

# APPLICATION REPORT - PA/342924/19

## Draft Committee Report for Development Control Delegation

**Registration Date:** 18/02/2019  
**Ward:** Chadderton Central

**Application Reference:** PA/342924/19  
**Type of Application:** Reserved matters

**Proposal:** Reserved matters application relating to PA/337091/15 for the erection of 137 residential dwellings.

**Location:** Development Zone R1, Foxdenton Strategic Site, Broadway/Foxdenton Lane, Chadderton, Oldham, Greater Manchester, OL9 9QR

**Case Officer:** Richard Byrne

**Applicant Agent :** Countryside Properties (UK) Limited and FO Developments LLP  
Avison Young

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### THE SITE

This application relates to Development Zone R1 of the Foxdenton Strategic Site between Broadway and Foxdenton Lane, Chadderton. Zone R1 is one of six residential plots within the Foxdenton Masterplan. It is located to the north of the new spine road close to the junction with Broadway. The eastern boundary adjoins an established small residential area focussed on Derwent Drive and Keswick Avenue. The Radclyffe Athletics Centre and Radclyffe School are to the north. to the west will be a zone of new employment development. The site is irregular in shape and extends to approximately 3.75 ha.

### BACKGROUND AND THE PROPOSAL

This application seeks the approval of Reserved matters in respect of Appearance, Landscaping, Layout, and Scale in connection with the previous outline approvals. The site will be part developed by Countryside Properties for open market housing and Great Places for affordable housing. The application proposes 137 residential units, 82 of which will be for affordable housing (10 no. 4 bed, 56 no. 3 bed, and 16 no. 2 bed properties) and 55 delivered for market housing (9 no. 4 bed and 46 no. 3 bed properties).

The development will be served via a new access to the Foxdenton spine road, with an emergency access only linked to Derwent Drive, which will also serve as a cycle and pedestrian link.

With the exception of 10 properties which will contain rooms within the roof space, all properties will have a standard two-storey form with a mix of brickwork and render under tiled roofs. Each property will be served by dedicated on-site parking.

### RELEVANT HISTORY OF THE SITE:

NMA/339804/17 - Non-material amendment of planning permission PA/337091/15 in relation to Part A of Conditions 3, 15 and 23 to allow phased commencement of works at Land at Broadway/Foxdenton Lane. Granted 16 March 2017.

PA/337091/15 - Variation of conditions 29, 30, 31 (Part A), and 41, 42 and 43 (Part B) of permission PA/334355/13 Hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution (B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park, to allow phased development and occupation of floorspace and dwellings specified within the 'trip generation threshold' (as defined within Curtins note ref. TPMA1328/STRAT001) prior to the completion of the highway link road ('Interim Trip Generation Threshold') and off site junction works at A663/Foxdenton Lane/Eaves Lane and M60 Junction 21 ('Trip Generation Threshold'). Granted 28 September 2015.

PA/334355/13 - A hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution (B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park. *Granted, subject to legal agreement on 23.10.2014.*

## **RELEVANT POLICIES AND GUIDANCE**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF).

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is unallocated by the Proposals Map associated with this document.

The following DPD Policies are considered to be relevant:

Policy 1 - Climate Change and Sustainable Development  
Policy 5 - Promoting Accessibility and Sustainable Transport Choices  
Policy 6 - Green Infrastructure  
Policy 9 - Local Environment  
Policy 11 - Housing  
Policy 19 - Water and Flooding  
Policy 20 - Design  
Policy 21 - Protecting Natural Environmental Assets  
Policy 23 - Open Spaces and Sports

Saved 1996 Unitary Development Plan:

## CONSULTATIONS

Highway Engineer	No objections subject to the conditions contained within the recommendation.
Environmental Health Coal Authority	No comments received. The site falls within a Defined Development high Risk Area, however, no objections as ground conditions were dealt with at outline.
Environment Agency	No comments received.
LLFA and Drainage	No comments received.
Greater Manchester Ecology Unit	Ecological issues were dealt with at outline stage, and the layout is largely compliant with the outline. Recommend planting mixes are amended to locally native species within the Landscape Strategy Layout.
Greater Manchester Architectural Liaison Unit	Police No comments received.
Ramblers Association	No comments received.
United Utilities Asset Protection	No comments received.

## REPRESENTATIONS

The proposed development has been advertised by means of individual consultation letters sent to the occupiers of 52 neighbouring properties and Radclyffe School, and a Site Notice being displayed adjacent to the site. As a result of the publicity, two representations have been received and are summarised below.

- Potential disturbance from increased traffic and loss of view.
- Queries whether there will be a change in levels which could cause flooding and what is the boundary treatment?
- Request signage on Broadway to show that no access is available through Derwent Drive.
- Query how noise, vibration, and pollution will be managed?
- What actions will be taken to deal with impact on schools and health facilities?

## PLANNING CONSIDERATIONS

### Principle of land use

It is important to note that the principle of this phase of residential development, including impact on local services, has been established by the outline permission (PA/334355/13, subsequently varied under PA/337091/15). Conditions are attached to the approvals to cover matters such as off-site highway works, drainage, ecology, contamination, and environmental impact.

Therefore the main considerations in determining this Reserved Matters application relate to whether the proposed layout, scale, appearance and landscaping of the development are acceptable having regard to relevant local and national planning policies and any other material planning considerations.

There is no requirement to deliver affordable housing on plot R1. However, 60% of this development is proposed for affordable housing which will provide more local housing opportunities, and this is a significant benefit of the scheme. The proposal far surpasses the 7.5% requirement set out in DPD Policy 10 and this is a strong positive for this

development.

An Environmental Statement (ES) Review has been carried out for this development, which includes a review of the relevant technical areas covered within the July 2013 Environmental Statement and subsequent ES Addendum. The review compares the proposed development against the assumptions and parameters of the 2013 masterplan, ES and ES addendum. The 137 dwellings proposed through this reserved matters application do not alter the conclusions reached within the ES with the scheme incorporating the necessary design and appropriate mitigation measures as recommended within the ES.

### **Appearance, Design and Layout**

Paragraph 130 of the NPPF advocates that where a development is a poor design that fails to take the opportunities available to improve the character and quality of an area and the way it functions planning permission should be refused.

DPD Policy 9 stipulates that development should not have a detrimental impact on the visual appearance of an area. DPD Policy 20 further advocates that development must meet design principles relating to local character, good streets and well-designed buildings.

The layout includes a mix of house types, all of an appropriate scale. Whilst the adjacent housing area is primarily single storey, many properties have been extended by means of dormer additions.

As part of the layout and design, the scheme ensures that all street and public spaces are well overlooked. The house types used will ensure natural surveillance, with the majority facing public highways. There is also natural surveillance over the green space to the west of the site. The building design offers promotes a sense of security for the community and visitors. Door and windows in gables will overlook public areas providing natural surveillance.

The proposed external building materials have been chosen to reflect and complement the character of the surrounding area, as well as providing suitable building materials to meet modern building regulations. The architectural palette will provide variety within the street scene with a mixture of brick types and render proposed. These facing materials will be further enhanced by the use of interlocking grey and red tiles.

The proposed site layout plan shows a number of boundary treatments consisting of brick screen walls, timber fencing, metal railings, and various forms of planting all of which will provide a physical barrier. The boundaries, while providing privacy where required, will not obstruct the requirement of maintaining maximum natural surveillance.

The proposal is therefore in accordance with local and national planning policies.

### **Effect on amenity**

DPD Policy 9 seeks to ensure that the Council will protect and improve local environmental quality and amenity by ensuring development does not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on privacy, safety, security, noise, pollution, access to daylight and other nuisances.

In terms of the impact on the amenity of existing residents, such consideration is limited to the existing houses immediately to the east of the site.

### *Effect on 5 and 6 Coniston Close*

These properties face the application site behind rear gardens approximately 12 metres in length. Whilst no.6 will face the gable wall of Plot 97, the intervening distance of 15 metres and orientation with the new building to the west, should ensure no unacceptable overshadowing or loss of privacy.

### *Effect on 8 Derwent Drive*

This property is situated at the end of Derwent Drive where it adjoins the site. The proposed Plot 27 would run parallel with the side of 8 Derwent Drive although set slightly forward. This should ensure there is no adverse impact on the outlook from the existing property.

### *Effect on 11 Derwent Drive*

The rear of Plots 23 – 26 would face the side of 11 Derwent Drive. There is a distance of 11 metres from the ground floor to the boundary with 11 Derwent Drive and 12.5 metres from the first floor to the neighbouring property's boundary. There are rear gardens in between the proposed properties and the side boundary of the neighbouring property.

In regard to the impact to the existing property there is a side ground floor window that looks out over the application site and in particular immediately to the rear of plot 25. The existing window serves a garage. Although the presence of Plot 25 and the garden enclosure would affect the view and a source of sunlight, given the window serves a non-habitable part of the property, the effect is unlikely to significantly harm the wider enjoyment of the property.

It is acknowledged that Plots 23 and 24 would look towards the garden of 11 Derwent Drive. However, the proposed dwellings are sufficiently set from the boundary to avoid an overbearing presence and it is considered they provide a suitable distance to the boundary which is not uncommon with other relationship that exist between properties in the surrounding area.

In respect of the amenity of future residents, a Noise Survey has been submitted with the application. Buffer planting will be undertaken on the opposite side of the attenuation pond which separates the proposed residential and commercial development.

This assessment considers the noise from the use of the athletics track to the north, and the proposed link road that runs to the south of the site. Based on the assessment, the impact from the athletics track was considered to be low and can be mitigated through the use of standard glazing and ventilation methods. The noise associated with the link road can also be mitigated through the use of standard glazing and ventilation options and close boarded timber fencing. Implementation of the proposed measure will ensure that the target requirements set out in BS8233:2014 for internal spaces as well as external garden spaces can be met.

A satisfactory standard of amenity will therefore be attained.

### **Highway issues**

A comprehensive assessment of the implications of any Reserved Matters application on the local highway network was undertaken by the Council's Highway Engineer as part of the outline planning application. It was demonstrated that the existing highway network would continue to operate within capacity, but that mitigation measures would be required to ensure the continued safety of all users of the highway.

The original outline approval included provision for a vehicular access from Derwent Drive to serve a maximum of 40 dwellings. However, the proposed layout avoids any such use of this route, other than for restricted emergency purposes. This should secure an amenity benefit for local residents and improve highway movement by focusing all day-to-day access on the new development spine road.

A Transport Assessment accompanies this application. This demonstrates that the wider Foxdenton site is accessible by sustainable modes of travel with regular bus services along Broadway immediately to the east and Freehold Metrolink stop a 15-20 minute walk away. In terms of pedestrian infrastructure, there are a number of public rights of way (PRoW) which run through the wider site and provide linkages to the surrounding highway network at various points on Hunt Lane to the north, Broadway to the east, Foxdenton Lane to the south and Ferney Field Road to the west.

### **Landscaping and ecology**

Paragraph 170 of the NPPF indicates that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. This is further reiterated through DPD Policies 1, 6, 9 and primarily dealt with under the provisions laid out in DPD Policy 21 where new development proposals, where appropriate, should seek to protect, conserve and enhance biodiversity, legally protected species and their habitats.

An Extended Phase I Habitat Survey Report has been carried out on the site to assess any species and ecological potential. The Ecology Report recommends precautionary measures during construction to ensure no harm to protected species during those operations. Subject to these measures, the Greater Manchester Ecology unit (GMEU) has raised no objections.

The principles of landscaping have been agreed and following amendment to the layout, a revised scheme will be submitted, and this will be subject to condition as recommended.

As part of this proposed development, an area of green space will be created to the west of the site. This area (0.25 acres) will incorporate an attenuation pond that will manage the additional surface water generated by the site. This area will be appropriately landscaped, with a variety of species planted. This area of green space provides a dual function for the future occupiers of the development and will create an amenity function for residents that they can use for recreational purposes. The area will also create an effective buffer from the employment infrastructure that will be delivered to the west in the future. In conclusion, this will be a valuable asset for future residents of the development.

### **Flooding and drainage**

DPD Policy 19 aims to ensure that development does not result in unacceptable flood risk. The site is located within Flood Zone 1 suggesting there is a low flood risk. The site is susceptible to a risk of surface water flooding, albeit at a low risk. A drainage strategy has been submitted with the application which includes the aforementioned attenuation facility within the open land to the west of the site. Full details of the design will be required by means of condition.

### **Conclusion**

The principle of the proposed development has previously been established as an integral part of the wider Foxdenton development site. Implementation of the development will make a valuable contribution towards housing provision within the Borough, including substantial affordable housing provision, and is designed in a manner which will ensure no adverse traffic, environmental, or amenity implications.

The details of the proposals have been assessed against national and local planning policies.

All conditions associated with the original outline approval will continue to apply.

## **RECOMMENDATION**

Approve, subject to the following conditions:

1. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications received on 8 April 2019 (unless stated), which are referenced as follows:

SK386-PL-02 Rev B Planning Layout Re-plan (11 April 2019)  
MFRD-01 Rev A Midford Ground Floor Plans  
MFRD-02 Rev A Midford First Floor Plans  
MFRD-6.0-SEMI(A) Rev A Elevations 6.0 - Brick  
Oakham-01 Ground Floor Plans (11 April 2019)  
Oakham-02 First Floor Plans (11 April 2019)  
OAK-6.0-SEMI Elevations 6.0- Brick (11 April 2019)  
SNKY-01 Sankey Ground Floor Plans  
SNKY-02 Rev A Sankey First Floor Plans  
SNKY-03 Rev A Sankey Second Floor Plans  
SNKY-6.0-SEMI Sankey Elevations 6.0- Brick (SEMI)  
TYNE-01 Tyne Ground Floor Plans  
TYNE-02 Rev A Tyne First Floor Plans  
TYNE-6.0 Rev A Tyne Elevations 6.0-Brick  
WTHM-01 Witham Ground Floor Plans  
WTHM-02 Rev C Witham First Floor plans (11 April 2019)  
WTHM-6.0 Rev A Witham Elevations 6.0-Brick  
ARUN-01 Arun Ground Floor Plans  
ARUN-02 Rev A Arun First Floor Plans  
ARUN-6.0-SEMI Rev A Arun Elevations 6.0 Brick (SIG)  
BRNE-01 Rev A Bourne Ground Floor Plans  
BRNE-02 Rev A Bourne First Floor Plans  
BRNE-6.0-SEMI Rev A Bourne Elevations 6.0- Brick(SIG)  
STHK-01 Southwick Ground floor Plans  
STHK-02 Rev A Southwick First Floor Plans  
STHK-6.0-SEMI(A) Southwick Elevations 6.0-Brick(SIG)  
214-036 E-02 C1 Typical Alternative Retaining Wall Details (11 April 2019)

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

2. Prior to the commencement of the construction of any dwelling hereby approved, full details of proposed finished floor levels and adjacent garden areas across the site relative to agreed off-site data points shall be submitted to and approved in writing by the Local planning Authority. The development shall be implemented fully in accordance with the approved details.

Reason - In order to ensure a satisfactory standard of development in the interests of good design, and amenity.

3. The development hereby approved shall not be commenced unless and until a drawing showing details of all embankments and other boundary treatments surrounding the application site, including drainage, retaining structures and levels/sections have been submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be completed before any dwelling affected by that boundary treatment is occupied.

Reason - To ensure a satisfactory relationship with adjacent land, including neighbouring residential properties and the public right of way, and that adequate drainage and highway standards are met in the interests of highway safety.

4. The development hereby approved shall not be commenced unless and until a drawing showing details of the proposed swale including drainage, any retaining structures, and levels have been submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be complete before any dwelling is occupied.

Reason - To ensure that adequate drainage and highway standards are met in the interests of highway safety,

5. No dwelling shall be brought into use unless and until the spine road has been completed to Part 1 of the Section 38 Agreement which will allow vehicular and pedestrian access to the site from Foxdenton Lane.

Reason- To ensure that adequate access is provided to the site in the interest of highway safety.

6. No dwelling shall be brought into use unless and until the internal access road and car parking space serving that dwelling has been provided in accordance with the approved plan received on 11th April 2019 (Ref: Dwg No.SK386-PL-02 Rev B). 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 development. 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.

7. Notwithstanding the approved drawings, the development hereby approved shall not be commenced unless and until a drawing showing details of the junction of the proposed access road with the spine road have been submitted to and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be complete before any dwelling is occupied and shall be retained thereafter

Reason - To ensure that adequate highway design standards are met in the interests of highway safety

8. Notwithstanding the approved drawings, the development hereby approved shall not be commenced unless and until a drawing showing details of the access of the private

driveway near Plot 99 and the proposed access road have been submitted to and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be complete before any dwelling accessed from this private driveway is occupied and shall be retained thereafter

Reason - To ensure that adequate highway design standards are met in the interests of highway safety

9. In association with conditions B2 and B8 of the outline approval PA/337091/15, prior to the commencement of the construction of any dwelling hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include hard and soft landscape works, with an associated implementation plan, and future management plan. All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority, and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed within a period of 5 years from the agreed date of planting shall be replaced with specimens of an equivalent species and size.

Reason - To secure a satisfactory standard of development in the interests of the amenity of the site.

..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**