

# APPLICATION REPORT - PA/343302/19

Planning Committee, 28 August, 2019

**Registration Date:** 01/05/2019  
**Ward:** Failsworth East  
**Application Reference:** PA/343302/19  
**Type of Application:** Full Planning Permission

**Proposal:** Erection of 17 houses with vehicular access from Medlock Road.  
Amended application relating to PA/341467/18  
**Location:** Land to the rear of the Dog and Partridge PH, Medlock Road,  
Failsworth, Oldham, M35 9NP  
**Case Officer:** Matthew Taylor  
**Applicant** Mr Sheridan  
**Agent :** Plan:8 Town Planning Ltd

---

## THE SITE

The application site is a roughly 'L' shaped 0.7ha plot of land that gently slopes down from north to south. It is bounded by the Brookdale Golf Course to the west and the Dog and Partridge public house bowling green/beer garden and a local park to the east. The area comprises cleared ground with self-seeded grass and shrubs covering the site, but also encompasses 111 Medlock Road.

The site is located within the Woodhouses Conservation Area.

## THE PROPOSAL

The application is for the erection of 17no. 4 and 5 bed houses, with on-site parking spaces or garages for each plot.

The access road will be off Medlock Road between No's 111 and 125 Medlock Road.

Pedestrian access will be via both the access road and from the local park, which is also served via Stamford Drive.

The proposed layout contains dwellings that incorporate rooms within the roof space and full height gable features. The properties have been designed with a contemporary approach to traditional suburban dwelling types, including the use of brickwork and render, gable roofs and overhanging eaves.

Plots 1 and 2 adjoin the rear of existing properties on Medlock Road and the public house beer garden. Plots 3 and 4 face the site entrance. Plots 5 to 15 face the access road with the park opposite and rear gardens adjoining the golf course. Plots 15 to 17 are served off a private drive at the south-eastern edge of the site facing the park and backing onto the golf course.

## RELEVANT SITE HISTORY:

PA/341467/18 - Erection of 17 houses with vehicular access from Medlock Road. Refused 15 February 2019 for the following reason:

*The proposed access to the site would fail to achieve adequate visibility for drivers leaving the site and for users of the adjacent footway on Medlock Road, to the detriment of the safe*

*movement of all road users. As such, the proposal is contrary to Policies 5 'Promoting Accessibility and Sustainable Transport Choices' and 9 'Local Environment' of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document, since the scheme's access would not ensure appropriate highway safety and the safety of pedestrians and road users.*

## **RELEVANT PLANNING POLICY**

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

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

Policy 1 - Climate change and sustainable development;  
Policy 3 - An address of choice;  
Policy 5 - Promoting Accessibility and Sustainable Transport Choices';  
Policy 9 - Local environment;  
Policy 11 - Housing;  
Policy 20 – Design  
Policy 21 - Protecting Natural Environmental Assets  
Policy 23 - Open space and sports  
Policy 24 - Historic Environment

Saved UDP - Phase 2 Housing allocation

## **CONSULTATIONS**

Highways Officer	No objection following the amendment to the site access to provide improved visibility, subject to a condition requiring implementation of the access and parking provision as shown on the submitted plans.
Environmental Health	No objection subject to landfill gas and contaminated land conditions and informatives.
Natural England	No objection.
Greater Manchester Ecology Unit	No objection subject to conditions requiring measures to protect the adjacent watercourse and Brookdale Golf Course SBI during construction.
United Utilities	No objection subject to drainage conditions and informatives.
Trees Officer	No objection.
National Grid	No objection.
Electricity North West	No objection.
Sport England	No objection.
Environment Agency	No objection subject to conditions and informative notes to address potential risks to controlled waters from land contamination.
Greater Manchester Police	No objection subject to a condition to require physical security specifications.
LLFA and Drainage	No objection.

## **REPRESENTATIONS**

This application has been publicised by site notice, neighbour notification letters and press notice. 7 letters of objection have been received making the following comments:

- increase of traffic volume along Medlock Road;
- proposed design is in stark contrast to the red brick Victorian terrace dwellings within the conservation area;
- overbearing in height and density and will inhibit views from neighbouring properties across open Green Belt land in the Medlock Valley;
- the village infrastructure cannot take any further additions;

- loss of a green space;
- the proposed access road alongside the park will impact on the park's safe use
- loss of trees;
- loss of wildlife habitat;
- insufficient off-street car parking;
- no affordable houses for residents of Woodhouses;
- noise and disturbance;
- inadequate drainage system; and
- inadequate information regarding the development's impact.

## **PLANNING CONSIDERATIONS**

The main planning issues are:

- Highway safety;
- Principle of development;
- Design and layout
- Impact on the Woodhouses Conservation Area;
- Residential amenity;
- Open space and affordable Housing;
- Trees and ecology;
- Drainage and ground conditions.

### **Highway Safety**

This scheme is a re-submission of an application refused in February 2019 due to inadequate visibility for drivers leaving the site and for pedestrians on Medlock Road leading to potential highway danger.

The application has been revised to overcome these concerns. In particular, the applicant has purchased 111 Medlock Road which lies directly adjacent to the proposed access point. This has allowed the site access to be re-configured and improved visibility provided.

DPD Policy 5 requires that developments do not compromise pedestrian or highway safety and DPD Policy 9 states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users. NPPF paragraph 109 states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

The proposed development is located within an established residential area with links to public transport and local amenities. As such the Council's Highways Officer is satisfied that the number of dwellings proposed will not have an adverse or significant effect on the amount of traffic generated on the local highway network. Furthermore, the parking provision within the site is acceptable, and service vehicles will be able to enter the site, turn and leave in a forward gear.

Incorporating 111 Medlock Road into the site has also allowed the access arrangement to be reconfigured to include a greater footway area and provide adequate visibility both for vehicles emerging from the junction and for pedestrians walking along Medlock Road or entering the site.

On this basis it is concluded that the development of this scale and type can be satisfactorily accessed, and that the original concerns have now been overcome. As such the development would satisfy DPD Policy 5 and the assessment under NPPF paragraph 109.

### **Principle of development**

Except for the amended access, all other elements of the application remain unaltered, and were considered satisfactory by Planning Committee at the February meeting. Furthermore, there have been no material changes in the site conditions, or in planning policy and

legislation which would impact on that previous determination.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. However, Paragraph 11 of the NPPF is clear that relevant policies for the supply of housing should not be considered up-to-date when an authority has substantially under-delivered and/or cannot demonstrate a five-year housing land supply.

At present the Authority is not able to demonstrate a 5 year housing land supply and the Housing Delivery Test indicates that the delivery of housing has been substantially below the housing requirement for the past 3 years.

Therefore the 'tilted balance' provided by paragraph 11 (c) and (d) of the NPPF applies to the consideration of this application. Once the tilted balance is engaged, it means that the Authority cannot rely on giving its relevant adopted development plan policies full weight and planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the NPPF when taken as a whole or where specific policies in the NPPF indicate development should be restricted.

The application site is a Phase 2 Housing allocation within the Woodhouses Conservation Area on the Proposals Map associated with this document. This policy identified a number of Phase 2 allocations with the intention that Phase 1 allocations would be prioritised.

As such, it was intended that Phase 2 allocations (which were mostly greenfield) should only be brought forward if monitoring showed a shortfall in the required building rate. However, as there has been a change in circumstances regarding the housing land supply as set out above, the phasing approach must now be given less weight.

The applicant has provided an assessment of alternative sites in the area. This assessment clearly demonstrates there is a lack of available brownfield land in this location (that does not already have permission or is being developed). The site is in a sustainable location within 480 metres or a 10 minute walk of at least three 'key services', whilst also being located on a main bus route along Medlock Road in accordance with DPD policies 3, 5 & 11.

Consequently, the status of the site as an identified housing allocation must be afforded significant weight and as the principle of residential development has previously been found acceptable, there are no planning policy justifications for withholding permission.

## **Design and Layout**

The original site allocation detailed an indicative capacity of 20 dwellings, based on a density of 30 dwellings per hectare. Furthermore, the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities.

The application seeks approval for 17 dwellings, which is slightly below the indicative capacity of the site. This allows for the larger house types that the developer is seeking. The allocation does not specifically state that larger family homes are required, however the requirement includes a mix of housing types, which includes larger homes. The site's shape limits the development potential of the site and it is considered that a good mix of properties has been achieved without creating a cramped appearance, particularly towards the southern end of the site where it adjoins the open countryside.

In relation to the design of the properties some initial concerns, in particular with the high levels of glazing in both the front and rear elevations, led to the submission of amended plans in which the level of glazing has significantly been reduced and the overall appearance enhanced.

Moreover, it is noted the house types all reflect the main elevation of the neighbouring recent development for 3 dwellings on Medlock Road. Also, whilst the design of the proposal more clearly reflects the modern houses in the area, the design overall will serve to preserve

the character of the Conservation Area given its scale and massing is appropriate and it follows a mainly linear format.

Given the relationship of the site to a green on the adjacent golf course, consideration has been given to the impact of stray golf balls on the amenity of the new residents. For this reason, it will be necessary for a safety fence to a height of 7 metres to be installed on the boundary of the rear gardens and the green. Although this will be a large structure, it will be viewed against the backdrop of the dwellings themselves, and therefore have a limited visual impact on the wider area.

In this context, it is considered that the development will satisfy the objectives of DPD Policies 9 and 20.

### **Impact on the Woodhouses Conservation Area**

The application site lies within the Woodhouses Conservation Area and as such the impact of the development upon the character or appearance of that area must be assessed.

The application site is one of the few open areas included within the conservation area, which has generally been drawn quite tightly around the village. This part of the conservation area provides a rural setting for the park and to a lesser extent the bowling green and was part of the extension of the area in 1989.

The introduction of housing would seem to inhibit views of the rural landscape and therefore cause 'less than substantial harm' to Woodhouses Conservation Area.

NPPF Paragraph 196 states that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*"

In terms of public benefits, the development will bring forward an allocated housing site that will have both economic and social benefits. The development will result in employment generation and will have a lasting economic impact as the future occupiers of the development move into the area and as a result spend income at local businesses.

In terms of the social benefits, the developer will be required to make contributions towards both public open space improvements/maintenance and affordable housing provision within the locality, which are both considered to be major social benefits.

Given that the site has been a housing allocation within both the current and previous development plans it is considered that the development is securing the optimum viable use of the site.

It is therefore concluded that the identified level of harm will be outweighed by the benefits of bringing forward new housing development on this site in accordance with DPD Policy 24 and NPPF Part 16.

### **Residential Amenity**

DPD Policy 9 states it is necessary to consider how the proposal impacts on the amenity of the occupants of adjoining residential properties from the impacts likely to be associated with the proposal.

Having assessed the orientation and separation distances between the existing dwellings on Medlock Road and Stamford Drive and the proposed dwellings it is considered that the proposal would not result in any significant loss of light or outlook from the garden areas or habitable room windows of adjacent properties.

Given the above, it is considered that the design of the proposed development is in accordance with DPD Policy 9.

### **Open Space and Affordable Housing**

DPD Policy 23 states that all residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable.

Following an assessment of the proposal and needs of the local area it is recommended that all of the planning contribution is to be put forward to provision of off-site open space rather than providing on-site provision. The proposed housing will put additional pressure on the existing open space which is both deficient in quality and quantity. A cost has been calculated for off-site public open space provision and equates to £110,000.

DPD Policy 10 states that all residential developments of 15 dwellings and above will be required to provide an appropriate level of affordable housing. The current target is for 7.5% of the total sales value to go towards the delivery of affordable housing, unless it can be demonstrated to the Council's satisfaction that is not viable. Based on the proposed development, the figure for affordable housing provision would be £410,000.

In respect of the total off-site provision, the applicant has provided economic viability information indicating that the scheme cannot sustain a full contribution towards off-site Public Open Space and Affordable Housing. The viability report takes into account the development costs and a reasonable rate of return, and the developer has offered a combined contribution of £160,000. The information and its findings have been assessed by the Council's surveyors who agree with the maximum offer is reasonable.

It is therefore required that the developer enters into a Section 106 agreement for a contribution towards £160,000 to be allocated as follows:

- Off-Site Public Open Space - £110,000
- Off-Site Affordable Housing - £50,000

### **Trees and Ecology**

The application must be assessed under saved UDP Policy D1.5 'Protection of Trees on Development Sites'.

From the submitted 'Preliminary Tree Survey schedule and plan' it is noted that most on-site trees are of category 'B' and 'C' quality. An amended landscaping plan and arboricultural justification has been provided. It is noted the planting specification on the amended details outlines that the proposal will provide 38 replacement trees that are a mix of beech, alder and downy birch. This is 5 trees less than is required to be removed to accommodate the development. However, the loss of trees is required to meet the density of development required by the housing allocation in the saved UDP policy.

Consequently, the development will conform with the objectives of Policy D1.5

DPD Policies 6 and 21 are concerned with protecting, conserving and enhancing the local natural environments.

The Greater Manchester Ecology Unit notes that the application site has negligible ecological value. Nevertheless, reasonable avoidance measures will be required to ensure no protected species are impacted by the development. Given the proximity to a watercourse and Brookdale Golf Course Site of Biological Importance (SBI), there is a risk during and post construction of negative impacts on both the watercourse and the SBI resulting from increase in sediment load and pollutants. There is also a risk of increased recreational pressure on the SBI, though this is likely to be very low owing to the scale of the development and lack of obvious access to the SBI. To mitigate risks during construction and post development, a condition has been recommended.

### **Drainage and Ground conditions**

DPD Policy 19 seeks to ensure that new developments do not result in an unacceptable

flood risk or increased drainage problems by directing developments away from flood risk areas. The site is located within a critical drainage area. Therefore, in order to ensure the development complies with the above policy, United Utilities has requested a condition requiring a sustainable drainage plan.

Paragraph 178 of the NPPF states that the planning system should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. It is therefore considered appropriate to impose a condition requiring intrusive site investigations and the submission of a remediation strategy before any development takes place.

## **Conclusion**

This revised scheme has overcome the previous reason for refusal and there is now no good reason to withhold planning permission. The application proposes a residential development on a site previously allocated for such development and which will contribute towards the supply of new housing in the borough. Any constraints within the site can be adequately addressed through the site layout and planning conditions; the development will not result in adverse impact on highway safety; and satisfactory relationships to existing neighbouring properties can be achieved. Furthermore, the public benefits associated with the new housing provides mitigation for any harm to the Conservation Area. It therefore complies with relevant national and local planning policies.

## **RECOMMENDATION**

It is recommended that Committee resolves:

1. To approve the application subject to the following conditions and to a Section 106 agreement for the submission of a payment of £160000 for the improvement of the play equipment on the adjacent park and the provision of off-site affordable housing.
2. To delegate authority to the Director of Economy to issue the decision notice upon satisfactory completion of the planning obligation.

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 which are referenced as:

- 003 Rev H received 25 July 2019
- 004 Rev G received 1 May 2019
- 005 Rev H received 25 July 2019
- 006 Rev A received 1 May 2019
- 007 Rev B received 1 May 2019
- 009 Rev A received 1 May 2019
- 101 Rev P1 received 1 May 2019
- 201 Rev P1 received 1 May 2019
- 301 Rev P1 received 1 May 2019
- 401 Rev P1 received 1 May 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. No development comprising the construction of any external walls shall take place unless and until samples of the materials to be used in the construction of those external surfaces, including all external doors, windows, and rainwater goods, have been 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. No dwelling shall be brought into use unless and until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan Dwg No.005 Rev H. 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 the construction of the access road or parking spaces. Thereafter the parking spaces and turning area 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.

5. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall have regard to the principles as set out in the submitted Flood Risk Assessment & Drainage Strategy prepared by Waterco. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a residents' management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason - To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

6. No development shall take place until it can be demonstrated that there will be no negative impacts on the ecological status/potential of the minor watercourse resulting from the disposal of foul water and surface water disposal post-development, including a method statement detailing reasonable avoidance measures to reduce the risk of harm to amphibians, hedgehogs and other small mammals. Thereafter no development, site clearance, or earth moving shall take place or material or machinery brought on site until a method statement to protect the minor watercourse and Brookdale Golf Course SBI from accidental spillages, dust and debris has been submitted to and approved in writing by the Local Planning Authority. All measures shall be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason - To protect the watercourse and Brookdale Golf Course SBI.

7. The development shall only be carried out in full accordance with the approved remediation proposals outlined in the Phase II Geoenvironmental Site Investigation



Report by GEOCON, dated October 2017. Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority, and the approved measures shall be implemented in full.

Reason - To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use.

8. No development shall take place unless and until all trees, shrubs and hedges to be retained within the site and/or trees whose root structure may extend within the site, have been fenced off in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence and tree during the construction period.

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

9. All hard and soft landscape works for the site shall be carried out in accordance with the approved details shown on Drawing Nos. 003 Rev H and 004 Rev G. The works shall be carried out prior to the occupation of any part of the development or in accordance the programme approved in writing by the Local Planning Authority. 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 landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area.

10. 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 LPA.

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

11. No development shall take place 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
  
1. 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.

2. 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.
3. 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.

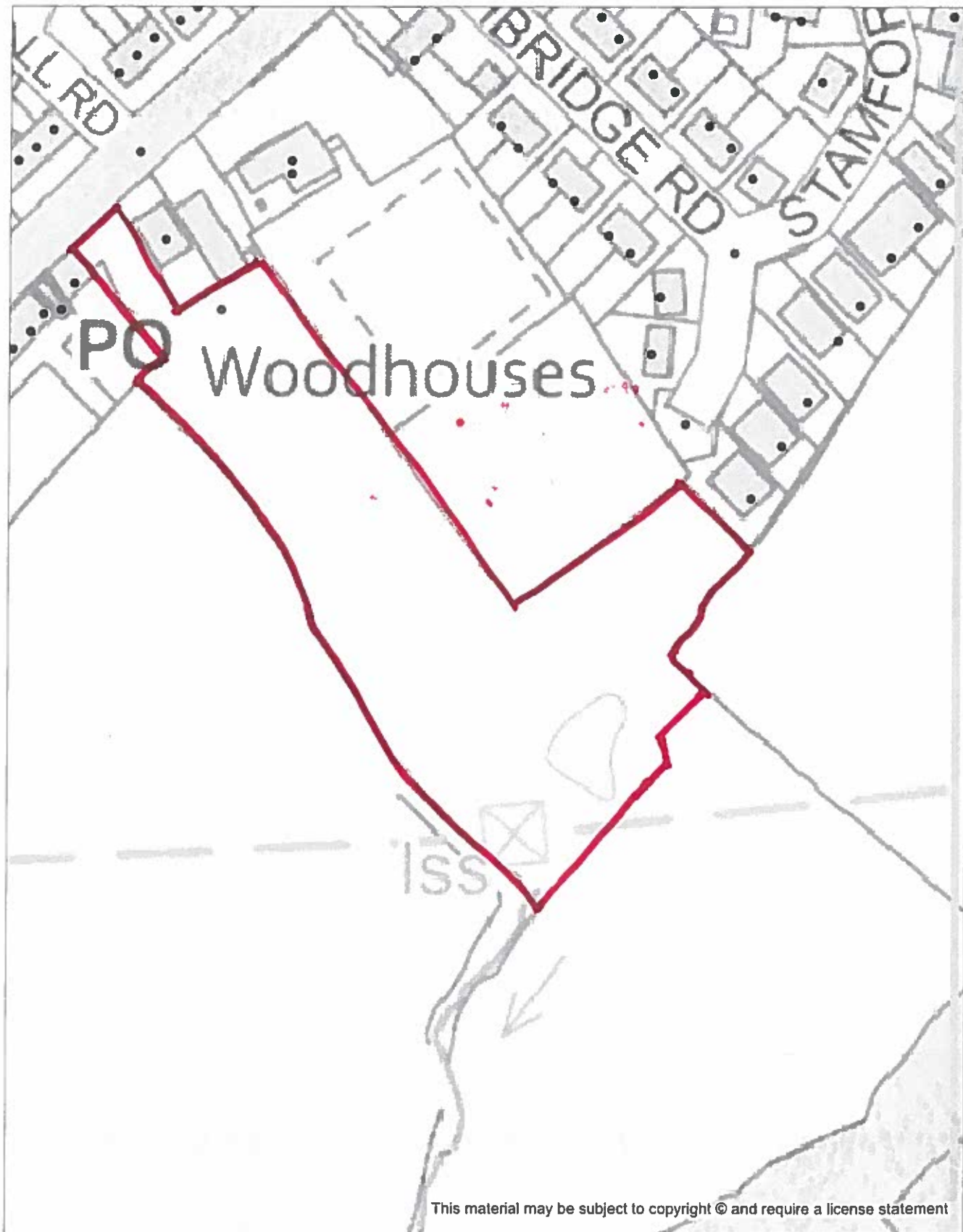
Reason - To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

12. Prior to any part of the permitted development being occupied, 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.

Map Title

34 3302



Sterling Court  
Norton Road  
Stevenage  
Herts SG1 2JY  
United Kingdom

Tel : +44 (0)1438 747996  
Fax : +44 (0)1438 747997  
E-mail: info@cadcorp.com

Operator:	Name
Department:	Department
Drawing No:	1234-A
Date: 19/08/2019	Scale: 1:1250

