

APPLICATION REPORT – FUL/350957/23
Planning Committee 18th October 2023

Registration Date	10th May 2023
Ward	Shaw
Application Reference	FUL/350957/23
Type of Application	Full Application
Proposal	Reserved matters application for the Appearance, Landscaping, Layout, and Scale of Phase 1 of a residential development pursuant to outline application VAR/349651/22
Location	Former Shaw Distribution Depot, Linney Lane, Shaw OL12 8HF
Case Officer	Graham Dickman
Applicant	Bellway Homes
Agent	Alice Henderson

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as a Major development of over 20 dwellings.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report.

3. SITE DESCRIPTION

- 3.1 The application site extends to the northerly 5.19 hectares, approximately half, of the wider former Shaw Distribution Depot site for which outline planning permission for residential redevelopment has previously been granted.
- 3.2 Clearance of the site has progressed, although the southerly portion of the wider approved site remains in use by Yodel for storage and distribution purposes.
- 3.3 The topography of the site is generally flat. The River Beal runs through the site and is partially culverted.
- 3.4 Vehicular access to the present application site is gained from Linney Lane to the north.
- 3.5 In terms of the wider surrounding area, this is largely residential in nature, with some commercial employment to the north. Shaw town centre is situated approximately 400m to the south-west.

4. THE PROPOSAL

- 4.1 The present application seeks approval of the Reserved Matters of Appearance, Landscaping, Layout, and Scale, for the first phase of the wider approved residential site.
- 4.2 The scheme includes 140 dwellings comprising a mix of 4, 3, and 2 bedroom open-market houses, and 28 affordable units consisting of 3 bedroom houses and 2 bedroom apartments.
- 4.3 Vehicular access to the majority of the development will be via a reconfiguration of the existing site access from Linney Lane. A smaller section, comprising 22 units, and separated from the remainder of the development by the River Beal, will be serviced by a second access from Linney Lane, which presently also serves Linney Lane Motors.
- 4.4 The newly de-culverted stretch of the River Beal will run north-south providing a landscaped area of open space and functional provision for surface water drainage / storage during flood events.
- 4.5 All the proposed dwellings will be two-storey, with the exception of an apartment block comprising 12 units which will be three-storey.
- 4.6 The outline application to which this present application is related was assessed in accordance with Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). That application was accompanied by an Environmental Statement (ES).
- 4.7 The present application is accompanied by a Statement of Conformity which reviews the previous ES and concludes that the Reserved Matters do not give rise to any additional significant effects and alter the previous conclusions. This assessment is agreed.

5. PLANNING HISTORY

- 5.1 CND/350686/23 - Discharge of condition No 4 (Design Code) relating to approved application VAR/349651/22. Discharged 21 March 2023
- 5.2 CND/350650/23 - Discharge of Condition No 6 (Archaeology) relating to approved application VAR/349651/22. Discharged 12 June 2023
- 5.3 CND/350019/22 - Application for discharge of condition 5 (phasing plan) related to application VAR/349651/22. Discharged 25 November 2022
- 5.4 VAR/349651/22 - Variation of conditions to allow for phased development, including revised site drainage proposals - 2 (approved plans), 4 (design code framework), 8 (CEMP re-aligned River Beal), 9 (remediation strategy), 12 (Channel details), 13 (EU Water Framework Directive), 14 (surface and foul water drainage), 18 (energy), 19 (finished floor levels), 20 (invasive species), 21 (biodiversity), 22 (ecology surveys), 24 (internal highways details), 26 (interim travel plan) and 28 (crime impact statement) relating to application OUT/345898/20. Approved 10 November 2022
- 5.5 NMA/348981/22 - Non material amendment to re-word Conditions 8 and 13 of

planning permission reference OUT/345898/20 to allow demolition and site clearance prior to compliance with the conditions. 26 May 2022

- 5.6 OUT/345898/20 - Outline planning permission (with all matters reserved except for access) is sought for: 'Residential development (use class C3) together with new publicly accessible open space; landscaping; de-culverting of the River Beal, surface water drainage infrastructure, car parking and other necessary works with access from Linney Lane and Beal Lane following the demolition of existing buildings and structures'. Approved 31 March 2022

6. RELEVANT PLANNING POLICIES

6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is allocated in the Proposals Map associated with this document as part of a Business and Employment Area.

6.2 As such, the following policies are considered relevant to the determination of this application:

- Policy 1 – Climate Change and Sustainable Development
- Policy 2 - Communities
- Policy 9 – Local Environment
- Policy 18 – Energy
- Policy 19 – Water and Flooding
- Policy 20 – Design

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Highways	No objections to the revised layout.
Environmental health	No objections subject to conditions requiring implementation of acoustic mitigation measures.
G M Ecology Unit	No objections subject to conditions in relation to the implantation of measures to promote biodiversity net gain, and for the treatment of invasive plants.
Environment Agency	Recommend a condition in relation to achievement of the measures set out in the submitted Flood Risk Assessment.
United Utilities	Request outline conditions are resolved before reserved matters permission is granted.
Trees Officer	Expresses concerns that the development does not ensure the retention of existing trees.
TfGM	No objection subject to measures to protect the Metrolink line from potential vehicle intrusion.

8. PUBLICITY AND THIRD PARTY REPRESENTATIONS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.
- 8.2 In response, no representations have been received.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The principle of the comprehensive re-development of an established employment site for alternative residential development has been established by virtue of previous planning approvals OUT/345898/20 and VAR/349651/22.
- 9.2 All conditions attached to those approvals, along with a Section 106 agreement, continue to apply and associated Condition Discharge applications are presently pending determination.
- 9.3 The present scheme incorporates a pro-rata provision of affordable housing units in the form of discounted market units, as required within the outline approval. The affordable properties occupy various locations throughout the site and are designed to be visually indistinguishable in terms of external finishes.

10. LAYOUT

- 10.1 The residential development site is largely located to the west of the channel of the River Beal as it passes through the site, partly in culvert at present. The layout includes a number of internal circulatory roads. Where these form cul-de-sacs, appropriate vehicle turning provision is available.
- 10.2 Properties are both orientated to face out across Linney Lane and towards the re-established channel and open space of the River Beal. Where the site abuts the tramline to the west, this is adjoined by rear gardens. There is a similar arrangement to the southern boundary, where details of the second phase of residential development are not presently available and the adjoining site remains in employment use.
- 10.3 In this overall context, the proposed layout ensures satisfactory relationships between properties within, and in the vicinity of, the site, and with the neighbouring areas. It ensures consistency with the illustrative layout included on the outline application, with the submitted Design Framework, and with Local Plan Policies 9 and 20.

11. SCALE AND APPEARANCE

- 11.1 The approval was subject to the need for submission of a Design Code Framework and this has previously been approved under a separate Condition Discharge application
- 11.2 The proposed layout includes direct property frontages onto Linney Lane ensuring an active street appearance. This reflects the character of neighbouring, established residential areas.
- 11.3 Due to the presence of the River Beal channel and adjacent balancing pond, the site will benefit from a significant area of open space along with footpaths which, following development of the adjoining site to the south, will provide significantly improved pedestrian routes and connectivity in the area.
- 11.4 The surrounding residential area contains a wide range of house types, ages, styles, and finishes. There is therefore no established vernacular which it is necessary to replicate.
- 11.5 Within the development a mix of house types have been provided to add to visual interest. These include a range of house designs and tenures, with a mix of two-, three-, and four-bedroom houses and apartments.
- 11.6 All properties extend to two-storey, with the sole exception of a three storey, 12 unit, apartment block, which is an appropriate scale for the setting of the site.
- 11.7 As noted above, the designs, scale, density, and layout of the development secures satisfactory relationships between properties both within the layout and to the small number of neighbouring dwellings, ensuring suitable outlook and levels of privacy. All properties contain areas of private amenity space as well as ready access to the public open space and footpath routes in the immediate surroundings.
- 11.8 Where properties are located on corner plots, the houses are designed to include window openings to break up the elevations. Where rear gardens adjoin highway frontages, matching brick walls are used in place of timber fencing to improve the appearance.
- 11.9 Overall, the layout is reflective of existing built development in the local area, and the dwellings are of an appropriate scale and density.
- 11.10 A 'Materials Layout' has been submitted which illustrates the use of red brick and grey roof tiles throughout the scheme.

12. ECOLOGY AND LANDSCAPING

- 12.1 The Trees Officer has noted that the proposals do not envisage the retention of existing trees within the site. These specimens were primarily located along the northern boundary of the site and all on-site specimens will be removed to facilitate the development.
- 12.2 The development layout reflects that approved in principle at outline stage. Given the previously established, intensively developed nature of the majority of the site and the introduction of replacement planting throughout the development site, both within private gardens and on the communal open areas, the proposals will ensure a

significant increase in tree numbers and lead to an overall net gain in biodiversity. It will also include additional supplementary planting and the introduction of bird/bat boxes.

12.3 The developer will be reminded of the obligations to ensure appropriate surveys to establish the presence of protected species, including otter and badger, are undertaken before development operations are carried out.

12.4 GM Ecology Unit is satisfied that matters in relation to these details, and for the treatment of invasive plant species, can be dealt with by means of planning condition and informative notes.

12.5 HIGHWAY SAFETY

12.6 The assessment of the development's impact on the surrounding highway network was undertaken within the Transport Assessment submitted. as part of the outline approval.

12.6 Following the submission of amended plans, the Highways Officer has confirmed that the proposed scheme is acceptable.

12. RESIDENTIAL AMENITY

12.1 An Environmental Noise Study has been submitted with the application. In respect of the amenity of future residents of the development, the primary concerns relate to the impact of noise from the adjacent tramline and the retained storage and distribution use to the south.

12.2 As a consequence, a scheme of acoustic mitigation will be incorporated into the individual houses. In addition, a 2.4 metre high acoustic fence will be provided adjacent to the tramline, and a 4 metre fence towards the retained employment site.

12.3 The 'Technical housing standards – nationally described space standard' (NDSS) provides guidance to local planning authorities on the minimum standards expected to be achieved in new and converted residential developments.

12.4 The applicant has provided details which show that in terms of overall floorspace, The majority of properties exceed the NDSS guidelines.

13. DRAINAGE

13.1 Matters associated with drainage, including the treatment to the River Beal channel, and remediation in relation to ground conditions, are subject to conditions of the outline approval and are primarily to be dealt with via that process.

13.2 Whilst formal discharge of those conditions remains outstanding, there is no indication that approval of the proposed Reserved Matters which are to be considered under the present application would compromise attainment of all necessary condition discharges.

13.3 As members will be aware, satisfactory implementation of both the requirements of the outline and reserved matters approvals must be attained in order for the

development to be carried out.

14. CONCLUSION

- 14.1 In terms of overall layout, the proposed development largely reflects that approved under the previous Reserved Matters application.
- 14.2 The scheme will secure implementation of the first phase of a development which will assist with the Council's supply of new properties in a sustainable, brownfield location.

RECOMMENDED CONDITIONS

1. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
2. Prior to the commencement of any above ground works in connection with an individual building, a specification for the materials to be used in the construction of that building, including the roof, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details. REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policies 9 and 20 of the Oldham Local Plan.
3. All hard and soft landscape works shall be carried out in accordance with the approved plans Ref: 4216 01 M, 4216 201 D, 4216 202 D, 4216 203 D and 4216 204 D. No individual dwelling shall be occupied until the landscaping for that dwelling has been implemented in accordance with the approved plans. Prior to the occupation of any part of the development, a programme for the completion of the public open space shall be submitted to and approved in writing by the Local Planning Authority and the landscaping shall be implemented in accordance with the approved details. 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 unless otherwise agreed in writing by the Local Planning Authority. 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 having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
4. Notwithstanding the requirement of Condition 3, prior to the commencement of any above ground works, a statement and scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the biodiversity net gain set out in Section 4 of the Biodiversity Metric Report Ref :81-014-R1-5 dated July 2023 is to be achieved. The measures shall be fully completed in accordance with the approved scheme and implementation timetable and shall be retained thereafter. REASON - To ensure biodiversity enhancements are provided having regard to Policy 21 of the Oldham Local Plan.

5. The development shall be implemented in full accordance with the measures set out in the Invasive Weed Management Plan Ref: NIG/DN20143 Rev A. REASON - To prevent the spread of invasive species having regard to Policies 9 and 21 of the Oldham Local Plan
6. The development shall be implemented in accordance with the Recommendations as set out in the submitted Environmental Noise Study (Ref: R2180-REP010-JW, 24 August 2023), to be supplemented by details of a scheme of mechanical ventilation to south facing bedroom windows of Plots 20-28 (inc) and 52-68 (inc) which shall be submitted to and approved in writing by the Local Planning Authority. All approved measures shall be implemented in full before the dwelling to which it relates is first occupied. REASON - To ensure a satisfactory standard of amenity for future residents having regard to Policy 9 of the Oldham Local Plan.
7. No dwelling hereby approved shall be first occupied until the 2.4 metre (western tram line) and 4 metre high (southern boundary) acoustic fences as set out in the submitted Environmental Noise Study (Ref: R2180-REP010-JW, 24 August 2023) have been erected in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority. The western boundary fence shall be retained at all times thereafter. The southern boundary fence shall be retained at all times other than following the residential redevelopment of the adjoining land to the south. REASON - To ensure a satisfactory standard of amenity for future residents having regard to Policy 9 of the Oldham Local Plan.
8. The development shall be carried out in accordance with the submitted flood risk assessment (ref 3165-FRA, job 3165, date Nov 2020) and the following mitigation measures it details:
 - The banks of the deculverted river channel shall be, at minimum, the levels shown in the Flood Risk Assessment and supplementary document "OUT_345898_20-FRA-1720901.pdf", appendix "APPENDIX 12 PROPOSED CHANNEL ALIGNMENT AND SECTIONS", drawing C100 (rev P2, project no. 4659, date Oct 2020), and in the subsequent node drawings "Node, PropXS_01" through "Node, PropXS_07". That being (illustrative) 175.35m AOD at node 01 and 174.52 at node 07.
 - Submission of an emergency access and egress point to be agreed as fit for purpose, considering all flood risk factors, with the Local Planning Authority for the north-eastern parcel of the development.
 - The development should be phased such that the de-culverting and compensatory storage areas are completed prior to occupancy of any housing on site.
 - Submission of final finished floor levels prior to the commencement of any housing construction on the site.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON - To reduce the risk of flooding to the proposed development and

elsewhere by ensuring that compensatory storage of flood water is provided, and to ensure the structural integrity of the culvert having regard to Policies 9 and 19 of the Oldham Local Plan.

9. No dwelling shall be occupied until the access to the site and car parking for that dwelling has been provided in accordance with the approved plans and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and 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 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 having regard to Policies 5 and 9 of the Oldham Local Plan.

10. No dwelling shall be first occupied until the measures in relation to that property as set out in the submitted Energy Statement dated May 2023 have been implemented in full. REASON - To ensure sustainable development that accords with the provisions of Policy 18 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)

