

APPLICATION REPORT - PA/341827/18

Planning Committee, 18 July, 2018

Registration Date: 23/05/2018
Ward: Shaw

Application Reference: PA/341827/18
Type of Application: Full Planning Permission

Proposal: Erection of a single detached dwelling to replace a former commercial storage building alongside an associated outbuilding, garden and parking area

Location: Land at Buckstones Road, Oldham, OL2 8LJ

Case Officer: Matthew Taylor

Applicant Mr Trippier
Agent : M Jones Planning Consultancy

THE SITE

The application site comprises a vacant parcel of land that was previously occupied by a commercial storage building used in connection with a landscape gardening business. The structure was already in a dilapidated condition with only the framework existing on site at the time of a previous application in 2017. The building has now been totally demolished.

THE PROPOSAL

This application proposes a variation to a development which was approved in October 2017. The variations between the two schemes are material considerations in the assessment of this application.

The present application seeks the erection of a detached dwellinghouse, 16.8 metres in length by 6.1 metres in width, with accommodation provided over three levels (one below ground). The exposed elevations of the building comprise vertical walls to a height of 3.7 metres constructed in coursed stone. This height allows the lower section of the first floor to be incorporated with the remaining height achieved within a low pitched, grey slate roof rising to 5.3 metres. The works will comprise:

1. A subterranean area containing a home office, store room, wc and boiler/utilities room;
2. A ground floor comprising the main entrance and hallway, a living room, and a dining room/kitchen which will be achieved by excavating the existing ground level by approximately 1.5 metres;
3. A first floor comprising three bedrooms, two of which are en-suite, and a separate bathroom and wc;
4. A 1.5 metre wide terrace with balustrade which will extend around the side and rear of the building;
5. A pitched roof shed measuring 2 metres in length by 1.8 metres in width;
6. A car parking area and elongated garden curtilage will also be provided.

The previous approved dwelling under application PA/340501/17 involved the demolition of an existing commercial storage building and the erection of a detached dwelling, 16.9m in length and 6m in width on a single level rising to 2.4 metres to the eaves and 3.8 metres to the ridge and comprising:

1. A single floor comprising main entrance and hallway, a living room, kitchen area, three bedrooms, one en-suite, and a bathroom
2. A pitched roof shed will be provided measuring 2 metres in length by 1.8 metres in width;
3. A car parking area and elongated garden curtilage.

RELEVANT HISTORY OF THE SITE:

PA/340501/17 - 1) Demolition of existing commercial storage building 2) Change of use of storage yard to form single detached dwellinghouse and associated garden and parking area – Granted 25/10/2017

CL/340139/17 - Application for a Certificate of Lawfulness in relation to existing use of land and building for commercial storage in connection with a landscape gardening business – Granted 20/06/2017.

Application no. 24902/89/C 'Agricultural Building' was granted conditional planning permission on 14th December 1989. This permission was implemented and the agricultural building was part-erected in 1990. It does not appear to have been completed.

RELEVANT PLANNING POLICIES & GUIDANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 within the National Planning Policy Framework (NPPF) reiterates that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the 'development plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. It contains the Core Strategies and Development Management policies used to assess and determine planning applications. This application site is allocated as Green Belt on the Proposals Map associated with the Joint Development Plan Document. Therefore, the following policies are considered relevant:

Core Strategies:

- 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 11 - Housing;
- Policy 20 - Design;
- Policy 22 - Protecting open land; and
- Policy 23 - Open spaces and sports.

CONSULTATIONS

Traffic Section	Does not wish to restrict the granting of planning permission.
Pollution Control	Recommended a contaminated land condition.
Shaw & Crompton Parish Council	Recommended refusal as the development is inappropriate development in the green belt.

REPRESENTATIONS

This application has been referred to the Planning Committee for determination on the request of Councillor Howard Sykes, as he supports the proposal..

The application has been advertised by means of neighbour notification letter and site notice. One letter of support has been received.

PLANNING CONSIDERATIONS

Green Belt policy

The application site is located within the Green Belt. DPD Policy 22 states that the main purpose of the Green Belt is to keep land permanently open. The NPPF expands on the approach to be taken in determining proposals for development within the Green Belt. Paragraph 80 defines the five purposes of the Green Belt, one of which, assisting in safeguarding the countryside from encroachment, is relevant in the context of this application.

NPPF Paragraph 87 goes on to confirm that inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. Furthermore, 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. It does however set out various exceptions. These include:

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use(excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

As the original building has now been demolished, any assessment of Green Belt openness would normally have regard to the present condition of the land as a cleared site. However, the previous permission for a new dwelling remains extant and could be implemented. This therefore represents a fall-back position which is material to assessing the application. Therefore, it is appropriate to assess the impact of the proposed building relative to the approved structure.

It is noted in paragraph 5.2 of the applicant's supporting statement that reference is made to assessment of whether the revised design has a "significantly greater" impact on the openness of the Green Belt. However, it is important to note, as quoted above, that this is not the test set out in the NPPF, which requires only an assessment of "greater" impact. That greater impact does not need to be deemed significant to demonstrate harm to

openness.

In granting the previous approval the planning officer's report stated that "It is well screened from the views along Buckstones Road by existing planting and vegetation adjacent to the highway. Whilst views across the site are possible from the access road adjoining the site, when the site is viewed from the access road, the proposed development would appear as an obvious feature within the landscape. The proposed dwelling has clearly been designed sympathetically with the topography of the application site and is of similar size and scale to the existing structure on site. For this reason, the proposed development would have no significant impact on openness of the Green belt, when viewed from this long distance view".

*It goes on to state that "As the proposed would be **single storey**, it is considered that the building is designed so that there would be no significantly increased impact on the visual openness of the Green Belt or any conflict with the main aims and objectives of Green Belt policy"*

Whether the proposal involves appropriate development in the Green Belt?

In the context of NPPF paragraph 89, in order for the proposal to comprise "appropriate development" in the Green Belt, the decision taker must be satisfied that "it would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development". As noted above, the previous application was deemed to satisfy that test.

In terms of issues of openness and visual amenity, in the Court of Appeal case of Turner v Secretary of State for Communities and Local Government and East Dorset Council (2016) it was observed that visual impact is implicitly part of the concept of the openness of the Green Belt, and that such assessment is not restricted to volumetric comparison only. It is open to the decision taker to consider the impact on openness in the context of the site itself, the type and character of development proposed, and how this relates to the existing situation.

In volumetric terms the presently proposed dwelling would involve an increase in volume from approximately 300 cubic metres to approximately 700 cubic metres. The applicant's supporting statement references an appeal decision for a basement extension to a dwelling in the Green Belt in which the Inspector concluded that, in that instance, it would not result in a 'disproportionate' addition to the original dwellinghouse. However, this decision relates to an assessment under a separate exception criteria of NPPF paragraph 89 i.e. "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building". This is not the test which applies in this instance, which is one of openness and the purposes of the Green Belt.

In this regard, it is acknowledged that a large proportion of the new dwelling will be below the existing and proposed ground level, and consequently it is accepted that it will have no impact on openness. Nevertheless, the new building will result in a structure approximately 40% greater in volume than the approved scheme above resultant ground level.

In reaching the previous decision on this site, significant regard was given to the fact that the replacement building would reflect the structure to be demolished in its scale, appearance, and massing. Notwithstanding the provision of the basement, which is of substantial size and a scale which duplicates the floors above, the removal of earth to create the ground floor of the new dwelling will result in a building of both significantly greater mass and visual impact. It is acknowledged that the building has been carefully designed to place almost all first floor window openings in the roof slope, however, this is only achieved by

creating a high eaves which results in a significant area of blank facing wall between the ground floor windows and eaves level. This design does not however reduce the overall impact of the proposed building on the openness and visual amenity of the Green Belt.

In drawing this conclusion, due regard has been given to the fact the overall height of the building relative to Ordnance Datum has not increased (by excavating the previous ground level). However, this still results in a greater height and bulk of the building above ground level.

Secondly, regard has been given to the screening provided by natural vegetation on the hillside. The greater massing of the building will be visible from public vantage points. It is not determinative to this assessment to show that those views are expansive, either in number or proximity, although due regard must be given to the particular circumstances of the site.

Consequently, it is considered that the proposal would have a greater impact on the openness of the Green belt and therefore represents inappropriate development in the Green Belt. It is therefore necessary for the applicant to demonstrate whether there are very special circumstances to outweigh the harm to the Green belt, and any other harm, by reason of inappropriateness.

In the supporting statement, the applicant makes reference to problematic ground conditions which would have led to the need for a piled retaining structure and which would add to the build costs. As a result, the statement suggests that consideration was given to lowering the floor slab, whilst retaining the existing roof level. This results in greater internal head height which would allow for the creation of a first floor. Whilst it is stated that this would make the scheme more viable, this would not represent a very special circumstance to outweigh the identified harm, and this could equally be achieved simply by lowering the ground floor level of the originally approved building.

It is acknowledged that the site has a Certificate of Lawfulness for commercial storage, and it is contended by the applicant that this would have more impact than the proposed dwelling. However, this is a general point which would relate to any previously developed site in the Green Belt, and would similarly not represent a very special circumstance.

Consequently, it is considered that the application fails to maintain the openness of the Green Belt, and no very special circumstances have been demonstrated to outweigh the identified harm to the Green Belt

Whether the site occupies an appropriate and sustainable location?

This matter was addressed under the previous application. However, it is necessary to reiterate the conclusions in the context of this application.

DPD Policy 1 seeks the effective and efficient use of land, but prioritises development on previously developed land and aims to protect the borough's designated green belt. Furthermore, it states that residential development should be focused on land in sustainable and accessible locations and should be of high quality and respect the local character of the environment. Policies 3 and 11 also give preference to the use of previously developed sites for residential development.

Policy 3 requires minor development to be located within approximately 480 metres or a ten minute walk of at least two key services. These are specifically defined as areas of employment, major retail centres, local shopping parades, health related facilities and services, schools, post offices and community uses. The Buckstones Primary School is

located approximately 760 metres to the north-west of the site, which equates to a 10 minute walk. Whilst Shaw Methodist Church is approximately 320 metres to the north of the site which equates to a 5 minute walk. As such, it is considered that the site lies in a reasonably sustainable location for the purposes of Policy 3.

Policy 5 requires development to be accessible by public transport. With regard to 'minor' category planning application proposals, this should achieve at least 'Low Accessibility' status which is defined as being within 400 metres of a bus stop. It is noted the proposal is located within this required distance of the existing bus route which operates along Buckstones Road.

Residential amenity

DPD Policy 9 states it is necessary to consider how the proposal impacts on the amenity of the occupants of adjoining residential properties. In this regard, as the proposed development would be sited some 40 metres from the nearest dwelling (to the east of the application site) it is considered unlikely that there would be any significant impact on residential amenity. Other dwellings would be further away and would not be affected.

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

Highway safety

Adequate off-street parking facilities would be available for the property, and in this regard the Highways Engineer is satisfied that the proposed development would not have a significant impact on highway safety in accordance with Policy 9.

Conclusion

By virtue of the fact that the proposed development would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, it is considered to represent 'inappropriate development' and in the absence of any 'very special circumstances' which would outweigh the identified harm, the application is being recommended for refusal.

RECOMMENDATION

Refuse for the following reasons:

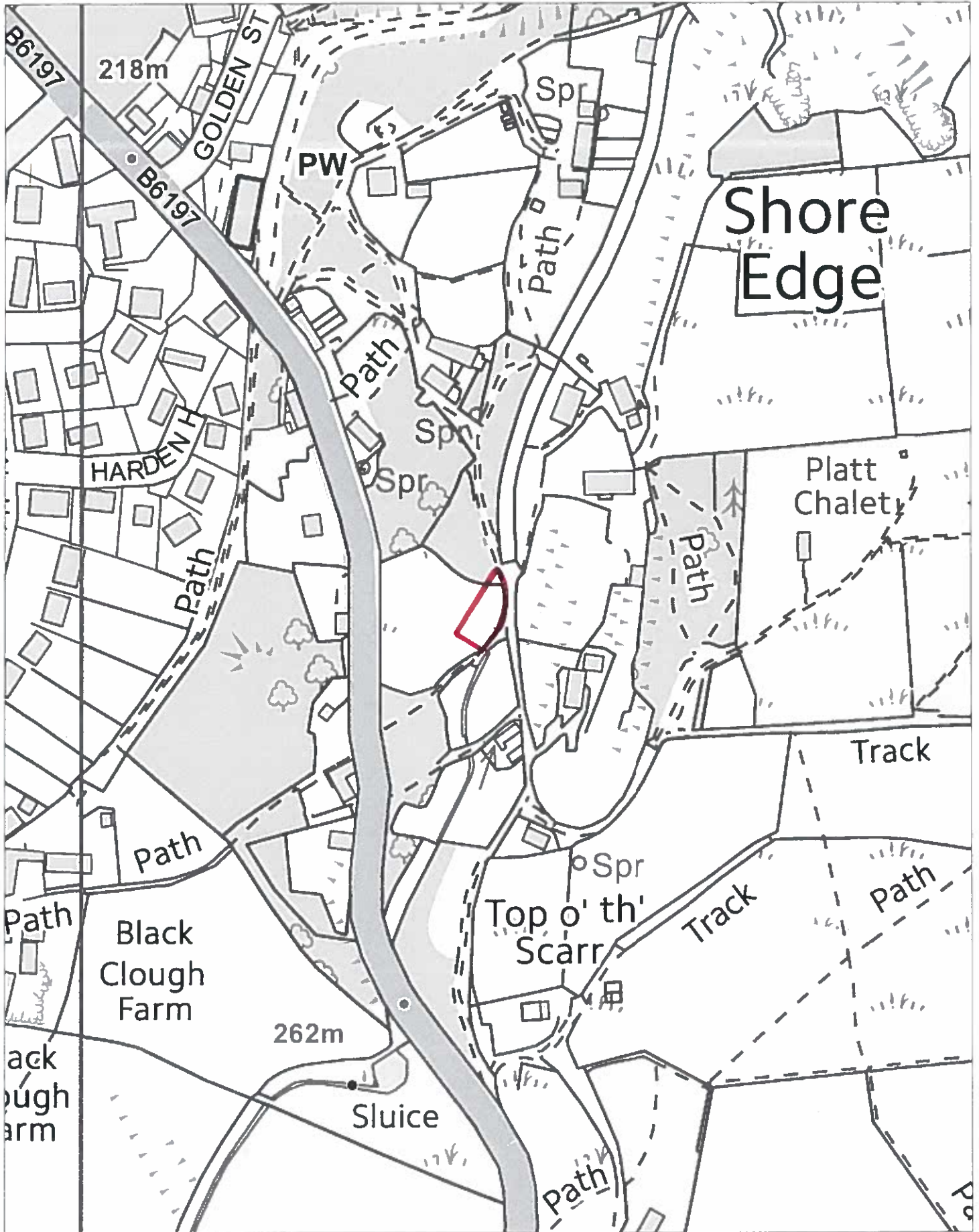
- 1. The proposed dwelling would have a greater impact on the openness of the Green Belt than either the original structure on site or the previously approved single storey dwelling. The development is, therefore, 'inappropriate development' within the Green Belt and, in the absence of 'very special circumstances' which outweigh the harm caused to the Green Belt by reason of inappropriateness, the proposed dwelling is contrary to the provisions of and Policy 22 'Protecting Open Land' of the Joint Development Plan Document which forms part of the Council's Local Plan, and Part 9 'Protecting Green Belt land' of the National Planning Policy Framework.

..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**



PLANNING COMMITTEE - BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING AND INFRASTRUCTURE

PLANNING AND ADVERTISEMENT APPLICATIONS

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information defined by that Act.

THE BACKGROUND PAPERS

1. **The appropriate planning application file:** This is a file with the same reference number as that shown on the Agenda for the application. It may contain the following documents:
 - The application forms
 - Plans of the proposed development
 - Certificates relating to site ownership
 - A list of consultees and replies to and from statutory and other consultees and bodies
 - Letters and documents from interested parties
 - A list of OMBC Departments consulted and their replies.
2. **Any planning or advertisement applications:** this will include the following documents:
 - The application forms
 - Plans of the proposed development
 - Certificates relating to site ownership
 - The Executive Director, Environmental Services' report to the Planning Committee
 - The decision notice
3. Background papers additional to those specified in 1 or 2 above or set out below.

ADDITIONAL BACKGROUND PAPERS

1. The Adopted Oldham Unitary Development Plan.
2. Development Control Policy Guidelines approved by the Environmental Services (Plans) Sub-Committee.
3. Saddleworth Parish Council Planning Committee Minutes.
4. Shaw and Crompton Parish Council Planning Committee Minutes.

These documents may be inspected at the Access Oldham, Planning Reception, Level 4 (Ground Floor), Civic Centre, West Street, Oldham by making an appointment with the allocated officer during normal office hours, i.e. 8.40 am to 5.00 pm.

Any person wishing to inspect copies of background papers should contact Development Management telephone no. 0161 770 4105.

