

ITEM

Application Reference	DC/083136
Location:	39 Moss Lane Bramhall Stockport SK7 1EQ
PROPOSAL:	Erection of a new detached 5-bed dwelling together with new vehicular access and new dropped kerb to Moss Lane.
Type Of Application:	Full Application
Registration Date:	22.10.2021
Expiry Date:	20211217
Case Officer:	Jane Chase
Applicant:	Atkins Building Services (M/C) Ltd
Agent:	PHD Architects Ltd

DELEGATION/COMMITTEE STATUS

Called up by Cllr Bagnall. Area Committee - 4 or more objections.

DESCRIPTION OF DEVELOPMENT

The application proposes the erection of a detached dwelling with a new vehicular access to Moss Lane.

The proposed house would be positioned a minimum of 8.8m from the front boundary of the site with Moss Lane, 6.2m to 8.3m from the rear boundary with the rear garden of 1 Milverton Drive. The north side elevation of the house would be positioned 1.2m to 1.4m from the boundary with 39 Moss Lane, 2.4m to 2.6m from the side elevation of that house. To the south side, the proposed house would be positioned 1.1m to 1.8m from the boundary with 37 Moss Lane, 3.95m to 4.6m from the side elevation of that house.

The house would be traditional in its appearance comprising 2 full floors of accommodation with a square, flat roofed bay to the front elevation, a pitched roof over the main dwelling with gable ends to the side elevations and a lower projecting gable to the front and rear. Further accommodation is proposed within the roofspace which is served by 2 dormers to the front roof plane and a single dormer to the rear together with rooflights. To the rear the ground floor accommodation and part of that at first floor level projects beyond the main dwelling.

Externally to the front of the site a 6.1m wide access is proposed to Moss Lane leading to the front garden which hardsurfaced in part to provide off street parking. The remainder of the front garden being soft landscaped and new hedge to the front boundary being planted. Pedestrian access is proposed to the side of the house leading to a landscaped rear garden. No trees are identified for removal.

The application is accompanied by a Design and Access Statement and an Arboricultural Impact Assessment and Method Statement.

SITE AND SURROUNDINGS

The application site is located on the west side of Moss Lane and comprises what was the side garden of the adjacent detached house (39 Moss Lane) positioned to the north at the junction of Moss Lane with Milverton Drive. The site enclosed to Moss Lane by a hedge approximately 2-3m high and to all other boundaries by a newly erected 2.1m high close boarded fence. Adjacent to the front boundary and the side boundary with 37 Moss Lane to the south of the site is a large oak tree (T8). Neither this tree nor the hedge to the front boundary are legally protected.

Adjacent to the site and to the south is 37 Moss Lane, a 2 storey detached house of traditional design. This house is positioned close to the boundary with the application site with its garden being to the south side (away from the application site) and to the rear.

To the rear of the site is 1 Milverton Drive, a 2 storey detached house positioned side on to the rear of the application site such that it straddles the position of the existing dwelling and garden where the houses are proposed. The boundary of 1 Milverton Drive with the application site is formed from a high hedge and a tree positioned in the rear garden of 1 Milverton Drive, close to the rear elevation of the dwelling.

Opposite the application site are detached 2 storey houses of varying age positioned behind front gardens enclosed by established hedges.

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 31st 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 17th 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

CS4 Distribution of Housing

H1 Design of Housing

H2 Housing Phasing

H3 Affordable Housing

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 and 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 Sum Payments

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. 105 “The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

Para. 111 “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Para. 112 “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

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 users⁴⁹; 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. 183. *“Planning policies and decisions should ensure that:*

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”*

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/078018 - 39 Moss Lane, Bramhall, Stockport, SK7 1EQ; Erection of 2no. (a pair) of semi-detached dwellings including demolition of existing garages and conservatory to 39 Moss Lane together with new vehicular access and new dropped kerbs to Moss Lane and an extended garden to 39 Moss Lane. Refused February 2021 and dismissed on appeal September 2021 on the grounds that the proposed development would not provide acceptable living conditions for future residents, with particular regard to the provision of private outdoor amenity space contrary to policies H-1 and SIE-1 of the Core Strategy DPD and the Council’s SPD ‘Design of Residential Development.’

NEIGHBOUR'S VIEWS

The occupiers of 9 neighbouring properties have been notified of this application. At the time of writing this report 2 letters have been received.

1 letter neither supports nor opposes the proposal but makes the following comments:

- This application is a huge improvement on previous applications though the garden is still small for the size of the house and the likely number of occupants. The outside space will also be very dark due to its 'hemmed in' position and will require lighting in the evenings creating light pollution.
- My concern relates to the proximity of the kitchen, which has roof lights and bedroom 2 to the boundary fence and the opportunity for people in those rooms to

look into my bedroom window. The distance from the kitchen is approx 13m and from the bedroom approx 15m. During the summer there is sufficient leaf cover to obscure the view in but in the winter when the leaves have dropped this is not the case. I feel that the size of the house needs reducing by about 1m to 1.5m in length so that the rear elevation is aligned to that of the established house on the next plot. This would afford a degree more privacy.

1 letter which has been signed by 8 households objects on the following grounds:

- This one house does not significantly boost the supply of housing for Stockport and this site is not critical to the delivery of its housing strategy. Bringing a + £800,000 house to market does not contribute to the supply of affordable housing.
- The proposal does not respect the character of this particular area in its massing, scale, height and style. The proposal is not similar to other properties in the area, it being too large a build to sit on this plot of land. This is evidenced in the application which states that the new proposed house will be 1.2m from the new boundary fence. This does not afford neighbouring users sufficient levels of privacy.
- The application states adequate provision for access for disabled people and yet it is questionable whether access to and from the back of the house is viable if wheelie bins need to be navigated down the narrow alleyway.
- Contrary to the assertions in the application, the design is not in character with other properties in the vicinity. The area is characterised by large, detached homes set in large front and back gardens with boundaries defined by mature vegetation- this is a key feature which influences the character and appearance of the street scene.
- The proposal states boundary treatment consisting of the retention of the existing hedge. The plans clearly show the removal of the remaining boundary hedge. The proposed removal of the 7.5ft hedge significantly impairs the current street scene. As such this proposal does not respond to the character of the local area and we believe the removal of more mature hedgerows will irreversibly harm the overall rhythm and street scene of Moss Lane. Note that ahead of this planning application, some hedgerows have already been removed in order to clear the site and erect gates at the front of the proposed site.
- The proposed building is in very close proximity to the shared boundaries with 37 and 39 Moss Lane. This will have a significant enclosing effect on the rear and side garden areas of this proposed new dwelling. Consequently, this will significantly reduce the amount of daylight to these areas and conceal views beyond the rear boundary for its future occupants as well as impinging on the privacy for its neighbours. We understand also that areas covered by excessive shade shall be excluded from the calculation of amenity space.
- The allocated garden space for the proposed new dwelling seems disproportionately small. It is difficult to ascertain its exact measurements from the plan. Whilst much is made in the proposal of the adequate provision of amenity space against required minimums and ratios, the overall design uses much of the available space for parking, passageways and an extended patio. As stated above, it is our understanding that all parking, passageways and areas of excessive shade (most of the garden due to it being enclosed on all sides) should be excluded from the amenity space calculation. The strip of rear garden seems inadequate for potential inhabitants in this 5 bedroom house and makes no provision for outbuildings for essential storage for garden equipment, bicycles etc or indeed any garage space . Given events of the past two years there is increased demand for homes with adequate play and outdoor space and this proposal does not provide this.
- The proposal does not provide for safe traffic movement and parking. We request that Highway's safety experts visit the site to observe the potential heightening of current highway hazards. This is of particular concern, not just for potential

occupants of the proposed build but also for existing neighbours, house guests and passing traffic. Residents routinely park in a staggered formation opposite and outside the proposed new drive to be clear of oncoming traffic approaching from the adjacent blind bend. The position of the new driveway will remove the existing best option for safe street parking. In fact, it removes street parking for the adjacent houses altogether. This makes any new driveway at the proposed property significantly more dangerous especially as it sits a few meters away from the blind bend to the north (traffic coming from the Bramhall end of Moss Lane) near No.30. Any new occupants exiting the proposed property will not have visibility of this bend. We note that under current Council rules parking for 3 cars is required for this size of property. Due to limited space cars will be parked in front of each other necessitating a lot of movement on entering and exiting the proposed property. In addition, the position of the new driveway will make access for existing residents at 24 and 26 Moss Lane particularly difficult and hazardous.

- The proposed new driveway is only a few metres away from the exact area in which a chicane was proposed in the Council's earlier consultation for traffic calming measures. That proposal was objected to (and was subsequently dropped as a proposal) on the same highways safety issue raised here, namely that any vehicle egress at this exact area will force traffic travelling from the south (Woodford end) of Moss Lane into the path of oncoming vehicles travelling through the blind bend from the north (Bramhall end). For clarity, the blind bend is for traffic coming from the Bramhall end, not from the Woodford end. We would appreciate a highways inspection on this point.

CONSULTEE RESPONSES

Highway Engineer - The nature and volume of traffic generated by the proposed new dwelling is not of a scale to result in any significant impact on the local highway. I find no reason to object to the development in principle though there are matters of detail to be resolved. In curtilage parking is provided in accordance with policy requirements.

The proposed new driveway requires 1m x 1m pedestrian visibility splays at each side where meeting the back of footway, and vehicular visibility splays measuring 2.4m back from the kerbline and 43m in each direction along the kerbline are also required. I am satisfied that this requirement may be secured by condition.

The new dwelling requires charging facilities for an electric vehicle. Details to be submitted and secured by condition.

Details of the driveway construction and drainage are required to demonstrate compliance with sustainable drainage policies. No surface water to discharge onto highway.

Secure and covered storage for a cycle is required. I am satisfied that submission of details and subsequent provision may be secured by condition.

The proposed new footway crossing will require permissions outside of any planning approval resulting from this application.

No objection subject to conditions.

Tree Officer - A full tree survey has been supplied as part of the planning application to show the condition and amenity levels of the existing trees and where applicable which trees could be retained to increase the amenity levels of the site. In addition

the report clearly shows the levels of encroachment into the root protection areas and how they intend to minimise the impact or show how they intend to construct in these areas.

The encroachment into the root protection area of the trees to the front of the site is acceptable subject to works in this area being hand dug in accordance with the method statement and construction details in the root protection area. This can be secured by condition.

There could be the potential for a negative impact on trees on site from the construction works and landscaping works. It is also not clear if any construction traffic, material storage or encroachment would come close to the retained trees and potentially impact on them. This could be addressed by a condition requiring tree protection measures during construction works.

The lack of a proposed landscaping plan will need to be addressed through conditions to allow consideration for new trees. With this in mind the following species should be considered; Quercus robur 'Fastigiata' (Upright Oaks) or Ilex aquifolium varieties (Variegated Holly) if any opportunity allows for an increase in tree cover on the site.

United Utilities - 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. Conditions should be imposed to secure this.

ANALYSIS

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 the adverse impacts of approving planning permission would significantly and demonstrably outweigh the benefits. This assessment is explored below.

Housing Delivery

Policy CS2 of the Core Strategy seeks to ensure that a wide range of homes are provided to meet the needs of existing and future Stockport households. The focus will be on providing housing through the effective and efficient use of land within accessible urban areas.

In terms of housing need, the NPPF requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. The supply of specific deliverable sites should in addition, include a buffer of 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply. In response to this it should be noted that the Council is in a continued position of housing undersupply and only has a 2.6 year supply vs the 5 year supply plus 20% as required by the NPPF. Whilst this application proposing only 1 dwelling will have a limited impact in terms of addressing this undersupply, collectively such applications do assist.

Having regard to this continued undersupply, not only is the titled balance in favour of residential development as set out in para 11 of the NPPF invoked but to help reduce pressure for development in the Green Belt, it is also important that the development potential of sites within accessible urban and suburban locations are explored. The accessibility of a site is scored using a model having regard to the location of that site in relation to public transport, town centres, places of employment and other services. Policy H-2 confirms that when there is less than a 5 year deliverable supply of housing (as is currently the case) the required accessibility scores will be lowered to allow the deliverable supply to be topped up by other sites in accessible locations. This position has been regularly assessed to ensure that the score reflects the ability to 'top up' supply to a 5 year position. However, the scale of shortfall is such that in order to genuinely reflect the current position in that regard the score has been reduced to zero.

Policy CS4 of the Core Strategy directs new residential development towards the more accessible parts of the Borough identifying 3 spatial priority areas (Central Housing Area; Neighbourhood Priority Areas and the catchment areas of District and Large Local Centres; and other accessible locations). This policy confirms that the focus is on making effective use of land within accessible urban locations with the priority for development being previously developed land in urban areas.

Notwithstanding the focus on previously developed sites, policy CS4 does allow for the redevelopment of urban greenfield sites. In this respect policy CS4 sets out a sequential approach with the second priority being the use of private gardens in accessible urban locations where proposals respond to the character of the local area and maintain good standards of amenity and privacy for the occupants of existing housing in accordance with policy H1. As such the Council has no policy restricting what is commonly referred to as 'garden grabbing' but on the contrary, confirms through policy CS4 that the redevelopment of residential gardens is acceptable subject to no adverse impact on character and amenity. Subject therefore to a satisfactory assessment in this respect, the proposal accords with policy CS4.

Core Strategy policy CS3 confirms that developments in accessible suburban locations may be expected to provide the full range of houses from terraced properties to large detached and should contain fewer flats. Within District Centres housing densities of 70 dwellings per hectare (dph) is commonplace. Moving away from these central locations densities should gradually decrease first around to 50 dph then to around 40dph as the proportion of housing increases. Development in accessible urban locations should achieve a density of 30 dph.

The NPPF at para 122 confirms that planning decisions should support development that makes efficient use of land taking into account several factors including the desirability of maintaining an area's prevailing character and setting (including residential gardens) and the importance of securing well designed and attractive places. Para 123 confirms that where there is a shortage of land for meeting identified housing need it is especially important that policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances:-

- Plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible
- The use of minimum density standards should also be considered and it may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas
- Local planning authorities should refuse planning applications which they consider fail to make efficient use of land.

The density of the proposed development equates to 23 dwellings per hectare which falls below the expected minimum density set out in policy CS3 for this suburban location. Notwithstanding this and noting that the NPPF advocates the efficient use of land, the consideration of density is not simply the application of a numerical figure and regard also has to be paid to the impact of the development upon the character of the area, amenities of existing and future occupiers together conditions of highway safety. Subject to a satisfactory assessment in this respect (set out below), the density may be considered acceptable and in generally in compliance with policy CS3.

Impact on the Character of the Area and Residential Amenity

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). Policy SIE3 confirms that development proposals affecting trees that make a positive contribution should make provision for retention unless there is a strong case to enable the development to proceed.

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 and which promote health and well-being, with a high standard of amenity for existing and future users.

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 character of the locality at this point on Moss Lane is mixed. On this west side of the road, south of the junction with Milverton Drive are 4 houses before the sharp bend in the road. That on the application site and at 37 Moss Lane adjacent, have large side gardens, however, 35 Moss Lane is sited closer to the side boundaries of the site and 33 Moss Lane being on the bend in the road is positioned within a spacious plot with garden all around the dwelling. To the north of the junction with Milverton Drive detached houses are also positioned within generous plots but with varying degrees of separation to side boundaries; it is noted that 43 and 45 Moss Lane both occupy most of the full width of their plots. On the east side of Moss Lane, development is generally more closely sited with significantly smaller gaps between dwellings.

Houses are positioned behind landscaped front gardens and are typically 2 storeys high with hipped and pitched roofs. There is evidence of accommodation within the roofspace at second floor level served by rooflights and dormers at the application site and 7 Milverton Drive. Architectural styles are generally mixed and materials generally comprise red brick, white render and red or grey roof tiles.

Front gardens generally benefit from soft landscaping however forecourt parking is prevalent with varying degrees of hardstanding to accommodate parked cars in the front garden areas. Hedges are common to the street frontage and along with garden and street trees, contribute to a verdant character.

The proposed house would be positioned such that it is slightly forward of 39 Moss Lane to the north of the site (by 1.2m) but no further forward than 37 Moss Lane to the south. Given the degree of landscaping that exists in the form of mature trees and other planting in front gardens, it is not considered that this slight projection forward would be unduly apparent in the streetscene or harmful to it.

Submitted with the application is a proposed streetscene which shows that to the front elevation the dwelling would be positioned 3.95m to the side elevation of 37 Moss Lane and 2.4m from that of 39 Moss Lane. At this section of Moss Lane on the west side of the street and south of the junction with Milverton Drive, houses are positioned circa 11m to 17m apart thus creating a more spacious character than that on the east side of the road opposite the site or on the west, north of the junction with Milverton Drive. Opposite the site, detached houses when measured at ground floor level are positioned between circa 1m and 4m apart,

circa 3m to 4m at first floor level. Whilst the proposed development would clearly reduce the spaciousness on this side of Moss Lane, noting the variation in the wider character of the street with houses positioned closer together elsewhere, it is not considered that the siting of the proposed development relative to the neighbouring dwellings would cause unacceptable harm to the character of the wider area.

The proposed streetscene also shows the height of the proposed dwelling relative to that either side. In this respect it is noted that the ridgeline of the proposed dwelling despite the provision of accommodation within the roofspace would be lower than both neighbours by 0.4m to 37 Moss Lane and 0.3m to 39 Moss Lane. Noting that the eaves level is similar to those adjacent, it is not considered that the resulting variation in the rooflight will be that apparent nor will cause harm to the streetscene.

At 12m wide the proposed dwelling sits comfortably with the range afforded from the presence of other detached houses in the area (circa 8.8m to 14m wide). Noting that the siting of the development relative to the front and side boundaries of the site is also reflective of the area, it is not considered that the proposed house by reason of its height, width or siting will be harmful to the character of the area as seen from Moss Lane.

The traditional design approach is considered reflective of the character of the area. The provision of pitched roof with gable ends to either side elevations, a lower projecting gable and flat roofed bay to the front elevation together with the use of brickwork, tiles and render reflects elements evident in the locality. Noting also the siting of the development relative to the road frontage and neighbours, it is not considered that this detached dwelling will cause harm to the character of the area.

The three storey nature of the development is noted, however, that at second floor is contained within the roofspace and would only be evident by the provision of rooflights and small dormers to the front and rear roof slopes. Most houses in the locality are 2 storeys in height although it is noted that some, including 39 Moss Lane which has rooflights to the front and a dormer to the rear, together with 7 Milverton Drive which has dormers to the front, clearly comprise 3 storeys of accommodation. The proposed dormers are small in size, reflect the character of projecting gables in the locality and are clearly subordinate to the roof within which they are positioned. Noting also that despite the provision of accommodation in the roof, the proposed dwelling will be lower than those adjacent, the scale of the development is not considered unacceptable.

In terms of the proposed works to the front of the dwelling, the existing oak tree would be retained however the existing hedge would be removed and replanted. Neither the existing hedge nor tree T9 are legally protected and as such can be removed at any time without the consent of the Planning Authority. Whilst the replacement hedge will take time to establish itself, in time it will reach a height consistent with others in the locality. Noting also that the sense of enclosure that forms the character of this stretch of Moss Lane is somewhat eroded to the north and south by lower means of enclosures and deep verges, it is not considered that the width of the driveway nor the replanting of the hedge will cause undue harm to the character of the area.

Areas of hardsurfacing within the site to accommodate parked cars have been kept to a minimum and elsewhere the forecourt will be soft landscaped. Noting

that forecourt parking is prevalent in the locality with varying degrees of hardstanding to accommodate parked cars in the front garden areas, that proposed is considered acceptable. Subject to the imposition of conditions to secure full details of the landscaping of the forecourt and to ensure that a no dig method is used in the root protection area of the retained trees to the front of the site, it is considered that the layout of the forecourt will not unduly detract from the character of the area nor harm the landscaping on or adjacent to the site. A condition can also be imposed to ensure that there is no felling/lopping or topping of any trees or removal of hedges other than that shown on the plans.

In terms of the impact of the development upon the character of the area, the above consideration is consistent with the determination of application DC078018 by both this Planning Authority and the Planning Inspector. Noting that this previous application was not refused permission on account of any harm to the character of the area and that this proposal is little different in terms of its size, siting and design approach, Members are advised that a refusal on this basis could not be sustained.

For the above reasons it is considered that the proposed development will reflect the character of the locality and is therefore compliant with Core Strategy policies CS4, H1, CS8, SIE1 and SIE3 together with advice contained within chapter 12 of the NPPF.

In considering the impact of the proposed development upon residential amenity, regard is paid to the existing adjacent occupiers and the future occupiers of the proposed development. In this regard, the Council's SPD 'Design of Residential Development' is material to the consideration of this application. The Council's SPD confirms that a feeling of privacy both within a dwelling and garden, is a widely held desire that the Council has a duty to secure for the occupants of existing and new housing. In general terms the design and layout of a development should minimise overlooking and should not impose any unacceptable loss of privacy on the occupiers of existing dwellings. Minimum space standards are set out in the SPD.

The side elevation of both neighbouring houses contain small secondary windows at first floor level. Noting that these rooms appear to be served by principle and larger windows to the front and rear elevations, any impact on these secondary windows will not be unacceptable. The siting of the development relative to the front elevation of the houses opposite is also acceptable being nearly 30m distant (vs the 21m required at ground and first floor level and 24m required at second floor level by the SPD). In this respect the proposed development will not cause an unacceptable loss of privacy to these neighbouring occupiers.

With regard to 1 Milverton Drive, noting that the rear elevation of the proposed house projects further adjacent to the northern side boundary of the site, the proposed ground floor rear elevation will be positioned 6.2m at its closest from the fence that has been erected on the inside edge of the hedge along this rear boundary, extending to 8.3m. At first floor level the rear elevation of the projection proposed adjacent to the northern side boundary will be positioned 8.6m at its closest to the rear boundary extending to 11.8m. At second floor level in the roofspace, the dormer window to the staircase, which in any event will be obscurely glazed, will also be positioned 11.8m from the boundary.

The siting of the development relative to the rear boundary complies with and exceeds the requirement of the SPD to be 6m distant at ground and first floor level and 9m distant at 2nd floor level. As such and noting the screening afforded by the fence and hedge, any overlooking of the rear garden to 1 Milverton Drive would not give rise to conditions so harmful as to justify the refusal of planning permission. The planting along the boundary with 1 Milverton Drive is of such a height that in summer months it screens most views of this neighbouring property and vice versa. Whilst it is accepted that in the autumn, winter and spring reduced leaf cover will lessen this screening, it remains the case that compliance with the space standards set out in the SPD should ensure that there is no a loss of amenity to these neighbouring occupiers.

The siting of the development relative to the house at 1 Milverton Drive must also be considered. In the side elevation of this neighbouring house is a small secondary bedroom window. The position of this window is offset to the north such that it not directly opposite the rear elevation of the proposed dwelling. The distance from this window to that proposed at first floor level in the new dwelling is approximately 15.5m. Noting the small size of the neighbouring bedroom window and that the proposed rear facing windows are now further from this neighbouring window than was proposed in the previous application (and which was not refused on privacy grounds) it is not considered that an unacceptable impact will arise.

The assessment of residential amenity applies to the future occupiers of the proposed development as well as to the existing occupiers of neighbouring properties. In this respect the SPD advises that whatever the size or location of a dwelling there will always be a requirement for some form of private amenity space. This provision should be usable, accessible, reasonably free from overlooking, allow for adequate daylight and sunlight and have regard to the size of the dwelling proposed. Unusable spaces such as narrow strips adjacent to roads and parking, steeply sloping areas or those in excessive shade should be avoided. For larger houses (4/5 beds) there should be 100m² of amenity space.

In dismissing the appeal proposals for having insufficient amenity space well below the minimum suggested as appropriate in the SPD, the Inspector noted that whilst it does not follow that a proposal should stand or fall solely on the application of these standards, he recognised that each proposal is required to be judged on its own merits. In this respect he noted that the SPD had been subject to public consultation and therefore was a material consideration in his decision. The Inspector concluded that as the dwellings then proposed were capable of benefitting from 4 bedrooms each, that it was reasonable to apply the minimum standard of 100m². Noting that neither dwelling would benefit from a rear garden close to that standard, the appeal was dismissed.

Discounting the narrow strips to either side of the proposed house, the rear garden would provide the future occupiers of the development with circa 122m² of amenity space. This complies with and exceeds the 100m² minimum suggested as appropriate in the Council's SPD. Despite the siting of the existing and proposed dwelling and planting along the boundaries, it is not considered that this main rear garden area would suffer from excessive shade sufficient to rule out its acceptable use (noting also that this issue was not a determining factor in the previous application either). It is therefore concluded that the future occupiers would benefit from an acceptable level of amenity.

The space standards set out in the SPD seek to ensure sufficient space is provided to accommodate anticipated future extensions without having prejudicial effects on the future and existing residents' amenity. Compliance with or exceedance of the standards would therefore ensure that there is space to extend a dwelling or erect outbuildings for storage or ancillary use. On this basis and noting the exceedance of the standards set out in the SPD Members are advised that the withdrawal of Permitted Development rights by condition, should this application be approved, is not justified. Such rights would only be withdrawn where proposals fall slightly short of the required standard; this is not the case in this instance.

In assessing the previous application and subdivision of the plot, consideration was given to the resulting garden remaining to the existing dwelling at 39 Moss Lane should the development proceed. Since that time the site has been subdivided by the erection of a fence to create the application site. The dwelling at 39 Moss Lane has been sold and therefore the applicant no longer has control over that property. Notwithstanding that, before the applicant sold 39 Moss Lane to the new owners in June this year he demolished one of the existing garages and erected a new front boundary fence a third of the way down the north side of the property to enclose a large side/rear garden up to the boundary with Milverton Drive. These works are shown on the plans submitted with the application and demonstrate that the existing dwelling at 39 Moss Lane still benefits from a private rear garden circa 200m² in area and significantly in excess of the 100m² suggested as appropriate by the SPD.

For these reasons it is considered that the proposal in terms of residential amenity accords with policies CS4, H1, CS8 and SIE1 of the CS DPD together with advice contained within the NPPF and the Council's SPD 'Design of Residential Development'.

Parking and Highway Safety

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 considered to be in an accessible location having regard the accessibility score set out in policy H2 of the Core Strategy. The proposal is therefore compliant with policy CS9.

The Council's maximum parking standards require the provision of 2 spaces (not 3 as suggested by the objectors). It is noted that 3 spaces are shown on the proposed site layout, exceeding the maximum standards however it is not considered that this will cause sufficient harm to warrant the refusal of planning permission.

It is also noted that on account of the depth of the forecourt (which is dictated to an extent by the position of the dwelling) vehicles could be parked in tandem as well as side by side. Whilst this potentially results in the need for additional movements, it is no different to that of a garage with a forecourt space in front

and given the provision of satisfactory sightlines to the access will not give rise to conditions prejudicial to highway safety.

Subject to the imposition of details relating to the construction of the driveway, electric vehicle charge facilities, cycle parking and visibility splays, the proposal as confirmed by the Council's Highway Engineer, accords with policies CS9, T1, T2 and T3 of the CS DPD.

In terms of the impact of the development upon conditions of highway safety, Members are advised that the above consideration is consistent with the determination of application DC078018 by both this Planning Authority and the Planning Inspector. Noting that this previous application was not refused permission on account of any harm to highway safety and that this proposal is little different in terms of traffic generation, access or parking, Members are advised that a refusal on this basis could not be sustained.

In response to objections on highway grounds not raised above, Members are advised accordingly:

- It is noted that residents use the public highway to park their cars and that they object on the grounds that the proposed development with its access onto Moss Lane will restrict this. Moss Lane is a public highway which is unfettered by traffic regulation orders. Everyone has the right to park on that highway and no one can claim rights to park on the highway outside their house. All the houses on this stretch of Moss Lane appear to have off street parking sufficient to accommodate at least 2 cars. As such any overspill parking should in any event only be limited to deliveries, service vehicles and larger numbers of visitors for which ample on street parking exists. The provision of the access points will reduce the ability to park on street however levels of on street parking are not high and certainly not to the level where any displaced parking would cause harm to highway safety.

- The visibility afforded from the proposed access will ensure that those leaving the site can do so safely. Those approaching the site from either direction will also have ample opportunity to react to vehicles entering or leaving the application site. The provision of 1 additional dwelling will result in a negligible increase in traffic compared to that existing. On this basis there is no evidence to support objections that there will be an adverse impact on highway safety.

- The position of the proposed access will not make it more hazardous for vehicles to exit properties opposite the site on account of the width of the highway and provision of adequate visibility in either direction.

- It is accepted that construction works can cause disruption and inconvenience however as the application proposes only 1 dwelling, such works are unlikely to extend for a significant period of time. There is no evidence to suggest that the impacts of construction work could not be managed to an acceptable level through the imposition of a condition requiring the submission, approval and compliance with a construction method statement.

- The proposed traffic calming scheme in the locality primarily involves kerb realignments at some junctions on Moss Lane and Acre Lane and some upgrades to road markings. None of these works are in the vicinity of the proposed development. The development would therefore have no impact on the proposed traffic calming scheme.

Members will recall objections to the previous application on similar highway grounds. These were taken into account in the determination of that application

and were not considered to result in conditions prejudicial to highway safety. As such this previous application was not refused on highway safety grounds. This position remains the same in relation to the current proposals noting that only a single dwelling is now proposed vs the two previously proposed.

Other Matters

Policies L1.1, L1.2 and SIE2 seek to ensure that applications for residential development contribute towards children's play and formal recreation noting that there is a shortfall of such facilities within the Borough. For a small scale development such as that proposed, compliance is expected by way of a commuted sum payment calculated in accordance with the formula set out in the accompanying SPD. Compliance with this policy position will be secured by way of a S106 agreement in the event that planning permission is approved.

Policy SD3 requires development to demonstrate how it will assist in reducing carbon emissions through its construction and occupation through the submission and approval of an energy statement. Given the small scale of the proposed development, the application is not required to include an energy statement at this stage. A condition can be imposed in the event that planning permission is approved to secure the submission, approval and implementation of measures to reduce carbon emissions through an energy statement.

The application site is not identified on the UDP Proposals Map as being in an area liable to flood and the Environment Agency identify the site as being within Flood Zone 1. Having regard to the size of the site and scale of the proposed development there is no requirement for the application to be accompanied by a Flood Risk Assessment.

Policy SD6 however requires all development to be designed in such a way as to avoid, mitigate or reduce the impacts of climate change. In this respect development is required to incorporate sustainable drainage systems so as to manage run off water from the site. Given the small scale of the proposed development, a drainage strategy is not required at this stage however this will be secured by condition in the event that planning permission is approved. This will address the comments of United Utilities.

It is noted that the proposed site layout indicates that the drainage of the site would simply connect into the existing public sewer however there is no assessment of site conditions nor any consideration as to what sustainable measures could be employed. As such the grant of planning permission would not at this stage imply approval for the drainage shown on this layout and further details, as secured by condition, would have to be submitted for consideration before final approval is given for the proposals in this respect.

In response to objections not addressed above Members are advised accordingly:

- Noting the small scale of the development proposed, there is no requirement for this application to deliver affordable housing. As such the failure of the application to make any provision in this respect is of no relevance nor is there any conflict with Core Strategy policy H3.

- Accessible development is clearly welcomed and encouraged, however, there is no policy in the development plan that requires all housing to be fully accessible. As such, even if this dwelling does not achieve such access, this would not constitute a reason for refusing planning permission.

Conclusions

The delivery of residential development on this site accords with policies CS2, CS4 and H-2 of the Core Strategy.

The development is considered to be of a size, siting and design that will be in keeping with the character of the locality and will not harm the amenities of the existing neighbouring occupiers or the future occupiers of the development. The proposal is therefore compliant with policies CS4, H1, CS8, SIE1 and SIE3 of the Core Strategy DPD together with advice contained within Chapter 12 of the NPPF.

The proposed development will benefit from access that is practical and safe to use together with sufficient off street parking. Details of cycle parking and electric vehicle charging points can be secured by condition together with the other detailed matters as requested by the Highway Engineer. In this respect the proposed development is considered compliant with CS policies CS9, T1, T2 and T3 together with advice in the NPPF.

Matters relating to drainage and sustainable design can be secured by condition thus ensuring compliance with CS policies SD3 and SD6.

The signing of a S106 agreement to secure a contribution to children's play and formal recreation will ensure compliance with saved UDP policies L1.1 and L1.2 together with Core Strategy policy SIE2 and advice contained within the accompanying SPD.

Having regard to the tilted balance in favour of the residential development of this site as set out at para 11 of the NPPF, Members are advised that there would be no adverse impacts arising from the grant of planning permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As such in accordance with para 11 of the NPPF it is recommended that the application should be approved subject to the conditions referenced in this report together with others considered reasonable and necessary, and subject to a S106 agreement to secure compliance with saved policies L1.1 and L1.2 of the UDP Review and SIE2 of the Core Strategy in relation to formal recreation and children's play.

RECOMMENDATION GRANT SUBJECT TO CONDITIONS AND A S106 AGREEMENT