (construction method statement), 12 (car park), 13 (contamination), 14 (remediation) and 15 (validation) of planning permission DC070188; Decision Date: 20-APR-2020; Decision: GTD

### **NEIGHBOUR'S VIEWS**

The occupiers of 28 neighbouring properties have been notified of the receipt of this application.

3 letters have been received objecting to the application on the following grounds:-

- The developer removed the majority of the original boundary wall replacing it with a 1.8m wooden panel fence. What remained of the original wall was a 15ft high section bordering my own property that in my view was dangerously unstable. The reduction of the wall will seriously compromise my family's privacy.
- There are no details of the proposed materials.
- The plans make reference to repairing brickwork on Elevation A - will the brick be matched to suit the existing wall - i.e reclaimed red brick
- The plans show an existing fence panel positioned next to my boundary hedge. There is no existing fence panel - Is it the developers intention to install one?
- At the top of the boundary wall shown on the plans as Elevation A is a wooden beam. This is attached to the wall overhanging my property. Is it the developers intention to remove the beam in order to position the coping stones in place?
- There are obvious safety issues relating to any works being carried at on Elevation A. How will this be managed by the developer and are they intending to advise me in advance so there is no risk to my family
- It is not clear what the application is requesting. Further details are required in my opinion. What height was the original application of the wall? Have the people

on Cromwell Road been consulted about the changes and what is their response? Have other options than a rendered wall been considered i.e. Trees/Shrubs or a brick wall.

1 letter has been received supporting the application noting that the revisions affect their boundary wall and they have no objection to the amendment sought.

### **CONSULTEE RESPONSES**

Highway Engineer – no objections.

### **ANALYSIS**

When planning permission is granted, development must take place in accordance with the permission, conditions attached to it, and with any associated legal agreements. New issues may however arise after planning permission has been granted, which require modification of the approved proposals.

Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted. Where less substantial changes are proposed, an application seeking a minor material amendment under S73 of the Town and Country Planning Act 1990 can be submitted.

Permission granted under S73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

The S73 application is determined in accordance with the Development Plan together with any other material considerations.

At the heart of the NPPF is a presumption in favour of sustainable development (para10). Para 11 of the NPPF reconfirms this position and advises that for decision making this means:-

- approving developments that accord with an up to date development plan or
- where the policies which are most important for the determination of the application are out of date (this includes for applications involving the provision of housing, situations where the LPA cannot demonstrate a 5 year supply of housing), 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 as a whole.

In this respect, given that the Council cannot demonstrate a 5 year deliverable supply of housing, the relevant elements of Core Strategy policies CS4 and H2 which seek to deliver housing supply are considered to be out of date. That being the case, the tilted balance as referred to in para 11 of the NPPF directs that permission should be approved 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.

This assessment is set out below:

### Principles of Development

The principle of the loss of the former employment use of the site has been established by the grant of the previous applications on this site (DC064058 and DC070188) and remains compliant with Core Strategy policy AED-6.

The residential redevelopment of this site within the catchment area of Bramhall District Centre remains consistent with policy CS4 of the Core Strategy.

Since the consideration of the previous applications (DC064058 and DC0701880) national planning policy guidance has changed such that the Council is now able to seek tariff style payments on minor developments. That being the case policies L1.1, L1.2 and SIE2 direct that noting the shortfall of children's play in the area and formal recreation across the Borough, the proposal should make provision for the enhancement of such facilities (subject to threshold distances) by way of a commuted sum calculated in accordance with the formula set out in the accompanying SPD. This sum can be secured by way of a S106 agreement.

### Impact on the Character of the Area

Policy H1 of the Core Strategy confirms that development should be of a high quality, respond to the character of the area within which they are located and provide for good standards of amenity. This is reinforced in Core Strategy policy CS8 which welcomes development that is designed and landscaped to a high standard and which makes a positive contribution to a sustainable, attractive, safe and accessible built and natural environment. Policy SIE-1 of the Core Strategy also confirms that development which is designed to the highest contemporary standard, paying high regard to the built/and or natural environment within which it is sited, will be given positive consideration. Specific regard should be paid to the use of materials appropriate to the location and the site's context in relation to surrounding buildings (particularly with regard to height, density and massing of buildings).

The NPPF at Chapter 12 sets out the Government's most up to date position on planning policy and confirms that the Government attaches great importance to the design of the built environment. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using spaces, building types and materials to create attractive, welcoming and distinctive places to live; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style

guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

The Council's SPD 'Design of Residential Development' offers advice on the redevelopment of backland sites noting that the design of such sites must be based on a clear understanding of character and that the intensifying effects of such development should be limited so as to maintain any positive character. The main areas of focus are the maintenance of a reasonable garden sizes, appropriate spacing between dwellings, and appropriate scale and massing.

In response to this it is noted that the character of the locality is predominantly residential with 2 to 3 storey detached, semi detached and terraced houses on Moss Lane, detached bungalows on Roundway together with 2 storey houses and a chalet bungalow on Cromwell Road. In design terms there is a mix of development with that on Moss Lane dating from the early to late 20<sup>th</sup> century. To Moss Lane houses date from the mid 20<sup>th</sup> century as do the bungalows on Roundway. Materials generally comprise brick with render and decorative timberwork and tile or timber cladding being evident. Roofs tend to be hipped or pitched with tile or slate coverings.

As with that already approved by DC070188 the design of the development represents a departure to that prevailing in the locality, however, the site is not publically visible in the streetscene to Moss Lane being largely screened by the higher bulk of the townhouses fronting Moss Lane. As such the mains views of the development are from adjacent dwellings although it is noted that glimpses of the development from Roundway and Cromwell Road between existing houses is possible. The Council's SPD Design of Residential Development advises that replicating past mediocre architectural styles is not appropriate. In most instances, design should reflect the locality, but be honest to the current time and techniques of building design and construction. In areas with little or no character, the Council particularly welcomes innovative contemporary designs that create or improve the character of the site and surrounding area.

As with application DC70188, noting the backland nature of the site with limited public views and the variety of development in the locality, the contemporary design of the proposed development remains acceptable. The revised siting of the houses relative to the boundaries of the site has little impact on the character of the area and noting that the proposed gates will be positioned some 45m from the junction of the driveway with Moss Lane there will be little impact to the locality in this respect. On this basis the proposal is considered compliant with policies H1, CS8 and SIE1 of the Core Strategy DPD.

#### Impact on Residential Amenity

Policy SIE1 of the CS DPD confirms that specific account should be had to the provision, maintenance and enhancement (where suitable) of satisfactory levels of access, privacy and amenity for future, existing and neighbouring users and residents. Core Strategy policy H1 confirms that development should provide for good standards of amenity.

Guidance contained within the Council's SPD Design of Residential Development is also relevant to the consideration of this application. Having regard to this guidance, Members are advised accordingly:

Plot 1 – at ground floor level, this house is mainly screened by the boundary treatment, clearly it is visible at first floor level from neighbouring properties on Roundway. The side elevation of this house is 13m to 14m from the main rear elevations of 15 and 17 Roundway therefore exceeding the 12m suggested as appropriate in the SPD.

The only side facing window at first floor level is a high level window to the ensuite and the flat roofed balcony to the front of the house is enclosed by a 1.8m high opaque glass balustrade. Whilst there may be some oblique views possible from the front facing window at first floor level adjacent to the roof terrace, being at 90 degrees to the boundary, it is not considered that there is an unacceptable impact. On this basis it is not considered that the amenities of 15 or 17 Roundway are adversely affected.

To the rear this house is positioned 7.3m from the side boundary of the rear garden to 17 Cromwell Road. This siting exceeds the 6m suggested as appropriate in the SPD. At first floor rear elevation is an obscurely glazed bathroom window and a bedroom window. Given the siting of this house relative to the boundary with 17 Cromwell Road, an unacceptable impact in relation to overlooking or amenity will not arise.

Plot 2 - at ground floor level, this house is mainly screened by the boundary treatment, clearly it is visible at first floor level. The first floor side elevation is positioned 3m from the boundary to the rear garden of 5 Cromwell Road and is circa 8m from the rear elevation of this house. This siting relative to the rear of 5 Cromwell Road clearly fails to comply with the 12m considered appropriate in the SPD. The siting of this house is however such that it only occupies half the width of this adjacent plot with the remaining half open, noting this, the flat roofed nature of the dwelling and the lack of objection from the occupiers of this property, it is not considered that an unduly overbearing impact has arisen.

The only side facing window at first floor level is a high level window to the ensuite and the flat roofed balcony to the front of the house is enclosed by a 1.8m high opaque glass balustrade. Whilst there may be some oblique views possible from the front facing window at first floor level adjacent to the roof terrace, being at 90 degrees to the boundary, it is not considered that there is an unacceptable impact. On this basis it is not considered that the privacy of 5 Cromwell Road is adversely affected.

To the rear this house is positioned 7.3m from the side boundary of the rear garden to 17 Cromwell Road. This siting exceeds the 6m suggested as appropriate in the SPD. At first floor rear elevation is an obscurely glazed bathroom window and a bedroom window. Given the siting of this house relative to the boundary, the privacy of 17 Cromwell Road is not adversely affected.

Plot 3 - at ground floor level, this house is mainly screened by the boundary treatment, clearly it is visible at first floor level. The first floor side elevation is positioned 5m from the rear elevation 1 Cromwell Road. This siting relative to the rear of 5 Cromwell Road clearly fails to comply with the 12m considered appropriate in the SPD. It is noted however that prior to planning permission being first approved for the redevelopment of this site, the outlook from the rear of this neighbouring house was of a 2 storey building on the boundary (which is shown on the aerial image above). Taking this into account and noting that development remains at 2 storeys high and is now positioned off the boundary, the amenities of this property have been improved.

The only side facing window at first floor level is a high level window to the ensuite and the flat roofed balcony to the back of the house is enclosed by a 1.8m high opaque glass balustrade. On this basis it is not considered that the privacy of 1 Cromwell Road is not adversely affected.

To the rear this house is positioned 4.3m from the boundary at ground floor and 10.4m at first floor. This boundary to the south is formed by a 4.95m high wall to the back of the garages to Courtyard Mews, the houses associated with these garages are positioned 23m to the south of this boundary. Given the distance between the development on this site and the houses to the south together with the screening afforded by the retained wall and garages, there is no adverse impact on these neighbouring houses.

Plot 4 - at ground floor level, this house is mainly screened by the boundary treatment, clearly it is visible at first floor level. The first floor side elevation is positioned over 24m from the rear elevation of 17 Roundway and over 26m from that of 19 Roundway. This significantly exceeds the 12m considered appropriate in the SPD.

The only side facing window at first floor level is a high level window to the ensuite and the flat roofed balcony to the back of the house is enclosed by a 1.8m high opaque glass balustrade. Whilst there may be some oblique views possible from the front facing window at first floor level, being at 90 degrees to the boundary, it is not considered that there is an unacceptable impact. On this basis it is not considered that the privacy of 17 or 19 Roundway is adversely affected.

To the rear this house is positioned 4.6m from the boundary at ground floor and 10.8m at first floor. This boundary to the south is formed by a 4.95m high wall to the back of the garages to Courtyard Mews, the houses associated with these garages are positioned 23m to the south of this boundary. Given the distance between the development on this site and the houses to the south together with the screening afforded by the retained wall and garages, there is no adverse impact on these neighbouring houses.

3 Cromwell Road is positioned in between plots 2 and 3. This neighbouring house has a very shallow rear garden and a single storey across part of its rear elevation extends up to the boundary with the application site. The remainder of this house is positioned only 4m off the boundary. Prior to planning permission being first approved for the redevelopment of this site, the outlook from the rear of this neighbouring house was of a 2 storey building on the boundary. Taking this into account and noting that none of the houses on this site project across the rear of 3 Cromwell Road, it is considered that the amenities of this property have been improved. This is reflected in the support of the application by the occupier of this property.

In relation to the amendments proposed to the eastern boundary, the application advises that it was not structurally possible to retain the wall at a height of up to 6.6m. That now tabled by this application proposes a 4.7m length of sloping wall which was the side elevation of the demolished building rising from 3.8m to 4.9m high to the boundary with 187 Moss Lane and a 2.7m high wall to 1 and 3 Cromwell Road.

In relation to 187 Moss Lane, the height of the wall 3.8m to 4.9m is such that it largely screens the development from this adjacent garden. In terms of overlooking, there is none noting that the only windows to the sides of plots 2 and 3 are high level. Views from the rear elevations and terraces to plot 3 and 4 are screened by the height of the wall and those from the terraces and front elevations of plot 1 and 2 are screened by the siting of plot 3 and 4.

In relation to 1 and 3 Cromwell Road it is understood that the revised height of the wall has been agreed with these neighbours (noting no objection from no.1 and a letter of support from no.3). Given the acceptable impact of the siting of the development as set out above, the reduction of the boundary to 2.7m high is not considered unacceptable.

In terms of the amenities of the future occupiers of the site and in particular in relation to amenity space provision, the Council's SPD advises that whatever the size or location of a dwelling there will always be a requirement for some form of private amenity space ranging from balconies, roof gardens and communal private space associated with flats. Private amenity space should be usable, accessible and reasonably free from overlooking, allow for adequate daylight and sunlight and have regard to the size of the dwelling and the character of the area. Unusable spaces such as narrow strips of ground adjacent to roads and parking, steeply sloping areas or those in excessive shade should be avoided. For houses with 2 beds the SPD advises that 75m<sup>2</sup> of amenity space should be provided for each dwelling.

Plot 1 would have a rear garden 78m<sup>2</sup> in area and that to plot 2 would be 90m<sup>2</sup>. Both these gardens exceed the standard set out in the SPD. Plot 3 would have a rear garden 57m<sup>2</sup> in area and plot 4, 58m<sup>2</sup>. Both of these are short of the expected provision however these houses (like all those on the development) also have a roof terrace which provides an additional 26m<sup>2</sup> of amenity space. Combining the garden and terrace together plots 3 and 4 would have amenity space totalling 83m<sup>2</sup> and 84m<sup>2</sup> respectively which exceeds the required provision. It is therefore considered that the future occupiers of the proposed development will benefit from an acceptable level of amenity.

On this basis the proposal is compliant with policies H1 and SIE1 of the CS DPD and guidance within the SPD.

#### Highway Matters

Policy CS9 of the Core Strategy DPD requires development to be sited in locations accessible by walking, cycling and public transport. The Council will support development that reduces the need to travel by car. This position is followed through in policy T1. Policy T2 requires parking in accordance with the maximum standards and policy T3 confirms that development which will have an adverse impact on highway safety and/or the capacity of the highway network will only be permitted if mitigation measures are proposed to address such impacts. Developments shall be of a safe and practical design.

The application site is located in an accessible location. The dwellings benefit from an access that is safe and practical to use and the provision of off street parking for 2 cars for each dwelling accords with the Council's maximum parking standards. Noting that the Highway Engineer raises no objection to the provision of gates to the access, the proposal is considered compliant with policies CS9, T1, T2 and T3.

## Conclusions

Key to the consideration of this application is the presumption in favour of sustainable development set out at para 10 of the NPPF. Given that the Council cannot demonstrate a 5 year deliverable supply of housing, the relevant elements of Core Strategy policies CS4 and H2 which seek to deliver housing supply are considered to be out of date. That being the case, the tilted balance as referred to in para 11 of the NPPF directs that permission should be approved unless any adverse impacts of approving planning permission would significantly and demonstrably outweigh the benefits.

In this respect and as set out in the report above, the development as constructed

In favour of the proposal it is noted that:-

- The development delivers 4 dwellings on an accessible urban brownfield site at a time of continued undersupply. The use of such sites to their full potential must be explored to reduce the pressure to developing the Green Belt in an attempt to meet the Council's housing need.
- The development does not have an adverse impact on the character of the area noting the backland nature of the site. Whilst glimpses of it between dwellings on adjacent streets are possible, these are fleeting and do not cause harm to the overall character of the area.
- The development, in the main, complies with and in instances exceeds the space standards set out in the Council's SPD 'Design of Residential Development'.
- The development provides for an acceptable level of amenity for the future occupiers in terms of garden space.
- The development complies with the Council's maximum parking standards and has an access and layout that is safe and practical to use.
- The development will make a contribution to the provision and enhancement of formal recreation in line with adopted policy.

Where the development does not comply with the space standards set out in the Council's SPD 'Design of Residential, this is in 2 instances only. In relation to plot 2, the siting of the development is such that it only spans half the rear garden boundary of this house and as such the impact is on balance not unacceptable (noting also that there has been no objection to the development by the occupier of this property). In relation to plot 3, it is noted that the impact of the development is significantly less than that which arose from the 2 storey building that previously existed on the boundary. Taking this into account and noting that development remains at 2 storeys high and is now positioned off the boundary, despite the failure to comply with the SPD, the amenities of this property have been improved.

Taking the above into consideration it is considered that the impacts of the development do not significantly and demonstrably outweigh the benefits. As such and having regard to the tilted balance set out in para 11 of the NPPF, it is considered that the proposed development is acceptable and should be approved.

**RECOMMENDATION** Grant subject to S106