

# APPLICATION REPORT - PA/338534/16

Planning Committee, 14 November, 2018

**Registration Date:** 05/05/2016  
**Ward:** Saddleworth West and Lees

**Application Reference:** PA/338534/16  
**Type of Application:** Full Planning Permission

**Proposal:** Erection of 4no. semi-detached dwellings  
**Location:** Plots 7, 8, 11 & 12 Land to rear of Ashes Lane and Station Street, Springhead.  
**Case Officer:** Brian Smith

**Applicant** IES Developments Ltd  
**Agent :** S. Ingram and Associates

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## THE SITE

This application relates to part of a larger cleared site which has been vacant for a considerable length of time. This larger site has previously been the subject of a grant of outline planning permission for a total of nine dwellings (referred to as Plots 4 to 12), comprising three detached houses and three pairs of semi-detached houses (ref:PA/336680/15). That approval was subject to a legal agreement in respect of an agreed level of contribution towards off-site public open space.

The eastern boundary of the larger site adjoins a pair of semi-detached dwellings, and a further plot on which an approved dwelling is presently under construction. The approvals for these three dwellings were granted prior to, and outside the scope of, the wider outline application, although they are referred to as Plots 1 to 3.

With the exception of the Springhead Community Centre and a scout hut immediately to the east of the site, the surrounding area is predominantly residential in character. Immediately to the north is an area of tree lined public open space which is primarily used as playing fields, and to the south beyond Station Street is a linear path which links Lees with Springhead along the length of a former railway line.

Accompanying this application are a further four applications for other properties within the outline approval site. This particular application concerns Plots 7, 8, 11 and 12, which are situated at the northern end of the site. In the case of Plots 7 and 8, the rear gardens back onto the area of tree lined open space. The rear gardens of Plots 11 & 12 back onto the rear garden of 23 Ashfield Crescent and a scout hut respectively. The boundary of 23 Ashfield Crescent is largely characterised by an established evergreen hedge. Plot 12 also adjoins the blank gable of a modern property set at a higher level to the east, namely no.2 Meadow Gate (formerly Plot 2). Similarly designed properties, subject of PA/338218/16, are proposed between these plots.

## THE PROPOSAL

It is proposed to erect two pairs of brick-built, four bed semi-detached houses, each with two off street parking spaces. The uppermost bedrooms will occupy the roof space which accounts for the inclusion of two sentry type dormers on the front roof slope and four roof lights on the rear roof slope.

Access to the site will be sought via a cul-de-sac arrangement formed by an extension of Station Street.

## **RELEVANT HISTORY OF THE SITE:**

PA/339844/17 - Erection of one detached dwelling (Plot 6) - Decision pending.

PA/339843/17 - Erection of one detached dwelling (Plot 5) - Decision pending.

PA/339842/17 - Erection of one detached dwelling (Plot 4) - Decision pending.

PA/338218/16 - Pair of semi-detached houses (Plots 9 & 10) - Decision pending.

PA/336680/15 - Erection of nine dwellings and associated works - Approved 08/07/15 subject to a legal agreement confirming the level of contribution towards Public Open Space.

PA/336382/14 - One detached dwelling (adjacent application site) - Approved 09/03/15

PA/332425/12 - Outline planning application for seven detached dwellings (six of which occupy the application site subject of this application) - Approved 30/01/14 following the completion of a legal agreement in respect of a £50,000 contribution towards Public Open Space.

PA/331577/11 - Substitution of house type to include garage (adjacent application site) - Approved 17/01/12.

MMA/330970/11 – Minor Material Amendment to planning permission granted under PA/059118/10 (adjacent application site) - Approved 28/09/2011.

PA/330267/11 - 1) Change of use of land to garden area. 2) Erection of fencing to perimeter of site (adjacent application site) - Refused 16/06/2011 and subsequently dismissed at appeal.

PA/059118/10 - Erection of two dwellings (adjacent application site, Plots 1 and 2). Approved - 09/02/2011.

PA/057867/10 - Reserved matters application for erection of two dwellings. Appearance, landscaping and scale to be considered (adjacent application site) - Refused 01/07/2010.

PA/054681/08 - Outline application for two dwellings with layout and access to be considered. All other matters reserved (adjacent application site) - Approved 04/12/2009.

PA/053699/07 - Outline application for ten dwellings and provision of car park with layout and access to be considered. All other matters reserved. (Resubmission of PA/051677/06) - Refused 17/10/2007.

PA/051677/06 - Outline application for residential development and car park, with layout and means of access to be considered. All other matters reserved - Refused 07/02/2007.

## **RELEVANT POLICIES**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that, to the extent that development plan policies are material, applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the revised National Planning Policy Framework (NPPF).

In this case, the 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Old ham (DPD). It contains the Core Strategies and Development Management policies used to assess and determine planning applications.

The application site is unallocated on the Proposals Map associated with this 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 9 - Local environment;  
Policy 11 - Housing;  
Policy 20 - Design; and  
Policy 23 - Open spaces and sports.

The advice within the National Planning Policy Framework (NPPF) is also relevant as a material planning consideration.

## **CONSULTATIONS**

Traffic Section	Recommend conditional approval
Drainage Section	No objection subject to implementation of the submitted drainage plan
United Utilities	No objection subject to conditions to ensure an acceptable drainage scheme.

## **REPRESENTATIONS**

51 neighbouring properties, including 23 Ashfield Crescent, have been notified of the application and a site notice has been displayed. Following these publicity measures, the occupier of 12 Station Street has expressed concerns in relation to the proposed number of dwellings on the site as a whole and the disruption associated with the construction phase.

The application was discussed at the meeting of Saddleworth Parish Council Planning Committee on the 6th June 2016, where it was recommended that the application be refused on the grounds that the design is not in keeping with the existing street scene.

## **PLANNING ASSESSMENT**

The main issues for consideration comprise:

- Principle of development;
- Design;
- Residential Amenity;
- Parking and highway safety;
- Public Open Space; and
- Trees

### **Principle of development**

Outline planning permission for the erection of nine dwellings on the larger site of which this application forms part was granted in 2015. There have been no material changes in circumstances since that decision, and therefore the principle of residential development on the site has been already established, and it has been demonstrated that the site occupies a sustainable location as required under DPD Policies 1, 3 and 5.

### **Design**

DPD Policy 20 promotes high quality design and requires that new development should reflect local characteristics whilst not resulting in a significant, adverse impact on the visual amenity of the surrounding area or significantly harm the amenities of occupiers of existing or future neighbouring properties.

The proposed dwellings will provide accommodation over three floors, with the second floor located within the roofspace. Whilst this conflicts with the general character of the area, a

pair of houses of similar scale have been constructed recently immediately to the east of the site, namely nos.1 & 2 Meadow Gate (formerly plots 1 & 2) and an application for dwellings of identical height between the proposed dwellings has also been submitted. Further, the building will be constructed using an appropriate facing brick and slate or tiles reflecting the appearance of properties in the vicinity of the site.

Accordingly, the proposed dwellings would comply with the objectives of DPD Policy 20.

### **Residential amenity**

DPD Policy 9 includes the requirement that development proposals should not cause significant harm to amenity through impacts including privacy, visual appearance or daylight. In addition, paragraph 127 of the NPPF requires that development should "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

To this end, it is considered that the proposed layout demonstrates that adequate separation distances would be maintained between those dwellings subject of this application and neighbouring dwellings, thereby ensuring that sufficient levels of privacy will be retained and in turn avoiding any harmful degree of overshadowing.

With particular regard to the relationship between plots 11 & 12 and the neighbouring dwellings on Ashfield Crescent, most notably nos.21 & 23 Ashfield Crescent, notwithstanding the close proximity of the proposed dwellings to the northern boundary of the site, adequate separation distances would appear to be maintained between the dwellings in question, thereby avoiding any harmful degree of intervisibility in this instance. Additionally, the existence of the aforementioned hedgerow and scout hut would further lessen the impact associated with plots 11 & 12. The absence of any objection from the occupiers of both 21 & 23 Ashfield Crescent would seem to support such findings.

Equally, adequate separation distances would be maintained between the plots subject of this application and those proposed at the southern end of the site, namely plots 4,5 & 6.

### **Parking and highway safety**

Following the submission of an amended site layout drawing, the Council's Highways Engineer is now satisfied with the scheme, and as such, it is recommended that the application be approved subject to a condition for the provision of the access and parking spaces prior to occupation.

### **Public open space**

DPD 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.

From the site history, it is noted a financial contribution was agreed on the outline approval for nine dwellings on the wider site. However, 'full' applications on a plot by plot basis have been submitted subsequently. This has resulted in the original application site being split into five different plots.

To this end, it is the Council's view that regardless of present or future ownership, this remains overall one development site, as it follows the layout approved by the outline application. Therefore each application should be subject to a pro rata contribution. The various landowners (responsible for the submission of this and the four related applications) have agreed to a planning obligation towards improvement works to the open space in the locality and for a contribution of £22500 which will be paid on the granting of planning permission.

Subject to this obligation being completed, the objectives of DPD Policy 23 will be satisfied.

## **Trees**

Saved Policy D1.5 aims to protect existing trees on development sites. In the absence of any trees and hedges on the site, other than the aforementioned evergreen hedge and trees on land adjacent to the development site, the development will not result in the specific loss of any trees and therefore the policy's aims would be satisfied.

## **CONCLUSION**

The development would provide new family homes in a highly sustainable location, and would provide a contribution to the improvement or provision of new public open space in the local area. It is therefore considered that the development would result in significant benefits to the local community, although it is accepted that in the short term there will be some disruption associated with the construction of the development. The proposal would therefore be in accordance with relevant national and local planning policies.

## **RECOMMENDATION**

It is recommended that Committee resolves:

1. To grant planning permission subject to the recommended conditions and to completion of a planning obligation for a financial contribution towards off-site public open space, and,
2. To authorise the Head of Planning & Development Management to issue the decision upon satisfactory receipt of the contribution.

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 amended plans referenced as:-
  - Site Plan referenced Dwg No.2 SP, received on 1st October 2018;
  - Ground Floor Plan and Cross Section referenced Dwg No.64 'C' 'R', received on 1st October 2018;
  - First and Second Floor Plans referenced Dwg No.64 'F' 'R', received on 1st October 2018; and,
  - Elevations referenced Dwg No.64 'S' 'R', received on 1st October 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. Prior to the construction of any external walls, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including the roof, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, 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. Prior to the occupation of the dwellings hereby approved, details of a site investigation

and assessment in relation to landfill gas risk and ground contamination in the form of a consultant's written report and recommendation shall be submitted to the Local Planning Authority, including evidence that any necessary programmed remedial measures have been implemented.

Reason - In order to protect public safety and the environment.

5. 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 development in Classes A, B, C, D or E of Part 1, Schedule 2 to that Order shall be carried out on the site without the prior written consent of the Local Planning Authority

Reason - The Local Planning Authority considers it expedient, having regard to the density, type and appearance of the development, to regulate any future alterations/extensions to ensure that the amenity of the occupiers of neighbouring dwellings and the character and appearance of the area are not detrimentally affected.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of the approved dwellinghouses in front of the forwardmost part of any wall of the dwellinghouses which fronts onto a highway, other than any expressly authorised by this permission.

Reason - The Local Planning Authority considers it expedient, having regard to the open plan layout of the development, to regulate any future development of the dwellings to ensure that the character and appearance of the development is not detrimentally affected.

7. Prior to the occupation of the proposed dwellings, the foul and surface water drainage system shall be implemented in full accordance with the drainage plan most recently updated on the 29th October 2018, referenced Drawing No.WL\_906\_006 Revision G. Thereafter, the development shall be completed, maintained and managed in accordance with the approved details.

Reason - To secure proper drainage and to manage the risk of flooding and pollution.

8. No dwelling shall be brought into use unless and until the access and car parking spaces for that dwelling has been provided in accordance with the approved plan received on 1st October 2018 (Ref: Dwg No.2 SP). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the access/parking spaces. 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.

9. Prior to the commencement of the construction of the dwellings hereby approved, details of finished floor levels relative to agreed off-site datum points shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details.

Reasons - In order to ensure a satisfactory design and relation with neighbouring properties.



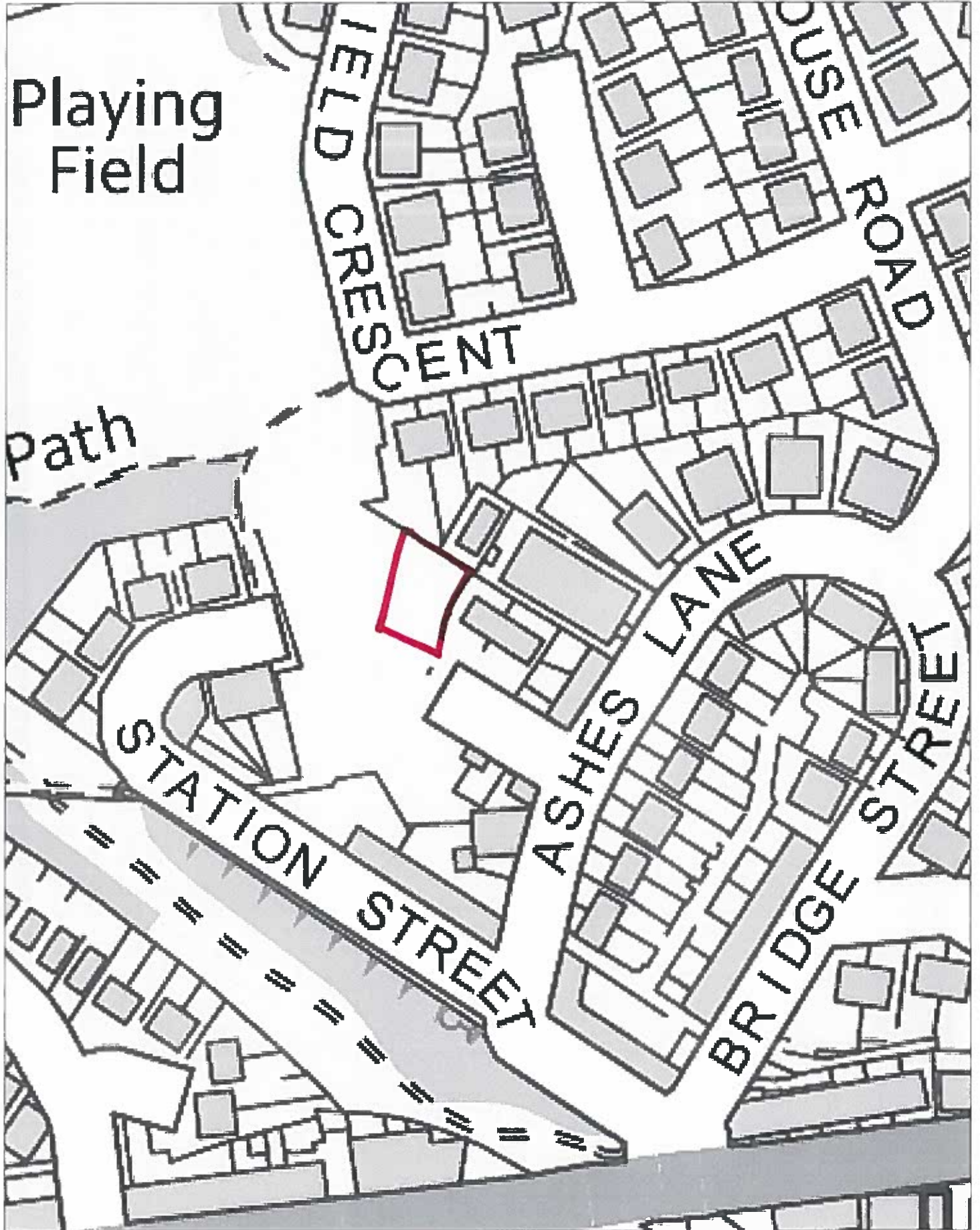




338534

Playing Field

Path



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Scale 1:1250



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