

# APPLICATION REPORT - PA/342222/18

Planning Committee, 13 March, 2019

**Registration Date:** 16/08/2018  
**Ward:** Saddleworth South  
**Application Reference:** PA/342222/18  
**Type of Application:** Full Planning Permission

**Proposal:** Erection of 20 no residential dwellings with amended road access and associated car parking.  
**Location:** Land to the rear of 29 -51 Shaw Hall Bank Road, Greenfield, OL3 7LD  
**Case Officer:** Hannah Lucitt  
**Applicant Agent :** Wiggett Construction  
HNA Architects Ltd

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Members will recall that this application was deferred at Planning Committee on 13th February 2019 so that clarification can be sought for the reasons for the Section 106 contributions being used at Churchill Playing Fields, rather than for affordable housing or on-site public open space.

As explained in the Officer report, ordinarily an element of affordable housing would be required on site. However, in this instance, the number of dwellings that could reasonably be provided would be nominal and unlikely to be picked up by an RSL since it would be an isolated affordable housing dwelling(s) located away from their housing stock and consequently more difficult to maintain and manage. Therefore, in this instance, the lack of affordable housing is considered acceptable, given the economic and social benefits associated with the provision of new sustainable dwellings on site that meet acknowledged housing need in the Borough and this ward specifically.

Turning to the subject of public open space, it is considered that the lack of public open space is acceptable, given the contribution of £150,000 towards trim trail exercise equipment and surface improvements at the Churchill Playing Fields. The contribution made is sufficient to mitigate against the lack of public open space on site.

Furthermore, should public opens space be provided on site, the density of the dwellings on site would not be maximised, as required in current planning guidance that requires the efficient use of land and maximising development potential where reasonable.

Churchill Playing Fields has been designated by the Head of Environmental Services as the area of public open space likely to be used by future occupants of the proposed development, which would most benefit from improvements.

The application is therefore again recommended for approval, subject to conditions and a S106 agreement.

## THE SITE

The site comprises a rectangular plot and amounts to approximately 8,647 square metres (0.864 Ha) in area.

The site is situated between Shaw Hall Bank Road and Huddersfield Narrow Canal, and sits within a residential area. It is located behind a row of existing terraced houses on Shaw Hall Bank Road to the north boundary. Shaw Hall Close is located to the west boundary, with the Huddersfield Narrow Canal to the south.

To the east/north east, the site is bound by an area of overgrown land 31m in width, followed by the existing access road to the adjacent Saddleworth Sewage Works, located to the south east of the site on the opposite side of the Huddersfield Canal.

The site has a level difference from Shaw Hall Bank Road, to Huddersfield Narrow Canal of approx. 7m. There is an existing slope down the access way between 29 and 31 Shaw Hall Bank Road of about 3m, then the site slopes down another 4m to the edge of Huddersfield Narrow Canal.

The whole site is subject to an area Tree Preservation Order (TPO/565/15). The site contains two areas of woodland, one area to the south west and one to the north east (which continues beyond the application site to the north east/east).

The site is currently overgrown with self-seeded vegetation with brambles making it difficult access and use as open space. It has invasive species and, due to the canal embankment creating a local damp effect, an occasional pond forms during the wetter months. The site has suffered from a fly tipping of garden waste in the past.

The application site is not within a Conservation Area, nor does it have any heritage assets on, or near to its boundaries.

The application site is located within Flood Zone 1.

## **THE PROPOSAL**

This application proposes the erection of 20 detached two-storey, four-bedroom houses of three different house types. Each property will be accessed from a private driveway and garden to the front. Each has a private garden to the rear. Access to the application site will be via the existing access off Shaw Hall Bank Road.

The existing access is proposed to be altered to include a wider visibility splay into Shaw Hall Bank Road, bollards, and a footway.

Each dwelling would have at least one car parking space.

The application proposes the loss of existing trees to facilitate the proposed development, and the implementation of a landscaping scheme and associated works. This includes the removal of 9 trees, with 8 mature trees remaining on site, the planting of 34 new trees and a number of shrubs and hedges.

A proposed designated car parking area formalises the existing informal car parking arrangement and is proposed to the north of the site to serve the existing residents at Shaw Hall Bank Road.

No affordable housing or public open space is proposed on site.

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

PA/340397/17 - Land rear of 19 to 27 Shaw Hall Bank Road (*Residential development of 2 No. detached dwellings. Access and layout to be considered. All other matters reserved*) was granted conditional planning permission on 30th October, 2018.

## **CONSULTATIONS**

Highway Engineer

No objection, subject to the inclusion of conditions

addressing the provision and retention of the access and car parking spaces, and the implementation of the highway improvement scheme.

An informative in regard to s.278 and s.38 of the Highways Act 1980 should also be included.

Environmental Health

No objection, subject to the inclusion of conditions addressing contaminated land and landfill gas.

LLFA

No objection, subject to the inclusion of a condition addressing the need for drainage plans.

Greater Manchester Police  
Architectural Liaison Unit

No objection, subject to the inclusion of a condition addressing the need for the development to meet the 'Secured by Design' standards.

Council's Arbourist

No objection, subject to the inclusion of a condition requiring the implementation of the landscaping scheme.

Drainage

No objection, subject to the inclusion of a condition addressing the need for drainage plans.

United Utilities Asset Protection

No objection, subject to the inclusion of a condition addressing the need for drainage plans and foul and surface water to be drained on separate systems.

Environment Agency

No objection, subject to the inclusion of a condition addressing contaminated land.

Canal & River Trust

No objection, subject to the inclusion of conditions addressing the implementation of the landscaping scheme, and a condition addressing the control of boundary treatment.

An informative addressing discharge of surface water into the canal should also be included.

Greater Manchester Ecology Unit

No objection, subject to the inclusion of conditions addressing the need for an ecological construction method statement, protection for nesting birds, lighting, biodiversity enhancement, and invasive species.

An informative in regard to what to do in the event badgers are found on site should also be included.

## REPRESENTATIONS

This application was publicised by way of a site notice, press notice and neighbour notification letters. A total of 157 letters of objection and a petition, objecting to the scheme, with 764 signatures was received. The objections are summarised as follows:

### Land use

- Application site is not suitable for housing;
- Development should not take place on this greenfield site;
- Proposed development is located within an unsustainable area;
- There is no need for four bedroom dwellings in the area;
- Proposed development would result in the loss of an important green space;

- Proposed development would not provide affordable housing; and,
- The proposed development would result in the loss of TPO trees.

### Design

- Proposed development would have an unacceptable negative impact on the character of the area;
- The gradient of the site is unsuitable for residential development;
- Proposed development would unacceptable impact an undesignated heritage asset; and,
- Proposed development is of poor design.

### Amenity

- Proposed development would have an overbearing impact on adjacent dwellings;
- Proposed development would cause loss of privacy;
- Proposed development would cause light pollution to local residents dwellings;
- Proposed development would cause unacceptable noise and disturbance to local residents;
- Proposed development would result in a loss of outlook; and,
- The existing space is a place for children to play, with no replacement being offered.

### Highways

- Proposed development would cause an increase in localised traffic congestion;
- Proposed development would have an unacceptable impact on highway safety and amenity; and,
- The proposed parking restrictions on Shaw Hall Bank Road (double yellows) are unreasonable and would exacerbate existing parking issue locally.

### Drainage

- No information on drainage has been provided; and,
- Proposed development would exacerbate localised surface water flooding.

### Ecology

- Proposed development would be harmful to local wildlife; and,
- Proposed development would cause light pollution to the canal.

### Other matters

- Proposed development would devalue local houses;
- Proposed development would have an adverse impact on local infrastructure;
- Submitted documents are misleading and inaccurate;
- Proposed development would cause increase to localised crime;
- There is a right of way which runs through the site; and,
- There are ownership issues on site.

Saddleworth Parish Council recommend refusal, and have made the following comments:

*"The proposal would result in the loss of green space and amenity to the community. It also represents overdevelopment of this small area creating an unacceptably high housing density.*

*19 letters of objection were received in respect of this application.*

*In presenting the case in favour of the development the representative for Wigget Homes referred to GMSF needs. The Parish Councillors countered that GMSF targets have been again further delayed and that OMBC should wait before making decisions concerning applications for large numbers of houses. They would also request that Brownfield sites are developed before Greenfield ones".*

## PLANNING CONSIDERATIONS

The main issues to consider are:

- 1) Land use;
- 2) Loss of open space;
- 3) Design;
- 4) Residential amenity;
- 5) Highway safety and amenity;
- 6) Drainage;
- 7) Ecology;
- 8) Public open space; and,
- 9) Other matters.

### Land Use

#### Policy Background

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 2 within the National Planning Policy Framework (NPPF) reiterates 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 (DPD). It contains the Core Strategies and Development Management policies used to assess and determine planning applications.

The application site is unallocated by the Proposals Map associated with this document, though it is identified in the Council's Open Space Study as part of Shaw Hall Bank Road Natural/Semi-natural space.

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 10 - Affordable Housing;
- Policy 11 - Housing;
- Policy 19 - Water and Flooding;
- Policy 20 - Design;
- Policy 21 - Protecting Natural Environmental Assets;
- Policy 23 - Open spaces and sports; and,
- Policy 25 - Developer Contributions.

Saved UDP policies: D1.5 - Protection of trees on development sites

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

Policy 1 of the DPD, in the context of this application, seeks the effective and efficient use of land and prioritises development on previously developed land. Policy 3 also gives preference to the use of 'previously developed sites' for residential development.

However, this is not synonymous with a position that all development of previously developed land is unacceptable especially if it achieves sustainable development objectives.

Policy 3 explains that in the case of proposals on non-allocated sites such development 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 also explains that the use of previously developed land and vacant or underused buildings is the Council's first preference for residential development and the availability of such land, both in the locality and boroughwide, will be the first consideration regarding applications on greenfield sites.

## Land Use Consideration

### The case for new housing

It is recognised that there is a significant and unmet demand for housing within the area and that the scheme for new housing has significant economic and social benefits.

A failure to deliver new housing development in Saddleworth South and in the wider Oldham Borough area will contribute to and exacerbate problems that stem from the under-supply of housing, including:

- Constrained labour mobility and the potential for skills and labour shortages. The 2008 Taylor Review (Living, Working Countryside) found that a shortage of housing led to unfulfilled economic potential which were particularly acute in rural areas. These effects resulted from limited labour mobility and difficulties for employers to recruit locally. Research in Scotland and Cumbria observed that employers had resorted to subsidised housing and temporary accommodation for migrant labour to ensure they had access to the workforce they required.

- Further barriers to the recovery of the construction sector. Housing development is estimated to account for 25-30% of jobs in the construction sector, and plays a key part in providing apprenticeships, at work training and employment for young people, critical during a period when youth unemployment has hit historic highs.

- Weak activity in the construction sector has wider impacts on the performance of a local economy. Research by Oxford Economics concludes that, for every £1 spent on construction, £1.40 in gross output will be generated across the wider economy. In effect, a failure to develop housing implies missed opportunities to boost local economic performance at a time when the economy remains in a fragile state.

- An under-supply of housing has adverse impacts on local consumer expenditure in a number of ways. High house prices (rental and purchase) are likely to reduce disposable income, which in turn reduces the potential household expenditure that local retailers and service providers compete to capture. A failure to attract a younger population to an area in which the population is ageing may lead to smaller, older households. With households in which the head is over the age of 75 spending only 50% of average household expenditure, this will affect the level of potential household income available in the area. While Greenfield is currently well provided for in terms of retail facilities and local services, the ageing of its population is likely to see significant growth in the number of smaller and older households in the area.

Given the significant economic and social benefits new housing brings, the benefit of providing much needed housing would weigh heavily in favour of the scheme.

The Council's 2016-17 Monitoring Report indicates that, as of 1 April 2017, the Council has a five-year supply of 2,743 dwellings, which provides a 6.55 year supply of deliverable housing land against the housing requirement set out in the Local Plan (289 dwellings per year), with 809 being on previously developed land.

A partial update of the council's Strategic Housing Land Availability Assessment (SHLAA) also illustrates that there is a potential housing land supply (11,233 dwellings) to meet the borough's housing requirements over a 20 year plan period (2018-2038) based on the levels set out in the Local Plan.

However, the current five-year supply would not meet the emerging housing requirements in the original draft GMSF (685 dwellings per annum) or the current version (752dpa). The NPPF requires local planning authorities to apply the standard national methodology when identifying the local housing need for the area. Whilst it is important to note that these are still in draft / consultation form, the evidence supporting the GMSF consultation indicates it is likely a housing requirement for Oldham of between 685 and 752dpa will need to be considered in the assessment of applications.

Paragraph 11 of NPPF sets out the presumption in favour of sustainable development which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this 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 this Framework taken as a whole.

If a five year housing land supply cannot be demonstrated against the ministerial housing need figures, the proposal will need to be assessed against this presumption and Members should subsequently give weight to this.

The site is included in the 2012 SHLAA and in the draft SHLAA. However, inclusion in a SHLAA does not automatically imply that a site will be granted planning permission for housing.

Whilst the GMSF is an emerging plan, it provides the most up-to-date evidence with respect to OAN for each district in Greater Manchester and these targets have been utilised by Inspectors when assessing whether a Council is able to demonstrate an adequate supply of housing land.

In particular, in allowing an appeal in Bolton following a Public Inquiry (ref APP/N4205/W/15/3136446), paragraph 24 of the Inspector's decision states that:

*"Consultation on the draft vision, strategic objectives and strategic options for the GMSF along with the evidence base took place between November 2015 and early January 2016. A detailed analysis of housing need is included within the evidence base. This identifies a scenario which it indicates is considered to represent the Objectively Assessed Need for Greater Manchester and its individual districts. It explains that, because of the complex functioning of housing and labour markets within Greater Manchester, the relatively small distances involved in most migration and commuting, the issues of district identity and the availability of population and household data, the most appropriate unit of analysis below the Greater Manchester level is the individual districts. It indicates that the need in Bolton is for 965 dwellings per year over the period 2012 to 2035. The Council agrees that this figure is the outcome of a PPG compliant exercise and amounts to the best evidence of [a full, objective assessment of need] figure for Bolton."*

The GMSF is at an early stage of preparation. It has not been through the full public consultation exercise and has not been subject to independent examination. Accordingly, it can carry only limited weight in the decision making process. Nevertheless, having regard to the appeal example from Bolton above, it is apparent that the evidence base which informs

the GMSF is being applied by Inspectors during the appeal process.

It is acknowledged that the Council's current five-year supply is not certain to meet proposed housing requirements in the draft GMSF (685dpa) or that set out in the Government's 'Planning for the right homes in the right places' which has recently been consulted upon (752dpa). However, it is important to note that these are still in draft / consultation form. Nevertheless, the evidence supporting the draft GMSF and the recent Government consultation indicates a housing requirement for Oldham of between 685 and 752dpa.

The GMSF identifies a housing target for Oldham which is more than double that set out in DPD policy 3. Whilst the applicant has not provided any objective assessment which attempts to demonstrate that the Council is unable to demonstrate a five year supply of housing, the delivery of a significant number of new dwellings on the site would contribute to boosting the supply of housing land in the borough. This is a factor which weighs significantly in favour of the scheme for the purposes of paragraph 73 of the NPPF (2018) and must be given significant weight in the determination of this scheme.

With respect to the remaining criteria in Policy 3 (ii) and (iii), it is apparent from the type and density of housing shown on the indicative layout the development would deliver larger family homes and higher-value housing which meet the needs and aspirations set out in criteria (a) and (c) of Joint DPD policy 11. As such, this factor must also be given weight in the determination of this application.

### Affordable Housing

All residential development of 15 dwellings and above, in line with national guidance, will be required to provide an appropriate level of affordable housing provision. The current target is for 7.5% of the total development sales value to go towards the delivery of affordable housing, unless it can be clearly demonstrated to the council's satisfaction that this is not viable, in accordance with DPD Policy 10.

Affordable housing must be provided on-site, in partnership with a Registered Provider, preferably that belongs to the Oldham Housing Investment Partnership (OHIP), unless there are exceptional circumstances that would justify the acceptance, by the council, of off-site provision within the locality or a financial contribution in lieu of provision.

Exceptional circumstances include:

- e. where the specific characteristics of the residential development proposed mean that the provision of affordable housing on-site is neither practicable or desirable; or
- f. where the council consider that off-site provision within the locality or a financial contribution would meet local affordable housing needs and other planning and regeneration objectives more effectively.

As the proposed development is for 20 dwellings, on-site provision would be difficult to practically provide and subsequently off-site provision within the locality or a financial contribution would be required on a prorata basis for the 5 dwellings which fall over and above this threshold. This is particularly the case because housing association find it practically very difficult to manage small numbers of isolated affordable housing on site away from the rest of their housing stock.

In this instance, it would not be financially viable for a meaningful contribution or off site provision to be made.

Therefore, in this exceptional circumstance, it is considered that it is acceptable for the proposed development to include no provision for affordable housing.

### Is the site within a sustainable location?

DPD Policy 3 clarifies the Council's aims to promote development in sustainable locations and on previously developed sites. This is not, however, synonymous with a situation where



all development on greenfield sites should be refused. If the scheme is sustainable development, the guidance indicates it should be approved in accordance with Paragraph 11 of the NPPF.

In the case of proposals on a non-allocated site, Policy 3 states that such developments will be considered favourably where they satisfy three criteria. They are:

- (i) a deliverable 5-year supply of housing land cannot be demonstrated,
- (ii) it contributes towards the delivery of the borough's regeneration priorities, or,
- (iii) it contributes to the delivery of affordable housing that meets the local affordable housing needs.

In this case a 5 year housing land supply is difficult to justify in Oldham, and the scheme would result in the physical, economic and social regeneration of the area.

Policy 3 also acknowledges the contribution that residential development on non-allocated sites can make to housing providing they are in sustainable locations. It specifically states that residential development for 'major' category proposals (such as this) should be within 480m or a ten-minute walk of at least three 'key services' which are taken to include 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 is located within a highly sustainable location with two public houses, St Anne's Lydgate & Christ church Friezland C Of E Church and Saddleworth Rangers within the prescribed distance.

DPD Policy 5 requires major development to achieve 'High Accessibility' as a minimum which is defined as being within approximately 400m of a frequent bus route or approximately 800m of a rail station or Metrolink stop. The nearest bus stops providing services to Ashton, Dobcross and Denshaw are located less than 200 metres from the site, with further services available in Greenfield. Greenfield railway station with services eastbound and westbound is approximately 300 metres to the east.

Consequently, it is considered that the site occupies a highly sustainable location.

Having regard to the above factors, alongside the contribution the proposed development would make to the Council's housing land supply, it is considered that the principle of the proposed development is acceptable and that the land is suitable for housing, if the loss of open space does not outweigh the benefit of new housing.

#### Loss of 'open space'

The application site was directly assessed as part of the Oldham LDF 'Open Space Study' as 'Natural and Semi-Natural' open space. The site was not considered as being of 'Good Quality'. It was assessed in terms of quality as 49.6% 'Poor'. 'Good Quality' is described as scoring at least 70%. It therefore is clear that the quality of 'open space' is not high.

Though the application site was included within the 'Open Space Study' it is clear that the proposal would not amount to 'open space' being neither useable or accessible by virtue of the thick self-seeded vegetation on site, with no specific use or purpose.

Amongst this vegetation, there are a number of TPO trees. It is acknowledged that the site has some visual amenity value, particularly for the residents that face onto the application site.

Whilst the neighbours comments are acknowledged, Officers found the site to be largely inaccessible on foot, and subsequently cannot realistically be argued to be useable 'public open space'.

It is considered, in this instance, that there that there is sufficient good quality open space in close proximity to the site that will still meet the needs of the adjacent and new residents, to

the immediate east and south of the application site, which are well used areas of grassed open space.

Overall, it is considered that the economic and social benefits associated with the provision of 20 dwellings would outweigh the impact of the loss of mostly unusable 'open space', that does not have a quality sufficient to demand its retention in this instance.

The applicant has agreed to a legal agreement in respect of a contribution of £150,000 towards the provision or improvement of existing public open space, specifically improvements to Churchill playing fields, provision of trim trail exercise equipment and surface improvements. This is supported by the Local Authority.

### Land use conclusion

Given the above, it is considered that the application site is suitable for residential development, as it is located within a sustainable area, on land capable of being developed for housing in an area with identified housing need.

The release of this 'open space' is considered acceptable, given its low quality and accessibility, when considering the economic and social impacts brought about by new housing within the area.

Therefore, the land use is considered acceptable in principle.

### **Loss of Trees**

Saved UPD Policies D1.5 states that where trees are to be lost to development, the Council will require, as a minimum, replacement at a ratio of three new native trees for each mature or semi-mature tree lost. Where possible the replacement trees should be accommodated on or immediately adjoining the development site.

The loss of 9 trees on this site clearly weighs against the scheme.

Any development of the site will result in tree loss. Overall, the majority of the trees required to be removed would be limited to younger, low quality scrub and pioneer tree species such as goat willow.

Nevertheless, the Council's Arbourist has assessed the trees on site and has agreed to the removal of a number of trees, with 8 mature trees remaining on site. The Council's Arbourist has also supported the robust landscaping scheme and replanting schedule which includes the planting of 34 trees on site to mitigate against the loss of trees caused by virtue of the proposed development.

Give the above, the proposal is considered to be in accordance with Saved UPD Policies D1.5.

### **Design**

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

The layout of the proposed development has been designed in accordance with DPD Policy 20 to avoid adverse impacts on the amenity of future occupants and the occupants of existing neighbouring properties.

The design and materials proposed for the dwellings has been designed to be in keeping with the design of the dwellings within the surrounding area. They are constructed using stone, with a pitched roof of traditional design.

The proposed hard and soft landscaping, that will form part of the development, is considered to be acceptable, incorporating areas of green space, as well as landscaping

forward of the front elevation of the proposed dwellings. This assists in the 'softening' the impact of the proposed development.

The proposed development would not have any impact on a designated or undesignated heritage asset.

In regard to the concerns outlined by neighbours in regard to design:

- The proposed development is considered to have a positive impact on the character of the area;
- The gradient of the site is suitable for residential development;
- The application site is not located within close distance to any designated or undesignated heritage asset; and,
- The proposed development is considered to be of high quality design.

Overall, it is considered that the high quality design of the proposed development would have a positive impact on the character of the area, in accordance with DPD Policies 9 and 20.

### **Residential amenity**

DPD Policy 9 outlines that new development proposals must not have a significant adverse impact upon the amenities of neighbouring properties.

It is considered that the relationship between the buildings within the site is acceptable since none of the windows proposed within the site would result in significant overlooking or loss of privacy to the occupiers of each of the proposed dwellings.

The minimum separation distance between windows serving first floor habitable rooms would be 17m, (at an acute angle between plots 18 and 20) with plot 20 being located at a higher topographical level.

Although ideally, a separation distance of 21m between habitable rooms should be achieved, given the sloping nature of the site and the impact of proposed habitable rooms windows being largely offset from one another, it is considered that the reduced separation distance between dwellings is acceptable, given the mitigating impact of the topography of the land, and the offset window fenestration.

The garden areas associated with the proposed dwellings are considered to provide adequate amenity space. It is not considered that the existing site has any specific use, therefore, it is not considered that the proposed development would result in the loss of a children's play facility.

There is no evidence to show that an increase of 20 dwellings would have a significant adverse impact on local infrastructure.

The proposed residential use of the site is considered appropriate to the character of the surrounding area. It is considered that, when viewed as a whole, the layout and design of the proposed development would integrate into the wider character of the area. No objection has been raised by Environmental Health in regard to noise and disturbance, light pollution or other amenity matters. Therefore, it is considered that the proposed development would comply with DPD Policies 9 and 20.

### **Highway safety and amenity**

The proposed development is located within an established residential area. There are excellent links to public transport and access to a wide range of local amenities within walking or cycling distance. Parking provision across the site is adequate, and it is not considered that there will be any additional demand for on street parking on Shaw Hall Bank Road as a result of the development.

If left unaltered, visibility at the junction of the proposed access road and Shaw Hall Bank Road would have been obstructed by any vehicles parked on Shaw Hall Bank Road. 'Build outs' will therefore be provided on Shaw Hall Bank Road to improve visibility. Moreover, a s.106 Contribution of £4,500 has been agreed by the applicant to allow the introduction of waiting restrictions to each side of the build outs to further facilitate visibility for vehicles emerging from the proposed access road.

The waiting restrictions included as part of the s.106 agreement will facilitate visibility at the junction of the application site. The developer has made provision for parking for existing residents at Shaw Hall Bank Road on site. The proposed waiting restrictions will also prevent long banks of parked cars on Shaw Hall Bank Road, which currently prevent cars pulling in to pass each other.

Subject to these works, it is not anticipated that the traffic generated by an additional twenty dwellings will have any significant impact on the local highway network, or be detrimental to highway safety. No significant impact, in regard to additional congestion, is expected by virtue of the proposed development. Therefore, no objection has been raised by the Council's Highway Engineer, subject to the inclusion of conditions addressing the provision and retention of the access and car parking spaces, and the implementation of the highway improvement scheme.

### **Drainage**

The application site is located within a Critical Drainage Area and is known to suffer from localised surface flooding. No drainage scheme has been submitted with this application. However, there is no reason as to why a suitably designed drainage scheme could not effectively drain the site, without displacing surface water onto the adjacent dwellings at Shaw Hall Close. No objection has been raised by the LLFA, the Drainage Team, Environment Agency or United Utilities in relation to drainage on this point.

The LLFA and Council Drainage Team have commented that the Flood Risk Assessment as submitted is acceptable. There is no expectation that there will be issues with drainage on site that could not be overcome. Therefore, it is not considered that a reason for refusal will be able to be sustained on the basis of information currently available to officers, subject to a suitable condition, ensuring adequate drainage being imposed .

### **Ecology**

An ecology survey has been submitted with the application (Rachel Hacking Ecology) that was undertaken in July 2018.

The site is adjacent to the Huddersfield Narrow Canal which is a Site of Biological Importance (SBI). It is of note that the Huddersfield Narrow Canal is also a SSSI but this designation does not extend into Oldham.

During the Phase 1 survey, the habitats were assessed for their potential to support protected species. This included looking for signs of Badger activity (e.g. setts, paths, latrines and hairs on fences), assessing any waterbodies on site or near the site for their potential to support Great Crested Newt and assessing the potential for any buildings or mature trees to be used by bats.

The site was also surveyed for invasive, non-native plant species, such as Japanese Knotweed and Giant Hogweed.

### **Huddersfield Narrow Canal (SBI)**

The proposal suggests that the Canal should be protected throughout works, including site clearance. Additionally, no building materials, pollutants or surface water run off should be allowed to enter the canal. Greater Manchester Ecology Unit have recommended that an Ecological Construction Method Statement be submitted detailing how the works will be completed and how the canal will be protected throughout the works.

## Badgers

No evidence of Badger was found at the site or immediately adjacent to the site. No Badger sett or Badger activity was found on or immediately adjacent to the site. Generally, it is good practice to implement a 30m buffer surrounding the site.

As badgers could use the site to forage, Greater Manchester Ecology Unit have recommended that any excavations which are created on the site should not be left open overnight and should be covered or fitted with a ramp to prevent any mammals from becoming trapped. An informative is also recommended so that the developer is aware of the legal protection that certain species receive.

Given the above, it is considered that the proposed development is acceptable in regard to the safety of badgers on and near to the site.

## Bats

In regard to bats, there are no building structures occur on site. Several mature trees are located within the broad-leaved woodland. These were all inspected from the ground for potential roosting features, such as cavities and limb damage. No trees were found to have such features. Bats may use features, such as the woodland edges and ponds (when it holds water), for foraging and commuting. The canal to the south of the site is optimum commuting and foraging habitat for bats. This site is not.

It is acknowledged that artificial lighting can affect the feeding and commuting behaviour of bats. Bats will use the Canal and the retained woodland to the east of the site for foraging and commuting. Greater Manchester Ecology Unit have therefore recommended that any lighting (during construction and post development) be directed away from the canal and the retained woodland to the east of the site.

Given the above, it is considered that the proposed development is acceptable in regard to the safety of bats on and near to the site.

## Non-Statutory Protected Sites

### Birds

The trees and dense scrub vegetation have the potential to support nesting birds. The ephemeral pond also has the potential to support nesting waterfowl. Birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

Greater Manchester Ecology Unit have recommended that development works and works to trees and scrub (including site clearance) should not be undertaken in the main bird breeding season (March to July inclusive), unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared. Subject to written confirmation, that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site, the scheme is acceptable for birds.

### Invasive Species

Also present on the site was the invasive Himalayan Balsam, Rhododendron and Variegated Yellow Archangel. It is an offence under the terms of the Wildlife and Countryside Act to allow these plants to grow in the wild. Greater Manchester Ecology Unit have therefore recommended that a condition be attached to any permission that, prior to the commencement of any works on site (including vegetation clearance), a methodology for the control of invasive species should be submitted to and agreed by the Council. Once agreed, the method statement must be implemented in full.

## Deer

It is acknowledged that deer have been sighted historically at this location. However, they are:

- not protected under wildlife law;
- not a priority or notable species and range over relatively wide areas and so would simply move on to another area if disturbed.

Greater Manchester Ecology Unit, therefore do not regard their potential presence as a significant issue.

## Biodiversity Enhancement

In accordance with DPD Policy 21, a condition is attached to the recommendation to ensure that biodiversity enhancement is incorporated into the new development.

No objection has been raised by the Environment Agency or Canal & River Trust in regard to ecological issues.

Given the above, and subject to the inclusion of the conditions as recommended by the Greater Manchester Ecology Unit to, amongst other issues, address light pollution onto the Canal, it is considered that the ecological impact of the proposed development is acceptable, and in accordance with DPD Policy 21, and paragraph 174 of the NPPF.

## **Other matters**

Whilst the comments from neighbours in regard to the potential change to the value of their properties are acknowledged, the value of individual dwellings is subjective, and not a material planning consideration.

There is no evidence to show that the proposed development would cause an increase in localised crime. Furthermore, no objection has been received from the Greater Manchester Police Architectural Liaison Unit in this regard.

There is no public right of way which runs through the site. As such, objection in this regard have no merit.

Site ownership is a civil matter for the applicant and interested parties, and not a planning consideration.

## **Conclusion**

Paragraph 38 of the NPPF states that '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible*'.

The proposal has been fully assessed against national and local planning policy guidance.

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. Where the development plan is absent, silent, or the relevant policies are out of date, permission should be granted unless 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. Alternatively, specific policies in the Framework may indicate development should be restricted.

There is no doubt that additional housing arising from this scheme would be a significant public benefit for the area. It would introduce much needed housing for local people. It

would boost the supply of housing in accordance with the Framework, contributing 20 dwellings. It would bring about additional housing choice and competition in the housing market. Additionally, the proposal would lead to improvements to Churchill playing fields, provision of trim trail exercise equipment and surface improvements. As such, these benefits are given substantial weight in the planning balance.

The scheme would generate other economic and social benefits. It would create investment in the locality and increase spending in shops and services. It would result in jobs during the construction phase. It is acknowledged that the site is in a sustainable location, within range of the shops, services, schools and the other facilities of Greenfield. There are bus and rail services available in the locality. A range of employment opportunities exist in Oldham. In all these respects, the scheme would comply with the economic and social dimensions of sustainability.

Some environmental benefits would also occur. There is the potential for biodiversity enhancement through additional planting. This coupled with the proposed landscape mitigation means that there are substantial environmental benefits associated with the scheme. The potential improvements to biodiversity are significant and can be given positive weight in the planning balance.

As stated in the design section of this report, it is considered that the high quality design of the proposed development would have a positive impact on the character of the area, in accordance with DPD Policies 9 and 20.

Importantly, the Council needs to significantly boost the supply of housing. The requirement to significantly boost the supply of housing in the district, coupled with the fact that there have been **very few major planning applications for housing** submitted to and approved by the Council in the past 10 years in the Saddleworth South ward, attracts substantial weight in favour of granting permission for the proposals. However, the need to boost the supply of housing does not necessarily override all other considerations.

In this case, there are concerns in respect of the adverse effects of the loss of this privately owned site. However, when taking into consideration the characteristics of the site, though the application site undoubtably has some visual amenity value, as the site is not considered either useable or accessible. It's value is therefore limited.

Moreover, it is considered in this instance that there that there is sufficient other open space in close proximity to the site that will still meet the needs of the adjacent and new residents, to the immediate east and south of the application site, which are well used areas of grassed open space.

Overall, it is considered that the economic and social benefits associated with the erection of 20 dwellings would outweigh the limited impact of the loss of open space, that does not have a quality sufficient to demand its retention in this instance.

Given the significant economic and social benefits associated with the scheme and the positive weight that is given to the environmental benefits of the scheme, it has no significant design, ecology, amenity, flood risk, drainage, highways or other implications that would sustain a reason for refusal, conditional planning permission is recommended to be granted, since the benefits of the scheme outweigh any harm in this case.

**It is recommended that Committee resolves to grant permission:**

**(1) subject to the conditions in the report and to completion of:**

**a) Section 106 legal agreement in respect of a contribution of £150,000 towards the provision or improvement of existing public open space, specifically improvements to Churchill playing fields, provision of trim trail exercise equipment and surface improvements.**

**b) Section 106 legal agreement in respect of a contribution of £4,500 to allow the**

**introduction of waiting restrictions to each side of the build outs to further facilitate visibility for vehicles emerging from the access road.**

**(2) to authorise the Head of Planning & Development Management to issue the decision upon satisfactory completion of the legal agreement.**

**and subject to the inclusion of 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 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:

1119 - 004 revision D Site Entrance Details - 1-200 received 04th December 2018  
1119-103 revision D House Type B1 received 04th December 2018  
1119-104 revision C House Type B2 received 14th August 2018  
1119-106 revision C House Type C1 received 14th August 2018  
1119-001 revision L received 5th February 2019  
1119-002 revision C received 5th February 2019  
1119-003 revision C received 5th February 2019  
1119-005 revision B received 5th February 2019

Trevor Bridge Associates 5828.01 revision C Oct 18 - Proposed Soft Landscaping

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 any walls being constructed of the development hereby approved, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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.

4. 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 (1119-001 revision L received 5th February 2019). The parking and/or garage 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.

5. Prior to the commencement of works to the access road and parking spaces hereby approved, the highway improvement scheme at the junction of the access road and Shaw Hall Bank Road (1119-001 revision L received 5th February 2019 and 1119 - 004 revision D received 4th December 2018) and completed in full. All work that forms part of the completed scheme should be retained thereafter.

Reason - To ensure adequate visibility at the junction of the access road and Shaw



Hall Bank Road in the interest of highway safety

6. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's report and recommendations 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 - In order to protect public safety, because the site is located within 250m of a former landfill site.

7. No development shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations 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 - In order to protect public safety and the environment.

8. 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.

9. Foul and surface water shall be drained on separate systems.

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

10. The landscaping scheme hereby approved (drawing no. 5828.01C) shall be implemented in accordance with the approved details, prior to the first occupation of the development hereby approved. 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.

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.

11. Notwithstanding the landscaping scheme hereby approved, no hard boundary treatment is to be erected in parallel to the site boundary with the Huddersfield Narrow Canal. No boundary treatment shall be erected unless and until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are first occupied. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason - To ensure an acceptable form of development is achieved in the interests of amenity and to ensure that the waterway corridor is protected.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking and

re-enacting that Order with or without modification) no development in Classes A, B, C, D, E, F, G or H of Part 1, or Class A of Part 2, of 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 character and appearance of the area are not detrimentally affected.

13. Prior to any earth works, including site clearance, the site should be checked for badgers by a suitably qualified person. Care should also be taken throughout site clearance and should any large holes be discovered during clearance, works should cease immediately and advice sought from a suitably qualified ecologist.

Reason - To protect local wildlife and badgers.

14. Prior to the commencement of the development, an Ecological Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement should detail how the works will be completed and how the canal will be protected throughout the works. Works shall be implemented in accordance with the approved details.

Reason - To protect the Huddersfield Narrow Canal (SBI) from pollutants.

15. No development works and works to trees and scrub, including site clearance, shall be undertaken in the main bird breeding season (March to July inclusive), unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason - To protect nesting birds.

16. Within three months of the start of construction of the development a lighting plan should be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason - To protect foraging/commuting bats

17. Prior to the commencement of any works on site (including vegetation clearance) a methodology for the control of invasive species be submitted to and approved in writing by the Local Planning Authority. Once agreed the method statement must be implemented in full.

Reason - To protect against invasive species.

18. Prior to the occupation of the development hereby approved, a scheme for the following biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority.

These should include:

- Bat bricks and/or tubes within the new development
- Bird boxes
- Native tree and shrub planting
- Pond creation

The scheme should be implemented in accordance with the approved details and

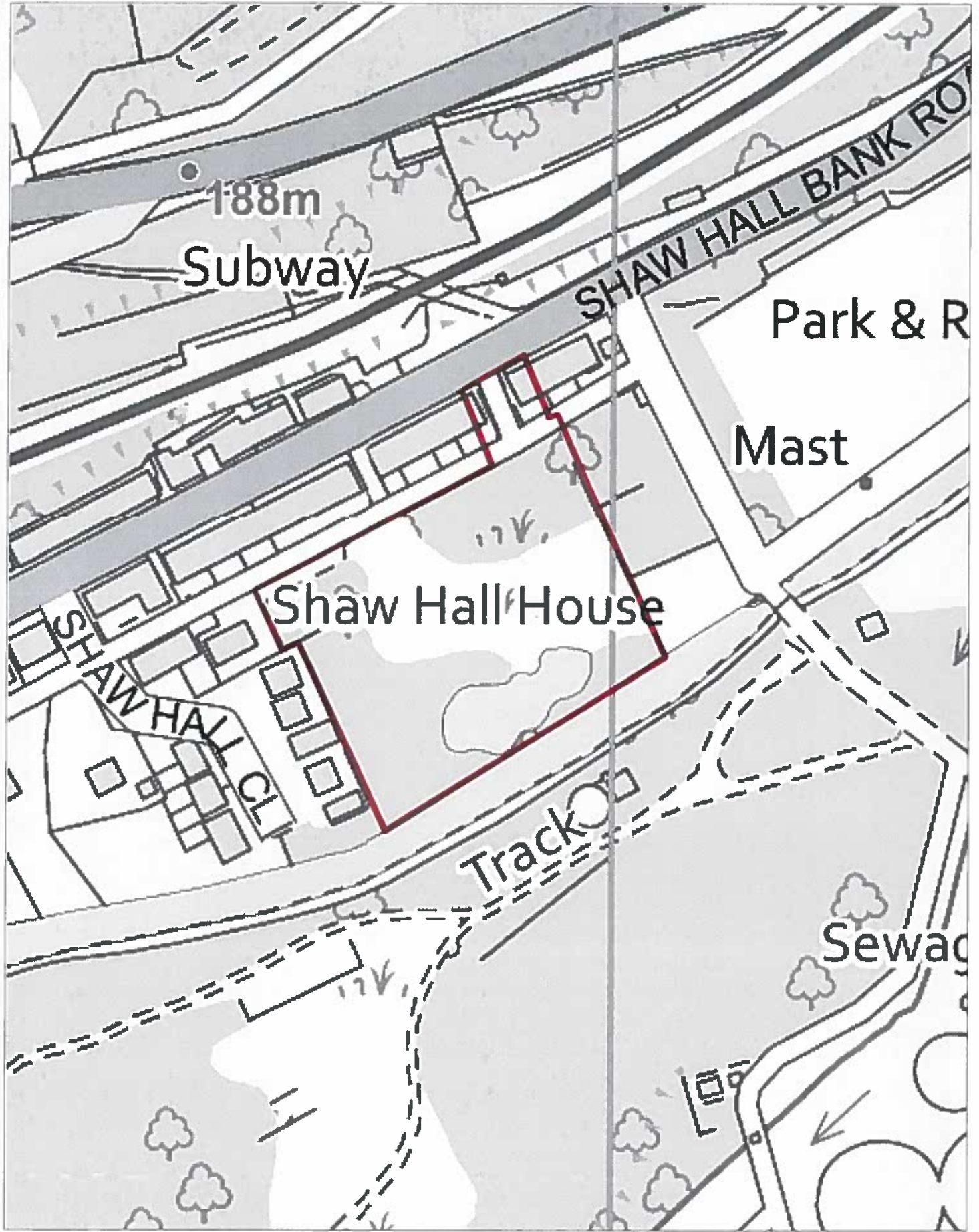
retained thereafter.

Reason - To enhance biodiversity.

19. The proposed windows To Plots 13 & 14 & 5 shown on the approved plan in the side elevation of the buildings shall be constructed and permanently glazed in Pilkington Level 3 obscure glass. No further windows or other openings shall be formed in that elevation without the prior written approval of the Local Planning Authority.

Reason - To protect the amenities of occupiers of nearby properties.





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Scale 1:1500



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