

APPLICATION REPORT - PA/344197/19

Planning Committee, 21 May, 2020

Registration Date: 21/11/2019
Ward: Saddleworth West and Lees

Application Reference: PA/344197/19
Type of Application: Full Planning Permission

Proposal: Proposed detached dwelling
Location: Land at Moss Lynn, Stonebreaks Road, Springhead, OL4 4BY
Case Officer: Osian Perks

Applicant Mr Entwistle
Agent : M Jones Planning Consultancy

This application is presented to Committee at the request of Cllr Al-Hamdani due to its impact upon the significance of the Stonebreaks Conservation Area and nearby listed buildings.

THE SITE

This application relates to a presently undeveloped area of land located between Stonebreaks Road and Hillend in Springhead. The site is largely overgrown and steeply banked, sloping down towards Stonebreaks Road. A large hedgerow fronts the boundary shared with Stonebreaks Road.

The site is adjacent to No.15 Stonebreaks Road, which is situated at the lower level. On the opposite side of Stonebreaks Road is a row of terraced properties (No.6, No.8 and Ashlea)..

The site is located within the Stonebreaks Conservation Area which contains a mix of property styles and ages.

THE PROPOSAL

Planning permission is sought for the erection of a dwelling. It would front Hill End and would appear two storey at the rear and single storey at the front. It would be built with a dual pitched roof, faced in stone and would have 4 bedrooms.

A parking area will be provided on the north side of the building and a patio area will be provided to the rear facing Stonebreaks Road.

The proposal has been substantially amended since the initial submission in order to address concerns in respect of its design, visual and amenity impact.

RELEVANT PLANNING HISTORY

PA/049222/05 – Detached double garage. Approved 26/05/2005.

RELEVANT PLANNING POLICY

The application site is unallocated in the Local Plan (DPD). The following policies are relevant:

Policy 1: Climate Change and Sustainable Development

Policy 2: Communities
 Policy 3: An Address of Choice
 Policy 5: Promoting Accessibility and Sustainable Transport Choices
 Policy 9: Local Environment
 Policy 11: Housing
 Policy 20: Design
 Policy 21: Protecting Natural Environmental Assets
 Policy 24: Historic Environment

REPRESENTATIONS

The application has been publicised by site notice; letters to neighbouring properties and a press notice. 10 objections have been received relating to 7 addresses and the following concerns have been raised:

- The development will have an overbearing impact upon and result in a loss of privacy to neighbouring properties.
- The development will result in additional water run off, draining and collecting in Stonebreaks Road.
- The development will put pressure on foul drainage systems.
- The development will increase demand for on street parking spaces.
- Due to its size, siting and design the proposed development will harm the character and setting of nearby listed buildings, historic buildings and the Conservation Area.
- The site is an important habitat for nesting birds including the Grasshopper Warbler.
- The site is not entirely within the applicant's ownership.
- Construction could result in a loss of a hedge and wall fronting Stonebreaks Road.
- The development will affect traffic as part of the site is used as an informal parking space.
- Residents pay for upkeep of adjacent roads. Additional traffic and construction traffic from the site could damage the road and residents should not pay for this.
- Large trucks relating to construction activity on the site would restrict traffic flow and access.

Saddleworth Parish Council object on the grounds that the proposal is prominent and will have an overbearing impact on Stonebreaks Road, detrimental to the character and appearance of the Conservation Area. It would also make it more difficult to resist further development on land to north, with potential cumulative adverse effect on the Conservation Area.

CONSULTATIONS

Highway Engineer	No objections subject to provision of the proposed parking area.
Environmental Health	No objections subject to landfill gas and contamination conditions.
Drainage	No objections subject to submission of a drainage plan.
Trees Officer	No objections subject to conditions to protect existing trees.
Greater Manchester Ecology Unit	No objections subject to biodiversity gains and treatment of invasive species.

PLANNING CONSIDERATIONS

Main issues to consider are:

- Principle of Development
- Residential Amenity
- Visual Amenity
- Impact upon Heritage Assets
- Drainage

- Trees and Ecology
- Highway Safety
- Other Issues

Principle of Development

The Council cannot currently demonstrate a five-year supply of deliverable housing land. Paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Given the present Housing Land Supply position, DPD Policies relating to housing are considered out-of-date and so afforded less weight in the 'tilted balance'.

In this regard, whilst DPD Policy 3 notes that allocated sites are considered preferable locations for development and the use of previously developed land and vacant or underused buildings is the council's first preference for residential developments, in the absence of a 5 year supply, development of small scale unallocated sites can be supported where the benefits outweigh any significant identified harm.

DPD Policies 1 and 5 aim to guide development to the most accessible locations and promote and encourage sustainable transport methods. Policy 5 states that as a minimum, new minor development should achieve 'low accessibility' 'within approximately 400 metres of a bus route with a service, or combination of services...'. The proposed development would be sited approximate 390m from the nearest bus route for the 418 bus. As such it is considered that the development would accord with DPD Policies 1 and 5.

In this context, the principle of residential development on the site is deemed acceptable.

Residential Amenity

DPD policy 9 seeks to protect the amenities of the occupants of residential properties by ensuring adequate outlook, levels of natural light and privacy.

The neighbouring property at No.15 Stonebreaks Road has a roof light and a small window within the centre of its rear elevation which would be visible from the proposed dwelling. Whilst there would be some views to the rear amenity space of 15 Stonebreaks Road, subject to obscured glazing of the side facing window and screening from the side elevation of the patio the loss of privacy would not be so severe as to warrant the refusal of this application.

The proposed dwelling would be sited at an elevated position in relation to the terraced properties fronting Stonebreaks Road at No.6, No.8 and Ashlea. Consequently, there may be some overlooking, in particular towards front facing bedroom windows, whilst the relative elevation of the proposed dwelling would increase a perception of overlooking.

However, given a separation distance of 22 metres, the relative off-set position of the properties, and the fact that the primary living accommodation windows and amenity space of the neighbouring houses is situated on the opposite elevation, it is considered that there would not be a significant loss of privacy.

Excavation works will need to be carried out during the construction phase and this could cause significant disturbance to neighbouring occupiers. To protect the amenities of neighbouring properties, it is considered that a condition should be attached to any subsequent grant of permission requiring a scheme for protecting the nearby properties from noise and vibration from demolition/construction works.

In light of the above, it is considered that the erection of the proposed development would not have an unacceptable amenity impact.

Visual Amenity

DPD Policy 9 states that it is necessary to consider how a proposed development impacts visual appearance. DPD Policy 20 requires development to reflect the character of the area in which the development is taking place, reinforcing local identity.

The wider area of Springhead within which the development is sited is defined by a mix of property designs and ages. The proposal will incorporate a style and material finishes reflective of the local vernacular which would be appropriate to its setting.

When viewed from Stonebreaks Road, the proposed dwelling will be largely obscured by existing high hedging along its boundary.

Given its position on a steeply sloping site, the proposed dwelling would be visible from distant vantage points to the east. However, as noted above, the local area is characterised by a mix of properties and this is further reflected in varying levels on the hillside.

In light of the above, it is considered that the proposal would accord with the visual amenity aims of DPD Policies 9 and 20.

Impact upon Heritage Assets

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area and the setting of a listed building.

There are three Grade II Listed buildings The Nook, Hillend; 11 Stonebreaks Road;, and 7 and 9 Stonebreaks Road at a distance of 32m, 40m and 57.3m to the south of the site, respectively. Views from the site to these properties (and vice versa) are disrupted by intervening buildings. Due to this and the considerable distance of separation, it is considered that the proposed development would not have an adverse impact upon the architectural and historic significance of these properties.

Stonebreaks Conservation Area is a small hamlet, the heart of which is a group of houses, including the aforementioned listed buildings, located to the south of the application site. As noted above, the direct environs of the application site contain a mix of buildings, styles, ages, and settings. It is considered that in this context, the development would have less than substantial harm on the Conservation Area.

NPPF paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. NPPF paragraph 196 states that where development proposals will lead to less than substantial harm to the significance of designated heritage assets, this harm should be weighed against the public benefit of the proposal.

This limited harm is weighed against the public benefit of providing an additional dwelling on a site within a sustainable location and provides appropriate justification for the development.

Drainage

In respect of concerns about surface water run-off from the site, no objections have been raised by the Council's drainage team or United Utilities, and there is no evidence that a satisfactory scheme of drainage could not be achieved as an integral part of the development. A condition requiring the full details of the method of drainage will need to be submitted for approval before the commencement of development.

Trees and Ecology

An ecology report which has been undertaken by a suitably qualified ecologist accompanies the application. It has identified that none of the trees which are due to be removed to accommodate the development have potential roost features for bats and the trees and vegetation on site could potentially support breeding birds. Invasive species, Japanese knotweed and Himalayan balsam, are also identified on site.

The Greater Manchester Ecology is supportive of the proposed integration of bird/bat boxes in to the property. The unit has raised no objections subject to appropriate conditions.

The Tree Officer has no objection to the proposed development subject to conditions. To ensure that the hedging adjoining Stonebreaks Road and established trees on and near the site which are not due to be removed are not adversely affected by the development, it is considered that a scheme detailing how these will protected during construction can be secured through the attachment of a pre-commencement condition.

Highway Safety

DPD Policy 9 indicates that development should protect and improve local environmental quality and amenity by ensuring that development will minimise traffic levels and do not harm the safety of road users. Paragraph 109 of the NPPF states:

'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

The plans indicate that there would be two parking spaces on the site. The Highways Officer considers that this would provide adequate parking provision for the occupants of the dwelling.

Part of the site is currently used as an informal parking space for nearby properties, however, the site is in private ownership, and the Local Authority would have no control over ensuring that this arrangement is maintained. Consequently, its loss would not represent a valid objection to the development.

Whilst the development would reduce off-street parking for the occupiers of Moss Lynn, this property has a gated access and garage on land adjacent to it which is considered to provide sufficient parking space.

Given the likely low traffic on this road it is not considered that the development would have a severe impact upon the Highway network.

Other Issues

Whilst there will inevitably be some disturbance during any development, this would not justify refusal of the proposal. Whilst the road is owned and maintained by local residents, the planning process cannot be used as a method to procure payment from any future occupant of the proposed development.

Concern has been raised that part of the site is within Council ownership. The applicant has submitted sufficient evidence to demonstrate that the site is within their ownership.

Conclusion

The proposal will create an additional dwelling in a sustainable location which can be satisfactorily accommodated on the site. Taking into account the Council's housing land supply position, it is considered that the planning balance weighs in favour of the development.

RECOMMENDATION:

Approve subject to conditions:

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 Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the following plans:

- Proposed Site Plan (Drawing Number P-02 Rev A)
- Floor plans & roof plan as proposed (Drawing Number P-03)
- Elevations as Proposed (Drawing Number: P-04)
- External works details (Drawing Number P-05 Rev A)
- Elevations as Proposed – Indicating positions of required Bat and Sparrow nesting boxes (Drawing Number: P-06)
- Bat box/ sparrow box details

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 comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of those external surfaces of the development, including any retaining walls and the roof, have been submitted to and approved in writing by the Local Planning Authority. The 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 details.

Reason - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan.

4. The dwelling shall not be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan Drawing Number P-02 Rev A and the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure 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 having regard to Policies 5 and 9 of the Oldham Local Plan.

5. No development shall commence unless and until a detailed drainage scheme, including surface water discharge, 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 - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to ensure that the site is satisfactorily drained having regard to Policy 19 of the Oldham Local Plan.

6. No development comprising any alterations to existing site levels shall commence until a scheme for protecting the nearby properties from noise and vibration from demolition/construction works has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:

- Hours of operation;
- Working methods;
- Details of plant to be used;
- Details of how noise and vibration will be controlled;
- A schedule of works.

Reason - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.

7. 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety having regard to Policy 9 of the Oldham Local Plan.

8. All planting shall be implemented in accordance with both the approved details as indicated on plan references P-02 Rev A and P-05 Rev 5, and with a detailed specification of the proposed hedge which shall be submitted prior to its implementation. The planting works shall be undertaken in the first available planting season either prior to or following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size.

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 in accordance with Policies 9, 20, 21 of the Oldham Local Plan.

9. No works shall take place, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, until details showing how all existing retained trees and hedges on and adjacent to the site, other than those indicated for removal on the approved plans, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.

Reason - Prior approval of such details is necessary to protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.

10. 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 written report and recommendation have been submitted to and approved 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety having regard to Policy 9 of the Oldham Local Plan.

11. No development shall take place until a scheme to control and prevent the spread of Himalayan balsam and Japanese knotweed is submitted to the LPA for approval. Once approved in full the scheme should be implemented in full.

Reason - Prior approval of such details is necessary as they are fundamental to the initial site preparation works having regard to Policy 9 of the Oldham Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking, re-enacting or modifying that Order, no extensions, buildings, structures, gates, fences or walls shall be erected within the curtilage of the dwelling hereby approved under Schedule 2, Part 1, Classes A, B, C and E or Schedule 2, Part 2, Class A of the above Order except with the express permission of the Local Planning Authority.

Reason - To ensure a satisfactory visual appearance; to protect the appearance and character of the Conservation Area and to ensure an adequate standard of amenity in accordance with Policies 9, 20 and 24 of the Oldham Local Plan.

13. The proposed window shown in the south facing gable wall shall be permanently constructed as fixed lights and provided with and permanently glazed in obscure glazing to a minimum of level 3 on the Pilkington scale. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no additional windows or other openings shall be formed in that elevation without the prior written approval of the Local Planning Authority.

Reason - To protect the amenity of occupiers of neighbouring property having regard to Policy 9 of the Oldham Local Plan.

14. The dwelling hereby approved shall not be occupied until a solid screen to a minimum height above patio level of 1.7m has been installed alongside the south facing side of the patio. The screen shall be retained at all times thereafter.

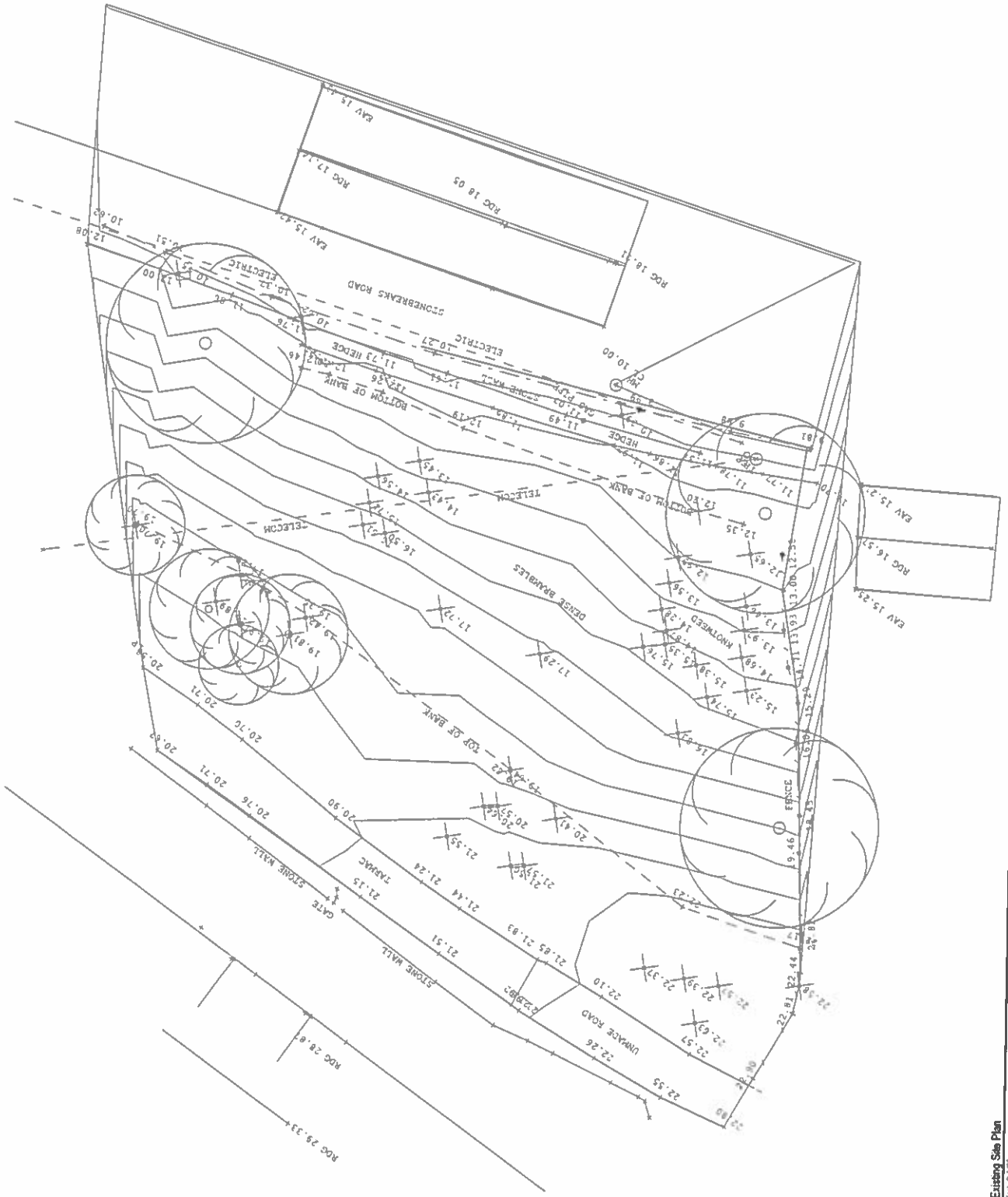
Reason - To protect the amenity of occupiers of nearby property having regard to Policy 9 of the Oldham Local Plan.

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Having first had the site inspected and the boundaries of the proposed site established, the following information is given for the purpose of providing a general guide to the site and its surroundings. It is not intended to be a substitute for a detailed site survey or a full planning application.



Location Plan
Scale @ 1:250



No. Date Description Issued by

Mr. John Entwistle
LAND TO REAR OF MOSS LYNN,
SPRINGHEAD, OLDHAM
PROPOSED DWELLING

LOCATION PLAN & EXISTING
SITE PLAN

Project Number: P-01
Drawing Number: 2/2020
Scale: 1:250
Date: 01/2020
Drawn by: J.E.
Checked by: J.E.

STUDIO 013
ARCHITECTURAL DESIGN
Unit 23 Brookside Business Park, Brookside, Oldham, Greater Manchester, M20 2LH
Email: design@studio013.co.uk Web: www.studio013.co.uk

Existing Site Plan
Scale @ 1:250

