

**APPLICATION REPORT - FUL/345895/20**  
**Planning Committee 9<sup>th</sup> June 2021**

**Registration Date:** 30th November 2020  
**Ward:** Saddleworth West And Lees

**Application Reference:** FUL/345895/20  
**Type of Application:** Full Application

**Proposal:** Erection of 4 no. residential dwellings.  
**Location:** Land at Buckley Street, Lees, Oldham, OL4 5AS, ,  
**Case Officer:** Sophie Leech  
**Applicant** Mr Rex Shepherdson  
**Agent :** HNA Architects Ltd.

## **INTRODUCTION**

Councillor Al-Hamdani has requested that this application is determined by Planning Committee as it involves the removal of public amenity, as well as potential issues with local parking.

## **RECOMMENDATION**

It is recommended that planning permission is granted subject to the conditions set out below.

## **THE SITE**

The application site relates to a parcel of land located off Buckley Street, Lees, within a mixed-use area consisting of residential and commercial properties. The site comprises a rectangular level plot of approximately 9,184 square metres. The site is close to High Street, Lees, and to local amenities and public transport. The site currently contains garages and there is tree cover across the site. The trees are not protected.

## **THE PROPOSAL**

This application seeks planning permission for 4 detached, two storey dwellings. The development will be linear in form and will comprise of identical dwellings with private gardens to the side and off-road parking for two vehicles. Waste bin storage will be provided for each dwelling within the plots.

The dwellings will measure approximately 8m x 8m in footprint and 6.9m in height and 3.8m in eaves height.

## **RELEVANT PLANNING HISTORY**

OUT/345454/20 – Outline application for erection of 4 no. dwellings. Withdrawn.

## **RELEVANT PLANNING POLICIES**

The 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham.

The site is unallocated on the Local Plan proposals map and lies outside the Lees Conservation Area.

The following policies are relevant to the determination of this application.

Policy 05 - Promoting Accessibility and Sustainable Transport

Policy 09 - Local Environment

Policy 11 - Housing

Policy 20 – Design

Policy 24 Historic Environment

National Planning Policy Framework

## **CONSULTATIONS**

Highways Engineer	No objections
Environmental Health	No objections subject to land contamination report.
United Utilities	No objections
Trees Officer	No objections subject to a tree planting plan.

## **REPRESENTATIONS**

The application has been advertised by direct notification to neighbouring residents.

20 objections have been received which are summarised below:

- Loss of outlook/light;
- Loss of existing open space;
- Loss of privacy;
- Parking and highway issues;
- Overdevelopment;
- Not in keeping with area.

## **PLANNING CONSIDERATIONS**

### **Principle of Development**

The site lies within a sustainable location close to public transport and key services such as schools, retail and leisure. As such, the principle of housing in this location is acceptable.

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:

- 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.

Given the present Housing Land Supply position, for applications relating to the provision of housing, Oldham Local Plan Policies relating to housing are afforded “less weight” in the tilted balance.

### **Appearance, Layout and Scale**

Local Plan Policy 20 states that the council will promote high quality design and sustainable construction of developments that reflect the character and distinctiveness of local areas, communities and sites across Oldham. Development proposals must have regard to national and local guidance and policies on design.

There is no singular house type design adjacent to the site, with terraced housing on Brookway and West Street, and detached properties on Spring Lane in the immediate vicinity.

The proposed layout and house types have been specifically designed to take into consideration the narrow, elongated nature of the site, and the relationship to neighbouring properties.

The two storey dwellings are to be arranged in a linear layout with the garden areas and parking sited in between each dwelling, and the existing road leading around the site. The dwellings are considered to be appropriately spaced from one another and create a contemporary solution to the site's development which is similar to that of surrounding residential development.

The front elevations of the dwellings will all face onto Buckley Street when approaching from West Street, providing an active frontage when entering the site.

It is considered that the proposed layout respects the existing terraced development adjacent to the site, while also respecting the larger plots which are seen across on Spring Lane. Overall, the density of development is appropriate and the proposals, from a design perspective, do not result in overdevelopment of the site.

The off-road parking is to be positioned to the side of each dwelling and has been designed as tandem parking. The vehicles will be able to reverse or drive through the site to enter and exit. Additionally, private garden areas are to be provided to the side of the dwellings and a brick wall is proposed around the perimeter of the site to enclose the plots. This design is considered no different to existing boundary treatments seen around the site.

The dwellings are of contemporary design and do contrast with more traditional housing to the south-east. However, the area is very mixed with a variety of dwellings with regards to height, size and external material. The neighbouring buildings have a basic and traditional palette of materials, notably brick external walls and slate/concrete tile roofs; a mixture of timber and uPVC window frames are also prevalent. The proposal includes for brick external walls with grey concrete roof tiles, matching that of the surrounding properties and structures in both colour and appearance

As a result, the proposed development complies with Policy 20.

### **Residential Amenity**

Local Plan Policy 9 states that the council will protect and improve local environmental quality and amenity by ensuring development, amongst other things does not have an unacceptable impact on the environment; does not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future

neighbouring occupants or users through impacts on privacy, safety and security, noise, pollution, the visual appearance of an area, access to daylight or other nuisances; does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape; and minimises traffic levels and does not harm the safety of road users.

Although some concerns have been received at the loss of the open space, it should be noted that the site is in private ownership and any informal access could be removed at any time.

The separation distance from the rear of the new dwellings to the rear of properties on Brookway is approximately 13.5m. It is proposed to install one small first floor window on the elevation of the new dwellings which will face Brookway. This is a secondary bedroom window and can be obscurely glazed, thus avoiding any substandard overlooking, whilst ensuring adequate light to the new bedroom.

Similarly, two first floor windows will face Spring Lane at a separation distance of 15.5m. These windows will serve non-habitable rooms i.e. the top of the staircase and the bathroom. As a result, the distance is sufficient and would not harm the amenity of neighbouring occupiers.

Given the distance between both sites, it is considered that the separation distances between each dwelling and existing development are appropriate, therefore, resulting in no significant overlooking or loss of light.

The main bedroom and living/kitchen windows will be sited on one side elevation of each dwelling. This specific layout enables principal rooms to receive light and a view over each plot's own garden area, but without resulting in overlooking or loss of privacy. This is because each side elevation of the next dwelling has no windows to be affected. The view created is effectively a blank elevation on one side of each dwelling and windows on the other side elevation. As a result, this layout is considered acceptable and would not harm the amenity of future occupiers.

In addition, while the Council has no outdoor amenity standards, the proposed gardens for all proposed dwellings are sufficient to provide future occupiers with a private amenity space.

It is considered appropriate to remove Permitted Development rights for new windows, dormers and extensions to ensure that privacy is always maintained to existing residents. It is therefore considered that the proposed development would provide an appropriate level of amenity for future occupants of the development, whilst also maintaining the amenity of existing residents.

As a result, the proposed development complies with Local Plan Policy 9.

### **Parking and Highway Safety**

The Council does not have parking standards for new residential development; however Local Plan Policy 9 seeks to ensure that all new development minimises traffic levels and does not harm the safety of road users.

The proposed development would provide suitable level off-road parking which will be provided through allocated parking spaces outside each dwelling. The Highway Engineer has raised no objections to the proposed development in relation to the parking layout. The site is also within an established residential area with easy access to a wide range of local amenities. As a result, the proposed development complies with Policy 9.

## **Landscaping**

Policy D1.5 of the Saved UDP states that when determining a planning application for development of a site containing existing trees, or adjoining a site containing trees, the Council will only permit a proposal where:

- a. the development is designed, insofar as is reasonably practicable, to maximise the retention and continued health of the trees in question; and
- b. development comprising residential accommodation is positioned in relation to retained trees so as to avoid an unacceptable degree of overshadowing of both internal accommodation and garden areas.

In those cases where it is agreed that trees will be lost to accommodate the development, adequate replacement planting will be required as a condition of planning permission for the development.

Where trees are to be lost to development, the Council will require, as a minimum, replacement at a ratio of three new native trees for each mature or semi-mature tree lost. Where possible the replacement trees should be accommodated on or immediately adjoining the development site.

The proposed site layout plan shows sufficient space to plant eight new trees and a number of hedgerows and shrubs. The Council's Tree Officer has agreed that this is the most which can be achieved on site. A condition securing these details has been included which will ensure that careful species/variety and size/form selection of new planting/trees is achieved to ensure that the trees do not foreseeably encroach onto the proposed dwellings, drives, paths etc over time. A full planting plan and specification will be secured by condition. As a result, the proposed development complies with Saved Policy D1.5 of the UDP.

## **Ground conditions**

No objections have been raised by Environmental Health, subject to a pre-commencement condition to secure a land contamination report prior to development starting. This is in order to ensure the site's safety. As a result, the proposed development complies with Local Plan Policy 9 in this regard.

## **CONCLUSION**

The NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development, for which there is a presumption in favour, particularly having regard to the Council's lack of a 5-year housing land supply.

Given the above, there would be no adverse impacts of approving the development that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole and there are no specific policies that indicate that development should be restricted. In these terms, the NPPF advises that permission should be approved.

## **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 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 No development comprising the erection of any external walls shall take place until a specification for the materials to be used in the construction of the external surfaces of the development, including the roof 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. 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 No development 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 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 - Prior approval of such details is necessary as the site may contain features which require incorporation into the approved development, and 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.

5 Prior to the commencement of any part of the development hereby approved, details of the method of surface water and foul water drainage from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first occupation of the approved development and shall be 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. The dwellings hereby approved shall not be occupied until the footway fronting the site and the parking area have been constructed, hard-surfaced, drained and marked out to enable all vehicles to enter and leave the application site in forward gear entirely in accordance with the approved plan Ref: 1190-P-000 Rev A, and thereafter the parking area 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 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.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, AA, B, or C of Schedule 2 or Part 2 Class A shall be carried out unless permission is granted by the Local Planning Authority.

REASON - In order to protect the visual and residential amenity of the development having regard to Policy 9 and 20 of the Oldham Local Plan.

8. The proposed first floor window shown on the approved plan in the north-west and south-east elevations of the buildings shall be constructed 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 at first floor level in those 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.

#### **SITE LOCATION PLAN**

