

APPLICATION REPORT - FUL/345662/20
Development Control Delegation

Registration Date: 15th October 2020
Ward: Coldhurst

Application Reference: FUL/345662/20
Type of Application: Full Application

Proposal: Erection of 1 no. dwelling
Location: Land Adjacent To 84 Belmont Street, Oldham, Oldham, OL1 2AW,
Case Officer: Osian Perks
Applicant Mr Amir Uddin Mr Juned Miah
Agent : Mr Nick Goodchild

RELEVANT PLANNING HISTORY :

None

RELEVANT PLANNING POLICIES

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

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

Joint Development Plan Document

Policy 01 - Climate Change and Sustainable Development
Policy 03 - An Address of Choice
Policy 05 - Promoting Accessibility and Sustainable Transport
Policy 09 - Local Environment
Policy 20 - Design
Policy 22 - Protecting Open Land

National Planning Policy Framework

Statutory and Internal Consultees:

Highways Engineer No objection.

Environmental Health No Comment Received.

Coal Authority No objection subject to conditions.

REPRESENTATIONS

0 **support** comments have been received.
0 **neutral** comments have been received
1 **objection** comments have been received

SUMMARY OF OBJECTIONS:

One objection has been received and the following points have been raised:

- The development will significantly impact upon the space available for young children to use. This will adversely impact upon their health and wellbeing.
- There is insufficient parking space available.

THE SITE

This application relates to a small area of undeveloped scrubland adjacent to No.84 Belmont, an end of terrace, residential property, to the West. To the East is an access road to the rear of properties fronting Belmont Street, beyond this is another row of terrace properties which front Belmont Street.

To the rear are residential properties fronting Medina Grove.

THE PROPOSAL

Planning permission is sought for the erection of a residential dwelling. It would be two storey, built with a dual pitched roof and would have a dormer window within the rear facing roof slope. Its front and east side elevation would be built in brick and its rear and west side elevation would be rendered. It would have a small front garden, a rear yard along with a parking space to the rear.

The property would have four bedrooms, one of which would be situated within the roof space.

PLANNING CONSIDERATIONS

Principle of Development

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 -1, 3 and 11 – are considered out-of-date as they are the most important policies for determining housing applications, as per para. 11(d), and so afforded “less weight” in the tilted balance.

DPD Policies 1,3 and 5 aim to guide development to the most accessible locations and promote and encourage sustainable transport methods.

Policy 1 seeks to ensure the effective and efficient use of land and buildings by promoting the reuse and conversion of existing buildings and development on previously developed land. It also aims to ensure developments are sited within sustainable and accessible areas within the built up area.

Policy 3 of the Local Plan stipulates that minor residential development should have access to at least two key services. The development is located approximately 400m from Northmoor Academy and 310m from Al-Khazra Masjid. It therefore complies with this policy aim.

Policy 5 states that as a minimum, new minor development should achieve '*low accessibility*' *'within approximately 400 metres of a bus route with a service, or combination of services...'* The proposed development is within approximately 110 metres of two bus stops on Rochdale Road which are sited on several bus routes.

In light of the above, it is considered that the site is considered a sustainable location.

Design

DPD Policy 9 'Local Environment' states that it is necessary to consider how a proposed development impacts on the visual appearance of the existing building. DPD Policy 20 requires such proposals to respond positively to the environment, contribute to a distinctive sense of place, and make a positive contribution to the street scene.

The proportions of the dwelling proposed reflect those in the adjacent terrace and the lintels and sills indicated on plan are an element of the design shared with these neighbouring properties. By virtue of its design, it is considered that the proposed development would appear as contemporary but sympathetic addition to the wider street scene.

Whilst the west side and rear elevation of the proposed dwelling would be rendered, it is noted that these elevations would not be easily publicly prominent and as such, these exterior materials would not have a detrimental impact upon the character of the street scene.

The size and materials of the boundary treatments would be broadly reflective of those in the existing street scene.

In light of the above, it is considered that the proposed development would accord with the visual amenity aims of DPD policies 9 and 20.

Residential Amenity

DPD policy 9 seeks to protect the amenities of the occupants of residential properties by ensuring adequate outlook, levels of natural light and privacy.

By virtue of its fenestration pattern, design, size and siting in relation to neighbouring properties on both Belmont Street and Medina Grove, it is considered that the proposed development would not cause an unacceptable loss of privacy or light to, nor would it have an oppressive impact upon the occupants of neighbouring properties.

By virtue of its size, layout and the siting and size of window openings, the proposed development would provide future occupants with an adequate level of amenity.

The side facing windows would have limited, close-proximity views of the neighbouring properties. By virtue of these windows being to non-habitable rooms only, it is not considered that they would cause an undue loss of privacy to neighbouring properties.

In light of the above, it is considered that the proposed development would accord with the residential amenity aims of DPD policy 9.

Highways

DPD Policy 9 indicates that development should protect and improve local environmental quality and amenity by ensuring that development will minimise traffic levels and do not harm the safety of road users. Paragraph 109 of the NPPF states:

'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

No objection to the development has been raised by the Highways Officer. One parking space would be provided. Given the scale of the development, the current pattern of development and the lack of parking in the existing street, it is considered that the proposed development would provide adequate parking provision for occupants.

Other Issues

The Coal Authority have indicated that the proposed development is sited in a defined *Development High Risk Area*. A report has subsequently been submitted by the agent indicating that unrecorded bell pits and shallow underground coal mining workings pose a risk to the proposed development.

As such, the Coal Authority have stipulated that pre-commencement and pre-occupation conditions should be attached to any subsequent approval, requiring intrusive investigations to be carried out and certification that the site is stable and safe.

Conclusion

It is considered that the development accords with the policy aims of the Local Plan and National Planning Policy Framework and the benefit of creating an additional dwelling outweighs the minimal harm caused by the loss of the open space. As such, it is recommended that the application is approved.

RECOMMENDATION:

Granted, subject to the 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 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, 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 Prior to the commencement of any above ground development, details of a finished floor level for the proposed building relative to an off-site datum point identified adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved detail. REASON - In order to ensure adequate information is submitted to fully assess the impact of the development having regard to Policies 9 and 20 of the Oldham Local Plan.

6 No development shall commence until a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented in full in order to ensure that the site is made safe and stable for the development proposed, and a report detailing these investigations and works and measures has been submitted to and approved in writing by the Local Planning Authority. REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and to mitigate against risks associated with coal mining having regard to Policy 9 of the Oldham Local Plan.

7 Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity. REASON - To ensure the mitigation against risks associated with coal mining has been implemented having regard to Policy 9 of the Oldham Local Plan.

8 No development shall commence 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. 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.