

APPLICATION REPORT - PA/341040/17

Planning Committee, 18 April, 2018

Registration Date: 16/11/2017 14:19:08
Ward: Saddleworth North

Application Reference: PA/341040/17
Type of Application: Outline Planning Permission

Proposal: Outline application for 2 no. dwellings with access, appearance, layout and scale to be considered, landscaping reserved.

Location: Land to the north of Delph Chapel, Delph Lane, DELPH, OL3 5HX
Case Officer: Hannah Lucitt

Applicant Agent : Ms Rothermel
John Barnes - Architect

THE SITE

The application site is located north of the former chapel building: Delph Chapel, which is located at the junction of Delph Lane and Hill End Road within the Delph Conservation Area.

The site is in an elevated position and slopes quite steeply up to the rear. At present the site has been cleared.

The immediately surrounding area is predominantly residential in character with a private graveyard to the south-east, which is still used for burials. Part of the site is covered by a Tree Preservation Order.

It is sited on one of the major roads of the village, with a traditional stone wall with copings located at the back of footway. Delph contains a number of listed buildings and also the non-designated Delph Independent Chapel, which contributes greatly to the historic interest of the area and forms a landmark to the northern end of Delph.

THE PROPOSAL

This outline application proposes the erection of 2 dwellings with access, appearance, layout and scale to be considered, at this stage, with landscaping reserved for subsequent application.

The proposed dwellings would be split level, each measuring 5m in width, 9m in depth, 8m to the eaves height at the front, 5.1m to the eaves height at the rear, and 10.7m in total height to the roof ridge.

Access is proposed from a new access off Delph Lane. The proposed dwellings would be constructed from reclaimed stone and slate.

The proposed layout includes 4 car parking spaces, a bin store and an area of soft landscaping.

RELEVANT HISTORY OF THE SITE:

PA/340338/17 'Outline application for the erection of 3 No. dwellings' was refused planning permission on 11th October 2017 for the following reasons:

"1. The proposed development would amount to substandard living accommodation, by virtue of its design and layout, and the amount of natural light received in habitable rooms. Its bedrooms would fall far below the minimum space standards (DCLG 'Technical housing standards – nationally described space standard March 2015'). The proposed development is therefore considered harmful to the amenity of future occupiers of the proposed dwellings, contrary to Policy 9 of Oldham's LDF Joint DPD.

2. The proposed development would have a significant an unacceptable impact on the amenity of the occupiers of no. 2 The Meadows, by way of overlooking and overbearing impact, caused by the proposed scale of the development, into both the rear windows of no. 2 The Meadows, and the private amenity space serving this dwelling, contrary to Policy 9 of Oldham's LDF Joint DPD.

3. The proposed development, by reason of its scale and layout, would fail to either preserve or enhance the Delph Conservation Area, in conflict with Policies 9, 20 and 24 of Oldham's LDF DPD and paragraphs 131, 134 and 137 of the NPPF.

4. Adequate provision has not been made for the off-street parking of vehicles generated by the development. This will lead to increased on-street parking and unacceptable manoeuvring of vehicles to the detriment of safety of other highway users. As such, the development does not accord with Development Management Policy 9 of the Oldham Local Development Framework".

MMA/339789/17 'Minor Material Amendment relating to app no. MMA/339368/16 including 1) Reduction in number of units from 9 to 7 2) Alterations to previously approved rear elevation 3) Internal alterations 4) Amendments to the site layout' was granted conditional planning permission on 2 June, 2017. This permission has not yet been implemented.

MMA/339368/16 'Minor Material Amendment for alterations to access arrangements and public open space relating to app no. PA/055473/08' was granted conditional planning permission on 09th February 2017. This permission has since been implemented.

PA/055473/08 'Conversion of former chapel to 9 no. apartments with car parking and landscaping' was granted conditional planning permission on 4th November, 2009. A material start was made on October 29, 2014, evidenced by photographic record. Therefore, the permission will remain extant in perpetuity.

CONSULTATIONS

United Utilities	No objection, subject to the inclusion of conditions addressing the provision of a drainage scheme.
Highway Engineer	No objection, subject to the inclusion of conditions addressing the provision and retention of access and car parking spaces.

REPRESENTATIONS

This application was publicised by a site notice, press notice and neighbour notification letters. One letter of objection was received by virtue of this notification process, which commented that the application should be for full planning permission, and there are still concerns in regards to highway safety and amenity, ground stability, noise and disturbance, and loss of outlook.

Saddleworth Parish Council recommends approval.

Conservation Areas Advisory Committee of Saddleworth Parish Council recommends approval.

PLANNING CONSIDERATIONS

The main issues to consider are:

1. The principle of the proposed development;
2. Is the site within a sustainable location?;
3. Design and Impact on the Conservation Area in regards to layout and scale;
4. Residential Amenity;
5. Parking and highway safety;
6. Public open space;
7. Conclusion and Planning History.

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.

Paragraph 11 within the National Planning Policy Framework (NPPF) reiterates states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham. The application site is 'unallocated' by the Proposals Map associated with the Joint Development Plan Document. Therefore, the following policies are considered relevant:

- Policy 1 - Climate change and sustainable development;
- Policy 3 - An address of choice;
- Policy 5 - Promoting accessibility and sustainable transport choices;
- Policy 6 - Green infrastructure;
- Policy 9 - Local environment;
- Policy 11 - Housing;
- Policy 20 - Design;
- Policy 23 - Open spaces and sports; and
- Policy 24 - Historic Environment.

Saved UDP Policy D1.5 'Protection of Trees on Development Sites'

DPD Policy 1, in the context of this application, seeks the effective and efficient use of land, but prioritises development on previously developed land and aims to protect the borough's designated green belt. 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.

This area of land has previously been used as part of the grounds of Delph Chapel. Policy 2 states that the change of use from education or community facilities, either in whole or in part, will be permitted where it can be demonstrated by the applicant to the Council's satisfaction that the facility is redundant and surplus to requirements, or where appropriate alternative provision is proposed. In this instance, although the application site has been historically used as land associated with the chapel, the use of the chapel ceased a number of years ago, and parishioners have since relocated.

As such, the principle of residential use is acceptable in this case.

Is the site within a sustainable location?

DPD Policy 3 outlines the Council's aims to promote development in sustainable locations. Previously developed land and vacant or underused buildings is the Council's first preference for residential development.

DPD Policy 3 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. The White Lion Public House, a community facility, is approximately 10m from the application site, by foot, and the parades of shops on Delph High Street are approximately 60m from the application site by foot. Therefore, it is considered that the proposed development is sited in a highly sustainable location in close proximity to at least two key services as required by Policy 3.

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 nearest bus stop is approximately 10m from the application site. As such, it is considered reasonable to suggest that the site is well placed in terms of access to bus routes.

Design and Impact on the Conservation Area

DPD Policies 9 and 20 recognise the contribution that high quality design can make to regeneration and sustainable development.

Policy 24 states that development within or affecting the setting of a conservation area, including views in or out, must serve to preserve or enhance the character or appearance of the area. Proposals for all new development, including alterations and extensions to buildings and their re-use, must have a sensitive and appropriate response to context and good attention to detail. Proposals must not adversely affect important architectural or historic features or distinctive local features or structures unless it can be demonstrated that the development brings substantial benefits to the community.

Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 137 of the NPPF states that Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The development on Delph Lane is predominantly residential in character with the older buildings lining the road and the 20th century development set back from the road with gardens. Cobblers Hill and The Meadow in particular depart from the traditional arrangement.

At present, it is considered that the undeveloped land contributes to the character of the area by providing greenspace that allows the prominence and precedence of the Delph Chapel to be appreciated. It also maintains a traditional boundary treatment of stone walls with copings and, whilst cleared at present, its use as an area of open space, echoes the surrounding countryside and provides separation to the forthcoming residential development of the Chapel. It contributes positively to the character of the conservation area, and to a lesser extent, the setting of the nearby Grade II listed White Lion Pub.

The proposal to introduce two dwellings would lead to the loss in part of the traditional boundary treatment, the loss of the greenspace and the introduction of a parking area and large retaining walls within the development that would separate the housing from the Chapel Graveyard.

However, the applicant has provided evidence by way of a number of historic photographs which clearly shows that there were once dwellings within this location at Delph Road. The proposed development has clearly been designed to reflect the area's historic past.

Turning to the impact in terms of layout, appearance and scale, the applicant has clearly attempted to replicate the design of the dwellings which once stood at this site. The proposed development would appear sympathetically designed to both the site's historic residential past, and the design of the dwellings within close proximity to the application site.

In regards to the public benefits of the proposal, the proposal would provide two dwellings within Delph, which would amount to a broad public benefit. The applicant has also demonstrated that there is some justification as to the domestic nature of the site, preserving the optimum historic viable use.

Given the above, subject to the inclusion of a condition in regards to appropriate materials, it is considered that the proposed development would broadly enhance this specific part of the Conservation Area.

Therefore, the proposed development is considered to be in compliance with DPD Policies 9, 20 and 24 and paragraphs 131, 134, and 137 of the NPPF.

Residential Amenity

DPD Policy 9 outlines that new development proposals must not have a significant adverse impact upon the amenity of neighbouring properties. Consequently, it is important to consider the impact on the neighbouring properties at 1 and 2 Hillyard Cottages, 5 Delph Lane, and 2 The Meadows.

1 and 2 Hillyard Cottages are sited some 25m from the application site. Due to this distance, it is considered unlikely that any significant overlooking or overshadowing would occur.

Turning to the impact on 5 Delph Lane, which is sited 14m from the application site, and 2 The Meadows, would be 18m from the application site, it is these dwellings which would be most affected by the proposed development.

The application site is topographically set at a lower level than the dwellings at The Meadows, and the proposed dwelling would be sited at an acute angle from the nearest dwelling at 2 The Meadows and 5 Delph Lane. Due to the window fenestration of both the proposed dwellings, the separation distances, change in land levels, and siting, it is not considered that the proposed development would cause any significant impact on these neighbouring dwellings in terms of amenity.

Other dwellings are further away and would not be affected.

The proposed dwellings meet the minimum DCLG Technical housing standards – nationally described space standards.

There is no evidence to show that the proposed development would cause subsidence, as suggested by one of the representations received.

As such, it is considered that the proposed development complies with DPD Policy 9 in terms of amenity.

Parking and highway safety

The Highway Engineer raises no objection to the proposed development.

It is not considered that the addition of two dwellings in this location would generate a significant amount of traffic to the detriment of highway safety.

In this particular location, the Highway Engineer would expect parking provision to be at least two per dwelling, given the existing site conditions and demand for on street parking. It is considered that the proposed development satisfies these requirements. The proposed access would allow the future occupiers of the proposed development to access the site safely.

Therefore, it is considered that the proposed development would comply with DPD Policy 9 in regards to highway safety.

Public open space

Policy 23 requires all new residential units 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 practical nor desirable.

Subsequent amendments to the NPPG clarified that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

The proposed development comprises two residential units and is significantly less than the combined 1000 square metre floorspace. Policy 23 has been outweighed by the NPPG and a contribution towards public open space is not required.

Conclusion

Given the above, it is considered that the proposed development would be sited within a sustainable location, would have no significant impact on residential amenity, and would serve to enhance the setting and character of the building within Delph Conservation Area. The impact on highway safety and amenity is also considered acceptable.

As such, the proposal is considered to comply with the requirements of DPD Policies 3, 5, 9, 20, 23, 24 and the relevant paragraphs within the NPPF.

RECOMMENDATION Approve, subject to the following conditions:

1. Approval of 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. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications:

- Drawing no. SP 100 received 19th March 2018
- Drawing no. 100 received 19th March 2018
- Drawing no. 101 received 19th March 2018
- Drawing no. 102 received 19th March 2018

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. 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 2004.

4. No development shall commence unless and until a detailed drainage scheme has been submitted to and approved in writing by the Local Planning authority. The scheme shall then be completed in accordance with the approved plans and maintained thereafter.

Reason - To reduce the risk of flooding.

5. No development shall take place unless and until samples of the materials to be used on all external elevations, including the roof of the development, have been submitted to and approved in writing by the Local Planning Authority. The external walls of the development shall be erected in natural reclaimed local stone laid in regular courses all of an equal depth, and the roof shall be laid in slate. The stonework and roofing material used throughout the development shall be consistent in terms of colour, size and texture with the approved sample.

Reason - To protect the visual amenity and character of the area within which the site is located.

6. No dwelling shall be occupied unless and until the access and parking spaces for that dwelling situated clear of the highway have been provided in accordance with the approved plan received on 19th March 2018 (Ref: Dwg No. SP100). The parking spaces so provided shall be available at all times thereafter for the parking of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided for the development and that parking does not take place on the highway to the detriment of highway safety.

341040

Overflow

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A62

PW

A6052

HIGH ST

Delph Br


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Date: 09 04 18
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