

APPLICATION REPORT - PA/341339/18

Planning Committee, 18 July, 2018

Registration Date: 19/02/2018
Ward: Waterhead

Application Reference: PA/341339/18
Type of Application: Full Planning Permission

Proposal: Erection of 56no. dwellings with associated car parking, open space and landscaping.

Location: Former Counthill School, Counthill Road, Oldham.

Case Officer: Luke Ashley

Applicant Redrow Homes Ltd
Agent : Hourigan Connolly

THE SITE

The site comprises the former Counthill School that was demolished in 2013 when it was identified as surplus to needs as a result of the Building Schools for the Future Programme. The site is situated between Counthill Road, which forms the site's southern boundary, and the A672 Ripponden Road to the north-west. Residential development, consisting of typical, two storey suburban housing bounds the site to the north, east, and west, and beyond Counthill Road to the south lies the Waterhead Sports Academy and associated playing fields.

The site is a roughly rectangular area of land on a site that gently slopes down from the south to the north with approximately a 1.5m fall from the southern boundary on Counthill Road to the northern boundary adjacent to the rear gardens on Buttercup Drive. The main site area comprises cleared ground with self-seeded grass and shrubs covering the site and is relatively flat.

To the north-west corner the site drops steeply by approximately 23 metres towards Ripponden Road (A672) where there is a defunct ski slope with established wooded areas to either side.

The former school included associated playing fields however they were not contained within the confines of this application site.

THE PROPOSAL

The application relates to the erection of 56 dwellings, including a mix of 3 and 4 bed houses, with associated car parking for each plot contained either within on-site parking spaces or single storey garages. A new access road will be formed into the site off Counthill Road. Pedestrian access will be possible to the site via the new access road and a pedestrian access route from the A672 Ripponden Road.

The proposed layout contains dwellings that are two storeys in height and have been designed illustrating a contemporary approach to traditional suburban dwelling types.

Features specifically include the use of brickwork and render, hipped roofs, overhanging eaves, decorative brickwork and open frontages. It is proposed that 11 of the 56 residential dwellings will take direct access from Counthill Road via private drives. The remaining 45 dwellings will take access from the existing simple priority junction off Counthill Road. There are 13 house types provided within the estate.

The layout takes the form of a Y shaped configuration with the main access road leading into the estate splitting to the east and west of the site. Dwellings are arranged along both of these routes facing the main highway. Interspersed between this arrangement are 5 groupings of dwellings which are set around a courtyard type arrangement.

Open space and landscaping provision is provided to the north-west of the site, with the extensive green spaces to the north of the site linked into the proposed landscape framework and there is a proposed footpath providing access between the A672 and Counthill Road. This area, which includes the former dry ski slope, will be provided as an area of public open space, alongside children's play areas, to be maintained by a private management company, details of which are to be agreed via an accompanying Section 106 agreement. An attenuation pond will be provided, surrounded by a gravel path which will route pedestrians along its circumference. The adjacent area will be left in a semi natural condition.

The application has been subject to a Screening Opinion which has determined that an Environmental Impact Assessment is not required in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

RELEVANT HISTORY OF THE SITE:

PA/341362/18 - Change of use of tennis court to car park at Land adjacent to Waterhead Sports Centre. Approved 30/04/2018

DM/333637/13 - Demolition of former school buildings of Waterhead Academy Moorside Campus (formerly Counthill School) – Prior approval granted – 28/03/2013

RELEVANT PLANNING 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 11 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 not allocated within the Proposals Map associated with this document.

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 10 - Affordable Housing

Policy 11 - Housing

Policy 19 - Water and Flooding

Policy 20 – Design

Policy 23 - Open Spaces and Sports

CONSULTATIONS

Highway Engineer	No objections subject to conditions relating to the provision of parking prior to occupation and the provision of a 2m wide footway along Counthill Road.
Environmental Health	No objection subject to a condition relating to the submission of a validation report in regard to contamination.
Greater Manchester Police Architectural Liaison Unit	Specific comments in relation to the design of the development have been submitted.
The Ramblers Association	No objections
Drainage	No objections.
Sport England	Confirm that the site does not involve the loss of a playing field.
United Utilities	No objection subject to conditions in relation to the management and maintenance of sustainable drainage systems, foul and surface water being drained on separate systems, and the submission of a surface water drainage scheme.
Transport for Greater Manchester	No objection subject to a condition relating to the submission of an interim Travel Plan.
Greater Manchester Ecology Unit	No objection

REPRESENTATIONS

The application has been advertised by means of individual notification letters and a site notice. Three objections have been received, details of which are summarised below:

- Gardens are proposed to adjoin the boundary of existing properties which will not only impact on existing views but will overlook and intrude on the privacy of existing residents;
- There is no consideration to the retention of existing vegetation or orientation of the proposed properties to provide a landscape buffer which will assist in screening views;
- There are concerns over the proposed properties where driveways front onto the existing road given the problems that are already experienced along this stretch of road, especially during busy periods;
- If this proposal goes ahead in addition to those that are now planned further along Haven Lane, serious highways measures are required to assist with traffic management;
- Given local experience of both Haven Lane and Counthill Road, the traffic flow numbers included within the submitted Transport Statement will cause significant highway implications;
- The Extended Phase 1 Habitat Survey is insufficient to assess the impact of the development on habitats and species present, especially on the European Protected Species of bats;
- It should also be noted that evening calls of Barn Owl have also been noted and the impact on Barn Owl has not been considered in the assessment;
- Suggest extra money is spent to build a bridge over the culvert onto Ripponden Road as that is by far the safest option;

- There is a private interest in the retention of the section of the metal fence at the top of the ski slope backing up to the rear gardens of 34 and 36 Saffron Drive;
- No EIA has been submitted as part of this proposal.

PLANNING CONSIDERATIONS

The main issues for consideration comprise:

Principle of land use;
 Design and layout;
 Neighbouring amenity;
 Ground conditions and Drainage and flood risk;
 Trees and ecology;
 Highways;
 Affordable Housing;
 Provision of Open Space;
 Energy.

Principle of land use

A key objective of DPD Policies 1, 3, 5 & 11 is the effective and efficient use of land by promoting development on previously developed sites in accessible and sustainable locations, above greenfield sites. This echoes the advice in the NPPF at Paragraph 17 which states that the core planning principles include encouraging the effective use of land by reusing previously developed land. The site was previously occupied by a school. It is therefore considered to fall within the definition of 'previously developed land' set out in the NPPF.

That part of the site which had been used as a dry ski slope, with its associated designation as public open space, is to be retained free of development.

In addition, the Council seeks to make the borough an 'address of choice' by providing a range of attractive accommodation to suit all housing requirements. Criterion ii) of DPD Policy 3 also states that proposals shall contribute to the delivery of the borough's regeneration priorities, and in this regard the proposal directly results in bringing forward an identified Regeneration Development Opportunity site and has been marketed as such by the Council's regeneration team.

The Annual Monitoring Report (AMR) for 2016/17 identifies the application site within the 5 year supply of suitable, deliverable, and achievable sites with an indicative capacity and density of 60 units and 18 dwellings per hectare.

In addition, DPD Policy 3 requires major residential development should have access to at least three key services. As a guide, 'access' is currently defined as being within approximately 480 metres or approximately ten minutes' walk time to a key service. With regard to accessibility, DPD Policy 5 'Promoting Accessibility and Sustainable Transport Choices' states that development should be focused in the most accessible locations and that use of public transport, walking and cycling should be encouraged.

Given the sustainable location of the site; its close proximity to a range of key services (notably Moorside Medical Centre, Hodge Clough Primary and Infant schools and Greenacres Business Employment Area and public transport routes, the proposal is acceptable in land use and sustainable development terms as the scheme has significant

economic, environmental and social benefits.

It is therefore considered that the principle of residential development on this site is justified. Furthermore, the application provides much needed housing to the borough in a location which is well served by local services and transport links and is clearly considered as a sustainable location. No objections have been received relating to this proposal which would suggest otherwise and it is considered that the planning merits weigh in favour of this proposal.

In regard to the loss of open space and school playing fields, the details contained within the application clearly illustrate that an acceptable open space area is to be retained. Sport England has confirmed that the site is not considered to form part of, or constitute a playing field as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015 No.595).

Design and layout

A key objective of DPD Policy 9 is to ensure that development will protect and improve local environmental quality and amenity and promote community safety across the borough. This will be achieved by ensuring development is not located in areas where it would be adversely affected by neighbouring land uses; it does not have an unacceptable impact on the environment or human health; it does not cause significant harm to the amenity of existing and future residents; and it does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape.

This is supported within NPPF paragraph 56 where it states that good design is a key aspect of sustainable development. Both the NPPF and the Development plan are clear that good design lies at the heart of the planning process and that substantial weight shall be given to this aspect of a proposal.

Although the site is located on the edge of the green belt, the immediate area is characterised as a typical suburban area dominated by housing which is moderate in scale and traditional in style. There are both terraced properties further down Counthill Road alongside more spacious semi-detached and detached dwellings in much closer proximity.

Into this immediate environment the proposal seeks to introduce a grouping of dwellings along the main Counthill Road frontage and an open layout further within the development site. The applicant has provide an array of cross sections which illustrate the resultant appearance both along Counthill Road and from views within the main site, and it is considered that each dwelling pays due regard to neighbouring plots and to the wider character of the area. Each dwelling is well spaced and served by ample gardens, whilst the materials chosen for each unit show a mix of brick and render finish.

Buildings located on corner plots show detail on the return face. The scheme has been designed to have active frontages with properties facing the public realm and front doors and/or habitable room windows are shown providing natural surveillance to the public areas whilst also framing the spaces created within the estate.

The detail illustrated on each unit, such as porches with hipped roofs above, render work and projecting gables, introduce visual interest to the estate as a whole and when taken in conjunction with the landscape plan showing planting and shrubbery, it is considered that this is a well thought out development proposal, which will contribute to the overall built character of the area.

In regard to the layout of the buildings, it is clear that the site will be navigable, with four

distinct areas shown on the site plan. These act as landmarks within the estate. Moreover, on approach to the open area to the north of the site, this end grouping of buildings has been designed in a manner whereby access to the area beyond is not prohibited by private land nor high boundary treatments and it is clear to residents that access is freely available.

The approach to the estate along Counthill Road itself provides active, residential frontages which are a key character of this area, with the dwellings set back from the main highway and provide open front gardens, moderate spacing between buildings and attractive landscaping.

The accompanying landscape scheme demonstrates that the proposals for open space contained to the northern aspect of the site are appropriate. Wherever possible the applicant has ensured that existing trees and hedgerows are to be retained and incorporated into the landscaping scheme.

Due to the steep topography of the site in the north-west corner (the site of the former dry ski slope), this area is proposed to be used as the public open space provision for the site. This will ensure that the existing mature woodland will be retained and consequently this provides an attractive feature with mature vegetation for the users of the new development and those residents of the surrounding locality.

The proposed attenuation pond will act as a feature and will be bounded by a gravel path which will route pedestrians along its circumference, with children's play areas located to the north and south of this walkway. This element, alongside the open area beyond, will be left in a semi natural condition and reflects the open character of the green belt which is set on the opposite side of Counthill Road, whilst providing much needed space to residents of this group of buildings and those residing further afield.

On balance, the landscaping scheme shown improves the open space beyond what currently exists and weighs in favour of the proposal.

Neighbouring Amenity

The estate is well contained within the confines of the development plot and neighbouring units are separated from the new buildings by well maintained interface distances. Rear gardens associated with those existing dwellings located along Buttercup Drive are set against either the retained area of public open space or against the backdrop of the proposed gardens which serve a small group of 3 dwellings which will be located along this northern boundary. In this regard there are no concerns in regard to either a loss of privacy or physical dominance.

Properties adjoining the site on Sorrel Way are separated from the new dwellings by a minimum distance of 22 metres in all instances where there will be facing habitable room windows, thus ensuring privacy is protected.

The site is also bounded by Saffron Drive to the western edge of the site. Running parallel with Saffron Drive, the internal layout of the new estate shows a run of properties which back on to these existing dwellings. Once more, appropriate spacing has been provided which ensures that the privacy currently enjoyed by these occupants will be maintained whilst the separation of these dwellings from the application site also removes the potential for any of the new dwellings appearing as overbearing structures.

The internal layout has a 'Y' shaped configuration which allows each dwelling to be orientated so that rear garden areas adjoin each other. The plots contained within the central part of the estate are largely configured in this back to back arrangement with rear

gardens 10 metres in length and interface distances of over 20 metres between rear facing windows.

Ground conditions and Drainage / Flood Risk

Although the site was formerly occupied by a school and dry ski slope, the potential for any contamination of the site needs to be addressed prior to determination. In this regard a consultation response was received from Environmental Health which advised that two conditions be attached to any consent requiring further detail be provided in regard to landfill gas and land contamination. The applicant has sought to address these points during the course of the application process and a desktop study was provided to deal with these proposed conditions.

A Flood Risk Assessment (FRA) has been submitted which confirms that the residential development of the site is considered at 'Low Risk' of fluvial flooding and the Environment Agency's (EA) online Flood Zone Map shows it as being in Flood Zone 1 with an annual probability of flooding less than 0.1% (1 in 1,000).

The main potential source of flooding to the site is from surface water and the FRA also states that the site is identified at risk of surface water flooding. Included within the development proposal is an attenuation pond set to the north-west of the site which will be fed from the drainage scheme as detailed within the accompanying drainage plan. This form of Sustainable Drainage System (SUDS) has been assessed by the Councils Drainage engineer, and in conjunction with the installation of a suitable surface water drainage system, appropriate ground floor levels and by the removal of topographical low points in the eastern extent of the site, no objection is raised. In this regard there is no reason to conclude that flood risk would cause harm to the development.

Trees and ecology

DPD Policy 21 (b) states that development proposals should "Protect, conserve and enhance biodiversity and geodiversity, designated nature conservation sites, legally protected species and their habitats and Local Nature Reserves, and other non-designated sites containing substantive nature conservation value of local significance".

The applicant has provided an Ecology Assessment. This assessment concludes that none of the habitats within the site are of significant interest in terms of their plant species composition and that no Priority Habitats are present. Furthermore, the proposals do not meet the criteria for which further consultation would be required between the Local Planning Authority and Natural England in respect of any Sites of Special Scientific Interest (SSSI) present in the wider area.

The consultation response received from Greater Manchester Ecology Unit (GMEU) concerning this assessment states that the field surveys undertaken for the assessment were undertaken in January which is not a particularly good time of year to carry out habitat surveys, since many plant species will not be evident at this time of year.

However, GMEU is familiar with the site having carried out bat assessments of the former school buildings prior to demolition. The former school buildings were demolished only a few years ago, followed by re-seeding with species poor grassland which is still present. The site is therefore dominated by habitats that are not of significant nature conservation importance.

The most important habitats on the site are the small areas of woodland associated with the former dry ski slope. However, these areas are to be retained as part of the scheme and

incorporated into the public open space for the development. The retained woodland should therefore be suitably protected during the course of any approved development and this shall be secured via condition.

GMEU is also aware of the reports of barn owls foraging in the area, which are regarded as credible. However, it was considered that the application site is sub-optimal habitat for barn owls, and there is significant alternative habitat available in the wider area, particularly to the east and north, such that it would not be considered that the conservation status of barn owls will be affected by the small loss of habitat that will result from the development.

In regard to protected species, as there is no evidence of protected species found on site, and in accordance with the consultation response received from GMEU, there are no objections raised on ecological grounds.

Highways

DPD Policy 5 requires that developments do not compromise pedestrian or highway safety. In particular, criterion (c) states that developments should "Ensure the safety of pedestrians, cyclists and other vulnerable road users by ensuring appropriate highway safety measures and schemes are implemented as part of development proposals".

In addition, Policy 9 (a) (vii) requires developments to protect and improve local environmental quality and amenity by ensuring that it "Minimises traffic levels and does not harm the safety of road users".

The second and third bullet points to NPPF paragraph 32 provide that developments: "Should ensure safe and suitable access to the site can be achieved for all people; and should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

The consultation responses received from Transport for Greater Manchester (TfGM) and Oldham Highways Engineer have assessed the overall impact made by the proposal in relation to congestion, road safety, site accessibility and the submitted transport statement (TS).

The TS states that Counthill Road is subject to a 20mph speed restriction, it provides frontage access to residential properties and onto other residential streets, access into farms and agricultural based businesses and to Waterhead Academy Sports Centre. In the vicinity of the site access the carriageway width is circa 5.5m with 2.8m and 2.2m wide footways present on the western and eastern sides of the carriageway, respectively. Some 40 metres south-west of the site access is an existing zebra crossing with tactile paving and metal safety railing.

To the north-east, Haven Lane is subject to a 30mph speed restriction, is lit and provides frontage access to residential dwellings and access onto other residential streets. The carriageway is circa 5.5m in width with a 2m wide footway present on the western side of the carriageway until Greenside Avenue, thereafter footways are provided on both sides of the carriageway. To the south-west, Counthill Road provides access onto the A672 Ripponden Road which is subject to a 30mph speed restriction and provides frontage access to residential dwellings and small businesses/ facilities.

The TS goes on to state that the proposed layout seeks to maximise permeability for pedestrian / cycle movements in order to encourage the use of non-car modes. A network of internal footways are proposed which connect to the existing footways on Counthill Road. Those footways will also connect into the existing public right of way which runs along the

eastern boundary of the site and provides access onto the amenity land to the east of the site. The internal access roads have been designed to achieve low vehicle speeds within the site, incorporating appropriate changes in the road alignment which assist in providing a safe environment for pedestrians and cyclists within the site.

Having assessed issues relating to layout, access and sustainability, the TS concludes that the development proposals will be accessible by a range of travel modes and have been developed to accord with current national and local transport policies. It is concluded that a range of key facilities and services, including employment, retail, health and education uses will be accessible from the site. All of these can be accessed locally within both Oldham town centre. The TS further considers that the trips generated by the development would not lead to undue congestion to the wider highway network and nor are there highway safety issues that should prevent the granting of planning consent for this proposal.

Impact upon the wider Highway Network

Transport for Greater Manchester through the Highways Forecasting and Analytical Services (HFAS) unit has provided comments on the Transport Statement (TS). HFAS has been able to validate the analysis to obtain the trip rates and therefore, this is considered to be a robust assessment.

The TS has indicated a total number of vehicle trips (two-way) generated by the development as 42 in the AM peak and 35 in the PM peak. The TS states that these flows are considered to be immaterial in terms of the wider highway network without further consideration of existing flows. HFAS has suggested that further evidence is required to demonstrate that this assumption of an immaterial impact of the development flows is correct.

Whilst the Council's Highways Engineer acknowledges that there is some localised congestion caused by parked vehicles on Counthill Road which can narrow the carriageway to a single vehicle width, with reference to the evidence of estimated traffic generated provided in the TA, the Highways Engineer does not consider that the proposed development of 56 dwellings would have any significant impact on congestion of the surrounding highway network.

This statement is backed up by the findings of a traffic count that was carried out on Counthill Road between 11th and 27th May 2018. The count found that the average two way flow along Counthill Road was 179 during the weekday morning peak and 210 during the weekday evening peak. As such, the additional amount of traffic expected to be generated by the proposed development - 13 arrivals and 43 departures in the a.m peak, and 33 arrivals and 15 departures in the p.m peak will not have such a significant effect so as to impact on highway safety.

The Highways Engineer also notes that the provision of two parking spaces for each dwelling, coupled with the provision of an additional car parking area across from the site to serve the existing sports facility (PA/ 341362/18) would limit the demand for any additional on-street parking on Counthill Road and, accordingly, is unlikely to add to any existing congestion arising from parked vehicles.

Access to the site will be from Counthill Road and residents will travel along Haven Lane or Counthill Road to reach this. Haven Lane will be traffic calmed at the top (southern) end , nearest to Counthill Road in connection with the recent development by Redrow Homes. There is an extant planning permission at the bottom (northern) end of Haven Lane for up to 23 dwellings and it is intended that the traffic calming is extended along this stretch of Haven Lane. The approach to the site along Counthill Road has already been traffic calmed,

but it is intended that the traffic calming in situ is upgraded to reflect current design standards. This will provide an extension to the traffic calming features on Haven Lane and will improve the safety of all users of the highway in the vicinity.

Nevertheless, it is considered necessary for a Section 106 payment of £85,946.00 to be required for the implementation of the traffic calming scheme and associated improvements to the highway on Counthill Road, including the junction at Ripponden Road.

It should also be noted that whilst objectors have raised some concerns regarding traffic generation, paragraph 32 of the NPPF states that proposals "should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." Given the level of traffic which would be generated by a development of 56 dwellings, (42 in the AM peak and 35 in the PM peak) and considering this in the context of the traffic calming measures to be implemented as part of the accompanying Section 106 and the associated car parking scheme directly opposite the site to serve the nearby sports facility, it is not considered that the very high threshold of severity in paragraph 32 of the NPPF would be exceeded in this case.

TfGM has also provided an assessment of the travel plan provided by the applicant and comments that although the site is accessible by sustainable modes, it is important to influence travel patterns at the beginning of occupation. The current Transport Statement does not include a Framework or Interim Travel Plan.

However, it is considered that the requirement for a travel plan in this particularly well served location would not be practical, given that it is clear that alternative modes of transport are available to residents. The site is well served by both bus services and an internal public footpath leads from the site and out onto Ripponden Road. As such pedestrian access is provided throughout the site leading onto both nearby main roads.

Internal layout, access and parking

The Highways Engineer has also assessed the layout of this scheme and provided a positive response. The internal highway layout is acceptable to the Local Highway Authority and will be considered for adoption subject to a Section 38 Agreement.

Parking provision for the new dwellings is also considered acceptable, with three spaces per four bedroomed dwelling and two spaces per three bedroomed dwelling being provided. The geometry and layout of the highway will provide adequate additional on-street parking if required by visitors or residents.

To conclude, the Highways Engineer considers that this level of traffic generation will not have a significant impact on the local highway network to the detriment of highway safety, that the internal configuration of the estate is acceptable and there is no objection to planning permission being granted for highway safety reasons

Affordable Housing

DPD Policy 10 (Affordable Housing) states that all residential development of 15 dwellings and above, in line with national guidance, will be required to provide an appropriate level of affordable housing provision. The proposal exceeds this threshold and as such, either the provision of affordable housing within the confines of the site, or a payment in lieu of the provision of such housing elsewhere within the borough is required.

DPD policy 10 provides that a payment of 7.5% of the total development sales is considered

as an appropriate amount to require for the delivery of affordable housing, unless it can be clearly demonstrated to the council's satisfaction that this is not viable. The policy goes on to state that such housing must be provided on-site, unless there are exceptional circumstances that would justify the acceptance, by the council, of off-site provision within the locality or a financial contribution in lieu of provision. Such exceptional circumstances include where the specific characteristics of the development mean that on-site provision is neither practicable or desirable, or where the council consider that off-site provision or a financial contribution would meet affordable housing needs and other planning and regeneration objectives more effectively.

The application does not provide any on-site provision of affordable housing and has instead proposed a financial contribution to off-site provision on the grounds that the proposal seeks to bring forward a high end housing offer and should therefore be taken to represent an exception to this policy.

Oldham Regeneration has commented that Oldham's Residential Development Prospectus (2013 – 2018) outlines that the current residential offer in the Borough is limited; there being a disproportionate amount of low value Council Tax Band A & B properties (71%) and a very high level (42%) of terraced housing.

It is the Council's aim to ensure that Oldham's housing offer is 'fit for purpose' to support the economically active households wishing to move up the housing ladder and attract people to live in Oldham from outside the Borough as well as retain young people as they leave education and start work. It is also the aim of the Council to deliver not just an increased quantity of new homes but to increase the number of homes that contribute towards our economic and social goals. This means encouraging higher value housing that meets aspirations and begins to re-balance our economy

The former Counthill School site provides an excellent opportunity to help re-balance Oldham's housing market and deliver a range of larger aspirational and higher Council Tax Banded properties in accordance with the Council's Residential Development Prospectus. In order to achieve these regeneration objectives, the provision of on-site affordable housing is not considered appropriate at this location. The substantial financial contribution made in lieu of affordable housing being provided on site will be used to support and deliver new affordable housing within the locality.

A commuted sum has therefore been proposed for the payment of £425,000, and in regard to the amount due, the applicant has submitted a viability report which seeks to justify this position. The viability assessment has been subject to testing having regard to established guidance where it was found that the findings of the viability report is broadly consistent with the findings of the assessment made on behalf of the Council. The testing of this information did however find that a reasonable off site contribution should be £500,000.

In light of this finding it is reasonable to consider that this fee is appropriate and this figure will be included within the associated Section 106 agreement.

Provision of Open Space

In addition to the requirements set out in DPD Policy 23, the council's Interim Open Space Planning Position Paper (2012) sets out how the council will deal with open space contributions for the borough when determining planning applications for relevant development that may impact on open spaces. The Paper identifies laying out and maintenance costs of certain types of open space.

To have sufficient provision of open space, an area should meet the provision standards for quality, quantity and accessibility per 1000 population. If a site is deficient in at least one of

the quality, quantity and accessibility standards of a type of open space it should be classed as 'deficient' in that open space type.

It has been identified that there is a deficiency in all types of required open space types, apart from Outdoor Sports Facilities where there is sufficient access, quantity and quality. This level of deficiency has taken into account the retention of the existing open space within the proposed site. However it is considered by officers that although the open area contained to the north west of the site was designated as public open space, its poor quality and lack of accessibility have precluded it from being reasonably included within the Council's figures. This area of land has been closed off from public access and it has remained in this condition since the closure of the dry ski slope.

In this regard it is the applicant's intention to open this area up to the public and to improve the quality and accessibility of this area. The submitted Land Disposal Plan accompanying the application illustrates that the space will not be transferred over to the Council for future maintenance and in regard to Policy 23 it is considered that a contribution would not be warranted in this instance. As the land will be transferred over to a management company and kept open for public use, officers are content that no payment for public open space would be required and that the benefits of this upgraded provision would result in much needed recreational facilities which accord with Policy 23. The transfer of the future management of this land will be ensured via the implementation of the terms of a Section 106 agreement.

Energy

DPD policy 18 states that residential developments of over 10 dwellings will be required to reduce energy emissions in line with Part L of the Building Regulations through compliance with a rising scale of 'Code Level' ratings assessed against the Code for Sustainable Homes.

However, Paragraph 001 of the "Housing – Optional Technical Standards" chapter of the NPPG, with reference to a Written Ministerial Statement (WMS) published by the Department for Communities and Local Government on 25 March 2015, makes clear that, with the exception of legacy cases, the Code for Sustainable Homes has been withdrawn. The WMS makes clear that energy performance requirements for new dwellings will, instead, be controlled through the Building Regulations, with a performance requirement in those Regulations "set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4".

This guidance supersedes the DPD policy and therefore, the imposition of a condition requiring compliance with a specific Code Level rating would be unreasonable.

Conclusion

The proposed residential development would contribute to boosting the borough's supply of housing land in a sustainable location and would make provision for larger, high-value family homes in accordance with the Council's wider regeneration objectives. The indicative layout demonstrates that the amount of development proposed can be accommodated on the site without harming the character and appearance of the area by virtue of its layout, scale, pattern and density, and that an appropriate relationship can be achieved with surrounding occupiers to ensure that it has no adverse impact on the amenity and living conditions of adjoining occupiers through loss of outlook, privacy or daylight.

The development would provide a safe and suitable means of access for all highway users and the evidence provided by the applicant demonstrates that the proposal would not have

a severe residual cumulative impact on the highway network, either adjacent to or further away from the site. Appropriate contributions would also be secured towards highway improvements, affordable housing and on site, open space proportionate to the development's size and scale, and accounting for viability constraints. Measures would also be put in place to ensure that the development has no adverse impacts with respect to ecology, flooding and contamination.

In summary, it is considered that any adverse effects arising from the development can be adequately addressed and that these would be significantly and demonstrably outweighed by the benefits that it would bring. The proposal is therefore in accordance with the requirements of the relevant policies in the Joint Core Strategy and Development Management Policies Development Plan Document and the National Planning Policy Framework.

RECOMMENDATION

It is recommended that Committee resolves (1) to approve the application subject to the conditions set out below and to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure the following:

- (i) The future maintenance of the attenuation pond and public open space on the site in accordance with the requirements of Joint Core Strategy and Development Management Policies Development Plan Document Policy 23.
- (ii) A commuted sum payment of £100,000 towards the implementation of a traffic calming scheme on Counthill Road, in accordance with the requirements of Joint Core Strategy and Development Management Policies Development Plan Document Policies 5 and
- (iii) A commuted sum payment of £500,000 towards the provision of affordable housing off the site in accordance with the requirements of Joint Core Strategy and Development Management Policies Development Plan Document Policy 10.

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

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, received by the authority and which are referenced as follows

OS-01 Rev A
CH-DSL-001 Rev E
CH-BTL-001 Rev C
CH-LDL-001 Rev C
CH-MAT-001 Rev C
CH-PSL-001 Rev C
CH-WML-001 Rev C
CH-PP-001
CH-SS-001 Rev B
CH-SS-002
5614.02 Rev D
5614.03 Rev D
5614.04 Rev D

5614.05 Rev D
217-378-C-0100-P04
SCP_18157_F01
EF_AMBY_DM.5.0-901
EF_AMBY_DM.5.0-902
EF_CAMB_DM.6.0-901
EF_CAMB_DM.6.0-902
EF_CANT_DM.6.0-901
EF_CANT_DM.6.0-902
EF_HARR_DM.6.0-901
EF_HARR_DM.6.0-902
EF_MARO_DM.1.0-901
EF_OXFO_DM.2.0-901
EF_OXFO_DM.2.0-902
EF_STRA_DM.7.0-901
EF_STRA_DM.7.0-902
F-SD086
F-SD0900
F-SD0902
F-SD0906
F-SD0910
1 - 201
C-SG01 1 001 Rev E

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 dwelling shall be brought into use unless and until the access and car parking space for that dwelling has been provided in accordance with the approved plan received on 29th May 2018 (Ref: Dwg No.CH-DSL-001 Rev E). 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.

4. Prior to the first occupation of the site, full details of a scheme for the installation of 'swift bricks' shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the type of swift brick to be used, the number proposed and their location throughout the site. The bricks shall be installed as an integral part of the approved development and be retained as such thereafter.

Reason - In the interests of biodiversity and the protection of species.

5. Prior to the first occupation of the site, the remedial measures proposed within the Gas and Ground Contamination Report submitted on the 13.03.2018 shall be implemented in full and a completion / validation report shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the dwellings.

Reason - In order to protect public safety, because the site is located within 250m of a former landfill site.

6. No development, which comprises the commencement of the erection of any dwellings hereby approved, shall take place until details of a drainage scheme in accordance with the recommendations as contained within the Flood Risk Assessment and Drainage Strategy and the works contained within the submitted 'Outline Drainage Layout - 217-378-C-0100-P04' have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved scheme and be retained as such thereafter.

Reason - To ensure that the site is drained in an appropriate manner.

7. All hard and soft landscape works for the site as detailed within the plans referenced as 5614.02 Rev D, 5614.03 Rev D, 5614.04 Rev D, and 5614.05 Rev D, shall be carried out in accordance with the approved details and in accordance with an implementation programme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. 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.

8. During the construction phase, temporary protective demarcation fencing to be constructed in accordance with BS5837:2012 *Trees in Relation to Design, Demolition and Construction: Recommendations* (BSI, 2012) will be used to protect the trees and shrubs as shown to be retained on the approved plan. The fencing must extend outside the canopy of the retained trees and must remain in position until all areas have been developed to ensure protection is provided throughout the construction phase.

Reason - In the interests of biodiversity and the protection of species.

9. No dwellings hereby approved shall be first occupied until a footway, minimum 2.0 metres in width, along the full frontage of Counthill Road has been provided in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority.

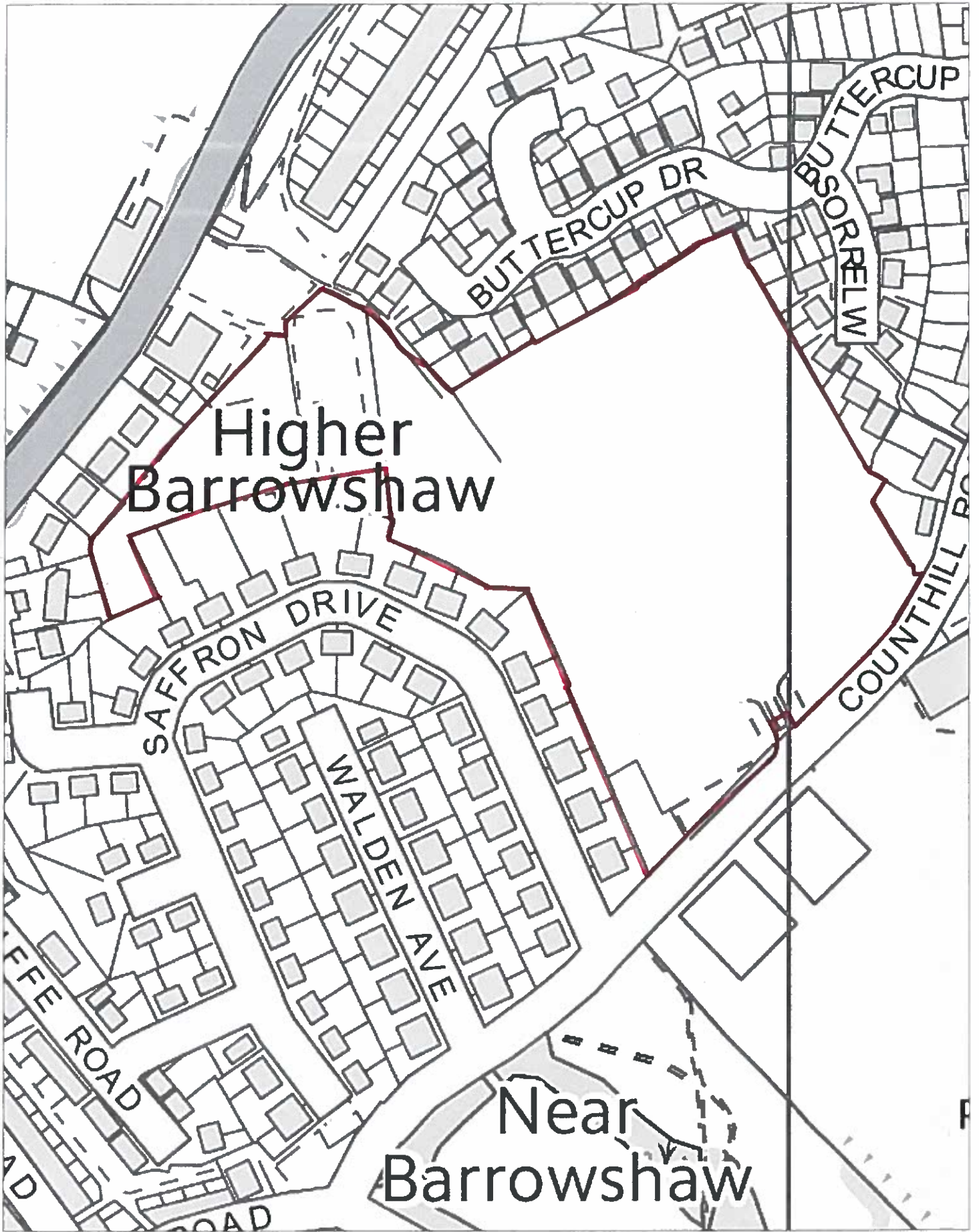
Reason - To facilitate the safe movement of pedestrians in the vicinity of the development.

..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**



Higher
Barrowshaw

Near
Barrowshaw



