

APPLICATION REPORT - FUL/345308/20
Planning Committee

Registration Date: 17th August 2020
Ward: Werneth

Application Reference: FUL/345308/20
Type of Application: Full Application

Proposal: Proposed erection of detached two storey dwelling with associated landscape and external works
Location: Plot 01, Woodfield Centre, Netherfield Close, Oldham, OL8 4ET,
Case Officer: Matthew Taylor
Applicant: Mr Z Chauhan
Agent : Mr Farhan Rama

This application is referred to Planning Committee for determination as the applicant is Councillor Chauhan.

RECOMMENDATION

It is recommended that the application is approved subject to the following conditions, and to the submission of a commuted sum payment of £6309.29 for the improvement of existing open space in the locality.

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. five-bedroom dwelling with associated parking and gardens.

The proposed 'L' shaped design dwelling is two storeys in height (with rooms in the roof), has a two-story porch/atrium entrance and is set back from the access road. The proposed site layout will include ample rear and side garden areas, 2 off-street car parking spaces and a 2-metre-high front boundary treatment.

CONSULTATIONS

Tree Officer - No objection subject to a condition requiring the submission of a full and detailed Arboricultural Method Statement (AMS).

Highways Engineer – No objections subject to provision of the parking and access facility in accordance with the approved plan.

Environmental Health - No objection subject to a contaminated land investigation condition.

REPRESENTATIONS

Two representations have been received. The adjacent householder raises issues related to boundary treatment and the existing overgrown state of the site, whilst the second

representation notes that the development will be an improvement on the site's present condition.

These matters will be dealt with by means of a recommended planning condition.

PLANNING CONSIDERATIONS

Principle of development

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

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 Local Plan Policies 9 and 20.

Residential Amenity

The most likely affected neighbouring properties would be the surrounding plots; including Plot No's. 2, 7 and 8, in addition to the existing neighbouring properties at 3 Fernholme Court, 11 Anselms Court, and 32 and 34 Netherfield Close.

Impact on 3 Fernholme Court and 11 Anselms Court

These existing properties are separated from the site by an existing tree screen. Having regard to this feature and the degree of separation the development should not result in any significant overlooking of these properties.

Impact on the Plot No's. 7 and 8:

From the submitted plans it is clear that an approximately 14 metre separation distance would exist between the proposed front elevation of plot No. 1 and the front garden boundary of Plot No's. 7 and 8 opposite. As such, it is considered that the proposed dwellings would not result in significant overlooking over garden areas or habitable room windows of these future adjacent properties.

Impact on the Plot No. 2 and neighbouring properties No's 32 and 34 Netherfield Close:

The proposed dwelling includes both ground and first floor side elevation windows that could have an outlook towards these adjoining plots. However, it is noted that the ground floor openings are all secondary habitable room windows, whilst the first floor windows also both serve non-habitable room windows. 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 side elevation windows proposed be installed with obscure glazing.

Subject to this restriction, the relationship is considered to be acceptable.

Open Space

Local Plan 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.

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 obligation 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 requiring on execution of the agreement.

In response to this the applicant has now sent an email confirming that they are happy to accept this figure, and as such the Council is satisfied that the proposal complies with Local Plan Policy 23.

Trees

The site is subject to a Tree Preservation Order and therefore the Council's saved UDP Policy D1.5 'Protection of Trees on Development Sites'.

In support of the application an Arboricultural Impact Assessment (AIA) has been submitted.

It is noted the proposal will result in the loss of no existing trees on site and the AIA provides a draft Arboricultural Method Statement & Tree Protection Plan. As such, subject to a condition requiring the submission of a full and detailed AMS (as stated within the submitted AIA) the Council's Tree Officer has no objection.

In this context saved UDP policy D1.5 would be satisfied.

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.

CONCLUSION

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.

RECOMMENDATION:

Granted, subject to legal agreement and the following 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 Approved Details Schedule list on this decision notice. 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 any details shown on the approved plans, no development shall take place until a specification 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 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. REASON - In the interests of the visual amenity of the area having regard to Policies 9 and 20 of the Oldham Local Plan.

4 The dwelling hereby approved shall not be brought into use until the access road and car parking spaces for the dwelling has been provided in accordance with the approved plan received on 14/08/2020 (Ref: Dwg No. PL01). 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 spaces 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 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 other than site clearance 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 having regard to Policy 9 of the Oldham Local Plan.

6 The dwelling hereby approved shall not be occupied until a scheme of boundary treatment and landscaping has been implemented in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. 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, and saved Policy D1.5 of the Unitary Development Plan.

7 The development shall be implemented in accordance with a detailed Arboricultural Method Statement which shall have previously been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs and hedges within the site and/or trees whose root structure may extend within the site, which are to be retained as shown on the approved plan (Drawing no. PL02, received 14/08/2020) have been fenced off in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority (such scheme to include any subsequent amendments as required by the Authority). Thereafter no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence and tree during the construction period. REASON - In order to avoid damage to trees/shrubs within the site, which are of important amenity value to the area having regard to Policy 21 of the Oldham Local Plan.

8 The proposed windows shown on the approved plan in the side elevation of the building shall be constructed as a fixed light 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 the side elevations without the prior written approval of the Local Planning Authority. REASON - To protect the amenity of occupiers of nearby property having regard to Policy 9 of the Oldham Local Plan.

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.