

APPLICATION REPORT - PA/340887/17

Planning Committee, 14 November, 2018

Registration Date: 05/10/2017
Ward: Saddleworth West and Lees

Application Reference: PA/340887/17
Type of Application: Full Planning Permission

Proposal: Hybrid Planning Application comprising of:

Part A - Full Planning Application for the development of a new link road between Knowls Lane and Ashbrook Road and associated works, and

Part B - Outline Planning Application for the development of up to 265 dwellings, open space and landscaping, with all matters reserved except for access.

Location: LAND AT, Knowls Lane, Oldham
Case Officer: Graeme Moore

Applicant Agent : Russell Homes UK Ltd
Barton Willmore

THE SITE

The site comprises an irregular shaped area of land on the south eastern edge of Lees that is enclosed by existing development to the north, east and west, with highways infrastructure (Knowls Lane and Thornley Lane) to the south. It is located approximately 2.95km to the east of Oldham Town Centre. Junction 22 of the M60 is located approximately 5.35km to the south west of the site.

The site itself has no other buildings on it.

The site is approximately 15.79ha in size. The majority of the site comprises vacant open grassland which was historically used for agricultural purposes. The valley of Thornley Brook and land to the north is wooded and accessible to the public. A footpath runs alongside the brook. At the western boundary of the site, an area alongside Thornley Brook has been enclosed as garden space, though the public footpath still crosses through it to Hartshead Street.

Pedestrian access to the site can presently be achieved from Ashbrook Road on the northern boundary. There is no formal vehicular access to the site. However, agricultural vehicular access can be achieved via gates at Manor Farm and from Thornley Lane.

Site Surroundings

Topographically the site falls from south to north, becoming steeper as you approach Thornley Brook. Thornley Brook itself is located within a shallow but steeply sided valley, generally contained by vegetation. A further unnamed brook flows south to north through the middle of the site. Land near to this brook is also subject to steeper topography. The source of a minor tributary which flows into the unnamed brook is located within the eastern most field of the Site.

St Agnes Church of England Primary School (and associated playing field), and St Agnes Church (and grounds), are located along the north of Knowls Lane/Thornley Lane, to the

south of the site. The Grade II listed buildings of Knowls Lane Farm, Knowls Lane Farmhouse, Manor House (and attached cottage), and Flash Cottage are located west to east respectively along Knowls Lane/Thornley Lane.

Public Right of Ways (PROW) cross through or run close to the site. PROW 27 crosses the eastern most field in a south east to north west direction leading from Thornley Lane in the south to PROW 25 close to Thornley Brook in the north. PROW 25 crosses through the central part of the site in a roughly north to south direction. The route connects close to Hirons Lane, where it meets PROW 197. The route then heads southwards, crossing Thornley Brook and into the site, providing links to PROW 26 and PROW 27. PROW 25 cross the site towards Manor Farm, where it meets Knowls Lane.

THE PROPOSAL

A hybrid planning application has been submitted comprising of:

- Part A - Full planning application for the development of a new link road between Knowls Lane and Ashbrook Road and associated works; and,
- Part B - Outline planning application for the development of up to 265 dwellings, open space and landscaping, with all matters reserved except for access.

In addition to the submitted plans, the following documents have been submitted as supporting information:

- A Planning Statement (PS);
- A Design & Access Statement (D&A);
- A Flood Risk Assessment (FRA);
- A Arboricultural Implications Assessment (AIA);
- An Ecological Assessment (EA);
- A Heritage Statement (HS);
- A Landscape and Visual Impact Assessment (LVIA);
- A Noise Impact Assessment (NIA);
- A Transport Statement (TS); and
- A Highway Design Report (HDR).

SCREENING OPINION

A Screening Opinion was issued by the Local Planning Authority (LPA) on the 6th November 2017 confirming that the development does not constitute Environmental Impact Assessment (EIA) development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and therefore a full EIA is not required for the proposed development.

PLANNING HISTORY

None relevant to the determination of this application.

ALLOCATION AND PLANNING GUIDANCE / POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF 2018). The revised National Planning Policy Framework was published on 24 July 2018 and the policies within the revised Framework are material considerations which should be taken into account in dealing with applications

The site is allocated as part of a Phase II Housing Allocation and as Other Protected Open Land (OPOL) within the Council's adopted Local Development Framework (LDF).

The following policies of the Council's LDF are relevant to the determination of this application:

Joint Core Strategy and Development Management Policies Development Plan Document adopted 9 November 2011 (the 'Joint DPD')

Core Strategy

Policy 1 Climate Change and Sustainable Development
Policy 2 Communities
Policy 3 An Address of Choice
Policy 5 Promoting Accessibility and Sustainable Transport Choices
Policy 6 Green Infrastructure

Development Management Policies

Policy 9 Local Environment
Policy 10 Affordable Housing
Policy 11 Housing
Policy 18 Energy
Policy 19 Water and Flooding
Policy 20 Design
Policy 21 Protecting Natural Environmental Assets
Policy 22 Protecting Open Land
Policy 24 Historic Environment
Policy 25 Developer Contributions

Supplementary Planning Guidance

Oldham and Rochdale Residential Design Guide

Oldham and Rochdale Urban Design Guide

PUBLICITY AND REPRESENTATIONS

The application has been publicised on the Council's web-site, by press advertisement and by site notice. Three separate periods of consultation were undertaken in October 2017 (when the application was initially validated), April 2018 (on the submission of revised information) and finally in September 2018 (further revised information submitted). In total 2,707 representations were submitted (136 via email, 100 via hard copy, 930 signatures on one petition and 1,541 on a second petition).

The objections received raised a number of material considerations, which are summarised below in order of the date of consultations.

October 2017 Consultation

Land Use / Loss of OPOL Land

- A previous inspector stated that if the allocated housing site was developed, then it was 'imperative' that the OPOL site remained open as it serves to separate Grotton and Lees;
- There are a number of Phase 1 and Brownfield sites that are undeveloped and these should be used before the release of this OPOL site is considered;
- The OPOL site is a valuable natural resource for recreation and should be kept for future generations;
- The loss of the open space will have negative consequences for people's mental health, given the positive role that the area plays in terms of walking etc.;
- The proposal is contrary to policy 22 of the DPD as it is not small scale, or ancillary;
- The Council can currently demonstrate a 5.1 year supply of housing land – therefore, there is no need to develop the OPOL land;

- The development of the site will irreversibly alter the rural feel of the area;
- Oldham Council have wanted to build the road for years, but haven't for monetary reasons. Residents should not have to suffer the loss of the OPOL site to help boost developer profits so that they can afford to build the road; and
- The proposal will lead to a loss of Public Rights of Way.

Highways & Traffic

- The link road will have a detrimental impact on Hartshead Street, Oldham Road and Lees New Road;
- The nature of the link road will encourage speeding;
- The traffic survey was carried out in the school holidays and is not a true reflection of the level of congestion in the area;
- The proposal will encourage traffic on Thornley Lane which is narrow and winding;
- The junction designs are unsafe as is the road as it encourages high speeds;
- Why hasn't a bridge been considered?
- The only benefit of the road will be for the people who live on the proposed estate;
- The development will lead to over 500 cars trying to use the main road in to Oldham;
- The proposal does not and cannot promote any 'sustainable' modes of transport due to the site and its inappropriate location;
- There are no measures to reduce traffic flow from Oldham Road.

Biodiversity

- The development would result in a loss of pipistrelle bats, foxes, badgers and over 20 species of birds;
- The Environment Agency object to the scheme on biodiversity grounds;
- Culverting the brook will result in a loss of wildlife and fauna;
- The Environmental Assessment has not been properly carried out and the development will result in a loss of protected species that are S41 protected species, BRd Red list and Bam amber listed species; and
- No survey work has been undertaken to assess the impact on macro-invertebrates.

Infrastructure / Services

- Schools are already oversubscribed as are dentists and doctors. How is this scheme going to improve the situation?
- Car parking outside schools will be dangerous;
- It takes weeks to get a doctors appointment already;
- There is no evidence that the proposal will have a beneficial impact on existing services; and
- The proposal will bring additional strain to healthcare services.

Flood Risk

- The culverting of Thornley Brook would increase the risk of flooding elsewhere.

Heritage

- The proposal will have a negative impact on existing Grade II listed heritage assets.

Air Quality

- The proposal will lead to an increase in car usage and subsequently air pollution would worsen.

April 2018 Re-consultation

Land Use / Loss of OPOL

- The proposal will have a negative impact on the character and appearance of the

OPOL;

- An Inspector previously stated that the OPOL site should remain undeveloped;
- The proposal will result in a loss of a 'green lung';
- The OPOL site is only being used to boost the developers profits;
- The loss of the the OPOL is not outweighed by the benefits of the scheme;
- If the developers can't afford to build the road without building on the OPOL, then they should find somewhere else;
- The proposal will lead to a loss of the OPOL site;
- The Council can currently demonstrate a 5 year supply. Therefore, there is no need to develop the OPOL site; and,
- The development of the OPOL site would be against the wishes of the local community.

Highways & Traffic

- The proposal will introduce a dangerous 'dog leg' junction;
- The proposal will cause traffic congestion;
- The link road would 'induce' traffic; and
- Nobody wants the road or understands why it was put forward in the first place.

Biodiversity

- The proposal would be causing irreversible damage to the existing wildlife and habitats.

September 2018 Consultation

Land Use / Loss of OPOL

- The proposal for 265 houses is not small scale or ancillary and is therefore contrary to OPOL policy;
- The area acts as natural 'green lung' and should be maintained;
- A previous Planning Inspector has noted that if the allocated site is developed, it is imperative that the OPOL site stayed undeveloped – what's changed?;
- Residents enjoy the area for walking and recreation;
- The loss of the OPOL land cannot be justified when there is so much brownfield land available;
- The area is essential to break up the built up areas of Lees and Grotton;
- OMBC is currently meeting its housing targets – there is no need to develop the OPOL site; and

Highways & Traffic

- The proposed link road formed part of a wider by-pass for Lees in the 1990's and is no longer needed;
- The road does nothing to alleviate congestion;
- The proposed link road will only move congestion from Hartshead Street to Knowls Lane;
- No justification for the link road;
- Highways seem oblivious to the difficulties that the scheme will cause on Oldham Road;
- The T-junctions will lead to accidents at both ends of the link road;
- The traffic survey was taken on a Bank Holiday and is not accurate;
- Can the Council afford to maintain the road?;
- The road will affect the visual amenity of the area; and

Biodiversity

- The proposal will result in a loss of biodiversity;
- The proposal will be an act of environmental vandalism;
- The proposal will run contrary to the 'City of Trees' principles that the Council has signed up to;
- The proposal will result in a loss of trees;

- The proposed culvert will create a barrier to wildlife;
- The area is a haven for wildlife such as deer, badgers, newts, bats and foxes;
- The Environmental Assessment has not been properly carried out and the development will result in a loss of protected species that are S41 protected species, BRd Red list and Bam amber listed species; and

Infrastructure / Services

- St Agnes Church of England Primary School only takes 15 pupils per year and cannot expand – where will the children that the estate generates go to?;
- None of the schools within a 2 miles radius have spaces in years 1-5;
- The methodology that Russell Homes have used to calculate school places is flawed;
- The doctors surgery's are full;
- The benefits of the scheme are overstated;
- The suggestion that new residents will bring extra expenditure is not the case as many prospective buyers will already live in the Oldham area; and

Air Quality

- The proposal will lead to an increase in air pollution from the increased number of vehicles using the road and the surrounding area.

CONSULTATIONS

An overview of the consultation responses received is provided below. Detailed analysis is provided in the 'Assessment' section of this report.

St Agnes Church of England Primary School: Having considered the application and the land that has been made available – at no charge - to the school for future use and/or expansion, the school is fully supportive of the scheme

Highways England: No objections.

OMBC Highway Engineer: No objections, subject to conditions in relation to the design of the link road, the junctions at both Oldham Road/Ashbrook Road and Knowls Lane and a Section 106 contribution in the region of £115,000 in order to facilitate the link road and associated works around the proposed junctions.

Greater Manchester Ecology Unit (GMEU): Do not object to the proposal, subject to the scheme securing a variety of biodiversity improvements via conditions and any design code.

Natural England: No objections.

Conservation Officer: On the information before them, they consider the proposal to be such that it would cause 'less than substantial harm' to the significance of the Grade II listed buildings, Knowls Lane Farmhouse, Knowls Lane Farm, Manor Farm and Flash Cottages. They consider it would cause 'less than substantial harm' to Lydgate Conservation Area. They consider the construction of the road would cause 'less than substantial harm' to Knowls Lane Farmhouse. They also consider the proposal would result in a loss of local distinctiveness.

Nevertheless, whilst they have identified a less than substantial level of harm, they have not considered the public benefits of the proposal. It is suggested that these comments are considered with reference to Section 16 of the NPPF and particularly the balancing exercise it sets out.

They would also draw attention to the recommendations for the inclusion of a recording condition contained within the archaeological report if members were minded to support this application.

Environment Agency: No objection, to the proposal subject to conditions in relation to the design of the link road and culvert, measures to protect and increase biodiversity along Thornley Brook and the provision of a SUDS scheme.

Greater Manchester Police Architectural Liaison Officer: No objection.

Environmental Health: No objection, subject to conditions in relation to landfill gas investigations, contaminated land, refuse storage and the control of construction noise.

Transport for Greater Manchester: No objection, subject to conditions in relation to sustainable transport measures.

The Coal Authority: No objection, subject to conditions in relation to mine shaft investigations.

DETERMINING ISSUES

- Land Use / Loss of OPOL Land
 1. Landscape Impact
 2. Impact on Heritage Assets
 3. Design
 4. Ecology
 5. Amenity issues
 6. Environmental impact
 7. Flood risk and drainage
 - Land and groundwater conditions
 - Land stability
 - Highways and Traffic
 8. Conclusion and the Planning Balance

ASSESSMENT

Land Use / Loss of OPOL Land

It should be noted from the start that approximately 52% of the site is allocated as a Phase II Housing Allocation carried over from the previous UDP and allocated in the current Joint Core Strategy and Development Plan Document. As such, the principle of residential use is acceptable in principle for part of the site.

Furthermore, in the last 10 years there has only been one permission of any significant (major application) size that has been built out (for 25 dwellings; PA/3326396/12) within the Saddleworth West and Lees ward. Whilst there are other permissions (two in total), delivering 28 dwellings and a recent outline permission from 2016 for up to 36 dwellings at Birks Quarry (PA/337932/15), the evidence shows that there has been a persistent under-delivery of housing in this area of the Oldham district.

The Government published in 2018 a Housing White Paper entitled - 'Fixing Our Broken Housing Market'. The document outlined, amongst other things, the government's commitment to boosting housing supply to 300,000 homes a year. In order to achieve this, the government committed to revising the NPPF, which was recently revised and published on the 24th July 2018.

Paragraph 11 of the NPPF (2018) makes clear that:

"housing applications should be considered in the context of the presumption in favour of sustainable development [as set out in footnote 7 of the NPPF]. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Paragraph 73 of the NPPF (2018) requires local planning authorities to:

“identify and update annually a supply of specific deliverable sites the specific sites should, in addition, include a buffer:

9. *5% to ensure choice and competition in the market for land; or*
 - *10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plans, to account for any fluctuations in the market during that year; or*
 - *20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply”*

Policies 1(a) and 11 of the Joint DPD indicate that, when determining planning applications, the Council will ensure the effective and efficient use of land and buildings by promoting the reuse and conversion of existing buildings and development on previously developed land prior to the use of greenfield sites.

With respect to housing, Joint DPD policy 3 identifies a preference for residential development on previously developed land prior to the release of greenfield sites, with a target for 80% of housing to be constructed on previously developed land. However, the policy does, make an allowance for the remaining 20% to be delivered on greenfield sites and, accordingly, does not seek to impose a moratorium against the release of greenfield sites for residential development.

Joint DPD policy 3 sets out the Council’s approach to assessing applications for residential development. The policy states that applications for residential development will be permitted where:

- the site is allocated for residential development or mixed-use and has come forward in line with the council’s approach to phasing; or
- (a) the site is allocated for residential development or mixed-use and has come forward prematurely from the phasing set out in the Site Allocations DPD and does not undermine other national and local guidance and policies: and
- (i) a deliverable five-year supply of housing land cannot be demonstrated; or
 - (ii) it contributes to the delivery of the borough’s regeneration priorities; or
 - (iii) it contributes to the delivery of affordable housing that meets the local affordable housing needs.

Policy 3 makes clear that proposals for residential development on non-allocated sites will be considered favourably where the three circumstances in criterion (b) are applicable, or it is for a small development, comprising a change of use or conversion or a site not identified in the Council’s SHLAA.

Joint DPD policy 3 identifies an annual, boroughwide housing target of “*at least 289 dwellings per year, net of clearance, on average over the LDF plan period up to 2026.*” The applicant has contended that the council cannot currently demonstrate an up to date 5 year housing land supply, based upon recent appeal decisions and the draft GMSF. In view of the latest household projections and adjustments for economic growth and market signals, the applicant contends that the delivery of the new housing proposed by the development would provide a boost to the housing supply in the district.

The Councils current housing land supply position set out in the AMR and is based on the target of 289 dwellings per annum as set out in Joint DPD policy 3. However, Policy GM5 to Chapter 8 of the latest draft of the Greater Manchester Spatial Framework (GMSF), dated October 2016, identifies an objectively assessed housing need of 685 dwellings per annum for Oldham, some 396 above the figure set out in policy 3 of the Joint DPD. Additionally, the governments own standard housing methodology proposes a target of circa 716 dwellings per annum. Whilst the GMSF is an emerging plan, it provides the most up-to-date evidence with respect to OAN for each district in Greater Manchester and these targets have been utilised by Inspectors when assessing whether a Council is able to demonstrate an

adequate supply of housing land.

In particular, in allowing an appeal in Bolton following a Public Inquiry (ref APP/N4205/W/15/3136446), paragraph 24 of the Inspector's decision states that:

- (b) *"Consultation on the draft vision, strategic objectives and strategic options for the GMSF along with the evidence base took place between November 2015 and early January 2016. A detailed analysis of housing need is included within the evidence base. This identifies a scenario which it indicates is considered to represent the Objectively Assessed Need for Greater Manchester and its individual districts. It explains that, because of the complex functioning of housing and labour markets within Greater Manchester, the relatively small distances involved in most migration and commuting, the issues of district identity and the availability of population and household data, the most appropriate unit of analysis below the Greater Manchester level is the individual districts. It indicates that the need in Bolton is for 965 dwellings per year over the period 2012 to 2035. The Council agrees that this figure is the outcome of a PPG compliant exercise and amounts to the best evidence of [a full, objective assessment of need] figure for Bolton."*

The GMSF is an emerging policy document which is at an early stage of preparation. It has not been through the full public consultation exercise and has not been subject to independent examination. Accordingly, it can carry only limited weight in the decision making process. Nevertheless, having regard to the appeal example from Bolton above, it is apparent that the evidence base which informs the GMSF is being applied by Inspectors during the appeal process.

It is acknowledged that the Council's current five-year supply is not certain to meet proposed housing requirements in the draft GMSF (685dpa) or that set out in the Government's 'Planning for the right homes in the right places' which has recently been consulted upon (716dpa). However, it is important to note that these are still in draft / consultation form. Nevertheless, the evidence supporting the draft GMSF and the recent Government consultation indicates a housing requirement for Oldham of between 685 and 716dpa.

The GMSF identifies a housing target for Oldham which is more than double that set out in DPD policy 3. Whilst the applicant has not provided any objective assessment which attempts to demonstrate that the Council is unable to demonstrate a five year supply of housing, the delivery of a significant number of new dwellings on the site would contribute to boosting the supply of housing land in the borough. This is a factor which weighs significantly in favour of the scheme for the purposes of paragraph 73 of the NPPF (2018) and must be given weight in the determination of this scheme.

With respect to the remaining criteria in Policy 3 (ii) and (iii), it is apparent from the type and density of housing shown on the indicative layout the development would deliver larger family homes and higher-value housing which meet the needs and aspirations set out in criteria (a) and (c) of Joint DPD policy 11. As such, this factor must also be given weight in the determination of this application.

The proposed development will provide for up to 265 new dwellings, including 60 affordable dwellings. The mix of the size, type, and tenure of new dwellings will be determined during a later Reserved Matters application. However, indicatively the applicant can confirm that the site is capable of accommodating a broad range of house types, sizes and tenure which is responsive to locally assessed need. This weighs positively in favour of the scheme.

Other Protected Open Land

Part of the application site falls within OPOL 12 Thornley Brook East, Lees.

Policy 22 of the Local Plan sets out the Council's approach to protecting open land. It states that development on OPOL will be permitted where it is appropriate, small-scale or ancillary development located close to existing buildings within the OPOL, which does not affect the openness, local distinctiveness or visual amenity of the OPOL, taking into account its

cumulative impact.

The policy goes on to say that the Council will assess OPOL in the Site Allocations DPD (which will now form part of the emerging Local Plan review).

OPOL is open land which, while not serving the purposes of the Green Belt is locally important because it helps preserve the distinctiveness of an area. As well as providing attractive settings, they provide other benefits, such as informal recreation and habitats for biodiversity, therefore helping to provide sustainable communities and help mitigate climate change.

The proposed development for up to 265 houses is not small scale or ancillary and it would have significant impact on the openness, distinctiveness and visual amenity of the OPOL, particularly given its setting and proximity to the wider Green Belt beyond and the nearby listed buildings. This is supported by the Inspector's examining the 2011 UDP plus their comments in relation LGG12 – East of Knowls Lane (now referred to as OPOL) at the UDP examination, in which they conclude that:

'This is a substantial area of attractive open land which has much in common with the open countryside to the south. It serves to separate the extensive suburbanised area of Grotton to the east and the existing and proposed housing areas to the west'.

The UDP Inspector at the 2011 UDP inquiry, went on to emphasise that if the housing site (Knowls Lane – H1.2.10) is developed it is imperative that LGG12 (now OPOL12) remains open. Further consideration of the impact of the proposal is given in the landscape impact section of this report.

However, given the protections that the OPOL allocation gives to part of the site, it is important to consider what circumstances the applicant has put forward in support of the development of the site to justify this. In summary, these are:

- The delivery of a UDP allocation;
- The lack of a 5 year housing supply and the need for housing;
- The economic benefits of the scheme;
- The social benefits of the scheme;
- The environmental benefits of the scheme;
- The delivery of the Lees New Road extension, as set out in the Local Plan; and,
- Gift of school land

Consideration of OPOL special circumstances

The first point to understand is that the proposal will lead to the development of an allocated housing site. Whilst it is noted that the proposal is a Phase II housing site, it is allocated nevertheless. Indeed, it is one of the few allocated housing sites that have remained undeveloped to date. The principle of developing part of the site for residential use is therefore in accordance with the Development Plan for the borough.

In relation to the need for housing it is acknowledged that Oldham may have a shortage of available, deliverable and achievable brownfield land sites. Whilst work has recently commenced on identifying further land through the GMSF and the replacement Local Plan process, this is still at an early stage. The applicant states that elsewhere in Greater Manchester there are examples where the pressure for new housing has been found to outweigh the conflict and loss of land designated as OPOL. This is accepted by officers.

Additionally, the proposal must be given some positive weight for the delivery of both market and affordable housing in an area that historically has not delivered any volume of housing in the borough for a considerable period of time. Indeed, in the last 10 years, there has only been three 'major' applications submitted in the Saddleworth West and Lees ward, which were for more than 10 dwellings (of 12, 16 and 25 respectively). Therefore, opponents suggestions that demand has somehow been met have to be treated with scepticism, based on the evidence to the contrary.

The Economic Benefits of the Scheme

The applicant considers the following are economic benefits of the scheme:

- £11.3 million extra in the Oldham economy by the prospective new residents;
- Annual commercial expenditure (convenience, comparison, leisure, goods and services) by residents of £4.3 million to support and sustain the local community;
- New Homes Bonus of £1.3 million to support Council Services;
- Around 150 construction Jobs (on and off-site) over the lifetime of the build programme (estimated at 7 years);
- Indirect jobs through the local supply chain via the purchase of goods and services;
- Annual council tax contributions of £416,300;
- Total economic output (construction spend, by Russell Homes) over the construction phase of £37.4 million; and
- Development of a new link road between Ashbrook Road and Knowls Lane estimated to cost £3.5 million, meeting a Local Plan requirement.

The Social Benefits of the Scheme

The applicant considers the following social benefits will occur if permission is granted:

- Creation of a high quality residential environment of up to 265 dwellings which contributes to the Borough's housing needs (existing and emerging), sub-area housing needs, and the maintenance of the five-year housing land supply;
- Development of housing in a sustainable location;
- Delivery of 60 much needed affordable housing units;
- Improvement in housing mix and choice which meets local need;
- Delivery of new link road improving public transport, bicycle and pedestrian connections in the area, and addressing the problem of a dangerous junction situated within Lees;
- Sustainable increase in population of Lees to support to continued vibrancy and vitality of services in the local area;
- Extension to and enhancement to public open space and footpath connections;
- Highway Safety improvements to Hartshead Street/Oldham Road Junction; safe all weather footpath connections between Knowls Lane and Oldham Road; footpath along Knowls Lane; and widening of Knowls Lane; and,
- Gift of school land to the adjacent primary school.

The Environmental Benefits of the Scheme

The applicant has contended the following environmental benefits of the scheme:

- Well-connected site to existing services and facilities reducing the need to travel by car;
- Accessible by foot, bicycle and public transport, with proposed infrastructure enhance connections for the wider community;
- Ongoing management of wooded areas along the course of Thornley Brook;
- The site is not at risk from flooding, and will not increase the risk of flooding elsewhere; and
- New areas of landscaping and open space providing additional habitats for wildlife to flourish.

In general, officers concur with the benefits outlined by the applicant above. Consequently conclude that significant weight must be given in the decision making process to these benefits. In officers opinion, these benefits significantly and demonstrably outweigh the loss of OPOL land and the landscape buffer value it has in this location.

Lees New Road Extension

Policy 17 Gateways and Corridors states that the Council will continue to safeguard, or

identify land for a number of future transport infrastructure proposals, including the extension of Lees New Road. Paragraph 6.90 goes on to recognise that the extension is necessary to unlock the housing allocation at Knowls Lane and that the provision of the highway link would be part of the development costs.

The principle of the creation of the link road is therefore considered acceptable and is supported via policy 17 of the DPD. As such, meeting this UDP policy requirement is given significant weight in the assessment of this application by officers.

Landscape Impact

The proposal will involve the loss of a large OPOL designation, with the removal of large parts of low level vegetation, with some trees also lost. However, in mitigation and in conjunction with the work that has been done with the councils appointed landscape architect the following is proposed as part of the development:

- The principal footpath links through the site, including the two existing Public Rights of Way, and new paths now provide broad green corridors with ample room for the planting of larger, native trees;
- The width of the green space along Thorley Lane is increased (to a minimum of 30m). This provides the opportunity for both strong tree planting and areas of open grassland - delivering visual impact mitigation and space for an appropriate ecological offer;
- Existing PROW are retained and enhanced so that they are incorporated into the layout of the site and are attractively overlooked via natural surveillance;
- The character of the layout on the western parcel is more urban in nature - the principal route to the east being a more formal avenue lined with traditional front gardens. Principal routes in the eastern parcel are more organic and contain a variety of street sections characterised by varying relationships between linear green space, road, footpath and building lines. Boundary treatments are more varied including stone walls, hedgerows, and buildings built along back of pavement.

Officers consider that the site is a 'valued landscape' as defined in para 170 of the NPPF for the following reasons:

- The site itself is an open agricultural field sloping gently down to a wooded brook, with a well-used byway along its northern boundary, set within open countryside to the south and Green Belt beyond, coupled with the Wharmton Undulating Uplands character area. It is considered that this combination of attributes takes the landscape 'out of the ordinary'.
- It is obvious from the representations received from the public that the byway and footpath network is a popular route for access to and from the wider area for families and dog walkers for instance. Recreational users would find that the current views of the open fields would be irreversibly lost and it these views that adds to the outdoor experience.
- The application site is valued locally because it is part of the open countryside that provides a rural context for the urban area. It is the combination of the physical attributes of the area with how it is perceived that makes this a valued landscape.

Policy Background

Guidance within Section 12 ('Achieving well-designed places') of the NPPF (2018) document is relevant, together with policies 1 (Climate Change and Sustainable Development), 6 (Green Infrastructure), 9 (Local Environment), 17 (Gateways and Corridors), 20 (Design) and 24 (Historic Environment), which provide guidance on the design of new development.

The application was accompanied by a Landscape & Visual Impact Assessment (LVIA) compiled by IBI Group. Bearing in mind the landscape sensitivities associated with the site,

the LPA determined that it was prudent for the council to appoint its own landscape architect to assess the landscape impact of the scheme.

The 2013 GVLIA3 guidelines defines Landscape and Visual Impact Assessment (LVIA) as a tool used to identify and assess the importance of effects of change resulting from developments on people's views and visual amenity.

Site Background

The site is located south east of Lees town centre and south of Oldham Road (A669). It is currently an area of open pasture, between the Thornley Brook Valley and Knowls Lane/Thornley Lane which defines it's southern boundary.

The settlement of Lees originates from its historic core to the west of the site, where mill buildings, chimneys and Victorian terraces remain very much part of the character and skyline of the former mill town. The Oldham Road (A669) a key east west link between the mill towns, is flanked by two to three storey Victorian terraces and (notably) the Liberal Club between Lees and Springhead, whilst south of the routeway on the falling ground associated with Thornley Brook Valley newer, lower density suburban development has extended to form the residential areas of Leesfield, County End and Station Road. Grotton and Holts continue this settlement on to the north facing the slopes of the valley.

There are significant heritage assets that are materially affected by the proposal, which in turn, has an impact on the landscape, including the Lees Conservation Area, Lydgate Conservation Area and the Church of St Anne (Grade II listed). In relation to the site itself, Knowls Lane Farm and Knowls Lane Farmhouse (Grade II listed) and Flash Cottages (Grade II listed) are also materially affected in landscape impact terms.

There are no National Trails within the site area. The borough circular route of the Oldham Way (RR3) passes through the study area from Greenfield in the east, crossing the River Tame at Quick before scaling Quick Edge and dropping into the residential area of Grotton within the Thornley Valley and along the southern boundary of the site before climbing again southwards to Hartshead Pike and on to Pitses in the west.

The Oldham – Lees Recreational Route runs along the former railway line (RR5). Both are confirmed as Strategic Recreational Routes in the context of GI assets in the Core Strategy.

The PROW network is extensive to the south of the site; with PROWs 197, 25 and PROW 27 providing key linkages from the residential areas in the north and east of the borough to the open landscapes to the south via the Oldham Way for example.

The PROWS and permissive routes within the Thornley Brook Valley are well used. Whilst the valley is heavily wooded the open pasture of the plateau landscape above the riverbanks are perceived as a strong contrast to the wooded valley and suburban housing areas to the north and west.

Strategic Landscape Character Areas

At a national level, the site falls within the NCA 54 – Manchester Pennine Fringe. At a regional level, a Landscape Character Assessment has recently be commissioned for the Greater Manchester Conurbation. The findings are currently unpublished.

OMBC's Landscape Character Assessment (2009) includes the site within the Wharmton Undulating Uplands area (Area 7). However, it is noted that in the applicants submitted LVIA, they claim that the site lies within what they consider to be "The Urban Area" and therefore does not fall within a defined Landscape Character Area. Whilst it is accepted that the current allocated housing site, could be defined as being within the "Urban Area", it is officer's assertion, based upon the work that has been done by Camlin Lonsdale, that the OPOL site does fall within the Wharmton Undulating Uplands area (Area 7).

The description and Key Characteristics of the Wharmton Undulating Uplands are as

follows:

- This open upland area sits between the urban fringe of Oldham and the settlements of the Tame Valley whilst providing long views out over the nearby urban areas. Scattered settlements and farmsteads are dispersed throughout the area and are linked by a network of narrow winding lanes. The area is predominantly farmland consisting of improved grassland managed for grazing and silage, although some areas are unmanaged and becoming rushy. These pastures are defined by a distinctive field pattern of gritstone walls. The farms of the area contain a significant number of horse paddocks whilst makeshift farm buildings associated with diversification are evident throughout the area.

Key Landscape Characteristics:

- Open, upland landscape character created by the altitude, scarcity of trees and long views.
- A characteristic patchwork of upland pastures including small irregular fields and larger rectangular fields of moorland enclosure.
- A network of gritstone walls.
- Extensive network of footpaths and public rights of way.
- Dispersed settlement pattern comprising scattered farmsteads.
- A network of narrow winding lanes connects the farmsteads and settlements.
- Distinctive vernacular architecture dominated by the millstone grit building stone.
- Frequent long views across the intersecting valleys.

The site and *majority* (council emphasis) of the study area falls within Type 7a Urban Fringe Farmland. The key features of this area are:

- An open upland landscape character created by the altitude, scarcity of trees and long views.
- Frequent long views out over the urban settlements confined within the valleys below.
- A characteristic patchwork of upland pastures including small, irregular fields.
- Dispersed settlement pattern comprising scattered farmsteads sometimes in fairly close proximity.
- A network of narrow winding lanes connecting the farmsteads and settlements.
- Stone walls without grass verges often bound the lanes.

Based upon the analysis work that was carried out by Camlin Lonsdale, the following key landscape receptors (viewpoints) were identified:

- LLCAs 1 to 5;
- Knowls Lane Farm & Farmhouse, Manor House & associated Cottages;
- St Agnes School & Flash Cottages;
- Lees Conservation Area;
- Lydgate Conservation Area;
- OPOL LGG12;
- Listed Structures & Buildings;
- Public Rights of Way;
- Wharmlton Undulating Uplands (Area 7a);
- Green Infrastructure Assets at the subregional level; and
- Oldham Green Belt.

Landscape Effects

The table below lists the identified landscape receptors (viewpoints), and the impact on the landscape character of these receptors, based upon the work of the council's own appointed landscape architect.

Receptor	Landscape Impact at Year 1 of the proposal	Landscape Impact at Year 15 of the proposal
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LCA1- Open Pasture (West)	Major-moderate adverse	Moderate adverse
LCA2 – Open Pasture (East)	Major-moderate adverse	Moderate adverse
LCA3 – Thornley Brook Wooded Valley	Moderate adverse	Moderate-minor adverse
LCA4 – Ashes Brook Valley	Minor adverse	Negligible adverse
LCA5 – L&NWR railway corridor	Minor adverse	Negligible adverse
Knowls Lane Farm & Farmhouse, Manor House & associated Cottages	Major adverse	Major adverse
St Agnes School & Flash Cottages	Major adverse	Major adverse
Lees Conservation Area	No determinable effect	No determinable effect
Lydgate Conservation Area	Minor-negligible effect	Negligible adverse
OPOL LGG12	Major adverse	Major-moderate adverse
Public Rights of Way	Moderate adverse	Moderate adverse
Wharmton Undulating Uplands (Area 7a)	Major-moderate adverse	Moderate adverse
Green Infrastructure Assets	Moderate adverse	Moderate adverse
Oldham Green Belt	Moderate adverse	Minor adverse

Notwithstanding the objections raised by the applicant in relation to the setting of the site and its location within the Landscape Character Assessment, the proposed development would clearly change the landscape character of the area from rural to urban. It is therefore felt that the proposal would have an adverse effect on the landscape resource of major/moderate significance based on the above table.

Landscape Visual Impact

Turning to the visual effects, it is considered that the views from Thornley Lane and Knowls Lane would be transformed with built form in near and middle distance views, replacing middle and longer distance views over open countryside. Mitigation by additional planting would not diminish the likely adverse visual impact from various viewpoints. However, whilst the scheme would alter views from nearby residential properties and so adversely affect the visual amenity of the area, it would not be so dominant or overbearing that it would impair the living conditions of existing occupiers by reason of its impact on outlook. Nevertheless, with high sensitivity receptors and medium/high magnitude of visual effect, it is considered that the scheme would have an adverse impact on visual amenity of major/moderate to major significance, both on completion and beyond 15 years post construction.

The scheme would have significant urbanising effects in Year 1, although many of these effects diminish in Year 15 as the proper mitigation strategies mature. The loss of open landscape, the fragmentation of a strategic landscape feature (the Thornley Brook Wooded Valley) and encroachment of development on to the northern slopes of the Pennine foothills is expected to have a tangible effect on the Wharmton Undulating Uplands (Area 7a) LCA at this key interface with wider Greenbelt areas, as well as reducing accessibility to the open countryside and potential diminution of its role as a Green Infrastructure corridor.

With regards to visual effects, the assessment has concluded that significant effects in Year 1 relate to effects on the PROW network both within the proposal area as well as the Green Belt locations to the south of the site. This effect is also expected to be experienced in the context of the rural lanes. However, with proposed mitigation, these effects are assumed to diminish with time.

Conclusion of Landscape Impacts

The identified moderate adverse effects on the Wharmton Undulating Uplands (Area 7a)

LCA is contrary to UDP policy 6 – Green Infrastructure. The development will result in significant, loss and fragmentation of GI assets, namely the Thornley Wooded Valley landscape feature and open landscape included in the Wharmton Undulating uplands (7a). Both features are important to the physical integrity of the identified GI corridor and network which is already significantly eroded by former residential development within the valley landscape.

The identified moderate adverse effects on the Wharmton Undulating Uplands (Area 7a) LCA is contrary to UDP Policy 21 – Protecting Natural Environmental Assets. The development has been found to not protect and conserve the local natural environments functions or provide new and enhanced functional GI; the policy stipulates that development proposals must extend or link existing green corridors as well as conserve and reinforce the positive aspects and distinctiveness of the surrounding landscape character.

The identified moderate adverse effects on the Wharmton Undulating Uplands (Area 7a) LCA is contrary to UDP Policy 22 – The scale, form and layout of the development is found to have a transformative effect on the local distinctiveness and visual amenity of OPOL 12.

On the issue of landscape impact, it is considered that the proposal would harm the character and appearance of the area and would conflict with the relevant development plan policies as outlined above. This landscape harm and policy conflict therefore weighs against the proposal.

Impact on Heritage Assets

Policy Background

Guidance contained within section 16 (Conserving and enhancing the historic environment) of the NPPF (2018) and policy 24 (Historic Environment), of the DPD are relevant when considering the impact of proposals on heritage assets.

Policy 24 of the DPD states that:

Development to, or within the curtilage or vicinity of, a listed building or structure must serve to preserve or enhance its special interest and its setting. There will be a strong presumption against proposals involving the demolition of listed buildings or structures. Proposals which would lead to the loss or cause harm to grade I and II listed buildings should be wholly exceptional.*

This is reinforced within section 16 of the NPPF (2018) which states at paragraph 190:

In determining applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- a) *the desirability of new development making a positive contribution to local character and distinctiveness.*

The NPPF (2018) goes on to state at paragraph 196:

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.

Assessment

The application was accompanied by a Heritage Impact Assessment (HIA) which identified the heritage assets located on Knowls Lane and the landscape heritage setting associated with them. The HIA was subject to some revision based upon initial comments received

from the Conservation Officer.

It is acknowledged, as noted in the assessment accompanying the application, that the views of the fields from the properties were not a significant feature contributing to the character of the of the Manor Farm and Knowls Lane Farmhouse buildings, as in the main their front elevations turn towards the road. Nevertheless, the fields were essential to developing farms in the area. A farm needs farmland and the current proposal would erode the functional and historical relationship that once existed between the farms and associated farmland.

However, it is acknowledged that this is a historic functional link, rather than a current working link. Nevertheless, a 'limited level' of harm is caused by the impact of the proposed housing development.

With regard to the Knowls Lane Farm, Knowls Lane Farmhouse and Manor Farm buildings, paragraph 5.22 of the submitted Heritage Statement notes '*generous areas of open space, mature trees and hedgerows will assist in retaining some of the rural qualities of the application site*'. Also the introduction of a buffer will ensure greenspace will be retained and this will emphasise the historic character. It is considered that the proposals will foreshorten the views to some extent, across the valley and create a sense of enclosure absent at the moment within the application site.

The report acknowledges that the agricultural associations have been diminished by the conversion of the properties from farms to ordinary dwellings. The use of the formerly associated land for dwellings would be diminished. However, it is considered that this will be mitigated by the improved landscaping proposed by the scheme and the buffer between the heritage assets and the proposed homes.

It is acknowledged that the indicative plan has noted a larger area of open space adjacent Flash Cottages. However, harm is still identified to the setting of the cottages and, whilst the proposal goes some way to mitigating the impact of the development, it would not produce a setting of the same quality and characteristics that currently exist.

The Council have considered the impact of the proposed development on the listed buildings. As noted above, the proposal will cause some harm, which is considered to have been underestimated in the applicants heritage statement (very limited level of harm to Knowls Farm et al; and 'limited' to Flash Cottages). However, the Council acknowledge that the harm caused to the agricultural setting would lead to the loss of the historic functional link and *not* a current working link. As such, having regard to the high threshold for 'substantial harm', and given that the fabric of the buildings would remain unaltered, officers conclude that the proposal would cause 'less than substantial harm' to the designated heritage assets for the purposes of the NPPF.

Turning to the assessment on the impact of the Lydgate Conservation Area, whilst it is acknowledged that the linear form of development in the Conservation Area is an important aspect of its character, its hill top location and visibility also contribute to its character as a ridge development in an isolated location. This element of its character, which contributes to its heritage significance, will be harmed by development as it erodes long distance views. This will result in 'less than substantial' harm. Therefore, any reserved matters applications will need to be mindful of views of the area and church in bringing forward the detailed design.

Conclusion of Impact on Heritage Assets

It is the opinion of the Conservation Officer that the proposed development, by causing 'less than substantial harm', would fail to preserve the special architectural and historic interest of the Grade II listed buildings, Knowls Lane Farm, Knowls Lane Farmhouse, Manor Farm and Flash Cottages. It is officers opinion that the level of harm is at the lower end of the spectrum given the fact that the proposals do not cause harm to a current functional link, plus, a number of the buildings have been converted to residential use. Nevertheless, these findings bring the scheme into conflict with elements of local and national planning.

Given the statutory duty, set out in s66(1) and s72(1) of the 1990 Act, the Council must give considerable importance and weight to the desirability of preserving the setting of the listed buildings and preserving and enhancing the setting of the Lydgate Conservation Area in carrying out the planning balance exercise, even where the harm that would be caused has been assessed as "less than substantial".

The Council's Core Strategy advises '*development to, or within the curtilage or vicinity of, a listed building or structure must serve to preserve or enhance its special interest and its setting*' and paragraph 193 of the NPPF require that 'clear and convincing justification' is provided for any harm or loss caused to significance of heritage assets (noting that significance can be harmed or lost through development within the asset's setting).

Paragraph 196 of the NPPF requires that where development proposals 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. Paragraph 197 of the NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

Public benefits of the proposal

There is no doubt that additional housing arising from this scheme would be a significant public benefit for the area. It would introduce much needed private and affordable housing in the borough. It would boost the supply of housing in accordance with the Framework, contributing up to 265 dwellings, of which 60 would be affordable. It would also bring about additional housing choice and competition in the housing market. The contribution of the site to both market and affordable housing requirements of the district is a matter of considerable importance. Additionally, the applicant has reached an agreement with St Agnes Church of England Primary School in order to gift a portion of the site to the school, for any future expansion of the school or for the creation of a playing field.

The scheme would generate other economic and social benefits. It would create investment in the locality and increase spending in shops and services. It would result in jobs during the construction phase and, according to the applicant; result in construction spending of around £37.4 million. The new homes bonus would bring additional resources to the Council. It is acknowledged that the site is in a sustainable location, in relation to the range of shops, services, schools and the other facilities of Lees. There are bus services available in the locality and, at a greater distance, a Metrolink station at Oldham. A range of employment opportunities exist in Lees and Oldham.

Some environmental benefits would also occur. There is the potential for significant biodiversity enhancement through additional planting and provision of green infrastructure as well as the provision of a large SUDS. This coupled with the proposed landscape mitigation, means that there are substantial environmental benefits associated with the scheme. A substantial area of public open space is also proposed.

Given the benefits listed above, it is concluded that the harm that would occur to the heritage assets associated with the site, would be outweighed by the public benefits of the scheme. As such it is considered that the proposal is in accordance with the aforementioned 'public benefits' test outlined in para 196 of the NPPF.

Design

Guidance within Section 12 ('Achieving well-designed places') of the NPPF (2018) document is relevant, together with policies 1 (Climate Change and Sustainable Development), 6 (Green Infrastructure), 9 (Local Environment) and 20 (Design), which provide guidance on the design of new development. Further guidance contained within the Oldham & Rochdale Residential Design Guide is also relevant in the determination of this application.

The NPPF (2018) states at para 124:

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Policy 9 of the DPD states that:

The council will protect and improve local environmental quality and amenity by ensuring development:

- b) is not located in areas where it would be adversely affected by neighbouring land uses; and*
- c) does not have an unacceptable impact on the environment or human health caused by air quality, odour, noise, vibration or light pollution; and*
- i. does not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on privacy, safety and security, noise, pollution, the visual appearance of an area, access to daylight or other nuisances; and*
- ii. does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape; and*
- iii. does not result in unacceptable level of pollutants or exposure of people in the locality or wider area. Developments identified in the Air Quality Action Plan will require an air quality assessment; and*
- iv. is not located in areas where an identified source of potential hazard exists and development is likely to introduce a source of potential hazard or increase the existing level of potential hazard; and*
- v. minimises traffic levels and does not harm the safety of road users. Proposals to work from home must also ensure provision is made for access, servicing and parking.*

Policy 20 of the DPD states that:

Development proposals must meet the following design principles, where appropriate:

- vi. Local Character (including a character appraisal as appropriate)*
- vii. Safety and Inclusion*
 - a) Diversity*
 - b) Ease of Movement*
 - c) Legibility*
 - d) Adaptability*
 - e) Sustainability*
 - f) Designing for Future Maintenance*
 - g) Good Streets and Spaces*
 - h) Well Designed Buildings*

The submitted D&A contains information in relation to the outline element (the residential development) of the submitted scheme and is framed within certain parameter plans. Other elements are shown – such as the indicative masterplan. However, as stated, these are only indicative and do not form part of the approval. The detailed design of the site will be the subject of subsequent reserved matters applications.

There is a relatively brief section detailing the prevailing character of the surrounding areas, which detail the materials used for instance and it is welcomed that the applicants have detailed the historic character of the majority of the surrounding area. However, it is noted that the Oldham & Rochdale Residential Design Guide states that, when developing concepts for sites, it is important, amongst other things to look at the existing layout of streets, block size, scale and massing of buildings and the relationship of the buildings to the street and it is not clear from the work that has been done to date, whether or not this has informed the indicative nature of the masterplan.

Russell Homes Design Team first considered development on the site in spring of 2014, initially considering the western part of the application site allocated for residential development, together with the construction of a link road. An initial masterplan was generated for the GMSF call for sites, which in turn informed the submitted 'indicative' layout.

The proposal is accompanied by a parameters plan which has been the subject of much revision based upon the comments that have been received by the Council's consulting Landscape Architect. This has resulted in a indicative scheme that is much improved than that which was originally submitted. The proposal now takes into account the existing routes of the PROW and these will be incorporated in to the final design. The revised parameters also take into account the landscape buffer to the southern edge of the site, which results in a much improved outlook whereby it is proposed that the reserved matters applications would 'feather' in to the edge of the site and thus prevent a hard edge to the development.

Turning to the design of the link road, the proposal has also been the subject to revision, based upon comments received from the EA, TfGM and OMBC Highways. This has resulted in the culvert being narrowed and more natural features added to it to help it blend in to the landscape. Furthermore, the design of the link road will feature many of the elements that are proposed to be used as part of the TfGM 'Beelines' programme, thus helping to promote more sustainable modes of transport within the immediate locality.

In relation to the design of the reserved matters, it is considered imperative that the design is of a high quality. It is important to ensure that what is built on the site – should permission be granted - be of a high quality, given the landscape sensitivities of the site and its semi-rural location on the edge of Grotton and Lees.

The NPPF (2018) at paragraph 126 it states that:

LPA's should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.

Given the particular circumstances of the site and the policy support given in the NPPF, it is considered that should permission be granted for the scheme, a condition is applied that stipulates that a Design Code be drawn up for the site, before the submission of any phase of the reserved matters applications. The Design Code, drawn up in conjunction with the LPA, applicant and subject to public consultation, will result in a higher quality scheme than which would otherwise be submitted.

It is considered that a condition requiring a Design Code is further supported at para 128 of the NPPF which states that:

"Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community."

In taking account of the context and character of the site and surrounding area, it is considered that the overall design concept, the layout of the site and the scale and design of the associated infrastructure are acceptable. Bearing in mind that the detailed design will only be known at the reserved matters stage, it is considered that the commitment from the applicant to provide a high quality scheme, backed up by a design code can be given positive weight in the determination of this application.

Design conclusion

Suitably worded planning conditions could be imposed to ensure that outstanding details are submitted to and approved in writing by the LPA. Overall, it is considered that the visual and physical impact of the proposed development would be acceptable and in accordance with the aforementioned national planning guidance and local planning policy.

Ecology

Guidance is contained within paragraphs 175, 176 and 177 of the NPPF (2018), together with policies 1, 6, 9 and 21 of the Joint DPD.

Since the planning application was originally submitted to Oldham Council, there have been design alterations to reduce the length of the culvert and further ecology surveys carried out along Thornley Brook, notably an aquatic invertebrate survey.

The applicants state that Thornley Brook is considered an average watercourse in terms of its biological quality and neither GMEU nor the EA disagree with this point. This was confirmed during the aquatic invertebrate survey. There were no protected, rare or uncommon species of invertebrate found. The assemblage shows healthy sample point results, with little difference in quality between the two.

Desktop records show evidence of water vole to the north (approx. 900m at two locations) and associated with the River Medlock and Wood Brook, both of which have connectivity to Thornley Brook. Surveys revealed no signs of this species.

There were also no records of otter and no signs of otter activity along the stretch of Thornley Brook passing through the site during the surveys.

Other than the distant records of water vole, no records of other riparian or aquatic species were provided in the data search.

There were no desktop records or evidence of kingfisher recorded along the brook during the breeding bird surveys in 2017.

Thornley Brook is very heavily shaded which limits growth of aquatic vegetation which in turn also restricts the use of the brook by some species including invertebrates and water voles.

There is a lack of bank structure suitable for protected species, including water vole and white-clawed crayfish. The lack of aquatic vegetation would also affect both these species. Mitigation was subsequently designed to satisfy the concerns of the Environment Agency (EA). The applicant accepts that the majority of these improvements are species-specific, as discussed with the EA, and it is recognised that GMEU wish to see additional mitigation for the riparian corridor itself.

The applicants have proposed the following methods of mitigation to support the application:

Firstly, it is proposed to create natural barriers to prevent dogs leaving the footpath and entering the watercourse to minimise disturbance. Some areas of natural planting are proposed to create thickets to provide cover for otter. Also, a number of habitat piles will be included which could be used as otter couches along with an artificial otter holt at either side of the culvert. A mammal ledge will be included within the culvert to allow passage through. Clearance of litter/fly tipping is proposed along with clearance of Himalayan balsam from the banks. Furthermore, the future management plan for the site can allow for additional management measures including leaving the root plates of any fallen trees in situ as otters will use cavities behind these to rest.

Secondly, the culvert is being designed with a 300mm natural bed. Proposals are to fix a mesh to hold silts and gravels in place to encourage growth and stability as well as placing small boulders to replicate the bed situation upstream. The bed will be included as part of

the future management of the site, and will be monitored to ensure it remains in place. The culvert will also be designed to ensure it does not impede fish movement.

Thirdly, in addition to the measures above, further mitigation options to enhance the riparian corridor have been discussed and agreed with the applicant. Selective thinning along the banks of Thornley Brook is proposed. Thornley Brook is currently heavily shaded with no aquatic vegetation so thinning will allow light to penetrate through the canopy which will encourage the growth of aquatic vegetation. Selective thinning will also reduce competition on more mature trees, allowing them the room to grow and mature. It is not the intention to remove any well-established trees, purely the younger self-seeded whips and potentially some pruning works to open up the canopy.

Fourthly, having considered GMEU's request for flood berms/pooling areas, a location has now been identified which can be enhanced to create a flood berm area. The swamp/marshy area at the bottom of the footpath off Ashbrook Road will be reprofiled so that the brook can flow through this at times of high water levels and this would then in effect act as a pool/flood berm. This area would also be subjected to some vegetation/scrub clearance and would form a woodland glade and wetland area. Any silts and soils arising from reprofiling would then be spread on the adjacent land and planted with reeds and other wetland species to enhance diversity. Footpath connectivity would be maintained through the installation of a wooden footbridge across the brook.

In addition to this, it is considered that the wet swales, albeit a drainage feature, will provide areas of enhancement. Swale features provide shelter and areas to forage and breed for invertebrates, birds and mammals. They can be planted with native wetland plants, as long as care is taken not to impede stormwater passage and visibility. Occasional shallow pools can also form which provide opportunities for wetland plants. The swales will assist in ensuring habitat connectivity is maintained across the site.

There are no proposals to repair the existing walls alongside Thornley Brook or to incorporate any bat roosting features into these. The walls already provide natural roosting features currently and the applicant will be incorporating bat roosting and bird nesting features throughout the development. As there are natural features present it is considered unnecessary to provide additional features. To remove the walls would cause more harm, both through the physical removal of the walls and through getting construction/repairing equipment down to Thornley Brook.

In addition to the enhancements along Thornley Brook, Knowls Brook (that crosses the site) has been considered. It is proposed to carry out scrub clearance works especially to the northern end where it joins Thornley Brook as it is particularly scrubbed over at this location. Scrub clearance will benefit the water flow and again allow light to penetrate down to allow aquatic vegetation growth. This will assist in enhancing connectivity through the site. Reprofiling of Knowls Brook is not a consideration; any works to this brook would cause drainage issues elsewhere.

Ecology Conclusion

GMEU have confirmed that they are aware that the embanked link road & culvert option have been considered across several disciplines and departments and that others have decided that, on balance, it is the most cost effective & appropriate design for the valley crossing. Their comments are made in full knowledge of this, having advocated for alternative solutions and in light of the additional measures that have been proposed. GMEU also acknowledge that the western parcel of land for the outline housing application is allocated in Oldham's Local Plan.

Therefore, in taking account of the location of the site, the nature and scale of the proposed development, the findings of the ecological assessment and the advice given by consultees, it is considered that the proposal would not have any detrimental impacts upon local ecology, biodiversity or legally protected species. The proposal is therefore considered to be acceptable when assessed against the aforementioned national planning guidance and local planning policy.

Amenity issues

National guidance within paragraph 123 of the NPPF and policy 9 (Local Environment) of the Council's Joint DPD provides guidance on pollution control and the impact of development on health, environmental quality, and amenity.

Concerns have been raised in relation to the impact that the proposal will have on air quality in the area once the development is completed. However these concerns are considered difficult to substantiate in the absence of evidence and given that the area around Lees is not one that is currently classified as an Air Quality Management Area (AQMA). As such, there are considered to be no grounds that would sustain a reason for refusal on these points.

Whilst there would undoubtedly be some impact during construction in relation to dust, it is considered that mitigation methods can be incorporated via a condition requiring the submission of a Construction Management Plan. Additionally, the submission of a Design Code for the reserved matters requires the creation of electric car charging vehicle infrastructure.

Overall, when considering the application against the requirements of policy 9 (Local Environment) and paragraph 123 of the NPPF, it is considered that the proposal does not conflict with the aims and criteria of the aforementioned policies and guidance.

Environmental impact

Flood risk and drainage

National guidance contained within Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the NPPF (2018), the NPPF technical guidance document and policy 19 (Water and Flooding) of the Council's Joint DPD are relevant.

The EA 'Flood Map for Planning' shows that the majority of the site is located within an area considered to be outside of the extreme flood extent (Flood Zone 1), meaning it has a less than 0.1% (1 in 1000) annual probability of flooding. Areas immediately adjacent to Thornley Brook are located within Flood Zone 2 – an area considered to be at flood risk with between a 0.1% and 1% (1 in 100) annual probability of flooding from rivers, and Flood Zone 3 – an area considered to be at flood risk with a 1% annual probability or greater of flooding from rivers.

In accordance with the NPPF, the risk-based 'Sequential Test' should firstly be applied to steer new development into areas of lower probabilities of flooding. The site layout will be developed taking a sequential approach, with all development located within Flood Zone 1 and no development proposed in Flood Zones 2 and 3.

The indicative masterplan indicates that the proposed development will be sequentially located wholly within Flood Zone 1. As such, it is considered that the site passes the Sequential Test and the Exception Test does not need to be applied.

The risk of flooding from all sources has been assessed in the submitted FRA. The main potential source of flooding to the site is medium risk surface water flooding. The identified flood risk will be mitigated by considering site levels so that topographical low points are removed from site areas. Where buildings are proposed, buildings should not be placed within the identified medium surface water risk areas adjacent to the ordinary watercourses.

Hydraulic modelling has been undertaken. This shows that areas of the POS immediately adjacent to the Thornley Brook and Knowls Brook are identified as being at risk of fluvial flooding. However, the proposed development areas of the Phase 1 & Phase 2 sites are unaffected. The proposed new access crossing Thornley Brook (Thornley Brook Culvert) and new spine road crossing Knowls Brook (Knowls Brook Culvert) are shown to remain flood free during all simulated events up to and including the most extreme 0.1% AEP event,

and when considering blockages during the 1% AEP+35CC event. The hydraulic modelling shows that the proposed development does not result in an increase in flood risk off site.

The proposed development will introduce impermeable drainage area in the form of buildings and access. This will result in an increase in surface water runoff. In order to ensure the increase in surface water runoff will not increase flood risk elsewhere, flow control will be used and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 30% climate change event. The sustainable drainage strategy will be prepared by a third party.

The submitted FRA and the creation of the culvert has been assessed by the Environment Agency and the LLFA, both of which have stated that subject to conditions, there are no objections to the proposal in principle. The conditions relate to the creation of a SUDS strategy and the construction of the culvert itself. Therefore, in taking account of the planning history of the site, the findings of the FRA and the comments of the technical consultees, it is considered that the proposal would not increase the flood risk at the site or within the wider area. Furthermore, subject to the imposition of planning conditions, the site will be adequately drained. The proposal is therefore considered to be acceptable when assessed against the aforementioned national planning guidance and local planning policy.

Land and groundwater conditions

National guidance within paragraphs 178 and 179 of the NPPF (2018) and policies 7, 8 and 9 of the Council's Joint DPD are relevant, which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The submitted Phase II Geo-Environmental Statement states that, given the predominantly undeveloped nature of the site, it is likely there will be limited made ground fill deposits and obstructions. Any existing structures will require demolition, with all relic foundations grubbing out, prior to the construction of the proposed development. It goes on to state that a number of historically infilled ponds and reservoirs are present within the site which are potential sources of alluvial deposits, silts and possible organic peat deposits in addition to potential depths of made ground. Investigation will be required in order to assess these and undertake in-situ geotechnical testing to determine the likely foundation solution for plots in these areas. The site undulates significantly with notable topographical variances. In order to construct low rise residential development, significant earthworks will be required to create a level developable platform.

Due to the largely undeveloped nature of the site, the report states that there are limited potential sources of contamination identified. However localised areas have been identified as being potentially impacted by heavy metals, SVOCs, VOCs and hydrocarbon compounds, such as the eastern sector of the site adjacent to the bleach works and the northern sector in the former location of Clough End Mill. Furthermore, localised areas of made ground may be present in the infilled reservoirs and infilled ponds and perhaps in the locality of field boundaries.

In relation to Ground Gas, the report states that former ponds, infilled reservoirs and field boundaries are present across the site which may be potential sources of alluvial / organic deposits which may be a source of carbon dioxide and methane.

Having reviewed the report and the application, both the Council's Environmental Health team and the Environment Agency have stated that, subject to conditions in relation to the submission of an intrusive Phase II report to accompany any reserved matters application, there are no concerns with the proposal in relation to land and groundwater conditions.

An informative could be added to the decision notice to advise the applicant that paragraph 180 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Land stability

Paragraphs 178 and 179 of the NPPF (2018) seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The Coal Authority concurs with the recommendations of the Phase I Geo-Environmental Site Assessment Report, that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development, in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose planning conditions, should planning permission be granted, requiring site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat a mine entry and any areas of shallow mine workings (to ensure the safety and stability of the proposed development), these should also be conditioned to be undertaken prior to commencement of the development.

Highways & Traffic

Guidance within Section 4 ('Promoting sustainable transport') of the Government's National Planning Policy Framework (NPPF) document is relevant, together with policies 5 (Promoting Accessibility and Sustainable Transport Choices), 9 (Local Environment), 13 (Employment Areas) and 20 (Design) of the Joint DPD. Guidance contained within the Oldham and Rochdale Design Guide set out the standards and criteria against which the highway implications of the development are assessed.

Current situation

The development site is located approximately 700 metres to the south east of Lees district centre and the proposed road will form a continuation of Ashbrook Road forming a continuous link between the A669 Lees Road and Knowls Lane.

Knowls Lane, at the southern boundary of the site, leads to Rhodes Hill and Lees district centre to the west, and Thornley Lane to the east.

The new junction will be constructed off Knowls Lane, almost opposite the existing junction of Lees New Road. This is a local distributor road which provides access to a large residential area and leads to the B6194 Abbey Hills Road junction. To the south, Lees New Road continues to Ashton under Lyne, whilst to the west Abbey Hills Road continues towards Oldham town centre

The west of the site frontage becomes Rhodes Hill, which becomes Hartshead Street, eventually forming a T-junction with the A669 Lees Road. The gradient at the junction is steep and the turn into and out of it at Lees Road is difficult, often leading to delays as traffic travelling along Lees Road is required to wait.

Ashbrook Road, which is accessed from the A669 Lees Road, currently serves a small residential development, ending in a small turning area with pedestrian links through the development site. The proposed link road will be constructed as a continuation of Ashbrook Road.

The Link Road

The detailed design of the link road will be finalised as part of the Section 38 Agreement with the Council. The local highway authority has worked with the applicant during the planning application process to ensure that a detailed design that is acceptable to them can be provided given the constraints of the site. This has resulted in an acceptance, in

principle, that the link road can be constructed which will allow adequate and safe access to the proposed residential developments while also accommodating any traffic using the link road for access further afield.

A Transport Statement was prepared by Axis and submitted with the planning application. It assesses the implications of a new link road and the effect it will have on the local highway network, along with the potential trip generation of the proposed residential development. It assesses the sustainability of the site by examining the walking and cycling distances to a range of local amenities and the availability of public transport. The conclusion is that the site represents a sustainable location for residential development being located within acceptable walking and cycling distances to a range of amenities including schools and shopping facilities. The site was found to be accessible by bus services to and from local employment centres which should reduce the need for the utilisation of the private motor car for every day journeys.

Traffic counts were undertaken in May and June 2017 at a number of junctions that were potentially affected by the development. It was found that the peak local highway network peak hours were 07.30 - 08.30 and 16.00 - 1700 hours.

The Transport Assessment considers the effects of the development over these peak periods, as well as the 12 hour period of 07.00 - 19.00 hours.

The Transport Assessment acknowledged that the introduction of the link road would lead to a localised translocation of traffic movements from the A669 Lees Road junction with Hartshead Street.

Trip rates for the proposed residential development were derived from the TRICS database. It was found that for a development of 265 dwellings, a total of 141 two-way trips would occur during the morning peak, 163 two-way trips would occur during the afternoon peak periods and during the core daytime 12 hour period, 1,330 two way trips would occur.

This would equate to 2-3 additional vehicle movements every minute at peak time. This will be unlikely to result in any noticeable impact on the local highway network could be expected.

An assessment of the anticipated development traffic impact was also undertaken as part of the Transport Assessment. It was undertaken for the potential developments opening year of 2025, as well as the future design year of 2030 which would represent the worst case assessment conditions. This study revealed that the proposed development scheme would be unlikely to result in any material rise in traffic across the junctions. Maximum development impact would occur along Ashbrook Road but this is because it only serves a small number of residential dwellings at present.

A junction operational impact overview was also undertaken. This included junction modelling of all junctions within the study area. It was concluded that the proposed development would not result in any material adverse effect to local highway network capacity. The authors of the report concluded that the introduction of the link road would be likely to result in a significant positive impact at the junction between the A669 High Street and Hartshead Street.

The provision of a link road between Ashbrook Road/A669 Lees Road and Knowls Lane has been a long term aspiration of the Council and is contained as an allocation within the Local Plan. Ashbrook Road was constructed with the intention of its continuation in the future. This planning application now presents the opportunity of realising this ambition.

To ensure it has no detrimental impact on the existing road network, the Council commissioned Transport for Greater Manchester (TfGM) to carry out an assessment and modelling in addition to the information presented by the applicant. The work was carried out in two stages. Firstly, a preliminary strategic assessment of the potential transfer of traffic onto the link road was carried out. Secondly, detailed micro-simulation modelling was undertaken to examine the impacts of development traffic and re-assignment of other traffic

resulting from the completion of the link road based on a newly created model of the area.

The evaluation focussed on two specific areas: the link road itself and the Hartshead Street/A669 High Street junction

Stage 1 - Preliminary Assessment of the Proposed Link Road

TfGM added a link road to the latest base year version of the GM SATURN model. This showed that the link road could attract over 300 vehicles two-way during the morning peak and over 250 during the evening peak periods. This test did not include any development traffic so potentially this provides an overestimates the attractiveness of the new route and hence the potential transfer of traffic onto the new route.

This assessment suggested that the link road would provide some relief at the Hartshead Street/ A669 High Street junction with traffic turning right from Hartshead Street onto the A669 falling to negligible amounts.

Stage 2 - Detailed Assessment of the Proposed Link Road

Once stage 1 was completed, a micro-stimulation model was carried out to provide a more detailed assessment of the potential transfer of traffic onto the new link road.

Results from this showed that the transfer of traffic would be similar to that shown by the Stage 1 work with a reduction in right turns onto the A669 from Hartshead Street. The link road was shown to attract a two-way flow of 150 vehicles during the morning peak and 300 during the evening peak.

A second detailed study was then carried out whereby the development traffic was added to the first scenario. It was revealed that there would be increased flows of traffic using the link road. This is due to the addition of trips generated by the new development. Traffic from Lees New Road begins to re-route northbound along the link road instead of using Rhodes Hill/Hartshead Street.

Overall it was found that the addition of the link road causes a significant shift in the movement of traffic on the network. By allowing additional north-south movement through the network, there will be a significant reduction in the number of drivers choosing the Rhodes Hill/Hartshead Street route. Additionally, more traffic travels along the A669 High Street between the junctions with Hartshead Street to the junction of Ashbrook Road to access the link road.

The report reveals that there does not appear to be a material increase in congestion anywhere on the network due to the addition of the development traffic. There is a slight delay time increase for traffic emerging onto the A669 High Street from High Street.

The Highways Engineer is satisfied, having read both the Transport Assessment submitted by the applicant, and the report prepared by TfGM, that the additional traffic generated by the residential development will not have an adverse impact on highway safety due to an increase in traffic generation. Furthermore, both studies have revealed that the construction of the link road will have a positive effect on the existing highway network by reducing the amount of traffic using the Hartshead Street/ A669 High Street junction.

The Highways Engineer is also satisfied that so long as the link road is constructed in accordance with the Local Authority's standards under a Section 38 Agreement, the access road and the residential developments it serves can be utilised safely by all users of the highway.

In order for the proposed link road to operate safely, and to link effectively with the existing highway network, some mitigation measures are required. This includes changes at the Ashbrook Road/ A669 Lees Road junction. There will be an increase in the number of vehicles turning left and right into and out of Ashbrook Road. A highway improvement will be required to improve the pedestrian crossing facility across Ashbrook Road, along with the

realignment of the kerbs to improve vehicular access. Works will also be required on the A669 Lees Road to ensure that the highway is able to accommodate the additional vehicles turning into and out of the development, taking into account the alignment of the carriageway and the pedestrian crossing facility on Lees Road and any amendments required to existing Traffic Regulation Orders in the area.

New advanced directional signage associated with the link road will be required along with some additional street furniture on Knowls Lane. The provision of the link road will lead to an increase in traffic along Lees New Road and the existing traffic calming features should be enhanced to ensure the continued safety of all users of the highway. This will include a refresh of existing road marking and the replacement of the existing painted roundabout domes with rubber bolt on raised domes. Works to improve the onward cycle connectivity will also be included in the contribution. The cost of the works is £115,000. The costings for the S106 contribution are broken down as follows:

- i) Realignment of kerb/verge on A669 Oldham Rd to accommodate additional traffic using the junction and any alterations required to existing TROs/crossing facility - £50,000
- j) Realignment of existing pedestrian crossing facility on Ashbrook Rd to pedestrian desire line. Exact location to be agreed - £25,000
 - Inclusion of a provision for amendments to TRO's - £5,000
 - Provision of new Advanced Directional Signage on A669 - £6,000
 - Refresh of road markings on Lees New Rd - £2,000
 - Replacement of existing painted roundabout domes on Lees New Rd with rubber bolt on raised domes where applicable - £6,000
 - Provision of Advanced Directional Signage associated with new link road junction (number, type and wording to be agreed) - £6,000
 - Street furniture to be provided behind existing kerb line adjacent Knowls Lane Farm - £5,000
 - Onward cycleway connectivity at Lees New Road - £10,000

In taking account of the conclusions of the transport statement and the additional documentation submitted, the scale and nature of the development, the technical advice given by the Council's highway engineer and, subject to the imposition of the recommended planning conditions, it is considered that the proposed use can be adequately accommodated on the local highway network. Furthermore, there would be adequate access, servicing, circulation and car parking arrangements and that the proposal would not have any detrimental impacts upon pedestrian or highway safety. For these reasons the proposal is considered to be acceptable when assessed against policies 5 (Promoting Accessibility and Sustainable Transport Choices), 9 (Local Environment) and 20 (Design) of the Joint DPD.

Conclusion and the Planning Balance

Paragraph 38 of the NPPF states that 'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible'.

The proposal has been fully assessed against national and local planning policy guidance.

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. Where the development plan is absent, silent, or the relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Alternatively, specific policies in the Framework may indicate development should be restricted. The Framework is clear those relating to heritage assets do. Hence the 'public benefits' test of Paragraph 196 relating to heritage assets is engaged in this case.

There is no doubt that additional housing arising from this scheme would be a significant public benefit for the area. It would introduce much needed private and affordable housing for local people. It would boost the supply of housing in accordance with the Framework, contributing up to 265 dwellings, of which 60 would be affordable. It would bring about additional housing choice and competition in the housing market. Additionally, the applicant has reached an agreement with St Agnes Church of England Primary School in order to gift a portion of the site to the school, for any future expansion of the school or for the creation of a playing field. As such, these benefits are given substantial weight in the planning balance.

The scheme would generate other economic and social benefits. It would create investment in the locality and increase spending in shops and services. It would result in jobs during the construction phase and, according to the applicant, result in construction spending of around £37.4 million. The new homes bonus would bring additional resources to the Council. It is acknowledged that the site is in a reasonably sustainable location, within range of the shops, services, schools and the other facilities of Lees. There are bus services available in the locality and, at a greater distance, a Metrolink station at Oldham. A range of employment opportunities exist in Lees and Oldham. In all these respects, the scheme would comply with the economic and social dimensions of sustainability.

Some environmental benefits would also occur. There is the potential for significant biodiversity enhancement through additional planting and provision of green infrastructure as well as the provision of a large SUDS. This coupled with the proposed landscape mitigation means that there are substantial environmental benefits associated with the scheme. A substantial area of public open space is also proposed. The potential improvements to biodiversity are significant and can be given positive weight in the planning balance.

As stated in the design section of this report, it is considered important that should a conditional approval be granted, then a Design Code condition be applied to any permission. The creation of a design code will ensure that the Council and the public are able to influence the form of development that is eventually built on the site. Whilst the indicative parameter plans and sections give a good indication on the level of quality that it is intended to be built on site, it is through a design code that the Council can ensure that the development is one that will stand the test of time and given the particular landscape sensitivities, it is considered a crucial element to any approval granted.

As noted above, Paragraph 196 of the Framework requires the harm to the significance of heritage assets to be balanced against the public benefits of the scheme. In addition, Paragraph 193 requires that, when considering the impact of a proposed development on the significance of heritage assets, great weight should be given to their conservation. However, for the reasons explained, it is considered that the level of harm to heritage assets would be limited and should be placed at the lower end of the 'less than substantial' spectrum. In this case, it is found that any harm to heritage assets would be outweighed by the scheme's public benefits. As a consequence, it is considered that the so called 'tilted balance' of Paragraph 11 of the Framework is not displaced in this instance.

Importantly, the Council needs to significantly boost the supply of housing. The requirement to significantly boost the supply of housing in the district, coupled with the fact that there have been very few major planning applications for housing submitted to and approved by the Council in the past 10 years in the Saddleworth West and Lees ward, attracts substantial weight in favour of granting permission for the proposals. However, the need to boost the supply of housing does not necessarily override all other considerations.

In this case, there are concerns in respect of the adverse effects on this area of landscape and loss of OPOL land. It is considered that the scheme would cause harm to the character and appearance of the area, and specifically to this valued landscape. The key test in this regard is whether or not the harm to the valued landscape is outweighed by the benefits new housing brings on a part allocated site and the provision of a new link road.

Given the significant economic and social benefits associated with the scheme and the positive weight that is given to the environmental benefits of the scheme, the fact that the site is part allocated for residential use, it will deliver a long sought link road and has no design, ecology, amenity, flood risk, drainage, highways or other impacts that would sustain a reason for refusal, full planning permission is recommended to be granted for the link road and outline planning permission is recommended to be granted for the residential element of the application, since the benefits outweigh the harm is justified in this respect.

RECOMMENDATION

Grant full permission for the link road and outline planning permission for up to 265 dwellings, subject to the satisfactory negotiation of a Section 106 Legal Agreement for the following:

- 60 Affordable housing dwellings;
- Off-site highways works to the value of £115,000;
- i) Management of the open space to be provided on site; and
- ii) The transference of land to St Agnes Church of England Primary School

Upon satisfactory completion of the above S106 Legal Agreement that the Planning Committee grant delegated approval for the decision to be issued by the Head of Planning and Infrastructure, subject to the following conditions:

1. The development of the link road 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. Prior to commencement of development, details of the new culverted link road, and detailed mitigation package for this and wider Thornley Brook river corridor be submitted to and approved in writing by the local planning authority. Thereafter the bridge crossing shall be constructed as set out in the approved scheme.

The scheme shall include the following features for maximising the riverine habitat potential and retaining a high quality ecological network:

- a) Detailed habitat reinstatement plans should reflect updated culvert crossing designs,
- b) Outline Thornley Brook mitigation package (as per TEP drawings, Mar 2018) should be developed to detailed design.
- c) Clear detail be provided as to how the stated 300mm of natural bed will be achieved within the new culvert crossing.
- d) Details to be provided of the mammal ledge and oversized culvert to maximise natural light and wildlife passage through still relatively long culvert.
- e) Provide details of any bank re-profiling near river.
- f) Where new soft landscaping is to be introduced to river valley, that this be based on appropriate native species for this relatively shaded and damp location, and look to introduce native woodland ground flora as well as new tree and shrub species.
- g) Appropriately locate any new habitat piles within the retained riparian woodland areas and outside of river high flow areas.

Reason: To ensure that the proposed major crossing of river and stated mitigation package (as per TEP drawings, Mar 2018) is developed and designed in a way that contributes to the nature conservation and fisheries value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 170, which states that planning decisions to contribute to conserve and enhance the natural and local environment by minimising impacts on biodiversity.

3. Notwithstanding the features shown on the approved plans, agreement should be sought prior to commencement of works to the new embanked road crossing and culvert for the following items:
- a) Detail of in-culvert 300mm natural stream bed including material size, retaining mechanism, projections of stability during flood events;
 - b) The culvert design schedule should include for maintenance and remediation should the bed feature fail within 5 years of installation. The maintenance schedule should identify who is responsible for the post construction/establishment / snagging monitoring and the date when the structure is passed over to the Local Authority;
 - c) Lighting of road deck to provide details of best available industry standard lighting which accords with BS 5489-2: Code of Practice for the Design of Road Lighting to prevent light spillage and retain as much of a dark corridor as possible;
 - d) Height of mammal ledge confirmed against heights during flood events of 1 in 100 year;
 - e) The location of 6 bat boxes and bird boxes (dipper and pied wagtail) to be agreed and approved by the local planning authority to ensure the boxes. Provide a variety of conditions for bat and bird roosting.'
 - f) Planting and features on gabion edge specified and provided as amendment to Landscape Masterplan (TEP, dwg no D6363.001).

Reasons: To ensure the ecological interests of the site are fully considered and the detail of the requirement to divert / underdrain parts of the Link Road are submitted to and approved by the Local Planning Authority and carried out in compliance with the approved details. Any new diversion needs to be sympathetic to natural landscape.

4. Prior to commencement of the link road and each subsequent and separate phase of development, a detailed method statement for removing or for setting out the long-term management / control of Himalayan balsam and Rhododendron identified on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Himalayan balsam and Rhododendron during any operations (e.g. mowing) shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement, shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statementstrimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason: To prevent the spread of Himalayan balsam and Rhododendron which are invasive species

5. Prior to commencement of the link road and each subsequent and separate phase of development, updated bat and badger surveys shall be submitted to and approved in writing by the LPA. These should be undertaken no earlier than 6 months prior to the commencement of development, including any precautionary mitigation measures.

Reason: To ensure the situation and location of protected species (bats - Habitats Regulations 2017 and badgers - Badger Protection Act 1992) is based on up-to-date knowledge of constraints.

6. Prior to commencement of the link road and each subsequent and separate phase of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the LPA. The construction of the embankment should be implemented according to a submitted Construction Environmental Management Plan, which provides the following details and is agreed prior to commencement of development:
 - a) Location, boundary treatments and temporary lighting to any work compounds, locations for storage of materials and imported spoil to construct the embankment.
 - b) Details and routes of any access/haul roads including protective measures to surrounding habitats, surfacing and/or temporary drainage requirements.
 - c) Certification of clean spoil for construction of the embankment and biosecurity monitoring and management for Invasive Non-Native Species particularly Japanese knotweed. This should continue for a minimum of 5 years post completion of the works and be the responsibility of the construction contractor.
 - d) Details of working methodologies and measures to prevent spillage of materials, excess surface water run-off and increased sediments into Thornley Brook during construction. Temporary high visibility fencing to all retained trees & their root zones, woodland edge (to root zones) and 5m stand-off to retained watercourse.
 - e) Vegetation removal - including undergrowth such as bramble - should occur outside the bird breeding season (March - August inclusive).

Reason: Given the scope of the works and the in-stream working required to implement the Link Road a high level of detail over and above the usual pollution prevention guidelines is required in this instance.

7. Prior to the commencement of development of the Link Road, a revised Landscape and Ecological Management Plan (LEMP) for Habitat compensation works for the Link Road shall be submitted and approved in writing by the LPA. The revised LEMP has contain the following:
 - a) Details of the landscape and habitat mitigation / compensation works for the culvert construction in Area 1 and the wooded valley of Thornley Brook. Details and further specification should follow the principals of the submitted plan - Riverbank Habitat Improvement Area 1 (TEP, dwg no D6363.003C).
 - b) Location and design of the 2 artificial otter holts.
 - c) Size height and location of habitat piles with all surplus cut materials from trees and brash removed from site. Location of access routes and temporary storage for silt & dredged material to be removed from the pond
 - d) Detail of any works to the pond outfall to make good or improve its functioning.
 - e) Making good any construction/habitat compensation access routes that will be subsequently used by the public
 - f) Details and locations of other countryside management features or furniture including new/reinstated paths, gates or steps, willow spilling, passive dog deterrents, signage, path drainage.

- g) Monitoring and management process for the sequential removal and treatment of INNS rhododendron, laurel and Himalayan balsam.
- h) Details of riverine reseedling and any other planting proposals to include locally native species and methods of remediation/reseedling if planting fails.
- a) Management Plan for the retained and new woodland in the valley and the link road embankment. All matters of the LEMP should be included with mechanisms for resourcing and identification of responsibility in perpetuity. The LEMP and its initial implementation is the responsibility of the developer for a minimum of the standard 5 year establishment period.

Reason: To ensure the LEMP is based on up-to-date information.

8. The development hereby approved shall not be brought into use unless and until details of facilities for the storage and removal of refuse and waste materials have been submitted to and approved in writing by the Local Planning Authority and the agreed scheme has been fully implemented. Thereafter approved facilities shall at all times remain available for use.

Reason - To ensure that the site is not used in a manner likely to cause nuisance to occupiers of premises in the surrounding area.

9. No phase of the development (including the Link Road) shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved for each phase of the development.

The scheme shall include the following elements:

- a) Detail extent and type of new soft landscaping including planting schedule based on UK provenanced and native species.
- b) Details of retained BAP woodland, acid & marshy grassland habitats
- c) Details of maintenance regimes
- d) Details of any new habitat created on site
- e) Details of any bluebell translocation areas.
- f) Details of sensitively designed and located SUDs features adjoining retained greenspace corridors.
- g) Details of treatment of site boundaries and/or buffers around steep valley stream corridors.
- h) Details of management responsibilities

Reason: To ensure that a landscape / planting scheme is submitted and implemented in the interests of amenity and in compliance with the guidance set out in paragraphs 109 and 118 of the National Planning Policy Framework.

10. Prior to the construction of the Link Road and each subsequent and separate phase of development, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and topographical context

of the development site, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- a) Details of proposed new SUDs features which positively integrate with existing wildlife habitats and topography, particularly the steep stream valleys.
- b) Details of SUDs features that maximise the multiple environmental benefits including wildlife, water quality in combination with flood risk as outlined in CIRIA guidance (https://www.ciria.org//Memberships/The_SuDs_Manual_C753_Chapters.aspx).
- c) Details of how the scheme shall be maintained and managed after completion.

Reason: To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin and to protect water quality of adjoining Thornley Brook WFD waterbody and improve ecological value within retained greenspace corridors

11. Prior to the construction of the Link Road and each subsequent and separate phase of development, a site investigation and assessment in relation to the landfill gas risk has been carried out and for each of the phase of the site the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

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

12. Prior to the construction of the Link Road and each subsequent and separate phase of development, a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason: To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

15. The submission of reserved matters application(s) shall include a detailed landscape environmental management plan (LEMP) for the open space to be provided within the site. The LEMP should address:
 - a) Landscape buffer to south (approx. 20m) and transition zones on the northern boundary should be provide appropriate semi-natural habitat recreation, with an emphasis on grassland habitats including acid and marshy grassland types.
 - b) Habitat permeability that is to be incorporated into garden/property curtilages and other boundary features to allow passage of small mammals (e.g. hedgehog) and amphibians.
 - c) Features that benefit wildlife within the built development such as bird and bat boxes and wildlife sensory ornamental garden planting. These measures are to be incorporated into at least 10% of the properties .
 - d) Long-term objectives, planting schedules, habitat management prescriptions,

management responsibilities and maintenance schedules. This would also include the long-term management of the SuDS system for both its functioning as attenuation and its biodiversity

Reason: To ensure the LEMP is based on up-to-date information.

16. The submission of reserved matters relating to each phase of the development hereby approved shall include a Design Framework demonstrating how that phase complies with the approved Design and Access Statement (dated September 2017); Illustrative Masterplan (reference SK (90) 09 Rev B); and Site Parameters Plan (reference 6802_SP (90)18 Rev E).

The Design Framework shall include details of the design process undertaken; justification for the design approach and architectural styles adopted; the core design principles guiding development of that phase and how the phase has been designed to accord with the design objectives and principles within the approved Design and Access Statement, Illustrative Masterplan and Site Parameters Plan.

The Design Framework shall include details of how the detailed layout addresses the following considerations:

- i) Connection with the surrounding network of public rights of way,
- ii) Street types and movement throughout the scheme via car, cycle and by foot;
- iii) Boundary treatments, trees and hedgerows;
- iv) Lighting and street furniture;
- v) Public open space required for the development;
- vi) Alignment with proposed character areas,
- vii) Treatment of the development edge;
- viii) Housing mix;
- ix) Building heights;
- x) Block principles;
- xi) Parking strategy, including layout parking allocations for motor vehicles and cycles;
- xii) Street cross sections;
- xiii) Palette of materials for housing and public realm works;
- xiv) Location of emergency services infrastructure; and,
- xv) Environmental standards and sustainable design elements (to include electric vehicle charging infrastructure);

Reason: To secure a high quality design and in the interests of the visual appearance of the development

17. No phase of the development shall take place until a phasing plan, which shall include the access arrangements for each phase and a specified number of dwellings for each phase relative to a site maximum of 265 dwellings, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved phasing plan.

Reason: To ensure that the development is carried out in an orderly fashion

18. The access, alignment, and standard of the Link Road and associated infrastructure will be developed in accordance with the following approved drawings:

- Proposed Link Road Schematic Drainage (Sutcliffe) Drawing No. 28959-620-P1;
- Proposed Link Road Longitudinal Section (Sutcliffe) Drawing No. 28959 -625-P6;
- Proposed Link Road Cross Sections (Sutcliffe) Drawing No. 28959 -626-P5;
- Proposed Culvert Longitudinal Section (Sutcliffe) Drawing No. 28959-627-P4;
- Path Realignment Works (Sutcliffe) Drawing No. 28959-628-P3;
- Proposed Link Road Visibility Check (Sutcliffe) Drawing No. 28959-629-P1;
- Proposed Link Road Vehicle Tracking (Sutcliffe) Drawing No. 28959-630-P1;

- Proposed Link Road Junction with Knowls Lane including Widening, New Footways and Visibility (Axis) 2123-01-GA101;
- Proposed Development Site Access Locations from Proposed Link Road including New Footways and Visibility.

Reason: To ensure that the development is carried out in accordance with the approved plans and ensure a safe road design in accordance with Manual for Street and the Design Manual for Roads and Bridges.

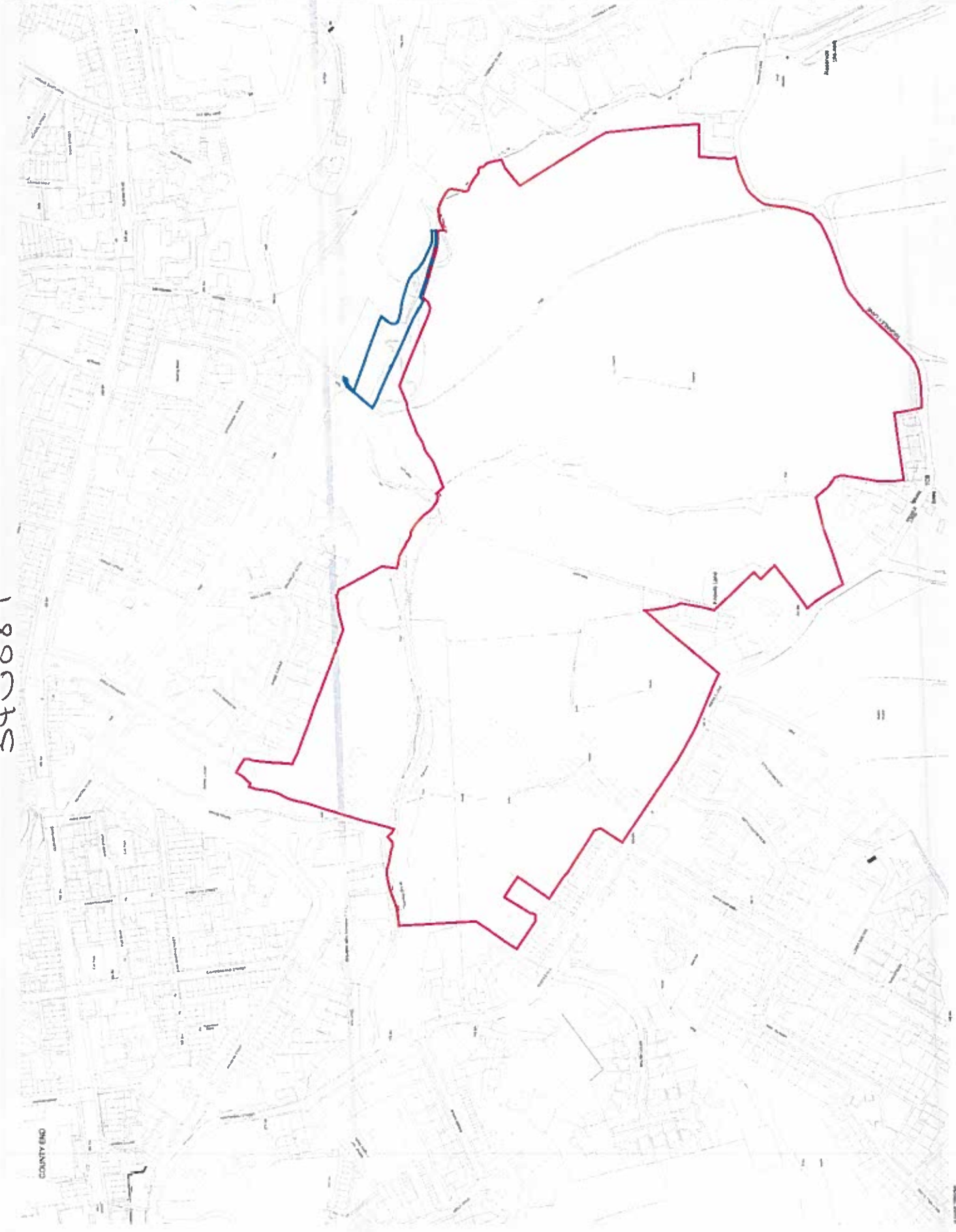
19. Development shall not commence until intrusive ground investigation works as recommended in the submitted Phase I Geo-Environmental Site Assessment dated August 2015 have been undertaken and the results submitted to and approved in writing to the Local Planning Authority. In the event that the investigations confirm the need for remedial works to treat any areas of shallow mine working and/or other mitigation measures to ensure the safety and stability of the proposed development, such works shall be undertaken prior to the commencement of the development.

Reason: To ensure the safe development of the site in accordance with guidance contained within the NPPF.

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NOT TO SCALE
 This site boundary is shown for information only. It is not intended to be used as a legal boundary. The site boundary is shown for information only. It is not intended to be used as a legal boundary. The site boundary is shown for information only. It is not intended to be used as a legal boundary.

- Site Boundary - 15.79 Ha
- Detailed Application Element - 1.13 Ha
- Land in the Ownership of the Applicant - 0.21 Ha



DATE: 27/08/2017
 DRAWN BY: [Name]
 CHECKED BY: [Name]



Project Name: **SITE BOUNDARY PLAN**

Client: **LEES VILLAGE**

Project Number: **1.1250**

Project Status: **PRELIMINARY**

Revision: **D**

