

## ***PLANNING COMMITTEE Regulatory Committee Agenda***

Date Wednesday 9 November 2022

Time 6.00 pm

Venue Council Chamber, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

Notes 1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Constitutional Services in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Constitutional Services Tel. 0161 770 5151 or email [Constitutional.Services@oldham.gov.uk](mailto:Constitutional.Services@oldham.gov.uk)

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Friday, 4 November 2022.

4. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti social behaviour will always be filmed.

Any member of the public who attends a meeting and objects to being filmed for the Council's broadcast should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

Members of the public and the press may also record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

Please also note the Public attendance Protocol on the Council's Website

[https://www.oldham.gov.uk/homepage/1449/attending\\_council\\_meetings](https://www.oldham.gov.uk/homepage/1449/attending_council_meetings)

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:

Councillors Al-Hamdani, Cosgrove, Dean (Chair), H. Gloster, Hobin,  
A Hussain, F Hussain, S Hussain, Islam, Lancaster, Nasheen, C. Phythian,  
Surjan and Woodvine

Item No

11            Late List (Pages 1 - 8)

## PLANNING COMMITTEE

9<sup>th</sup> November 2022

### Late information

AGENDA PAGES	DETAILS
Pages 5-30	<p><b>AGENDA ITEM NUMBER: 6</b></p> <p><b>SITE ADDRESS:</b></p> <p>Springhead Quarry, Cooper Street, Springhead, Oldham</p> <p><b>Amendment to PLANNING CONSIDERATIONS section of report:</b></p> <p>The following amendments should be made to the Planning Consideration section of the Committee Report:</p> <p>Under the 'Public Rights of Way' section the following sentence needs to be amended:</p> <p><i>As set out earlier in the report, two PRow routes run through the site, including PRow 203, which runs roughly central through the site, before linking into other PRow routes to the south end of the site. This PRow route is maintained as part of the development, and within the submitted Landscape and Open Strategy it states that this footpath will be upgraded, and at the steepest section of the path, both steps and a feature curved graded path will be introduced. However no specific specifications of the proposed improvement work have been submitted at this stage The PRow Officer does object to these upgrades in principle, subject to being able to review and agree the specification of any upgrades</i></p> <p><u>Amendment (in bold):</u></p> <p><i>As set out earlier in the report, two PRow routes run through the site, including PRow 203, which runs roughly central through the site, before linking into other PRow routes to the south end of the site. This PRow route is maintained as part of the development, and within the submitted Landscape and Open Strategy it states that this footpath will be upgraded, and at the steepest section of the path, both steps and a feature curved graded path will be introduced. However no specific specifications of the proposed improvement work have been submitted at this stage The PRow Officer does <b>not</b> object to these upgrades in principle, subject to being able to review and agree the specification of any upgrades</i></p>

Under the 'Green Corridor' section the following sentence needs to be omitted:

~~The application encroaches into the Green Corridor, and Spatial Planning have concluded that, by the very nature of the encroachment, it does not protect the Green Corridor. Greater Manchester Ecology Unit have also reviewed the potential impacts to the Green Corridor, and it is in their view that the proposed scale of development will compromise the functioning of the Green Corridor. Therefore, it cannot be concluded that the development would enhance the green infrastructure network, and this does not weigh in favour of the development.~~

### **Additional Consultees**

Since the publication of the Committee Report, the Trees and Woodlands Officer has commented on the application and states the following:

Raises an objection based on the following:

*This application will require a huge amount of tree loss from an area that has coherent tree cover and is a green corridor. It is agreed that many of those trees if taken as individuals as classified by BS5837:2012 can be described as cat C or U and therefore as defined in BS5837, should not be a barrier to development, but taken as a whole they all have collective value as part of a site which contains a range of habitats. The majority of the trees are relatively young and, if left, are likely to grow and mature into a woodland situation which is relatively rare in the Oldham area and should be encouraged wherever possible.*

*This application will fragment that coherence and in a large part the green corridor, with no prospect of replacing it on site post development. A number of the trees required to be removed are located within an 'area' TPO/19/89 adjacent to Highfield House at the proposed Cooper Street entrance to the site and more are potentially to be impacted but this does not appear to have been addressed or accounted for within the application. The TPO's are mentioned but tree removal from them has not. It is understood that new tree planting is proposed onsite such as individual street and garden trees, but this will not and cannot replace the coherence of the tree cover that exists at present, it is also understood that new tree planting, woodland edge, woodland screen and hedgerow are proposed and are likely to be the best that could be achieved onsite but again, this will not replace that which will be lost.*

In respect of the Arb Officers comments, these are noted. When assessing tree loss saved UDP Policy D1.5 is relevant, and states: *Where trees are to be lost to development, the Council will require, as a minimum, replacement at a ratio of three new native trees for each mature or semi-mature tree lost*

	<p>It is evident from the Tree Officers response that many of the trees that would be lost are not semi mature or mature. For those trees that may be lost if the development was acceptable could be replaced at a ratio of 3:1 off site at a cost of £300 per tree. With that considered, it would not be reasonable to add a reason for refusal on the basis of tree loss alone. The applicant has submitted a revised Arboricultural Impact Assessment on the 7<sup>th</sup> November 2022, to consider TPM Landscapes comments, however, it is too late to consider the content of this document.</p> <p><b>Additional Representations</b></p> <p>Since the Committee Report was published three representations have been received which raise the following comments:</p> <ul style="list-style-type: none"><li>• One representation included images of deer in the area</li><li>• A question was raised as to whether the fire service had commented on the application.</li></ul> <p>It can be confirmed that no comments were received from the fire service.</p> <p>The applicant has also submitted a late representation which is attached. In summary, the representation re-emphasises what, in the applicant's view, are the benefits of the scheme. However, there are no changes made to the recommendation following these additional representations.</p>

This page is intentionally left blank



# Stonebreaks Development Statement of Case

1 November 2022

Prepared by LS / Reviewed by PJM

## Benefits of the Scheme

1. New homes provided to reduce Oldhams shortfall in housing provision in an area with historically low delivery. Claimed supply is currently at 4 years against a target of 5 years meaning the presumption in favour of development should apply.
2. 20% Affordable Homes (32) on site – much needed in Saddleworth, an area with an undeniable shortfall.
3. 8.5 Acres of Open Space provided onsite, to be made up of typologies that are currently deficient in the area
4. Strategic reallocation of OPOL – 12 Acres – which accounts for the true assessment of the sites characteristics including areas currently outside of the allocation.
5. Accessible open space increased by 366%. On site and provides accessible links to important areas of Springhead, such as Knowsley Junior School, Wood Brook countryside, the high street, for use by all of the community.
6. Development of a Brownfield / Previously Developed Land site that is identified as suitable for housing.

## OPOL

1. Given the clear shortfall in the supply of housing, Policy 22 is considered out of date and should be afforded less weight in the determination of this application in accordance with Paragraph 11 of the NPPF.
2. Oldham's assessment of the reasons for OPOL designation, do not align with the detailed assessments provided by the applicant.
3. The applicant has proposed a redesignation of the OPOL land, allowing for a designation that is made up of the true features of the site evidenced by landscaping and ecology assessments.
4. The proposal seeks to include important features of the site, such as the quarry walls which currently sit outside of the OPOL designation.
5. The current OPOL land is not accessible by all members of the community due to it's limited accessible pathways and PROWs. The aim is to increase the use of the site, and make a substantial positive qualitative change to the land.

6. The quarry development has been stalled due to viability, the Quarry which is a PDL Brownfield site, cannot be built without the support of housing within the OPOL land.
7. The applicant feels the number of benefits for the scheme outweigh the loss of 40% of OPOL and believe in the importance of **quality over quantity**;
  - a. The shortfall in housing land supply
  - b. The significant benefits that can only be achieved through the development of the land – increased accessibility and land available for use by community.
  - c. The considered redesignation of OPOL
  - d. Provision of affordable housing
  - e. Provision of open space typologies that are deficient in the area

## Highways

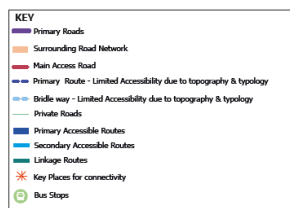
1. The reason for refusal from highways was received on the 18<sup>th</sup> of October, determining that pedestrian safety was compromised due to existing Cooper St road / pavements.
2. Firstly: The proposed development alleviates use of pedestrian access via Cooper St, and encourages use through the site, through the new proposed network of pathways that have been taken from improved PROW's and formalised desire lines. Image provided to show the comparison of pedestrian network and accessibility.
3. Secondly: Since receiving comments the visibility of the proposed improvements to the pavements at the Highfield house access point has been reviewed and the consultants have determined it to be acceptable, contrary to OMBC's consultants who have not provided evidence to justify the refusal.
4. Given the late receipt of the refusal from highways, there has been no opportunity to discuss the reason and evidence provided by the applicant to remove the objection prior to the committee.
5. It has been acknowledged that the issue is resolvable however given the timescales it has not been resolvable before committee, through no fault of the applicant which has meant they have been at a severe disadvantage.



2373-DR-A-700-14- CA - Existing Connectivity



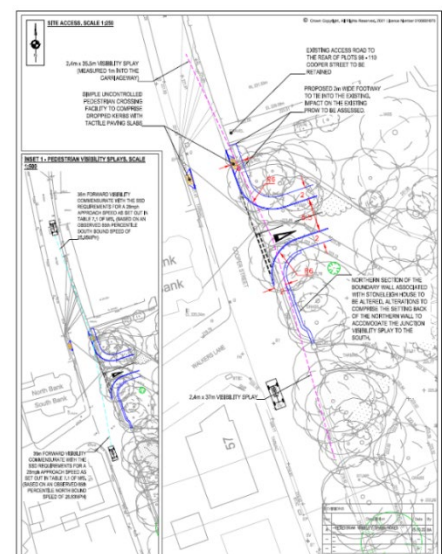
2373-DR-A-700-29- CA - Proposed Connectivity



**NOTES**

- N1:** Cooper Street Access point – provides new pedestrian access to the site to enable improved pedestrian routes from the south to north of the site making them more accessible for the wider public use and to provide routes to the east of the site of which do not currently exist.
- N2:** The primary access route concentrates on providing and improving pedestrian accessibility to the North of the site a route currently inaccessible and unsafe for children, elderly, prams, wheelchairs, cyclists. The improved route provides connectivity to key areas identified – particularly Knowlesy Junior School which was raised at a consultation stage as being a positive change to provide safe routes for the community, reducing the use of Cooper St for both pedestrians and vehicles for drop off and pick ups.
- The link through the site encourages majority of pedestrian use to be directed through the site, directly linking to a bus station and the first section of Cooper Street; one of the only sections with footpaths on either side of the road. Significantly improving safety for pedestrians.
- N3:** Stonebreaks road is an existing route often used by pedestrians, the improved connectivity and interlinking routes through the site to it have been specifically designed to formalise desire lines and encourage pedestrian use and access of the site.

All routes are accessible and allow the site to be utilised by all in order to enhance the site use, improve existing routes and rectify the existing inaccessibility, and access into and out of the site.





## Ecology

1. Ecological assessments have demonstrated there is a conflict of interest between ecology and OPOL.
2. The applicant has tried to achieve a balance throughout the application between this conflict.
3. Refusal reason was given on 24th October giving the applicant no time to respond.
4. Confirmation of where and how many units GMEU would like to see the scheme reduced by has still not been provided although a vague comment has been received stating it would be areas to retain scrubland on the top of the site and areas within the quarry.
5. The applicant would have made the changes required to remove the objection however have not been given the opportunity to do so.
6. If the applicant had been provided with time to amend the scheme, a full run of houses would have been removed on the plateau area to retain scrubland and semi-improved grasslands. The applicant would be minded to retain the units within the quarry to achieve the balance between policy and ecology.
7. The changes would have further improved the landscaping, particularly of the ridge line of which is noted to be of most susceptible impact.
8. The applicant feels it is only fair to allow committee to see these changes prior to making the decision, given they were not allowed the time to make these changes formally. Below is the sketch.



## Conclusion

1. On the forced withdrawal of the outline application by the council, the applicants only had a single reason for refusal to resolve – OPOL.
2. Despite significant efforts and acknowledgement from the authority that the scheme has improved, the applicant finds themselves in a position with 2 additional refusal reasons, that were never previously raised as part of the detailed pre-application or within the previous application and that have been provided not within the consultation period, resulting in an inability to resolve the reasons for the applicant.

*'It is acknowledged that the amended scheme and supporting evidence is a reflection of whole scale changes which have resulted in a much improved scheme to that previously submitted.'*

*The greatest challenge remains the fact that the site is partly designated as OPOL. It is acknowledged that you have prepared a thorough justification in support of a relaxation, however as you are aware Officers within Policy and DM are of the view that development on the OPOL site should be resisted It is and my understanding that having considered this feedback that you have made further changes to the proposal and invested substantially more effort in to preparing additional information regarding the various viewpoints into and out of the site and details of features being retained. These amendments and additional information will need to be assessed as part of the application.'*

3. The applicant wishes for the decision made against them to be a fair and realistic assessment of the site, that accounts for the efforts that have been made on an extremely challenging site are acknowledged and the position is understood.
4. Should there have been time for the applicant to submit the reduced scheme further benefits would have included:
  - a. A further 5% retention of OPOL, the remaining allocation totalling 13 Acres out of the existing 20 with a substantial improvement to its quality.
  - b. For loss of only 35% of OPOL the land could become usable for all with areas of open space including a 60 metre green corridor through the site.
  - c. 1.6 Acres of this new allocation would be provided within the sites boundary in areas that are currently not allocated but have been assessed as qualifying areas, demonstrating the lack of understanding of the site.
  - d. Retained areas of mixed ecology habitats, including; semi-improved grasslands, scrubland, acid grassland and dry heath. To maintain the sites mixed ecology and habitats for birds with a central linking corridor.