

APPLICATION REPORT - PA/340925/17

Planning Committee, 18 April, 2018

Registration Date: 09/10/2017
Ward: Chadderton South

Application Reference: PA/340925/17
Type of Application: Full Planning Permission

Proposal: 1) Demolition of existing dwelling 2) Erection of 11.no dwellings
Location: 49 Higher House Close, Chadderton, OL9 8LW
Case Officer: Graeme Moore

Applicant First Choice Homes Oldham
Agent : Equilibrium Architects Ltd

THE SITE

The site is situated approx 1km north of the M60 ring road, and east of Broadway. Access will be obtained following the demolition of 49 Higher House Close. The site itself is an area of scrubland located to the rear of the surrounding streets, which although fenced off, is used for access to garages for properties on Kingston Avenue. The area has been used for fly tipping in the past. There is a slight incline running from north to south at the eastern edge of the site. Neighbouring properties are a mixture of traditional post-war semi-detached properties on Higher House Close and terraced properties in groups of four on Kingston Avenue. All of the properties are characterised by hipped roofs.

THE PROPOSAL

A full planning application has been submitted for the construction of 11 dwellings.

The development is a combination of three and four bedroom affordable 'rent to buy' family homes together with a two bedroomed disabled unit. Rent To Buy (RTB) is a new product that the Government is supporting to enable home ownership for those working but struggling to purchase their own home. Rent to Buy is described by the Homes England as: *'Rent to Buy homes are let to working households at an intermediate rent to give them the opportunity to save for a deposit to buy their first home'*.

The proposal is arranged in a cul-de-sac, with access to the site obtained following the demolition of 49 Higher House Close as the existing access is not suitable. Properties are generally grouped in three or four blocks, with car parking provided on plot to the front or side of the properties. There is also an area of visitor car parking proposed.

In addition to the submitted plans the following documents have been submitted as supporting information:

- A Design & Access Statement (D&A)
- A Crime Impact Statement (CIS)
- A Coal Mining Risk Assessment (CMRA)
- A Phase II Land Contamination Assessment (LCA)
- Affordable Housing Strategy (AHS)
- A Bat Survey (BS)
- An Ecology Assessment (EA)

PLANNING HISTORY

None relevant to the determination of this application.

ALLOCATION AND PLANNING GUIDANCE / POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 11 of the National Planning Policy Framework (NPPF).

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is unallocated by the Proposals Map associated with this document.

The following policies are relevant to the determination of this application:

Core Strategy

Policy 1 Climate Change and Sustainable Development
Policy 2 Communities
Policy 3 An Address of Choice
Policy 4 Promoting Sustainable Regeneration and Prosperity
Policy 5 Promoting Accessibility and Sustainable Transport Choices

Development Management Policies

Policy 9 Local Environment
Policy 10 Affordable Housing
Policy 20 Design

National planning guidance

The National Planning Policy Framework (NPPF) and the accompanying technical guidance document.

The National Planning Practice Guidance (NPPG)

PUBLICITY AND REPRESENTATIONS

The application has been publicised on the Council's web-site, neighbour notification, by press advertisement and by site notice. No responses have been received.

CONSULTATIONS

Traffic Section: No objection subject to the imposition of conditions in relation to car parking.

Environmental Health: No objections.

Greater Manchester Police: No objections.

Electricity North West: Advise that there are cables running through the proposed access and care will have to be taken when constructing the access.

PLANNING CONSIDERATIONS

1. Principle of the development
2. Environmental design, appearance, landscaping and amenity
3. Environmental impact
 - Flood risk and drainage
 - Land and groundwater conditions

4. Access, servicing, parking and highway safety

ASSESSMENT

Principle of the development

Paragraph 49 of the NPPF emphasises that housing applications should be considered in the context of the presumption in favour of sustainable development. Developing this vacant site for family housing represents an efficient use of this previously un-developed site in an established residential area. The site is well located in terms of access to key services, being within walking distance of local churches, shops, public houses and a Post Office and is located close to a quality bus corridor interconnecting Oldham, Rochdale and Manchester.

The proposed development is for 11 dwellings and associated private amenity space and parking. Due to the rent-to-buy nature of the dwellings there are a number of benefits associated with the development. The site has remained cleared since the construction of the properties in the post war period, and whilst the site has been reclaimed by nature, it is considered that its use would accord with principles set out in paragraph 111 of the NPPF and Policy 1 of the DPD in this regard.

In terms of housing provision, it is noted that DPD policy 10 stipulates that developments of 15 dwellings or more will need to provide affordable housing, however as the proposal is below that threshold there is no requirement to provide affordable homes as part of the scheme. Nevertheless, 100% of the homes in this instance will be provided as part of a Homes England backed scheme known as Rent-To-Buy (RTB). A bid has been submitted to and approved by Homes England for grant funding of this scheme under the Shared Ownership and Affordable Homes Programme 2016 to 2021, with the full involvement and support of Oldham Council's Housing Strategy team.

The applicant states that the scheme has been developed to the demand data review information and *'delivers a mix that is suitable to the local community and housing market. Demand has been identified for two, three and four bedroom properties in the area.'*

Design, appearance, landscaping and amenity

Guidance within Section 7 ('Requiring good design') of the Government's National Planning Policy Framework (NPPF) document is relevant, together with policies 1 (Climate Change and Sustainable Development), 9 (Local Environment) and 20 (Design).

Site layout –

The site at Higher House Close is essentially a land locked site. Whilst there is an existing access from Selkirk Road, which affords access to an unmade parking area and access to the garages on the north side of Kingston Avenue, its narrow width precluded this from becoming a new access to serve a new housing scheme.

A decision was made therefore by the applicants to allow for the demolition of No 49 Higher House Close (owned by First Choice Homes) to enable a new access road to enter the site in a sensible fashion. The road is provided with a suitable pavement and turning heads for vehicular and pedestrian access.

At the same time recognition was required to the rights of way enjoyed by the owners of the properties on Kingston Avenue whose garages access the site on the south side. Provision has been made therefore to retain an area as a private drive to those garages as shown on the submitted plans. The drive follows the natural position of the existing unmade road and is delineated by a new fence.

The rear enclosures are formed with a combination of new timber fencing and existing brick walls which form suitable boundaries and enclosures. The layout is to use the principles associated with Secure by Design.

The general principle has been to design the properties with living areas to the rear of the properties with views into the rear gardens.

Therefore, the overall site layout is considered to be acceptable.

Building design and impact –

The appearance of the dwellings is to reflect the local vernacular which is a combination of terraced dwellings and post war semi-detached properties with hipped and pitched roofs. The properties will be built of traditional brick construction with panels of feature contrasting brickwork and hipped and pitched roofs with a covering of concrete interlocking tiles.

The elevations include simply designed openings and roofscape. There is a feature entrance with an "L" shaped enclosure / canopy to provide weathering at the entrance.

The proposed location, scale, massing and design of the dwellings would have no impacts upon any surrounding building or properties in regard to issues such as overlooking, overshadowing or having an overbearing or oppressive impact.

Landscaping –

The majority of the site is surfaced with vegetation including wetland plants. The general landscaping adjacent the properties will comprise of grass lawns to the front and private gardens to the rear.

There is a small element of communal landscaping immediately to the rear boundary of No 47 & 48 Higher House Close, other than this all landscaping is maintained within private gardens. The communal area will be provided with low level soft planting.

Designing out crime -

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to '*do all that it reasonably can to prevent crime and disorder in its area*'. National guidance contained within Section 8 ('Promoting healthy communities') of the NPPF states at paragraph 69 that there should be an aim to provide safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Policy 9 (Local Environment) and Policy 20 (Design), also guidance contained within the Oldham & Rochdale Design Guides aims to ensure that new development contributes to creating safe and secure environments and reducing opportunities for crime.

The Greater Manchester Police Architectural Liaison Officer (PALO) has been consulted and has raised no objections to the proposal.

Therefore, in taking account of the nature of the development, the security measures which are proposed, the comments made by the PALO and subject to the imposition of planning conditions, it is considered that the proposal will not increase the risk of crime or fear of crime in this location and that the proposal is acceptable when assessed against the aforementioned legislation, national planning guidance and local planning policy.

Design conclusion –

In taking account of the context and character of the site and surrounding area, it is considered that the overall design concept, the layout of the site and the scale and design of the building and associated infrastructure are acceptable. Suitably worded planning conditions could be imposed to ensure that outstanding details are submitted to and approved in writing by the LPA. Overall, it is considered that the visual and physical impact of the proposed development would be acceptable and in accordance with the aforementioned national planning guidance and local planning policy.

Environmental impact

Flood risk and drainage

The site is not within an area identified as being at risk from flooding within the Environment Agency's Indicative Flood Maps, however due to the size of the application site a FRA has been submitted.

National guidance contained within Section 10 ('Meeting the challenge of climate change, flooding and coastal change') of the NPPF, the NPPF technical guidance document and policy 19 (Water and Flooding) of the DPD are relevant.

It is noted that the submitted FRA and Drainage strategy raises no issues with the site and notes that the scheme will utilise existing connections to the public sewers. Therefore in taking account of the planning history of the site, the findings of the FRA and Drainage Strategy and the comments of the technical consultees, it is considered that the proposal would not increase the flood risk at the site or within the wider area, and that subject to the imposition of planning conditions the site could be adequately drained. The proposal is therefore considered to be acceptable when assessed against the aforementioned national planning guidance and local planning policy.

Land and groundwater conditions

National guidance within paragraphs 109, 120, 121 and 122 of the NPPF and policies 7, 8 and 9 of the DPD are relevant, which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

A Phase 1 Preliminary Risk Assessment has been undertaken on the site to understand the ground conditions on which development will take place. The assessment suggests that it is unlikely that there will be potential for major in-ground contamination as a result of the previous uses that took place on the site. It has however been suggested that there is a possibility for low to moderate contaminated conditions to be found, which includes the migration of contaminants.

An informative will be added to the decision notice to advise the applicant that paragraph 120 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Access, servicing, parking and highway safety

Guidance within Section 4 ('Promoting sustainable transport') of the NPPF is relevant, together with policies 5 (Promoting Accessibility and Sustainable Transport Choices), 9 (Local Environment), and 20 (Design) of the DPD.

The site is well located sitting well within a short journey to the centre of Chadderton. The local bus stops are located on both Eaves Lane and a short walk away on Broadway, between these bus stops there are buses approximately every ten minutes to Oldham and Manchester. These bus stops also regularly offer services to Rochdale, Middleton, Chadderton, Moston, Shaw and Oldham at no more than 30 minutes apart.

This site also has easy access to the local trams with Freehold tram stop being situated circa 0.9 miles away.

The new access is taken off Higher House Close which requires the demolition of No 49 Higher House Close to form a through route in to the naturally enclosed site. The site is served by an appropriate turning heads and there is within curtilage parking for each dwelling. There is pedestrian access similarly from Higher House Close via the new turning head and appropriate footpaths to the new front entrances.

The council's highway engineer has raised a number of concerns with the layout in the past; however, based upon the most recent revision, subject to conditions, there are no concerns with the proposal.

Therefore, in taking account of the conclusions of the additional documentation submitted, the scale and nature of the development, the technical advice given by the Council's highway engineer and subject to the imposition of the recommended planning conditions, it is considered that the proposed use can be adequately accommodated on the local highway network, that there would be adequate access, servicing, circulation and car parking arrangements and that the proposal would not have any detrimental impacts upon pedestrian or highway safety. For these reasons the proposal is considered to be acceptable when assessed against policies 5 (Promoting Accessibility and Sustainable Transport Choices), 9 (Local Environment), 13 (Employment Areas) and 20 (Design) of the Joint DPD, also guidance contained within the Oldham and Rochdale Design Guide's.

Conclusion

Paragraph 197 of the NPPF states that 'in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development'.

The proposal has been fully assessed against national and local planning policy guidance. On balance, it is considered that the proposal is acceptable in principle and is acceptable in terms of the appearance and impact upon the visual amenity of this site and surrounding area. The proposal will have no detrimental impacts upon the environmental quality of this locality, or pedestrian and highway safety. The site can be adequately drained and will not give rise to flooding problems. The proposal, subject to the imposition of planning conditions, accords with the aforementioned policy guidance.

For the reasons set out in this report the proposal is considered to be acceptable when assessed against national and local planning policy and conditional approval of planning permission is recommended.

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications, received on 09/10/2017, which are referenced as follows: R-0319-106H, R-0319-109, R-0319-110, R-0319-111, R-0319-112A, R-0319-113, R-0319-114A, R-0319-115A, R-0319-116A, R-0319-117A, R-0319-118 and R-0319-119

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. No development shall take place unless and until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located.

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area.

5. No construction or delivery vehicle shall enter or leave the site, and no working shall take place on the site, on Sundays or Bank and Public Holidays at all or on Monday to Friday inclusive except between the hours of 0800 to 1800 or on Saturdays except between the hours of 0900 to 1700.

Reason - To ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

6. No dwelling shall be brought into use unless and until the access and car parking space for that dwelling has been provided in accordance with the approved plan received on 5th March 2018 (Ref: Dwg No.R-0319-106 Rev H). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety.

7. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public combined sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

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