THE SITE

The application site, which is unallocated on the Proposals Map of the Joint Development Plan Document which forms part of the Council's Local Plan, is situated on the outskirts of Greenfield, outside the core of the village. It forms part of a predominantly residential area flanked by residential properties on Noon Sun Close to the east and south and Dacres Drive to the west. To the north, on the opposite side of Manchester Road, is the route of a former railway line which now functions as part of a popular recreational area.

The site itself slopes gently downwards towards Manchester Road, although the large garden associated with the existing bungalow on the site is largely flat. There are a number of mature trees on the site, largely concentrated at its southern boundary and north west corner. However, none of these are afforded protection by means of a Tree Preservation Order. Previously a number of trees existed on the frontage of the site, but these have recently been felled.

THE PROPOSAL

Being a hybrid application, this application seeks full planning permission for the demolition of the existing bungalow and the rebuilding of an alternative dwelling elsewhere on the site and outline planning permission for additional housing on the remainder of the site, with approval being sought for access only. The original proposal included both access and layout to be considered in respect of the outline element of the application. However, after concerns were expressed about the nature of the layout proposed, in particular its cramped appearance, lack of private amenity space and adverse implications for the occupiers of neighbouring dwellings, this aspect of the proposal has since been withdrawn and will be addressed through a future reserved matters application.

The proposed replacement dwelling is laid out over two floors and will largely occupy the space occupied by the existing entrance to the site where the gradient of the site is at its steepest, necessitating some remodelling of the land which results in the proposed retaining wall. It measures approximately 9.1m in depth and including the garage approximately 16.3m in width, attaining a maximum height of approximately 6.3m but nearer 8m if you allow for the aforementioned works.

RELEVANT HISTORY OF THE SITE:
SITE SPECIFIC LDF POLICIES

CDA       Critical Drainage Area
NONE     No site specific policy applies.

CONSULTATIONS

Saddleworth Parish Council
Recommend approval for the demolition and erection of
replacement bungalow but refusal of the outline element
of the application on the grounds of overdevelopment of
the site and subsequent loss of amenity associated with
neighbouring dwellings.

Traffic Section
Pollution Control
Recommend conditional approval
Recommend approval subject to landfill gas and
contaminated land investigations being undertaken.

Greater Manchester Ecological Unit
Recommend approval subject to conditions in respect of
the safeguarding of bats, nesting birds, the nearby
brook and ecological mitigation in the form of a
landscape management plan. Additionally, a note is
recommended in respect of invasive species

Drainage
Strategic Planning Policy
No comments received
Information Team

REPRESENTATIONS

The application has been advertised by means of a site notice and neighbour notification
letters. Following which letters of objection have been received from the occupiers of a total
of nine neighbouring dwellings on both Noon Sun Close and Dacres Drive. The grounds of
objection of which could be summarized as follows:

- Invasion of privacy and loss of light in some circumstances;
- Proposed development would detract from what is currently a peaceful and rural
  environment;
- Noise disturbance largely associated with construction noise;
- Devaluation of properties;
- Loss of existing views;
- Concern regarding further trees being removed from the site and future pressure being
  applied to fell those that are to be retained, in account of their close proximity to the
  proposed dwellings;
- Additional car journeys expected adding to congestion in the area;
- Local amenities, with the exception of churches, are already over subscribed;
- Represents overdevelopment of the site;
- Inadequate screening;
- Fail to contribute to both the meaningful regeneration of the Borough and the delivery of
  affordable housing in direct contravention with the Council’s Local Plan;
- Adverse implications for local wildlife;
- Drainage implications.

Additionally, letters of support have been received from the occupiers of both 151 & 153
Manchester Road.

PLANNING CONSIDERATIONS

The main issues to consider are:

1. The principle of the proposed development;
2. The schemes design and relationship with the street scene;
3. The proposals impact on residential amenity;
4. Parking and highway safety;
5. Public open space;
6. Drainage.

1. Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.

This is reinforced by Paragraph 11 within the National Planning Policy Framework (NPPF) which states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands on this and states that the NPPF does not change the statutory status of the development plan as a starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless material considerations indicate otherwise. The guidance in the NPPF is taken as a material planning consideration and of the twelve core planning principles listed under Paragraph 17 includes that planning should be genuinely plan led.

In this case the 'development plan' is the Joint Development Plan Document which forms part of the Local Plan for Oldham. It contains the Core Strategies and Development Management policies used to assess and determine planning applications, the following of which are considered relevant:

Core Strategies:

Policy 1 - Climate change and sustainable development;
Policy 3 - An address of choice;
Policy 5 - Promoting accessibility and sustainable transport choices;

Development Management policies:

Policy 9 - Local environment;
Policy 11 - Housing;
Policy 20 - Design

Policy 1, in the context of this application, seeks the effective and efficient use of land, but prioritises development on previously developed land. Furthermore, it states that residential development should be focused on land in sustainable and accessible locations and should be of high quality and respect the local character of the environment. Policies 3 and 11 also give preference to the use of previously developed sites for residential development and both state that the availability of such land, both in the locality and borough wide, should be given priority when considering applications on greenfield sites.

Policy 3 also clarifies the Council's aims to promote development in sustainable locations and on previously developed sites. In the case of proposals on a non-allocated site it states that such developments will only be considered favourably where a deliverable 5-year supply of housing land cannot be demonstrated, where it contributes towards the delivery of the borough’s regeneration priorities, or where it contributes to the delivery of affordable housing needs. It continues that the use of previously developed land and vacant or underused buildings is the Council's preference for residential development and the availability of such land, both in the locality and borough wide, will be preferred against applications on greenfield sites.

The definition of 'previously developed land' within the National Planning Policy Framework specifically excludes land in built up areas such as private residential gardens. Therefore, the site should be treated as being 'greenfield'. Policy 11 also confirms that the curtilages of dwellings are specifically excluded from the definition of 'previously developed land'. The Council's Annual Monitoring Reports confirm that development on greenfield sites should
continue to be resisted and this should be the case unless material planning considerations indicate otherwise.

Whilst the NPPF states that the effective use of land should be encouraged by re-using land that has been previously developed, there is no presumption that greenfield sites are unsuitable for development per se. In fact the presumption in favour of sustainable development is an important part of the NPPF and it is noted that delivery of sustainable development is not solely restricted to the use of previously developed land but rather can include the development of greenfield land. This view appears to be endorsed in an earlier appeal decision in respect of a somewhat comparable development at 104 Oldham Road, Grasscroft, (reference PA/058367/10), back in September 2011. The Inspector in question noted the revised definition of previously developed land in PPS3 (now superseded by the NPPF) meant that the development of garden land is no longer a priority. However, the Inspector was of the opinion that this was not synonymous with a position that all development of such land is unacceptable especially if it achieves sustainable development objectives. Whilst the appeal was assessed against the former Policy H1.3 within the Council's Unitary Development Plan, Policy 3 within the Joint Development Plan Document is more specific and states that new residential developments should be located within 480m of at least two 'key services'. These are specifically defined as areas of employment, major retail centres, local shopping parades, health related facilities and services, schools, post offices and community uses.

In this instance, the application site would be within 480m or a ten minute walk from various shops and a number of facilities, including a doctors, dentist and library. Furthermore, being located in a relatively built up area, it is considered reasonable to suggest the site is in a sustainable location.

Policy 5 requires minor development to achieve 'low accessibility' as a minimum which is defined as being within approximately 400m of a bus route with a service, or a combination of services, running less frequently than medium accessibility. The 350 & 354 bus services operate along Manchester Road with the 180 & 184 bus services only a short walk away in the centre of the village. It is therefore apparent that the development would actually achieve at least 'medium accessibility'. As such, it is considered reasonable to suggest that the site is well placed in terms of access to bus routes.

Having regard to the above, it is considered that the principle of the proposal is acceptable.

2. Design and relationship with the street scene

Policy 11 states that housing development within an existing residential curtilage shall not be permitted unless it can be demonstrated that the development:

- is acceptable in terms of design, scale, massing and density;
- is sensitive and compatible with local character;
- does not adversely affect the amenity of adjoining dwellings;
- is acceptable in access and parking arrangements;

It also requires that all residential development must provide adequate garden or other outside amenity space.

Equally, Policy 20 recognizes the economic, social and environmental benefits that high quality design can bring.

In this regard, officers consider the size, scale, appearance and design of the replacement dwelling to be satisfactory. Furthermore it is considered that its positioning in relation to the closest of the neighbouring properties would not affect the amenities enjoyed by adjacent occupiers. Turning to the outline element of the application, with the exception of the access to the site which is considered to be satisfactory, all matters are reserved. The design of the scheme is therefore not for consideration under this application.

3. Residential amenity
Development Management Policy 9 (Local Environment) and Policy 20 (Design) of the Joint Core Strategy and Development Management Policies Development Plan Document (DPD) are relevant in this instance. Collectively, the policies stipulate that proposed development should not cause significant harm to the amenity of neighbouring occupants through impacts including loss of privacy, safety and security, noise, pollution, access to daylight or other nuisances. Furthermore, any development should be of an appropriate scale, sensitive to its context and make a positive contribution to the street scene.

The comments in respect of design and the relationship with the street scene equally apply in this instance. Of course, the majority of the issues raised by local residents concern the outline element of this application and since layout is no longer under consideration at this time, due consideration will be afforded to these following the submission of a reserved matters application.

4. Parking and highway safety

The highway engineer recommends that the submission of an application for reserved matters for the development should show details of the means of access to the building/gradients/sight lines/means of servicing the building/parking provision and/or garaging facilities clear of the highway and the means of draining the development.

5. Public open space

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. The Council will have regard to the proposed development and the open space surpluses and deficiencies in the area to determine whether on-site or off-site new provision, enhanced existing provision or a financial contribution will be required. Having regard to the minor nature of this application, it is not considered practical or desirable to request that the applicant contributes towards the provision of new or improvement of existing public open space in the area.

6. Drainage

Means of draining the site will largely be considered as part of the future reserved matters application.

Conclusion

The site is located in a sustainable location in terms of proximity to key services and public transport. This is consistent with the aims and objectives of Policies 1, 3, 5 & 11 of the Oldham Local Plan Joint DPD. The proposed development is therefore considered to accord with the relevant policies of the Oldham Local Plan Joint DPD and advice contained within the National Planning Policy Framework.

RECOMMENDATION

Approve, subject to the following conditions:

Grant full planning permission for the demolition of the existing bungalow and its replacement with an alternative dwelling, subject to 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 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
approved plans and specifications, received 10th July 2015, referenced 15020D-07-P02; 15020D-05-P03 & 15020D-08-P04 (section c-c) and the amended layout plans received 10th September 2015, referenced 15020D-06-P05 Rev A, unless otherwise agreed in writing by the Local Planning Authority.

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 shall take place unless and until samples of the materials to be used in the construction of the external surfaces of the development, including the retaining walls, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. 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 samples.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located.

4. No development shall commence unless and until a site investigation and assessment into landfill gas risk and ground contamination has been carried out and the consultant’s written report and recommendation have been submitted to and approved in writing by the Local Planning Authority (such assessment include any subsequent amendments as required by the 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, because the site is located within 250 metres of a former landfill site.

5. No site clearance or development shall take place until a report concerning the use of the site by bats, prepared by a suitably qualified person, has been submitted to and approved in writing by the local planning authority. If such a use is established, any protection or mitigation measures or other recommendations of the report shall be undertaken in accordance with a timetable to be agreed in writing by the local planning authority.

Reason - To ensure the protection of bat habitats, which are protected species under the Wildlife and Countryside Act 1981.

6. No works to trees or shrubs or demolition shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active birds are present which has first been agreed in writing with the Local Planning Authority.

Reason - In the interests of compliance with the Wildlife and Countryside Act 1981.

7. No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the Brook from accidental spillages, dust and debris has first been submitted to and approved in writing with the Local Planning Authority. Thereafter, all measures should be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason - In the interests of safeguarding the neighbouring watercourse.
8. No development shall take place unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved (such scheme to include any subsequent amendments as required by the Authority). The hard landscape details shall include proposed finished levels or contours; means of enclosure and hard surfacing materials. 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.

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.

9. All hard and soft landscape works for the site to comply with condition no.8 shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance 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.

10. The dwelling hereby approved shall not be brought into use unless and until the access and car parking space has been provided in accordance with the approved plan received on 10th September 2015 (Ref: Dwg No.15020D-06-P05 Rev A). 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 for the development so that parking does not take place on the highway to the detriment of highway safety.

Grant outline planning permission for residential development with access to be considered and all other matters reserved, subject to the following conditions:-

1. Approval of 1) Layout 2) Scale 3) Appearance and 4) Landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

Reason - To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or two years from the date of approval of the last of the reserved matters.

Reason - To comply with Section 51 of the Planning and Compulsory Purchase Act
3. The submission of an application for an approval of reserved matters for the development shall show details of:

1. the means of access to the buildings;
2. gradients;
3. sight lines;
4. the means of servicing the buildings;
5. the provision made for parking and/or garaging facilities clear of the highway;
6. the means of draining the highway.

Reason - To ensure adequate highway and drainage standards are achieved.