

# APPLICATION REPORT - PA/342949/19

Planning Committee, 1 July, 2019

**Registration Date:** 21/02/2019  
**Ward:** Shaw

**Application Reference:** PA/342949/19  
**Type of Application:** Outline Planning Permission

**Proposal:** Outline planning application to construct a detached dwelling house - access and layout to be considered all other matters reserved.

**Location:** St James Vicarage, Vicarage Street, Shaw, OL2 7TE  
**Case Officer:** Hannah Lucitt

**Applicant Agent :** Church of England - Diocese of Manchester  
Cordingleys Chartered Surveyors

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## THE SITE

This applicaiotn site is located at land to the south of St James Vicarage.

The dwelling at St James Vicarage is a vacant detached, two storey former vicarage, located at Vicarage Street, within the built up area of Shaw.

The dwelling has private amenity space and parking to the front, and private amenity space, with some substantial trees, to the side and rear.

The application site is flanked on three sides by dwellings, with East Crompton St James C.E Primary School to the rear.

The parking is accessed from Vicarage Street.

## THE PROPOSAL

This outline planning application proposes the erection of one detached dwelling house. Access and layout are to be considered and all other matters reserved.

Access would be gained from Vicarage Street.

The proposed layout shows the dwelling would be set back from the highway, with parking to the front, and private amenity space to the front, side and rear.

This application is being determined at Planning Committee at the request of Cllr Sykes.

## RELEVANT HISTORY OF THE SITE:

PA/342950/19 '1. Conversion and extension of the existing dwelling to form 4no. dwellings following the erection of a two storey side extension, single storey rear extension, and two single storey side extensions. 2) Removal of a section of front perimeter wall to create

parking' is on the Committee Agenda for determination.

## **CONSULTATIONS**

Highway Engineer	No objection, subject to the inclusion of a condition addressing the need for parking and/or garaging facilities clear of the highway as part of a reserved matters application.
Environmental Health	No objection, subject to the inclusion of conditions addressing landfill gas.
United Utilities	No objection, subject to the inclusion of drainage conditions.
Arborist	No objection, subject to the inclusion of a legal agreement securing a contribution in regard to off site planting of trees.

## **REPRESENTATIONS**

This application has been publicised by way of a site notice, press notice and neighbour notification letters. One objection was received by virtue of this publication process, which raised concerns about the proposed development impacting on the structural integrity of neighbouring dwellings, the impact on trees and wildlife, the potential for overlooking, and the increase in noise and disturbance during the construction period.

Shaw and Crompton Parish Council recommend approval.

## **PLANNING CONSIDERATIONS**

The main issues to consider are:

1. Principle;
2. Design and residential amenity;
3. Parking and highway safety;
4. Public open space;
5. Impact on St James's Conservation Area; and,
5. Trees.

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 2 within the National Planning Policy Framework (NPPF) reiterates this requirement.

In this case the 'development plan' is the Joint Development Plan Document 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. The application site is unallocated by the Proposals Map associated with the Joint Development Plan Document. Therefore, the following policies are considered relevant:

- 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 23 - Open spaces and sports;  
Policy 24 - Historic Environment.

Saved UDP Policy D1.5 and the NPPF are also relevant.

### **Principle**

Policy 1, in the context of this application, seeks the effective and efficient use of land, but prioritises development on previously developed land. However, it also 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. Both state that the availability of such land will be the first consideration when considering applications on greenfield sites.

Policy 3 also clarifies the Council's aims to promote development in sustainable locations and on previously developed sites. In the case of proposals on a non-allocated site, it states that such developments will only be considered favourably where a deliverable 5-year supply of housing land cannot be demonstrated, where it contributes towards the delivery of the borough's regeneration priorities, or where it contributes to the delivery of affordable housing needs.

Although the NPPF excludes garden land from the definition of previously developed land, this is not synonymous with a position that all development of such land is unacceptable especially if it achieves sustainable development objectives.

DPD Policy 3 states that new residential developments should be located within 480m 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.

St James C of E Church and East Crompton St James C.E Primary School are within a ten minute walk of the application site, which is located within an established residential area. It is considered reasonable to conclude that the site is located in a sustainable position in close proximity to at least two key services as required by Policy 3.

Policy 5 requires minor development to achieve 'low accessibility' as a minimum which is defined as being within approximately 400m of a bus route with a service, or a combination of services, running less frequently than medium accessibility. The nearest bus stop is approximately 320m from the application site. As such, it is considered reasonable to suggest that the site is well placed in terms of access to bus routes.

Having regard to the above it is considered that the principle of the proposal is acceptable given that the site is in a highly sustainable location. In addition, there is no evidence to suggest that the release of this small area of greenfield land would prejudice the delivery of residential schemes on other previously developed or allocated sites in the surrounding area.

### **Design and residential amenity**

Policy 11 states that housing development within an existing residential curtilage shall not be permitted unless it can be demonstrated that the development:

- is acceptable in terms of design, scale, massing and density;

- is sensitive and compatible with local character;
- does not adversely affect the amenity of adjoining dwellings;
- is acceptable in access and parking arrangements;

It also requires that all residential development must provide adequate garden or other outside amenity space.

DPD Policies 9 and 20 recognise the contribution that high quality design can make to regeneration and sustainable development.

Whilst issues of appearance, scale and landscaping are 'reserved' for future consideration it is nevertheless considered that the site is of a sufficient size to accommodate an appropriately designed dwelling which is compatible with local character and which would not have a significantly harmful impact on the amenity enjoyed by residents of adjoining dwellings.

Given the above, the specific impact on the above will be fully assessed upon submission of further detail as part of a Reserved Matters application. However, 'layout' is to be considered. The layout proposed is typical of the footprint and layout of adjacent dwellings and is considered to be acceptable.

### **Parking and highway safety**

'Access' is a matter to be considered under this application. A new access to the site is proposed from Vicarage Street and no objection has been received from the Highway Engineer. It is not considered that the proposed development would have any significant impact on highway safety and amenity.

Given the above, it is considered that the proposed development would be in accordance with DPD Policy 9 in regard to highway safety and amenity.

### **Public open space**

DPD Policy 23 requires all new residential units to 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 practical nor desirable.

However, Planning Practice Guidance advocates that no contributions should be required for development of 10 or less dwellings and therefore, it is not appropriate for a contribution to be sought. .

### **Impact on St James's Conservation Area**

Issues of design, scale, massing and density cannot be fully considered as matters of appearance, landscaping and scale are specifically 'reserved' and not for consideration under this application. However, 'layout' is to be considered.

Section 72(1) of the The Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'with respect to any buildings or other land in a conservation area,' .... 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. DPD Policy 24 (Historic Environment) together with Part 16 (Conserving and enhancing the historic environment) of the NPPF reflect this duty.

DPD Policies 9 , 20, and 24 are relevant which seek to support development proposals which have an acceptable relationship with adjoining land and property (including the

occupiers of such), whilst being of high quality design which reflects the character and appearance of the Conservation Area.

Policy 24, in the context of this application, states that development within or affecting the setting of a conservation area, including views in or out, must serve to 'preserve' or 'enhance' the character or appearance of the area. The proposal must have a sensitive and appropriate response to context and good attention to detail. Proposals must not adversely affect important architectural or historic features or distinctive local features or structures unless it can be demonstrated that the development brings substantial benefits to the community.

Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. A Planning Statement has been submitted with this application which attempts to justify the proposed works in design terms.

The site is not located within a particularly prominent location, though it is acknowledged that the private amenity space does contribute to the open character and appearance of this specific part of the Conservation Area, when viewed from the end of Vicarage Street. The proposed development would be visible from the south of Vicarage Street.

The small scale nature of the standalone dwelling, within the grounds of the existing dwelling at St James's Vicarage would fit well with the character of the streetscene sympathetic to the detached dwellings on Vine Close, being similar in scale, which would be seen as the backcloth to the proposed development, set back from the front building line of the vicarage.

The impact on the proposed development is considered acceptable, on balance. Without the identification of any discernible harm to St. James's Conservation Area, subject to the inclusion of a condition ensuring the use of re-claimed stone and slate.

Having regard to the above, it is considered that the design of the proposed dwelling would broadly 'enhance' St. James Conservation Area, and is therefore compliant with DPD Policy 24 and Chapter 16 of the NPPF.

## **Trees**

Saved UDP Policy D1.5 aims to protect existing trees on development sites.

The application site contains a large number of trees, 9 of which are to be removed by virtue of this proposed development.

Although landscaping is a 'reserved matter', the works to trees as proposed would be necessary to facilitate the proposed development, and therefore must be considered at this outline stage.

This application requires the removal of two mature trees T17 - mature poplar, T18 - mature sycamore (Category B) and two mixed groups G1 and G4 (limited arboricultural merit) consisting of twenty three trees taken together.

To replace the loss of G1 and G4 at a ratio of 2:1, would require the replanting of forty six

standards at £150 each.

There is indicated replanting within the garden area of the application site of five trees. These indicated five replants would mitigate the loss of T17 and T18, leaving forty six to replant in order to comply with saved UDP Policy D1.5.

The applicant has agreed to a contribution by way of legal agreement to facilitate the outstanding replants off site.

Given the above, no objection has been raised by the Council's Arbourist, subject to a contribution of £7,350 being made for tree planting in the Shaw and Crompton Wards, the proposed development complies with saved Policy D1.5 in regard to protecting existing trees on development sites.

### **Other matters**

The impact on residential amenity, trees in regards to appearance, scale, and landscaping will be considered further upon receipt of a Reserved Matters application.

There is no evidence to suggest that the proposed development could not be implemented without any harm being caused to nearby dwellings in terms of structural stability. An condition has been included within the recommendation to protect nesting birds.

### **Conclusion**

The principle of the proposed development is considered acceptable, the applicaiotn site is located within a sustainable area.

The impact on residential amenity, highway safety and amenity, design and impact on St James's Conservation Area will be considered as pat of a 'Reserved Matters' application.

The impact on trees is acceptable, subject to a contribution, secured by legal agreement for tree planting off site.

The applicaiotn is recommended for approval accordingly.

**RECOMMENDATION** It is recommended that Committee resolves to grant permission: (1) subject to the conditions in the report and to completion of a Section 106 legal agreement in respect of a contribution of £7,350 towards tree planting in the Shaw and Crompton Wards; and, (2) to authorise the Head of Planning & Development Management to issue the decision upon satisfactory completion of the legal agreement.

1. Approval of 1) Scale 2) Appearance and 3) Landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

Reason - To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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.

3. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications:

- Drawing no. 3298/07A received 15th April 2019

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

4. 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.

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. The submission of an application for an approval of reserved matters for the development shall show details of the provision made for parking and/or garaging facilities clear of the highway which should include the means of access to the building, gradients and sight lines.

Reason - To ensure adequate highway and drainage standards are achieved so that parking does not take place on the highway to the detriment of highway safety

7. No development comprising the construction of external walls or roofs shall take place unless and until samples of the re-claimed stone and slate to be used 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.

12. No tree or shrub clearance shall take place between 31st March and 31st August in any one year, unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interests of protecting nesting birds.

17. No development shall commence unless and until a detailed drainage scheme has been submitted to and approved in writing by the Local Planning authority. The scheme shall then be completed in accordance with the approved plans and maintained thereafter.

Reason - To reduce the risk of flooding.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development in Classes A, B, C, D, E, F, G or H of Part 1, or Class A of Part 2, of Schedule 2 to that Order shall be carried out on the site without the prior written consent of the Local Planning Authority.

Reason - The Local Planning Authority considers it expedient, having regard to the density, type and appearance of the development, to regulate any future alterations/extensions to ensure that the character and appearance of the area are not detrimentally affected.

..... **Case Officer**

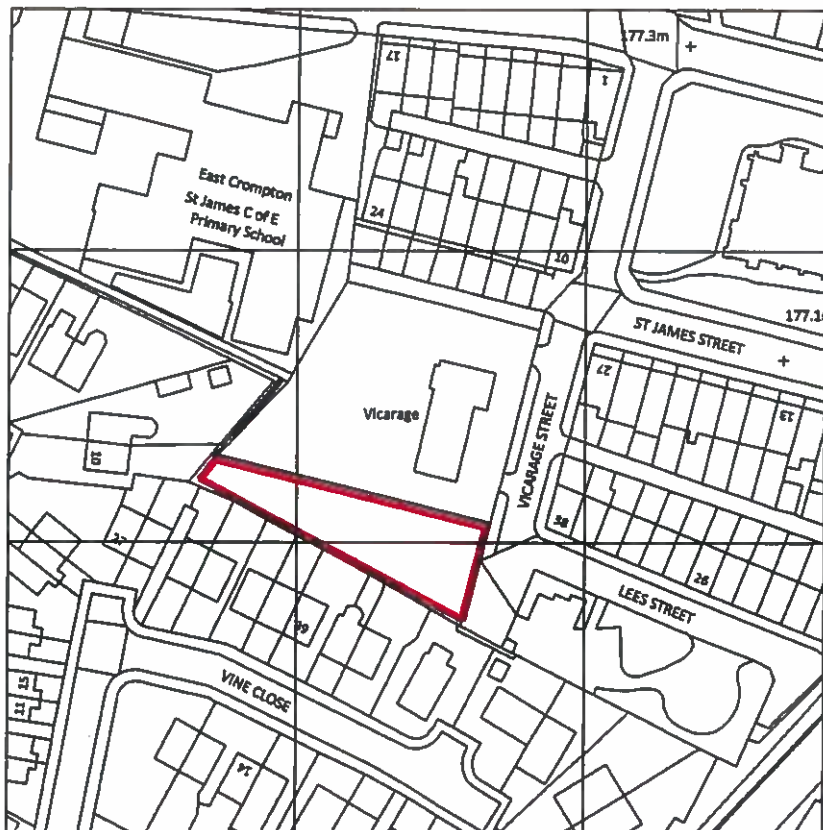
..... **Date**

..... **Planning Officer**

..... **Date**



NB. No survey data has been used for the production of this drawing and therefore all features / boundary positions shown rely on the accuracy of the Ordnance Survey information



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**LOCATION PLAN.**

Drawn By  
Checked By

Date Oct 2017  
Drwg. No. 3295/03

