

APPLICATION REPORT - RES/346698/21
Planning Committee 15th September 2021

Registration Date: 16th April 2021

Ward: Saint James'

Application Reference: RES/346698/21

Type of Application: Reserved Matters

Proposal: Reserved matters application for appearance, landscaping, layout and scale pursuant to PA/338917/16 for 23 dwellings.

Location: Land off Haven Lane, Moorside, Oldham OL4 2QH

Case Officer: Graham Dickman

Applicant: Mr Simon Broster

Agent : Miss Ellie Philcox

RECOMMENDATION

It is recommended that the application is approved subject to the conditions set out below.

THE SITE

The application relates to a 0.91 hectare parcel of land to the east side of Haven Lane which is characterised by rough grassland. Ground levels rise in a general easterly direction across the site where it abuts a wide expanse of open farmland beyond its eastern boundary. To the north are the rear garden of semi-detached properties on Haven Lane and Haugh Hill Road. To the south-west is a development of detached houses on the cul-de-sac of Havenside Close. Five of these properties face out across the site in an easterly direction.

The site boundaries are formed by a combination of dry stone walls to Haven Lane and the rear of properties on Haugh Hill Road. A hedgerow runs along the boundary with the entrance to Havenside Close and continues in a fragmented form to the rear of nos. 1-5 Havenside Close backing onto the site. A row of mature trees is located on adjoining land flanking the southern boundary and screens the site from a single storey nursery building set on higher ground beyond. The eastern perimeter is marked by low post-and-wire fencing.

Surrounding uses are predominantly residential and include a mix of detached, semi-detached, and terraced dwellings of various eras laid to differing densities.

THE PROPOSAL

This is a Reserved Matters application pursuant to PA/338917/16 for the appearance, landscaping, layout, and scale of a development of 23 detached dwellings. A previous Reserved Matters application for 23 dwellings was approved in June 2019.

The site is accessed via Haven Lane in accordance with the access layout that was approved under the original outline permission. This includes the need for traffic calming measures on Haven Lane.

The present proposal largely reflects the layout previously approved. The access road from Haven Lane enters the site in an easterly direction serving properties on both its southern and northern sides. It then turns south to follow the eastern boundary of the site to serve the remaining properties.

The development comprises 1no. three-bedroom dormer bungalow, 6no. three-bedroom houses, and 16 no. four-bedroom houses as previously.

To the south side of the access road the proposed public open space area remains as previously. Beyond this the two houses to the north of Havenside Close have been re-positioned to front the access road, with rear gardens separating them from Havenside Close, and neighbouring plots have been re-configured to improve the internal site relationships.

The dormer bungalow at the entrance is unchanged. Similarly, the siting of houses along the northern boundary remains unchanged, with the exception that garages to 5 of the plots have been removed. Each property retains two off-street parking spaces.

To the east of Havenside Close changes have been made to the site levels in order to create a satisfactory drainage system following discussions with United Utilities. This has resulted in the raising of finished floor levels by between 2 and 3 metres.

PLANNING HISTORY

PA/342449/18 - Reserved matters application (for appearance, landscaping, layout, and scale) pursuant to PA/338917/16 for 23 three and four-bedroom detached dwellings. Approved 6 June 2019.

PA/338917/16 - Outline application for residential development of up to 23 dwellings (Use Class C3) with all matters reserved except access. The scheme was granted outline planning permission on appeal in November 2017 with costs awarded against the council for unreasonable behaviour in refusing this application.

PA/336723/15 – Outline application for 29 no. dwellings. Access to be considered. All other matters reserved (Re-submission of PA/336309/14) – Refused 13th July 2015.

PA/336309/14 – Outline application for the erection of 30 dwellings with access and layout to be considered. Appearance, landscaping, and scale to be reserved – Refused 12th February 2015.

RELEVANT PLANNING POLICIES & GUIDANCE

The 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is unallocated by the Proposals Map associated with this document.

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

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 19 - Water and Flooding; and,

Policy 20 – Design.

REPRESENTATIONS

The development has been advertised by press notice and by direct notification to adjacent residents. Objections have been received from 14 addresses in the vicinity of the site on the following grounds:

- Unsuitable, dangerous access, and its closeness to other junctions which has led to the suggestion of raised tables, but this has not been discussed in a TRO meeting;
- Loss of light and privacy;
- Local infrastructure cannot cope with more development;
- Loss of view;
- Design not in keeping;
- Increased anti-social behaviour;
- Building would cause more flooding;
- General objection to previous decision;
- Piling could affect the house foundations;
- Noise and dust during construction; and,
- High levels of radon gas.

Issues in relation to the impact of the proposed appearance, landscaping, layout, and scale on the amenity of the neighbouring residents is considered below.

With regard to issues of principle of development and highway access arrangements, these issues were addressed at outline stage. Similarly, conditions relating to drainage, construction impacts, and ground conditions/contamination are matters addressed under the outline conditions.

CONSULTATIONS

Highways Engineer – No objections to the proposed reserved matters.

United Utilities – Object to the development until an acceptable drainage scheme has been agreed.

Trees Officer – No objection to the landscaping plan, implementation of which should be subject to condition.

PLANNING CONSIDERATIONS

Principle of the development

The principle of the development has already been established under outline approval PA/338917/16 following the outcome of the aforementioned appeal.

The access to the site formed part of that approval and is therefore not open for re-assessment as part of this application. Therefore, the only matters to be determined under this application are the appearance, landscaping, layout, and scale for the 23 dwellings.

It is noted that a number of the objections reference the suitability of the site, including the access and availability of infrastructure and services. It must be reiterated that these are not issues open for further consideration at this Reserved Matters stage.

Design and Layout

The proposed layout of the development, along with the scale and design of the house types, continues to reflect that previously approved and deemed acceptable. The local area contains a mix of property types and therefore the development will be capable of being readily assimilated into its surroundings.

The most distinctive change relates to the raising of floor and ground levels of the properties which occupy the eastern portion of the site to the rear of Havenside Close. As previously proposed the ground levels at the eastern boundary would have been lowered, creating a gradual slope across the site. In order to achieve satisfactory drainage, it is now proposed to elevate the dwellings in this area with the floor level reflecting that at the boundary involving a rise of up to 3 metres. The rear gardens will consequently need to be stepped down towards Havenside Close. The revised site levels will be achieved through the reconfiguration of existing site materials and no importation of fill material is envisaged.

Landscaping, Trees and Ecology

Two areas of public open space are proposed, one of which is located at the site entrance and will be utilised as part of the sustainable drainage (SUDS) strategy for the development. A further area is proposed along the eastern edge of the site. The boundary of the site to the east will be grassed and enclosed by a timber post and rail fence. Dry stone walling provides a feature entrance to the site.

The submitted Arboricultural Impact Assessment and Method Statement has been considered by the Council's Trees Officer who is satisfied that the proposal will include both measures to protect existing trees and is accompanied by a landscaping plan which includes the planting of additional extra-heavy standard trees. The proposals will therefore assist in assimilating the development into its setting.

Residential Amenity

The relationship to the adjacent properties on Haven Lane and Haugh Hill Road will remain as previously. The removal of garages from some of the plots will reduce the amount of development within the adjoining garden areas. Proposed floor levels are slightly reduced from those previously proposed and separation distances of a minimum of 22 metres will remain.

The one exception is the proposed dormer bungalow style property on the estate entrance. The proposed property abuts directly up to 162 Haven Lane at a 45 degree angle. It is considered that, due to the bungalow style adopted, the impact would be minimal (as previously approved), and a solar study has been submitted to reflect that conclusion.

Nevertheless, it is recognised that future development under permitted development rights to these properties could lead to a loss of privacy or overshadowing of neighbouring properties in the future. Therefore, it is recommended that such rights are removed. This does not imply that all such extensions would be inherently unacceptable; however, it would afford the local planning authority the opportunity to carefully assess the resultant relationship.

In respect of the properties to the rear of Havenside Close, the proposed change comparative to the previous scheme would be more apparent given the resultant change in levels. This is

demonstrated on the proposed section drawings. Nevertheless, it is necessary to consider whether the changes would result in an adverse impact on amenity to a degree where refusal could be sustained.

The applicant has been requested to consider whether the garden levels could be lowered and has submitted the following comments.

One of the options considered was to have a 3m deep terrace, immediately to the rear of Plots 18-23, with access provided to the lower garden area via an external staircase. This option however was considered not to be a desirable proposal for the following practical reasons:

1. Separating the terrace from the main garden area, by a full flight of stairs, would not be desirable to families with young children due to safety reasons i.e. risk of falling down the stair and visual separation from the ground floor accommodation down to the lower garden.
2. Considerable additional costs associated with creating up to a storey height of retaining structure to support the terraces along with associated balustrading and external staircases.
3. The proposed 2.1m high, close boarded timber boundary fence ("Secured by design" standard) would obscure the view of the rear gardens of Plots 18-23 from even the first-floor windows at the rear of the Havenside Close properties (protecting the privacy of each property on either side of the fence respectively). Therefore, the rear garden design/section of Plots 18-23 would have no visual impact on the existing neighbours.

These factors have been taken into account, along with the minimum separation distance of 27 metres which would be retained between the properties, with the relatively elevated rear garden at a minimum distance of 10 metres from the boundary.

Whilst it is recognised that the outlook from Havenside Close will consequently be altered, given the degree of separation, this would not be overly significant.

In respect of the proposed properties themselves, the internal layouts of the dwellings would meet the Nationally Described Space Standards (NDSS).

Flood risk and drainage

As indicated above, the applicant is presently in negotiation with United Utilities in respect of the site drainage proposals, this matter is subject to approval of conditions in relation to the outline application.

Highways and Traffic

The principle of the highways impact of the scheme on the highway network and surrounding area was established with the outline consent. Members will be aware that the highways arrangements were the subject of the appeal and the Planning Inspector considered the scheme acceptable in highways terms, despite residents' and members' concerns.

A separate consultation process will be necessary in respect of the required traffic calming measures on Haven Lane.

In relation to the internal layout of the development, there have been no objections raised by the Highways Officer in relation to the reserved matters.

The layout provides for at least two off-street spaces per dwelling, and some of the properties also benefit from an additional integral garage. Therefore, taking account of the scale and nature of the development and the technical advice given by the Council's Highways Officer, it is considered that there would be adequate access, servicing, circulation, and car parking arrangements and that the proposal would not have any detrimental impacts upon pedestrian or highway safety.

CONCLUSION

The proposal has been fully assessed against national and local planning policy guidance. It is considered that the proposal is acceptable in terms of the appearance and impact upon the visual amenity of this site and surrounding area.

The approval will continue to remain subject to the conditions imposed on the outline approval PA/338917/16.

RECOMMENDED CONDITIONS:

1. 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.

2. No development comprising the erection of any external walls shall take place until a specification of the materials to be used in the construction of the external surfaces of the development, including the roofs, 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.

3. All hard and soft landscape works shall be carried out in accordance with the approved plan Ref: 189 02 Rev G; prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Thereafter any trees or shrubs which die, are removed, or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number, and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

4. No dwelling shall be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan Ref: 18053 1102 Rev B; 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. 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 Class A, AA, B, C or E of Part 1 of Schedule 2 shall be carried out unless permission is granted by the Local Planning Authority.

REASON - In order to ensure any development within those Classes does not result in an adverse impact on the amenity of neighbouring properties having regard to Policies 9 and 20 of the Oldham Local Plan.

Site Location Plan

