

APPLICATION REPORT - PA/339626/17

Planning Committee, 18 July, 2018

Registration Date: 31/01/2017
Ward: Werneth

Application Reference: PA/339626/17
Type of Application: Full Planning Permission

Proposal: Erection of one detached two storey dwelling on plot 4
Location: Woodfield Centre, Netherfield Close, OLDHAM OL8 4ET
Case Officer: Matthew Taylor

Applicant Mr Subhan
Agent : Mr Amjad

THE SITE

This application relates to an area of land that previously contained a large detached former NHS building that has been demolished. It is bounded by residential properties to the south and west, with Werneth Park and the Hollies Resource Centre to the north and east respectively.

THE PROPOSAL

Planning consent is sought for the erection of 1 no. four bedroom detached dwelling with associated parking and gardens.

The proposed dwelling measures 10.8 metres in width by 11.7 metres in length, projecting 6 metres in height to the eaves and 9 metres to the roof ridge. The property is designed with a central entrance porch and first floor balcony with an enclosing one metre high balustrade. The front of the dwelling has been designed with a ground floor front canopy either side of the central porch. The dwelling is proposed to be constructed with facing brick, grey concrete interlocking tiles and a pitched roof.

RELEVANT HISTORY OF THE SITE:

PA/341212/18 - Proposed detached dwelling (Plot No. 8) – Pending Decision.

PA/339626/17 - Erection of one detached two storey dwelling on plot 4 – Pending Decision.

PA/338198/16 - Reserved matters application relating to PA/333239/12 for the erection of one dwelling on Plot No. 7. Appearance, Landscaping, Layout, and Scale to be considered – Granted 26/07/2016.

PA/337155/15 - Reserved matters application relating to PA/333239/12 for the erection of one dwelling on plot 9. Appearance, Layout, and Scale to be considered – Granted 12/01/2016.

PA/337028/15 - Reserved matters application relating to PA/333239/12 for the erection of

one dwelling on plot 6. Appearance, Layout, and Scale to be considered – Granted
27/07/2015

PA/337026/15 - Reserved matters application relating to PA/333239/12 for the erection of one dwelling on plot 2. Appearance, Layout, and Scale to be considered – Granted
27/07/2015.

PA/336953/15 - Reserved matters application relating to PA/333239/12 for the erection of one dwelling on plot 12 – Granted 15/07/2015.

PA/336951/18 - Reserved matters application relating to PA/333239/12 for the erection of one dwelling on plot 8. Appearance, Layout, and Scale to be considered – Granted
22/07/2015.

PA/333239/12 - Outline planning application for 12 detached dwellings. Access to be considered, all other matters reserved - Granted, Subject to legal agreement 16/10/2013.

RELEVANT PLANNING POLICIES & GUIDANCE

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.

Joint Development Plan Document

Policy 1 - Climate change and sustainable development;

Policy 3 - An address of choice;

Policy 5 - Promoting Accessibility and Sustainable Transport Choices';

Policy 9 - Local environment;

Policy 11 - Housing;

Policy 20 – Design; and

Policy 23 - Open space and sports.

CONSULTATIONS

Pollution Control	Recommend contaminated land/landfill gas conditions and informative notes.
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Traffic Section	Recommend a condition and informative note.
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REPRESENTATIONS

This application was publicised by way of a site notice and neighbour notification letters. One objection has been received on the grounds of the lack of information and proximity to the common boundary.

PLANNING CONSIDERATIONS

Principle of development

It is noted that the principle of a housing development on the former Woodfield Centre site was established by the approval of the outline planning permission for 12 no. dwellings (Ref: PA/333239/12). Given this proposed dwelling is to be erected on Plot no. 8 of this previously approved outline consent, consideration of the development is limited to the details of appearance, landscaping, layout and scale that were reserved at outline stage.

Design

In regards of design, visual amenity and impact on the street scene, DPD Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment, DPD Policy 9 requires that development does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape, nor should it cause significant harm to the amenity of neighbouring occupants. DPD Policy 20 is also relevant, as it seeks to promote high quality design.

The proposed dwelling is of an appropriate design, scale and massing in comparison to the existing approved reserved matters applications for dwellings on the site. As such, it is considered that the development accords with the design principles set out in DPD Policies 9 and 20.

Residential Amenity

Policy 9 states it is necessary to consider the occupants of adjoining residential properties from the impacts likely to be associated with the proposal.

The most likely affected neighbouring properties would be the surrounding plots and the existing neighbouring property to the rear, No's. 11 and 15 Anselms Court. The most likely effected plots include Plot No's. 3, 5, 10 and 11.

Impact on the Plot No's. 3 and 5:

The proposed dwelling includes both ground and first floor side elevation windows that could have an outlook towards these adjoining plots. As such, it is considered expedient to attach a condition removing Permitted Development right for the insertion of any additional windows, doors or other openings, in the side elevations of the proposed dwelling and a condition that requires that all the proposed side elevation windows be installed with obscure glazing.

Impact on Plot No's. 10 and 11:

It is noted that an approximately 12 metre separation distance would exist between the proposed front elevation of the proposed dwelling and the front garden boundary of Plot No's. 10 and 11 opposite. Although the proposal involves a front balcony, it is considered that the proposed dwelling would not result in significant overlooking over front garden areas or habitable room windows of these future adjacent properties.

Impact on No's. 14 and 15 Anselms Court:

From the submitted site layout plan it is clear that these neighbouring dwellings are orientated at an oblique angle to the proposed dwelling, and a separation distance of approximately 17 metres would exist between the rear elevation of these neighbouring

properties and the proposed property's rear elevation windows. Whilst the single storey rear extension will project approximately 3.5 metres closer to the common boundary with this neighbouring property, it is considered that this will not have a detrimental impact on the occupiers existing residential amenity given that it is only single storey in height and has no rear facing windows.

Impact on the Future Occupiers

DPD Policy 9 states that the council will ensure development does not cause significant harm to the amenity of the occupants and future occupants of the development. To this end, the development has been assessed against the national 'Technical housing standard-nationally described space standards', March 2015.

Given the scheme complies with these Standards it is concluded that the development will provide appropriate living space for the future occupants of the development.

Given the above, it is considered that the impact on neighbouring amenity and the amenity of future occupiers is acceptable and in accordance with Policy 9 of the Oldham LDF Joint DPD.

Open Space

DPD Policy 23 states that all residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable.

From the site history, it is noted a financial contribution of £78,711.48 was agreed on the Outline approval for twelve dwellings, on the Woodfield Centre site (Ref: PA/333239/12). However, 'reserved matters' and 'full' applications on a plot by plot basis have been submitted subsequently. This has resulted in the original application site being split into 12 different plots and ownerships.

To this end, it is the Council's view that regardless of the present or future ownership, this is overall one development site, as it follows the layout approved by the outline application site (Ref: PA/333239/12). Therefore the individual plots should be subject to a pro rata contribution. The planning agreement was towards improvement works to the existing open space in the locality, hence a pro rata contribution of £6309.29 per plot. Payment would be required on execution of the agreement.

In response to this the applicant has now confirmed agreement to this requirement. Subject to completion of the legal agreement and payment of the required contribution, the proposal complies with DPD Policy 23.

Highway Safety

In terms of highway safety, the Council's highway engineer has raised no objection to the proposal, subject to the inclusion of conditions requiring that the access road and parking provision for the future occupiers of the property is completed prior to its occupation. A condition is attached to the recommendation.

Land contamination

Contamination:

The fifth bullet point to paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Given the above, it is considered appropriate to impose a condition requiring intrusive site investigations and the submission of a remediation strategy before any development takes place. The need for such a condition is also identified by the Council's Environmental Health Section. An appropriate condition has been recommended in this regard in order to ensure that the development does not conflict with the requirements of the NPPF.

Conclusion

It is considered that the proposed dwelling is acceptable in land use terms and would not have a harmful effect on neighbour amenity, nor have a detrimental impact on the character of the existing street scene. There are no highways or other issues raised by this application. It therefore complies with DPD Policies 1, 3, 5, 9, 11, 20 and 23 and consequently is recommended that permission be granted subject to conditions.

RECOMMENDATION

1. That Committee resolves to approve the application subject to the following conditions and to the completion of a legal agreement to secure a commuted payment of £6309.29 for the improvement of existing open space in the locality.
2. That authority is granted to the Head of Planning and Development Management to issue the decision notice upon satisfactory receipt of the planning obligation.

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, which are referenced as follows:

Drawing No: FS-PP-01, received on 31/01/2017.

Drawing No: FS-PP-02, received on 31/01/2017.

Drawing No: FS-PP-03, received on 31/01/2017.

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

3. Notwithstanding the details shown on the approved plans no development shall take place unless and until samples of the materials to be used in the construction of the external surfaces, and detailed specification and colour scheme for all external doors, windows and rainwater goods 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 in the interests of the visual amenity of the area.

4. The dwelling hereby approved shall not be brought into use unless and until the access road and car parking spaces for the dwelling have been provided in accordance with the approved plan received on 19th December 2017 (Ref: Dwg No. 6063/1). 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 space 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.

5. 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.

6. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk 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, because the site is located within 250m of a former landfill site.

7. 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. The hard landscape details shall include proposed finished levels or contours; means of enclosure and hard surfacing materials where relevant. The soft landscaping works shall include planting plans and written specifications. These works shall be carried out as approved and prior to the first occupation of the property.

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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any Order amending or replacing that Order with or without modification), no windows, doors or other openings except those hereby permitted shall be inserted in the side elevations of the dwelling without the prior written approval of the Local Planning Authority.

Reason - To ensure that the amenity of the neighbouring plots is not harmed by future alterations to its elevations.

9. The proposed windows shown on the approved plan in the first floor of the side elevations of the building shall be provided with and permanently glazed in obscure glass to level 3 obscurity or above.

Reason - To protect the amenities of occupiers of nearby properties.

..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**



