

APPLICATION REPORT - PA/341270/18

Planning Committee, 6 June, 2018

Registration Date: 10/01/2018
Ward: Royton North

Application Reference: PA/341270/18
Type of Application: Full Planning Permission

Proposal: Erection of 12 no. dwellinghouses and 8 no. apartments
(Resubmission of PA/340555/17)
Location: Land of Royley, Royton, Oldham, OL2 5DY
Case Officer: Graeme Moore

Applicant J Walker Homes Ltd
Agent : Nicol Thomas Ltd.

THE SITE

The application site consists of a single parcel of land located at the end of Royley, in Royton, Oldham.

The overall area of the site is approximately 0.29 hectare. The land rises in levels from south to north and from west to east. The existing site will be formulated to suit required levels. The neighbouring land to the perimeter of the site will be maintained as existing with the introduction of retaining structure walls.

A new site access is to be provided from Royley. Due to the site levels pedestrian access will be available to the tenants of the apartment block which overlooks Highlands Road.

The site has no public footpaths or rights of way. It is currently not accessible by the public and is surrounded by a secure fence which was erected by the applicant.

THE PROPOSAL

A full planning application has been submitted for 12 dwellings and eight apartments.

Houses range from 1½ to 2 ½ storey in height and all provide 200% parking. The apartment block is a 4 storey building but due to site levels will be 3 storeys when viewed from Highlands Road.

The site comprises vehicular and pedestrian access off Royley into a single 5.2m wide cul-de-sac access road, with a 1.8 metre footpath on either side of the road.

The application seeks consent for 12 No. houses constructed in either a semi-detached or detached form, or a 4 storey apartment block comprising:

- 8, one and two bedroom apartments;
- 2, two bedroom dormer bungalows; and
- 10, three bedroom dwellings.

PLANNING HISTORY

PA/340555/17 - Erection of 12 no. dwellinghouses and 8 no. apartments. Withdrawn.

PA/338037/16 – Proposed residential development of 4no. dwellings. Approved 24/6/2016

PA/053258/07 - Reserved matters application in relation to PA/50959/06 for all reserved matters (scale, appearance and landscaping) for erection of 28 no. apartments. Granted 26/7/2007

ALLOCATION AND PLANNING GUIDANCE / POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is re-iterated within paragraphs 12 and 210 of the NPPF.

The site is not allocated for any specific use within the Council's adopted Local Development Framework (LDF).

The following policies of the Council's LDF are relevant to the determination of this application:

Joint Core Strategy and Development Management Policies Development Plan Document adopted 9 November 2011 (the 'DPD')

Policy 1 Climate Change and Sustainable Development
Policy 3 An Address of Choice
Policy 5 Promoting Accessibility and Sustainable Transport Choices

Development Management Policies

Policy 9 - Local Environment
Policy 14 - Supporting Oldham's Economy
Policy 20 - Design

Supplementary Planning Guidance

Oldham and Rochdale Residential Design Guide

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, by neighbour notification, by press advertisement and by site notice. One representation was received, commenting on a raised water table being present on the site which has prevented it being developed in the past.

CONSULTATIONS

Highways Engineer - No objections, subject to conditions in relation to car parking and street layout.

Greater Manchester Police - No objections subject to a condition in relation to physical security

Drainage - No objections, subject to a condition requiring the submission of a drainage plan.

Environmental Health - No objections, subject to a condition requiring the submission of a

contaminated land survey.

DETERMINING ISSUES

1. Principle of the development
2. Environmental design, appearance, landscaping and impact
3. Environmental impact
 - Flood risk and drainage
 - Land and Groundwater conditions
4. Access, servicing, parking and highway safety

ASSESSMENT

Principle of the development

As the site is unallocated in the current DPD, it is considered that the most relevant policies to consider when determining the principle of the development are policies 1 and 3 of the DPD. Policy 1 states at point b) that proposal will be supported where they *“meet Oldham’s housing needs and demands by focusing residential land in sustainable and accessible locations in regeneration areas (including Oldham Town Centre and the Housing Market Renewal area), also in areas within and accessible to the borough’s other centres (of Chadderton, Failsworth, Hill Stores, Lees, Royton, Shaw and Uppermill), and in rural settlements (such as the Saddleworth villages).”*

The policy goes on to state that proposals that are of a high quality and reduce the risk of flooding and promote the prudent use of resources will also be supported.

It is therefore considered that the proposal does not conflict with the aims and guidance contained within policy 1 of the DPD

Policy 3 sets out the council’s approach for managing the release of housing land. Whilst the principle of residential development may be acceptable, it is considered necessary to assess the application against the three criteria above as required in Policy 3.

These three criteria are considered in turn below.

i) Housing land supply position

It is acknowledged that the proposal would provide a valuable contribution towards the borough’s housing land supply in what is considered to be a highly accessible and sustainable location.

i) Delivery of the borough’s regeneration priorities

The application site would consist of appropriate development for this area. In addition, as the proposal is for 2 and 3 bedroom homes and apartments it contributes to the mix of house types within the area, and will support regeneration of land in the local area.

i) Delivery of affordable housing to meet local affordable housing needs

The capacity of the proposed site does meet the threshold set out in Policy 10 for 15 dwellings or above. However, the applicant has submitted a viability assessment which makes clear that due to the abnormal costs associated with developing the site due to the site history of fly tipping (and the potential for significant land contamination) and the topography meaning that a large amount of piling for instance is required, it is not possible to provide any Section 106 contributions associated with the scheme. Having been assessed, the LPA does not believe that the proposal can support any contributions in this instance.

In addition to the above Policy 3 also states that the use of previously developed land and vacant or underused buildings is the council’s first preference for residential development

and the availability of such land, both in the locality and borough-wide, as assessed by the council's monitoring arrangements, will be the first consideration when regarding applications on greenfield sites. The site has been used for fly tipping and is in an unkempt state and it is considered therefore that the development of the site can be supported in principle.

Environmental design, appearance, landscaping and impact

Guidance within Section 7 ('Requiring good design') of the NPPF document is relevant, together with policies 1 (Climate Change and Sustainable Development), 9 (Local Environment) and 20 (Design), which provide guidance on the design of new development.

Site layout –

The site comprises vehicular and pedestrian access off Royley into a single 5.2m wide cul-de-sac access road, with a 1.8 metre footpath on either side of the road.

Given the previous consented proposal was for 28, 2 bedroom apartments it is considered that the scheme submitted follows the principles as set out in the Oldham & Rochdale Residential Design Guide SPD more effectively and more accurately reflects the prevailing character of the area and also works more effectively with the topography of the land.

The properties all have an active frontage to the new cul-de-sac. The siting of the dwellings furthermore provides a secure environment to the front of the properties with private amenity space provided in the rear gardens of the houses. A parking court is provided for the apartment block. All houses are designed to have private rear access with all refuse storage areas contained within rear gardens.

Turning to the relationship of the proposed apartment block with Highlands Road, it is noted that the proposed block lies forward of the existing building line. However, when looking at the existing dwellings being constructed adjacent to the proposed block, it is apparent that the building line has effectively been 'broken up' as the site layout approved under PA/338037/16.

The overall site layout is considered to be acceptable.

Building design and impact –

The scale of the new build respects the local vernacular, all of which is to a domestic scale and constructed in traditional materials. In relation to the apartment block fronting on to Highlands Road, it is noted that the property will be three storeys in height towards Highlands Road, whereas the existing traditional post-war semi-detached properties are two storey. However, when taking into account the separation distance between them, it is not considered to be overbearing.

Turning to the proposed dwellings, due to the levels associated with the development, there is considered to be no issues in relation to overlooking with the existing properties, as it will be the proposed dwellings which will be overlooked by the existing dwellings of Royley. In relation to the properties facing on to Malvern Close, there is a 15m distance from the rear to the side elevations of the existing properties which is considered acceptable. Where the dwellings are sited rear-to-rear a distance of 20m would normally be advocated. In addition to the siting, the landscaping plan details additional planting alongside the retaining wall to further ameliorate the impact of the proposed dwellings.

Responding to the local residential schemes, the fenestration choice is both simple and complimentary to their development. A choice of facing brickwork and plain slate grey roof tiles will work well with adjacent properties, with the mass of brickwork broken up by brick soldier courses and cills. Entrances are covered with robust and purpose built canopies.

The proposed location, scale, massing and design of the building 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.

Boundary treatments are shown on the submitted plans and will be conditioned as part of any approval granted. These detail retaining walls to be utilised and traditional 1.8m high timber fencing to rear boundaries.

Designing Out Crime-

The applicant submitted a Crime Impact Assessment which has been consulted on with the Greater Manchester Police Architectural Liaison Officer (PALO). The PALO has stated that subject to a condition securing the measures identified, they have no concerns with the proposal in principle. 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 can 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

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.

The site is not within an area identified as being at risk from flooding within the Environment Agency's Indicative Flood Maps. It is noted that the response received from a member of the public mentioned the issue of a raised water table; however the Drainage consultee has stated that subject to the submission of a drainage plan, there are no concerns with the proposal in principle.

Therefore in taking account of the planning history of the site 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 Council's Joint 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.

Due to the previous fly tipping on the site, Environmental Health have requested a condition requiring the submission of a land contamination report, therefore it is considered that the proposal does not conflict with the aforementioned policies and guidance. Furthermore, an informative could 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 Joint DPD, also guidance contained within the Oldham and Rochdale Design Guide's set out the standards and criteria against which the highway implications of the development are assessed.

The proposal has been assessed by the council's Highways Engineer who has stated that subject to a condition in relation to provision of parking spaces, there are no objections to the proposal. Therefore in taking account of the 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 the aforementioned policies.

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. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or two years from the date of approval of the last of the reserved matters.

Reason - To comply with 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 10/01/2018, which are referenced as follows M2873 (PL) 100, M2873 (PL) 101, M2873 (PL) 102, M2873 (PL) 103, M2873 (PL) 104, M2873 12G, M2873-13, M2873 PL 16 Rev E and M2873 (PL) Rev D.

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. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning authority. The scheme shall be completed in accordance with the approved plans.

Reason - To reduce the risk of flooding.

5. 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 site layout plan (Ref: Dwg No.M2873-12G). 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.

6. No development shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason - In order to protect public safety and the environment.

7. Prior to the commencement of any development, details of a scheme for protecting the nearby properties from noise and vibration from demolition/construction works shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved measures.

Reason - To protect the occupiers of nearby premises from unnecessary disturbance from noise and vibration.

8. The development shall be implemented in accordance with the submitted Crime Impact Assessment and its associated measures, detailing measures to minimise the risk of crime and meet the specific security needs of the application site and the development. The development shall not be brought into use until the approved measures have been implemented, which shall thereafter be retained and maintained for the lifetime of the development.

Reason - To ensure that the detailed design of the proposed development provides a safe and secure environment and reduces opportunities for crime

9. No development shall take place unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local

Planning Authority and these works shall be carried out as approved. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

Reason - To ensure that the development site is landscaped to an acceptable standard in the interests of protecting the visual amenity and character of the site and its surroundings.

10. All hard and soft landscape works for the site to comply with condition 9 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 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.

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.

11. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced or before the buildings to which the treatment relates are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure an acceptable form of development is achieved in the interests of amenity as such details were not submitted with the application.

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