

APPLICATION REPORT - PA/344182/19

Planning Committee, 16 September, 2020

Registration Date: 09/12/2019
Ward: Medlock Vale

Application Reference: PA/344182/19
Type of Application: Full Planning Permission

Proposal: Erection of building comprising 21 apartments (15 x one-bedroom and 6 x two-bedroom) with access, car park, bin store and hard and soft landscaping, including up to 2.1m high boundary enclosures

Location: 4 The Green, Oldham, OL8 2LT

Case Officer: Dean Clapworthy

Applicant Clements Court Properties Ltd
Agent : Millson Group

This application is being reported to Planning Committee in accordance with the Scheme of Delegation as a 'Major' application.

RECOMMENDATION

It is recommended that Committee resolves:

1. To grant planning permission subject to the conditions set out below and to a Section 106 obligation being secured to provide a contribution £59,033.61 towards open space and a contribution to affordable housing equivalent to 7.5% of the total development sales value.
2. To delegate authority to the Director of Economy to issue the decision notice upon satisfactory completion of the planning obligation.

BACKGROUND

Members will recall that Committee resolved to defer consideration and determination of the proposal at the July meeting following confirmation that an administration error had occurred in relation to neighbour/representor notification.

Since deferral, the application has been significantly amended, the detail of which is set out below.

THE SITE

The proposal relates to the site of the former Fytton Arms public house which has been cleared and the level site is now unoccupied with remnant concrete foundations remaining and the former boundary wall.

It is surrounded by residential development including single and two storey dwellings and three storey flats, and a small parade of commercial units to the north-west that accommodates a post office with general store, a small supermarket, a cafe and hot food takeaways.

THE PROPOSAL

The proposal principally comprises the following:

- A three storey flat roofed block accommodating 21 apartments across all three floors (6 two-bedroom flats and 15 one-bedroom flats. The building would be 9.2m in height. Each floor would be served by a stairwell. The block would be positioned with the principal (long) elevation parallel and adjacent to the southern boundary. Elevations would be generally flush with recessed red brick panels (alongside anthracite vertically proportioned fenestration and louvres);
- A re-positioned vehicular access from The Green at the north-west with 28 car parking spaces. There would be a single storey cycle store for 22 bicycles attached at the rear (north-east elevation) of the residential block with internal access from the residential block only;
- Landscaping, private and communal gardens. 2.1 high railings between brick piers would be erected along the western boundary with The Green to enclose the rear of the building and car park. 1.2m high railings will enclose the southern frontage with remaining boundaries to neighbouring dwellings enclosed by 1.8m high timber fencing. There would be a detached bin store adjacent to the vehicular access.

The salient amendments in relation to the original proposal are:

- Retail unit omitted and number of apartments increased from 14 to 21. The ground floor shop front has been removed to be replaced with fenestration replicating the upper floors;
- Overall height reduced by approximately 400mm;
- Principal pedestrian access into the block would be from the southern principal elevation with secondary access from the rear elevation onto the car park;
- Windows to elevation facing east are now narrow slit windows at ground floor and high level windows above;
- Private gardens to some ground floor units introduced.
- Site layout amended to include 28 parking spaces and a detached bin compound.

RELEVANT HISTORY OF THE SITE:

PA/340027/17: Outline application for 2 no. two storey apartment blocks containing a total of 14 no. two bedroom apartments and 2 no. one bedroom apartments. Access and layout to be considered. All other matters reserved. Withdrawn 05 July 2017.

PA/337952/16: Outline application for nine bungalows. Access, Layout and Scale to be considered with all other matters reserved. Withdrawn 07 September 2016.

RELEVANT PLANNING POLICY

The 'Development Plan' is the Joint Core Strategy & Development Management Policies Development Plan Document (DPD) which forms part of the Local Plan for Oldham.

The site is unallocated on the Proposals Map pertaining to the Local Plan. The following policies are 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 10: Affordable Housing

Policy 11: Housing

Policy 18: Energy

Policy 19: Water and Flooding

Policy 20: Design

Policy 23: Open Spaces and Sports

Policy 25: Developer Contributions

CONSULTATIONS

Highway Engineer	No objection, subject to conditions concerning the provision of the access, parking spaces and secure cycle storage.
Environmental Health	No objection, subject to conditions relating to the control of construction noise and a contaminated land investigation.
LLFA	No objection, subject to a condition concerning drainage of the site.
GM Police	No objection, subject to a condition requiring implementation in accordance with the recommendations of the updated Crime Impact Statement.
United Utilities	No objection, subject to a condition relating to drainage.

REPRESENTATIONS

Further to the amendment of the proposal the application has been re-advertised by direct neighbour notification and site notices.

One representation has been received which states support for the amended scheme (whilst expressing reservations about the design and impact on crime due to the one-bedroom apartments, but noting that they consider that the mix of two bedroom apartments would help reduce such impacts).

In relation to the original scheme a 247 signature petition and representations from 12 individuals were received raising the following matters:

- There is not a need for an additional retail unit, which would impact upon the existing retail businesses/post office neighbouring the site which provides numerous services to the area (potentially causing closure). The proposal would not therefore have access to three key services as required by Oldham Local Plan Policy 3
- Concerned by the nature/character of the tenants of one-bedroom flats
- Medlock Vale has a higher ratio of alcohol related harm and there would be an increase in anti-social behaviour, noise and littering
- The development would be out of scale in the context
- Loss of light and privacy to neighbouring dwellings due to the height/position of the development
- Lack of access for disabled people to upper floors as development is served by stairs only
- Almost 10% of homes in Medlock Vale are overcrowded
- The site should be used for alternatives e.g. ground floor flats, family home or playground

PLANNING CONSIDERATIONS

Principle of the development

The Council cannot currently demonstrate a five-year supply of deliverable housing land. The Housing Delivery Test indicates that the delivery of housing in Oldham has been substantially below the housing requirement for the past 3 years.

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:

- i. 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
- ii. 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.

Therefore, in this case the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives: the 'economic objective', the 'social objective' and the 'environmental objective'. The tilted balance favouring sustainable development applies. In this instance the benefits are considered to include the following:

- The significant social benefit of the provision of 21 much needed residential units and the contribution this would make towards Oldham's 5-year housing land supply and towards the affordable housing requirements of the area
- The social and environmental benefit of the re-use of a previously developed site that has good access to public transport, goods, services and facilities
- The economic benefit of creation of short-term construction jobs and development of a vacant site and the additional vitality of occupancy of a new residential development to the community
- No significant assets of particular importance exist nor would there be any harm to the landscape or biodiversity

Original objections significantly related to competition issues concerning the existing retail units (one of which incorporates a post office) at the immediately adjacent local shopping parade. Such matters are not material to the assessment and determination of planning applications, but nevertheless, these concerns are no longer relevant.

Developer contributions

Affordable Housing

The proposal, being for more than 9 residential units, is required to provide an appropriate level of affordable housing provision. The target is for 7.5% of the total development sales value, unless it can be clearly demonstrated that this is not viable. The applicant has indicated a willingness to comply with this requirement.

Open Space

The proposal is required 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 practicable nor desirable.

It has been calculated that the development should contribute £59,033.61 towards the provision/enhancement of open space. It is recommended that this should be directed to St. Martin's play area, St. Martin's Road, Fitton Hill.

Access and highway safety

The Highway Officer notes that the proposed development site is within an established residential area with access to a wide range of local amenities with opportunities for cycling and walking, and that the parking provision and cycle storage is appropriate for the scale of the development. Furthermore, the amount of traffic likely to be generated by a development of this size would not have a significant effect on the local highway network.

Given the above, the proposal would make adequate provision for the various modes of transport and would not have any unacceptable impacts upon highway safety.

Design and visual amenity

The context of the site is mixed residential types as noted above and the adjacent functional commercial units. The site was formerly occupied by a public house of rather functional form and character.

The proposed three storey block would be simple in form and of a similar scale (although not as high) as the three storey apartment blocks on the opposing side of the road to the south-west and would be finished in complementary materials. Recessed windows and brick panels and louvres would add some interest to the appearance. The flat roof, whilst not being a typical feature in the locality would complement the style and character of the building.

The position of the building would form a robust building line to the street and the majority of the site would be dedicated to parking and servicing. It would be framed by hard and soft landscaping with robust, good quality secure enclosures with both communal and private amenity space.

Given the above, it is considered that the proposed development would be of an acceptable scale and form and would enhance the character and appearance of the area to the positive benefit of the neighbourhood.

Amenity

Objections to the original scheme referred to potential impacts upon neighbouring privacy, essentially due to height and position of the proposed development.

The proposed block would be more than 21m from the dwellings on the opposing side of The Green to the south and the gable elevation of the dwellings to the west, across The Green contain non-habitable room windows only. The single storey dwellings to the north of the site would be in excess of 35m from the block.

The dwelling at 2 The Green to the east of the site has a gable elevation containing habitable room windows opposing the proposed east side elevation and the intervening distance is around 13m. Therefore, in order to mitigate impacts upon privacy at the neighbouring dwelling and those in the same terraced row, the fenestration at the east elevation of the apartment block has been re-designed to incorporate narrow slit secondary windows and doors at ground floor (that would enable some surveillance over the private gardens) and high level windows at the upper floors. Furthermore, the proposed development would be positioned to the west of these neighbouring properties.

The height of the proposed development has been reduced by 0.4m to 9.2m, which is not significantly higher than a typical two storey dwelling with a ridged roof (typically around 8m height). It is not therefore considered that it would have an unacceptable impact upon the immediate outlook or daylighting from the neighbouring dwellings at the east.

Thus, it is not considered that the development would have any unacceptable impacts upon neighbouring amenity.

The Technical housing standards - nationally described space standard is a guide to adequate minimum space standards in new dwellings. Taking those standards into consideration, the proposed apartments would achieve a satisfactory degree of amenity for future occupiers, as the standards (for single occupancy for the one-bedroom apartments and three persons for the two bedroom) would be exceeded in all cases.

The Environmental Health Officer has recommended that a condition requiring a scheme to protect neighbouring dwellings from construction noise and vibration is attached.

Other matters

Ground Conditions

The Environmental Health Officer has confirmed that the proposed development is acceptable, subject to the imposition of ground contamination/landfill gas conditions.

Drainage

The Lead Local Flood Authority and United Utilities have confirmed that it would be appropriate to require the imposition of a condition for a detailed drainage scheme.

Energy

The proposal is required to achieve the energy efficiency targets indicated in DPD Policy 18. Therefore, a condition is recommended requiring agreement of the appropriate energy savings.

Security

Objections to the original scheme refer to potential increase in anti-social behaviour. GM Police have not objected to the proposal, subject to a condition to reflect the physical security specifications, including boundary enclosures, as set out in the Crime Impact Statement.

Outstanding objections relating to the original scheme

Disabled access to upper floors is a matter dealt with under the Building Regulations. The nature or character of any potential occupant is not a material consideration.

Conclusion

The Council cannot demonstrate a five-year supply of deliverable housing land and as such, in accordance with Paragraph 11 of the NPPF, there is a presumption in favour of sustainable development unless the adverse impacts of approving the development would significant and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Assessing the balance of the benefits against the harm, there are no significant or demonstrable adverse impacts that outweigh the benefits provided. The proposal is therefore considered to represent sustainable development. Given such circumstances and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework, planning permission should be granted.

Recommended 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 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 following approved plans and specifications:

Location Plan (Drawing No. 2389-DR-700-01)
Site Plan (Drawing No. 2389-DR-700-02 Rev. 5)
Proposed Elevations (Drawing No. 2389-EL-200-00 Rev. 5)
Proposed Floor Plans (Drawing No. 2389-PL-200-00 Rev. 4)
Boundary Treatment Plan (Drawing No. 2389-DR-700-03)

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 materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation.

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. 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.

5. No part of the development shall be first occupied or brought into use until the access to the site and car parking spaces have been provided in accordance with the approved plan Ref: 2389 -DR-700-02 Rev. 5 and with 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.

6. No apartment shall be occupied until space and facilities for bicycle parking have been provided in accordance with the approved plans. These facilities shall then be retained and permanently reserved for bicycle parking.

Reason - In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.

7. No development comprising the erection of any external walls shall take place until full details of both hard and soft landscape works with an associated implementation plan, 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; 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.

All planting shall be implemented in accordance with the approved details in the first available planting season 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 having regard to Policies 9, 20 and 21 of the Oldham Local Plan.

8. No development shall commence until a sustainable surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The

drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall be restricted to a 5 litre per second forward flow rate of discharge and shall also be in accordance with the other requirements of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution having regard to Policy 19 of the Oldham Local Plan.

9. No development comprising the construction of any external walls shall take place until a detailed energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall set out how the development will accord with the Energy Infrastructure Target Framework set out in Oldham Local Plan Policy 18 and shall detail how a target area has been determined; and how the development will meet this target.

The development shall be carried out in accordance with the approved scheme phasing arrangements and retained as operational thereafter.

Reason - To ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.

10. As far as is practicable, the development shall be carried out in accordance with the recommendations contained within the Crime Impact Statement by Design for Security dated 17/08/2020 (Ref. 2019/1098/CIS/01 Version B) and the physical security specification listed therein.

Reason - To create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion in accordance with Policy 20 of the Oldham Local Plan.

11. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the construction 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 adjacent premises and the area having regard to Policy 9 of the Oldham Local Plan.

Drawing Information:
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1 Location Plan scale revised JW 04/12/19
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Rev	Revision History	By	Date
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Clements Court Properties Ltd.

Drawing:

Location Plan

Drawing Number:

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