

PLANNING COMMITTEE

13/03/2019

Late Information as at 13 March, 2019

AGENDA DETAILS
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13	PA/341416/18 Land to the east of Hebron Street and Brownlow Avenue, Royton, Oldham Erection of 77 dwellings, open space, associated works and infrastructure.
	ADDITIONAL REPRESENTATIONS: N/A ADDITIONAL INFORMATION: N/A AMENDMENT TO THE REPORT: THE PROPOSAL 63 of the proposed dwellings will benefit from two off street car parking spaces, with only 14 proposed dwellings benefiting from one off street car parking space. This amendment was required to ensure all the proposed parking spaces met the Council's Highway Safety requirements. In addition, the scheme designs for the on-street parking of vehicles within the development if required. Given the location of the dwellings which benefit from one off-street car parking space is some distance from Hebron Street, it is not anticipated any additional parking will take place on Hebron Street as a result of this development. CONSULTATIONS
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Greater Manchester Police Architectural Liaison Unit - Raised no objection, but recommended some amendments to the scheme to deal with potential graffiti and security issues. The applicant has addressed these matters.

PLANNING CONSIDERATIONS

Highways

Section 278 Agreement

The report originally required a Section 106 agreement for the proposed highways works.

Unfortunately, the need for a Section 106 agreement created issues in obtaining funding for the affordable housing element of the scheme because of the time it would take to prepare the agreement and hard funding deadline.

In these specific circumstances, the applicant and Officers have amended the recommendation and now propose to deliver the required highways works via a Section 278 agreement and a related condition. This mechanism results in the same outcome as the Section 106 agreement and is therefore acceptable to Officers.

Construction Vehicles

Officers have noted concern about construction vehicles accessing the site via Hebron Street.

As a consequence, the applicant has sought an agreement with adjacent land owners to access the site in the construction phase away from Hebron Street. They have reached an agreement with the owner of a commercial property adjacent to the site. This will enable HGVs to access the site via the Moss Lane industrial area to the south, thereby avoiding using Hebron Street. In the alternative, the applicant has the opportunity of creating a temporary access for construction purposes only from Bullcote Lane as they have land here under their control.

Officers welcome the proposed arrangement. As such, a condition has been added to forbid construction vehicles using Hebron Street and that they should access the site via Moss Lane or Bullcote Lane, the details of which are to be provided before works start on site.

Contamination and Landfill Gas

The original report required conditions ensuring intrusive

site investigations and the submission of a remediation strategy before any development takes place.

However, a Phase I and II Geo-Environmental Site Assessment was submitted in support of the application. Consequently, the conditions relating to the submission of intrusive site investigations and the submission of a remediation strategy before any development takes place have been removed as the site investigations and remediation strategy have already been done. Subsequently, an alternative condition, requiring that the development shall proceed in accordance with the submitted Phase I and II Geo-Environmental Site Assessment and written approval from the Local Planning Authority will be required for any necessary programmed remedial measures, has been attached to the recommendation

AMENDMENT TO RECOMMENDATION

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

i) A Section 278 Agreement for highways improvement works at the Oldham Road / Hebron Street junction in the form of additional advance warning signs, road markings, waiting restrictions and pedestrian crossing facilities.

ii) 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 amended plans and specifications, which are referenced as follows:

SK534-LP-01, received 15/02/2018.
SK534-PL-01, Rev. P, received 01/03/2019.
SK534-BP-01, Rev. B, received 31/01/2019.
1661-F03, received 15/02/2019.
NSD 9102, received 15/02/2018.

NSD 9001, received 15/02/2018.
WEAV-01, received 15/02/2018.
DEE-01, received 15/02/2018.
ELUP-01, received 15/02/2018.
IRWE-01, received 15/02/2018.
ELLE- 01, received 15/02/2018.
DEE SA-01, received 15/02/2018.
WEUP-01, received 15/02/2018.
GRAN-01, received 15/02/2018.
ARUN - 6.0- SEMI, Rev A, received
07/01/2019.
BRNE-6.0-SEMI, Rev A, received
07/01/2019.

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 to the Local Planning
Authority in the interests of the visual
amenity of the area within which the
site is located.

4. Prior to any walls being constructed
of the development hereby
approved, full details of both soft
landscape works have been
submitted to and approved in writing
by the Local Planning Authority and
these works shall be carried out as
approved (such scheme to include
any subsequent amendments as
required by the Authority). The hard
landscape details shall include
proposed finished levels or contours;
means of enclosure; hard surfacing
materials and street furniture, where
relevant. The soft landscaping

works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

Reason - To ensure that the development site is landscaped to an acceptable standard in the interests of protecting the visual amenity and character of the site and its surroundings.

5. No above ground works shall take place until there has been submitted to and approved in writing by the Local Planning Authority: a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land; b) details of any to be retained, together with measures for their protection in the course of development; c) a schedule of proposed plant species, size and density and planting locations; and d) an implementation programme. All planting, seeding or turfing comprised in the approved landscaping details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless, the Local Planning Authority gives written consent to any variation.

Reason - In order to avoid damage to trees/shrubs within the site, which are of important amenity value to the area.

6. In accordance with the submitted information prepared by e3p Titled 'Phase I and II Geo-Environmental Site Assessment', received on 15/02/2018, development shall proceed in accordance with the submitted details. 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.

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

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

8. Prior to commencement of any phase development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved shall be adhered to throughout the construction of that phase. The construction management plan shall provide for: (i) The means of highway access and parking for construction vehicles, plant and construction workers' vehicles and sustainable travel methods for construction workers, (ii) loading and unloading of plant and materials, (iii) wheel cleaning facilities.

Reason - In the interests of highway safety.

9. No above ground works shall take place until a scheme for the provision of affordable housing on the site has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework (or any future, equivalent guidance that replaces it) and shall include details of:

- (i) the type, tenure and location of the affordable housing provision, which shall consist of not less than 15 housing units;
- (i) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (i) the arrangements for the transfer of the affordable housing to a registered affordable housing provider or the management of the affordable housing (if no registered provider is involved);
- (i) the arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the affordable housing; and
- (i) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy shall be enforced.

The affordable housing shall thereafter be provided in full accordance with the details, phasing and timetable contained within the duly approved scheme.

This Condition shall not be binding on a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security

documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver)) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver.

Reason: To ensure that the contribution towards affordable housing put forward by the applicant is delivered on the site in an appropriate manner which meets local need and to ensure that any affordable housing remains affordable in perpetuity in accordance with the requirements of Joint Core Strategy and Development Management Policies Development Plan Document policy 10 and the National Planning Policy Framework.

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No dwelling shall be brought into use unless and until the access road and car parking space for that dwelling has been provided in accordance with the approved plan received on 1st March 2019 (Ref: Dwg No.SK534-PL-01 Rev P).

The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works to the access road or 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.

11.

No above ground works shall take place until a scheme detailing a

highway improvement to Oldham Road and Hebron Street has been submitted to and approved in writing by the Local Planning Authority.

As a minimum the scheme shall include the following:

- a) Additional road markings and road signs on Oldham Road on the approach to Hebron Street;
- b) Pedestrian crossing facilities on Hebron Street; and
- c) The introduction of waiting restrictions on Hebron Street in the vicinity of the Oldham Road junction.

Thereafter no dwelling shall be occupied unless and until the approved scheme has been fully implemented.

Reason - To facilitate the movement of traffic generated by the development in the interests of highway safety.

12.

No above ground works shall take place until details of the construction vehicle or plant access, off either Moss Lane or Bullcote Lane, has been submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety and to protect the amenity of adjacent residents.

13.

During the construction works phase of the development on site no HGV construction vehicles or plant shall access the site via Hebron Street.

Reason - In the interests of highway safety and to protect the amenity of adjacent residents.

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PA/342222/18

Land to the rear of 29 -51 Shaw Hall Bank Road, Greenfield, OL3

7LD

Erection of 20 no residential dwellings with amended road access and associated car parking.

ADDITIONAL REPRESENTATIONS:

Two additional letters of objection have been received. The additional concerns raised, not already addressed within the Committee Report, are summarised as follows:

- The proposed site access would not be of a suitable gradient for access for wheelchair users, those with limited mobility and users with visual impairments;
- The proposed housing stock would not be accessible in terms of design; and,
- Whether the scheme meets tests set out under the Equalities Act, Disability Discrimination Act, Human Rights legislation and Building Control document "*Approved document M: access to and use of buildings, volume 1: dwellings*".

AMENDMENT TO REPORT:

In the LPA's consideration of the proposed changes to the existing access into the site, it was acknowledged that the gradient of the existing access is between 1:7 and 1:9.

Following consideration of the detailed survey submitted with the objectors commentary, the proposed development would improve the access road to a 1:11.5 gradient as illustrated in drawing 1119-005, revision D. To be clear, overlaying the objectors existing topographical cross section with the applicants results in the drawings matching. The proposal also includes a new pedestrian footpath to one side of the access road. In these circumstances, the proposed development clearly improves access and levels into the site. The proposed gradient is acceptable. Subsequently, this element of the proposed development is considered acceptable in regard to access and highway safety.

Turning to the appropriateness of the proposed dwellings in regard to access from the curtilage of each dwelling, all the proposed dwellings will be accessed via a ramped approach with a maximum gradient of 1:12 or less. This is considered acceptable by Officers.

The LPA seeks to take a best practice approach in regard to space standards within dwellings. This best practice approach ensures that all new dwellings meet the '*The Department for Communities and Local Government Technical housing standards – nationally described space standard*' published in March 2015, which set out requirements that exceed the minimum standards in the Building Regulations. All room sizes in this development and dwellings generally meet these standards and this is welcomed by Officers.

Overall, Officers have fully considered its duties to ensure access into and within the site, human rights and equalities considerations and its responsibilities under the Disability Discrimination Act. In conclusion,

Officers consider there are no access or gradient issues that could reasonably sustain a reason for refusal in this respect having considered these issues and objections fully. Furthermore, the scheme causes no human rights, discrimination or equalities issues that would sustain a reason for refusal based on the layout and design of the development in question. There is no specific legislative requirement to carry out an equalities impact assessment on this twenty dwelling proposal.

For the record, whilst the objectors raise concerns about the scheme meeting "*Approved document M: access to and use of buildings, volume 1: dwellings*", Members will be aware that this is a Building Regulations document and that this Committee can only consider planning considerations, rather than Building Control ones. As such, concerns in this regard are dealt with under Building Control powers.

AMENDMENT TO RECOMMENDATION:

Amend condition 2:

Supersede:

1119-005 revision B received 5th February 2019

Amended drawing:

1119-005 revision D

51

PA/342341/18

Linney Lane, Shaw, OL2 8HD

Demolition of existing building and construction of 17 no. industrial units

ADDITIONAL REPRESENTATIONS:

The Environment Agency have responded to the consultation with a request for two conditions in relation to land contamination written as follows:

Condition

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

** all previous uses*

** potential contaminants associated with those uses*

** a conceptual model of the site indicating sources, pathways and receptors*

** potentially unacceptable risks arising from contamination at the site*

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason(s)

To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

Condition

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

It is therefore considered that the proposed additional conditions be attached to any permission granted in lieu of condition 8 of the recommendation.

Land off Haven Lane, Moorside, Oldham OL4 2QH

Reserved matters application (for appearance, landscaping, layout and scale) pursuant to PA/338917/16 for 23 three and four-bedroom detached dwellings.

ADDITIONAL REPRESENTATIONS:

An additional representation has been received in relation to the accuracy of plans that have been submitted. Officers do not agree with this assertion.

Given the scale mentioned on drawing no. 1003 is 1:500, this would equate to an original garden length of approximately 8m. However, a number of the dwellings have had extensions which have reduced the length of the gardens. However, these are not shown on either the council's GIS or Ordnance Survey maps, which is why they are not shown on any of the submitted plans. Nevertheless, having checked Google Earth and the Council's own GIS system, it reveals that the garden lengths are approximately 8/9m which is acceptable.

ADDITIONAL INFORMATION:

Comments have been received from the Council's Tree Officer in relation to the existing TPO'd trees which are located in the rear gardens of properties on Havenside Close.

Following review, there is the potential for the proposed small retaining wall (shown in the Site Section Ref: 1004 Rev B) to have an impact on the root protection zone of trees. In these circumstances, a condition has therefore been imposed that requires further details to be submitted before development commences. This should ensure trees are protected.

AMENDMENT TO RECOMMENDATION:

An additional condition is proposed stating the following:

Before any works commence on the proposed retaining wall (shown on the Site Section Ref: 1004 Rev B), details shall be submitted to and approved in writing to the Local Planning Authority which demonstrate that the proposed retaining wall does not detrimentally impact on the existing trees, which are protected by Tree Preservation Order TPO/425/01.

Reason: In order to protect the existing protected trees.