

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

Date Wednesday 14 November 2018

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 Kaidy McCann in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Kaidy McCann Tel. 0161 770 5151 or email [Kaidy.McCann@oldham.gov.uk](mailto:Kaidy.McCann@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, 9 November 2018.

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.

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:

Councillors Akhtar, Ali, Ball, S Bashforth (Chair), Brownridge, Davis, H. Gloster, Haque, Harkness, Hewitt (Vice-Chair), Hudson, Leach, Phythian and Qumer

Item No

- 1 Apologies For Absence
- 2 Urgent Business  
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest  
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time  
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 4)  
The Minutes of the meeting of the Planning Committee held on 17 October 2018 are attached for Members' approval.
- 6 PA/338218/16 - Plots 9 & 10, Land to rear of Ashes Lane and Station Street, Springhead (Pages 5 - 14)  
Erection of a pair of semi-detached houses
- 7 PA/338534/16 - Plots 7, 8, 11 & 12 Land to rear of Ashes Lane and Station Street, Springhead (Pages 15 - 24)  
Erection of 4 no. semi-detached dwellings
- 8 PA/339842/17 - Plot 4, Land to the rear of Ashes Lane and Station Street, Springhead, Oldham (Pages 25 - 32)  
Erection of 1 No. detached dwelling
- 9 PA/339843/17 - Plot 5, Land to the rear of Ashes Lane and Station Street, Springhead, Oldham (Pages 33 - 40)  
Erection of 1.no detached dwelling
- 10 PA/339844/17 - Plot 6, Land to the rear of Ashes Lane and Station Street, Springhead, Oldham (Pages 41 - 48)  
Proposed 1 no. detached dwelling.

- 11 PA/340887/17 - LAND AT, Knowls Lane, Oldham (Pages 49 - 86)
- 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.
- 12 PA/341768/18 - Crompton House C Of E High School, Rochdale Road, Shaw, OL2 7HS (Pages 87 - 104)
- 1) Erection of a three storey teaching block over existing multi use games area (MUGA) with associated soft and hard landscaping 2) Construction of a multi use games area (MUGA) to rear of existing sports hall and associated soft and hard landscaping 3) Erection of a single storey extension to Clegg block 4) Internal remodelling to existing Selwyn and Milne Block 5) Demolition of existing Ballard teaching block and removal of existing MUGA 6) Creation of two new car parking areas.
- 13 PA/341773/18 - G M Machinery, Barry Street, Oldham, OL1 3NE (Pages 105 - 112)
- Proposed replacement portal frame factory unit (use class B1c). Demolition of single storey building and part demolition (single storey lean-to section) of a main factory unit.
- 14 PA/342202/18 - Kingfisher School, Foxdenton Lane, Chadderton, OL9 9QR (Pages 113 - 120)
- Extension of existing building for the provision of a new nursery classroom for the school and alterations to the existing school car park to provide extra car parking spaces.
- 15 Appeals (Pages 121 - 134)
- Appeals

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**PLANNING COMMITTEE**  
**17/10/2018 at 6.00 pm**

**Present:** Councillor S Bashforth (Chair)  
Councillors Akhtar, Ali, Ball, Brownridge, Davis, H. Gloster,  
Haque, Harkness, Hewitt (Vice-Chair), Hudson, Leach and  
Qumer

Also in Attendance:

Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Transport Officer
Stephen Irvine	Head of Planning and Development Management
Graham Dickman	Development Management Team Leader
Hannah Lucitt	Planning Officer
Kaidy McCann	Constitutional Services

1           **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2           **URGENT BUSINESS**

There were no items of urgent business received.

3           **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4           **PUBLIC QUESTION TIME**

There were no public questions received.

5           **MINUTES OF PREVIOUS MEETING**

**RESOLVED** that the minutes of the Planning Committee meeting held on 19<sup>th</sup> September 2018 be approved as a correct record.

6           **PLANNING APPLICATION PA/340929/17 318 OLDHAM ROAD ROYTON OL2 5AS**

APPLICATION NUMBER: PA/340929/17

APPLICANT: Hunter Capital

PROPOSAL: Change of use from office to 9 bed HMO (sui generis)

LOCATION: 318 Oldham Road, Royton, OL2 5AS

It was **MOVED** by Councillor Bashforth and **SECONDED** by Councillor Hewitt that the application be **REFUSED** (against Officer recommendations).

On being put to the vote 8 VOTES were cast IN FAVOUR OF REFUSAL and 6 VOTES were cast AGAINST with 0 ABSTENTIONS.

DECISION: That the application be minded to REFUSED contrary to officers' recommendation for the following reason:

*The proposed development would result in the loss of an office use. DPD Policy 14 promotes the retention of employment generating uses within established premises, unless it is clearly demonstrated that it is no longer appropriate or viable to continue the existing use. The applicant has failed to demonstrate that it is no longer appropriate or viable to continue the premises being used for business use. In addition, the applicant has failed to provide any mitigation measures which would outweigh the loss of the site and support Oldham's economy. As such, the development is contrary to DPD Policy 14 of the Oldham Local Development Framework Development Plan Document - Joint Core Strategy and Development Management Policies.*

**NOTES:**

That an Objector and the Applicant attended the meeting and addressed the Committee on this application.

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**PLANNING APPLICATION PA/341172/17 YEW TREE COMMUNITY SCHOOL, ALCESTER STREET, CHADDERTON OL9 8LD**

APPLICATION NUMBER: PA/341172/17

APPLICANT: Yew Tree School

PROPOSAL: Retrospective application for the construction of an artificial surface - multi use games area (MUGA) and associated fencing on an area of the school playing field.

LOCATION: Yew Tree Community School, Alcester Street, Chadderton, OL9 8LD

It was MOVED by Councillor Brownridge and SECONDED by Councillor Qumer that the application be APPROVED.

On being put to the vote, the Committee voted UNANIMOUSLY IN FAVOUR OF APPROVAL.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report and the replacement to Condition 3 with the following:

*For a temporary period of 12 months from the date of this permission the use hereby approved shall not operate outside of the following hours:*

0800 Hours – 1900 Hours (Monday to Friday)  
0900 Hours – 1300 hours (Saturdays)  
1000 Hours – 1300 Hours (Sundays and Bank and Public  
Holidays)



*Following the expiration of the 12 month period specified above, the permitted use shall thereafter be limited to use by pupils of Yew Tree Community School between the following hours:*

0745 Hours – 1730 Hours (Monday to Friday)

*Reason – The permission for a limited period will allow the Local Planning Authority to assess the impact of the use on the local area.*

**NOTES:**

That a Ward Councillor attended the meeting and addressed the Committee on this application.

At this point of the proceedings Councillor Hewitt left the meeting and took no part in the discussion or vote thereon.

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**PLANNING APPLICATION PA/341711/18 HARROP COURT MILL, HAROP COURT ROAD, DIGGLE OL3 5LL**

APPLICATION NUMBER: PA/341711/18

APPLICANT: Roundhay Properties Ltd.

PROPOSAL: Demolition of existing mill complex and erection of 13no. new residential properties including associated site works. Access and layout to be considered all other matters reserved.

LOCATION: Harrop Court Mill, Harrop Court Road, Diggle, OL3 5LL

It was MOVED by Councillor Qumer and SECONDED by Councillor Gloster that the application be APPROVED.

On being put to the vote 12 VOTES were cast IN FAVOUR OF APPROVAL and 1 VOTES were cast AGAINST with 0 ABSTENTIONS.

DECISION: That the application be GRANTED subject to the conditions in the report and to completion of a Section 106 legal agreement in respect of a contribution of £113,694.36 towards the provision or improvement of existing public open space, specifically improvements to play, footpath, pond and woodland infrastructure at Ward Lane and the Head of Planning & Development Management be authorised to issue the decision upon satisfactory completion of the legal agreement.

**NOTES:**

That an Objector and the Applicant attended the meeting and addressed the Committee on this application.

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**PLANNING APPLICATION PA/341850/18 SAINT THOMAS CHURCH, CHURCH STREET, DELPH, OLDHAM OL3 5DR**

APPLICATION NUMBER: PA/341850/18



APPLICANT: Parochial Church Council of St Thomas, Friarmere

PROPOSAL: 1) Demolition of existing single storey (ecclesiastical) west porch and construction of new single storey extension to provide entrance porch, Vicar's Vestry, and WC accommodation 2) Construction of new entrance doorway and DDA compliant

LOCATION: Saint Thomas Church, Church Street, Delph, Oldham, OL3 5DR

It was **MOVED** by Councillor Hudson and **SECONDED** by Councillor Harkness that the application be **APPROVED**.

On being put to the vote, the Committee voted **UNANIMOUSLY IN FAVOUR OF APPROVAL**.

**DECISION:** That the application be **GRANTED** subject to the conditions in the report and the completion of a Section 106 obligation to secure a contribution of £900 to be used for 3 oak trees to be planted on Council owned sites in Delph, and the Head of Planning and Development Management be authorised to issue the decision on completion of the obligation.

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**APPEALS**

**RESOLVED** that the content of the Planning Appeals update report be noted.

The meeting started at 6.00 pm and ended at 7.36 pm



## APPLICATION REPORT - PA/338218/16

Planning Committee, 14 November, 2018

**Registration Date:** 01/03/2016  
**Ward:** Saddleworth West and Lees

**Application Reference:** PA/338218/16  
**Type of Application:** Full Planning Permission

**Proposal:** Erection of a pair of semi-detached houses  
**Location:** Plots 9 & 10, Land to rear of Ashes Lane and Station Street, Springhead  
**Case Officer:** Brian Smith

**Applicant:** Formbrook Ltd  
**Agent :** S. Ingram and Associates

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### THE SITE

This application relates to part of a larger cleared site which has been vacant for a considerable length of time. This larger site has previously been the subject of a grant of outline planning permission for a total of nine dwellings (referred to as Plots 4 to 12), comprising three detached houses and three pairs of semi-detached houses (ref:PA/336680/15). That approval was subject to a legal agreement in respect of an agreed level of contribution towards off-site public open space.

The eastern boundary of the larger site adjoins a pair of semi-detached dwellings, and a further plot on which an approved dwelling is presently under construction. The approvals for these three dwellings were granted prior to, and outside the scope of, the wider outline application, although they are referred to as Plots 1 to 3.

With the exception of the Springhead Community Centre and a scout hut immediately to the east of the site, the surrounding area is predominantly residential in character. Immediately to the north is an area of tree lined public open space which is primarily used as playing fields, and to the south beyond Station Street is a linear path which links Lees with Springhead along the length of a former railway line.

Accompanying this application are a further four applications for other properties within the outline approval site. This particular application concerns plots 9 & 10, which are situated at the northern end of the site. The proposed rear gardens partly adjoin the tree lined open space and a corner of the rear garden of 23 Ashfield Crescent, the latter of which is largely characterised by an established evergreen hedge. Similarly designed properties, subject to application PA/338534/16, are proposed to either side of these plots.

### THE PROPOSAL

It is proposed to erect a pair of brick-built, four bed semi-detached houses, each with two off street parking spaces. The uppermost bedrooms will occupy the roof space, which accounts for the inclusion of two sentry type dormers on the front roof slope and four roof lights on the rear roof slope.

Access to the site will be via a cul-de-sac arrangement formed by an extension of Station Street.

PA/339844/17 - Erection of one detached dwelling (Plot 6) - Decision pending.

PA/339843/17 - Erection of one detached dwelling (Plot 5) - Decision pending.

PA/339842/17 - Erection of one detached dwelling (Plot 4) - Decision pending.

PA/338534/16 - Erection of four semi-detached dwellings (Plots 7, 8, 11 and 12) - Decision pending.

PA/336680/15 - Erection of nine dwellings and associated works - Approved 08/07/15 subject to a legal agreement confirming the level of contribution towards Public Open Space.

PA/336382/14 - One detached dwelling (adjacent application site) - Approved 09/03/15

PA/332425/12 - Outline planning application for seven detached dwellings (six of which occupy the application site subject of this application) - Approved 30/01/14 following the completion of a legal agreement in respect of a £50,000 contribution towards Public Open Space.

PA/331577/11 - Substitution of house type to include garage (adjacent application site) - Approved 17/01/12.

MMA/330970/11 – Minor Material Amendment to planning permission granted under PA/059118/10 (adjacent application site) - Approved 28/09/2011.

PA/330267/11 - 1) Change of use of land to garden area. 2) Erection of fencing to perimeter of site (adjacent application site) - Refused 16/06/2011 and subsequently dismissed at appeal.

PA/059118/10 - Erection of two dwellings (adjacent application site, Plots 1 and 2). Approved - 09/02/2011.

PA/057867/10 - Reserved matters application for erection of two dwellings. Appearance, landscaping and scale to be considered (adjacent application site) - Refused 01/07/2010.

PA/054681/08 - Outline application for two dwellings with layout and access to be considered. All other matters reserved (adjacent application site) - Approved 04/12/2009.

PA/053699/07 - Outline application for ten dwellings and provision of car park with layout and access to be considered. All other matters reserved. (Resubmission of PA/051677/06) - Refused 17/10/2007.

PA/051677/06 - Outline application for residential development and car park, with layout and means of access to be considered. All other matters reserved - Refused 07/02/2007.

## **RELEVANT POLICIES**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that, to the extent that development plan policies are material, applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the revised National Planning Policy Framework (NPPF).

In this case, the 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham (DPD). It contains the Core Strategies and Development Management policies used to assess and determine planning applications.

The application site is unallocated on the Proposals Map associated with this document.

Therefore, the following policies are considered relevant:

Policy 1 - Climate change and sustainable development;  
Policy 3 - An address of choice;  
Policy 5 - Promoting accessibility and sustainable transport choices;  
Policy 9 - Local environment;  
Policy 11 - Housing;  
Policy 20 - Design; and  
Policy 23 - Open spaces and sports.

The advice within the National Planning Policy Framework (NPPF) is also relevant as a material planning consideration.

## **CONSULTATIONS**

Traffic Section	Recommend conditional approval
United Utilities	No objection subject to conditions to ensure an acceptable drainage scheme.
Drainage Section	No objection subject to implementation of the submitted drainage plan.

## **REPRESENTATIONS**

51 neighbouring properties, including 23 Ashfield Crescent, have been notified of the application and a site notice has been displayed. Following these publicity measures, the occupier of 12 Station Street has expressed concerns in relation to the proposed number of dwellings on the site as a whole and the disruption associated with the construction phase.

The application was discussed at the meeting of Saddleworth Parish Council Planning Committee on the 4th April 2016, where it was recommended that the application be approved, although it was suggested that the width of the dormers is somewhat excessive and a reduction in their size should therefore be considered.

## **PLANNING ASSESSMENT**

The main issues for consideration comprise:

- Principle of development;
- Design;
- Residential Amenity;
- Parking and highway safety;
- Public Open Space; and
- Trees

### **Principle of development**

Outline planning permission for the erection of nine dwellings on the larger site of which this application forms part was granted in 2015. There have been no material changes in circumstances since that decision, and therefore the principle of residential development on the site has been already established, and it has been demonstrated that the site occupies a sustainable location as required under DPD Policies 1, 3 and 5.

### **Design**

DPD Policy 20 promotes high quality design and requires that new development should reflect local characteristics whilst not resulting in a significant, adverse impact on the visual amenity of the surrounding area or significantly harm the amenities of occupiers of existing or future neighbouring properties.

The proposed dwellings will provide accommodation over three floors, with the second floor located within the roofspace. Whilst this conflicts with the general character of the area, a

pair of houses of similar scale have been constructed recently immediately to the east of the site, namely nos.1 & 2 Meadow Gate (formerly plots 1 & 2) and an application for dwellings of identical height either side of the application site has also been submitted. Further, the building will be constructed using an appropriate facing brick and slate or tiles reflecting the appearance of properties in the vicinity of the site.

Accordingly, the proposed dwellings would comply with the objectives of DPD Policy 20.

### **Residential amenity**

DPD Policy 9 includes the requirement that development proposals should not cause significant harm to amenity through impacts including privacy, visual appearance or daylight. In addition, paragraph 127 of the NPPF requires that development should "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

To this end, it is considered that the proposed layout demonstrates that adequate separation distances would be maintained between those dwellings subject of this application and neighbouring dwellings, thereby ensuring that sufficient levels of privacy will be retained and in turn avoiding any harmful degree of overshadowing.

With particular regard to the relationship with the closest of the neighbouring dwellings, namely 23 Ashfield Crescent; notwithstanding the close proximity of the proposed dwellings to the northern boundary of the site, the proposed dwellings, which in part face across an area of open space, only partly face towards no.23's garden, and to a lesser extent, other neighbouring gardens, albeit at an oblique angle.

As such, allowing for a separation distance in the region of 20 metres being maintained to the rearmost part of no.23 itself, any harmful degree of intervisibility between the occupiers of neighbouring dwellings on Ashfield Crescent and the proposed dwellings would largely be avoided. Further, the existence of the established hedgerow would lessen the impact associated with the proposed dwellings. The absence of any objection from the occupiers of 23 Ashfield Crescent, in particular, would seem to support such a conclusion.

Equally, adequate separation distances would be maintained between the plots subject of this application and those proposed at the southern end of the site, namely plots 4, 5 & 6.

### **Parking and highway safety**

Following the submission of an amended site layout drawing, the Council's Highways Engineer is now satisfied with the scheme, and as such, it is recommended that the application be approved subject to a condition for the provision of the access and parking spaces prior to occupation.

### **Public open space**

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

From the site history, it is noted a financial contribution was agreed on the outline approval for nine dwellings on the wider site. However, 'full' applications on a plot by plot basis have been submitted subsequently. This has resulted in the original application site being split into five different plots.

To this end, it is the Council's view that regardless of present or future ownership, this remains overall one development site, as it follows the layout approved by the outline application. Therefore each application should be subject to a pro rata contribution. The various landowners (responsible for the **Page 8** of this and the four related applications)

have agreed to a planning obligation towards improvement works to the open space in the locality and for a contribution of £22500 which will be paid on the granting of planning permission.

Subject to this obligation being completed, the objectives of DPD Policy 23 will be satisfied.

### **Trees**

Saved Policy D1.5 aims to protect existing trees on development sites. In the absence of any trees and hedges on the site, other than the aforementioned evergreen hedge and trees on land adjacent to the development site, the development will not result in the specific loss of any trees and therefore the policy's aims would be satisfied.

### **CONCLUSION**

The development would provide new family homes in a highly sustainable location, and would provide a contribution to the improvement or provision of new public open space in the local area. It is therefore considered that the development would result in significant benefits to the local community, although it is accepted that in the short term there will be some disruption associated with the construction of the development. The proposal would therefore be in accordance with relevant national and local planning policies.

### **RECOMMENDATION**

It is recommended that Committee resolves:

1. To grant planning permission subject to the recommended conditions and to completion of a planning obligation for a financial contribution towards off-site public open space, and,
2. To authorise the Head of Planning & Development Management to issue the decision upon satisfactory receipt of the contribution.

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the amended plans referenced as:-

- Site Plan referenced Dwg No.2 SP, received on 1st October 2018;
- Ground Floor Plan and Cross Section referenced Dwg No.64 'C' 'R', received on 1st October 2018;
- First and Second Floor Plans referenced Dwg No.64 'F' 'R', received on 1st October 2018; and,
- Elevations referenced Dwg No.64 'S' 'R', received on 1st October 2018.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. Prior to the construction of any external walls, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including the roof, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

Reason - To ensure that the appearance of the development is acceptable to the

Local Planning Authority in the interests of the visual amenity of the area within which the site is located

4. Prior to the occupation of the dwellings hereby approved, details of a site investigation and assessment in relation to landfill gas risk and ground contamination in the form of a consultant's written report and recommendation shall be submitted to the Local Planning Authority, including evidence that any necessary programmed remedial measures have been implemented.

Reason - In order to protect public safety and the environment.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development in Classes A, B, C, D or E of Part 1, Schedule 2 to that Order shall be carried out on the site without the prior written consent of the Local Planning Authority

Reason - The Local Planning Authority considers it expedient, having regard to the density, type and appearance of the development, to regulate any future alterations/extensions to ensure that the amenity of the occupiers of neighbouring dwellings and the character and appearance of the area are not detrimentally affected.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of the approved dwellinghouses in front of the forwardmost part of any wall of the dwellinghouses which fronts onto a highway, other than any expressly authorised by this permission.

Reason - The Local Planning Authority considers it expedient, having regard to the open plan layout of the development, to regulate any future development of the dwellings to ensure that the character and appearance of the development is not detrimentally affected.

7. Prior to the occupation of the proposed dwellings, the foul and surface water drainage system shall be implemented in full accordance with the drainage plan updated on the 29th October 2018, referenced Drawing No.WL\_906\_006 Revision G. Thereafter, the development shall be completed, maintained and managed in accordance with the approved details.

Reason - To secure proper drainage and to manage the risk of flooding and pollution.

8. No dwelling shall be brought into use unless and until the access and car parking space for that dwelling has been provided in accordance with the approved plan received on 1st October 2018 (Ref: Dwg No.2 SP). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety.

9. Prior to the commencement of the construction of the dwellings hereby approved, details of finished floor levels relative to agreed off-site datum points shall be

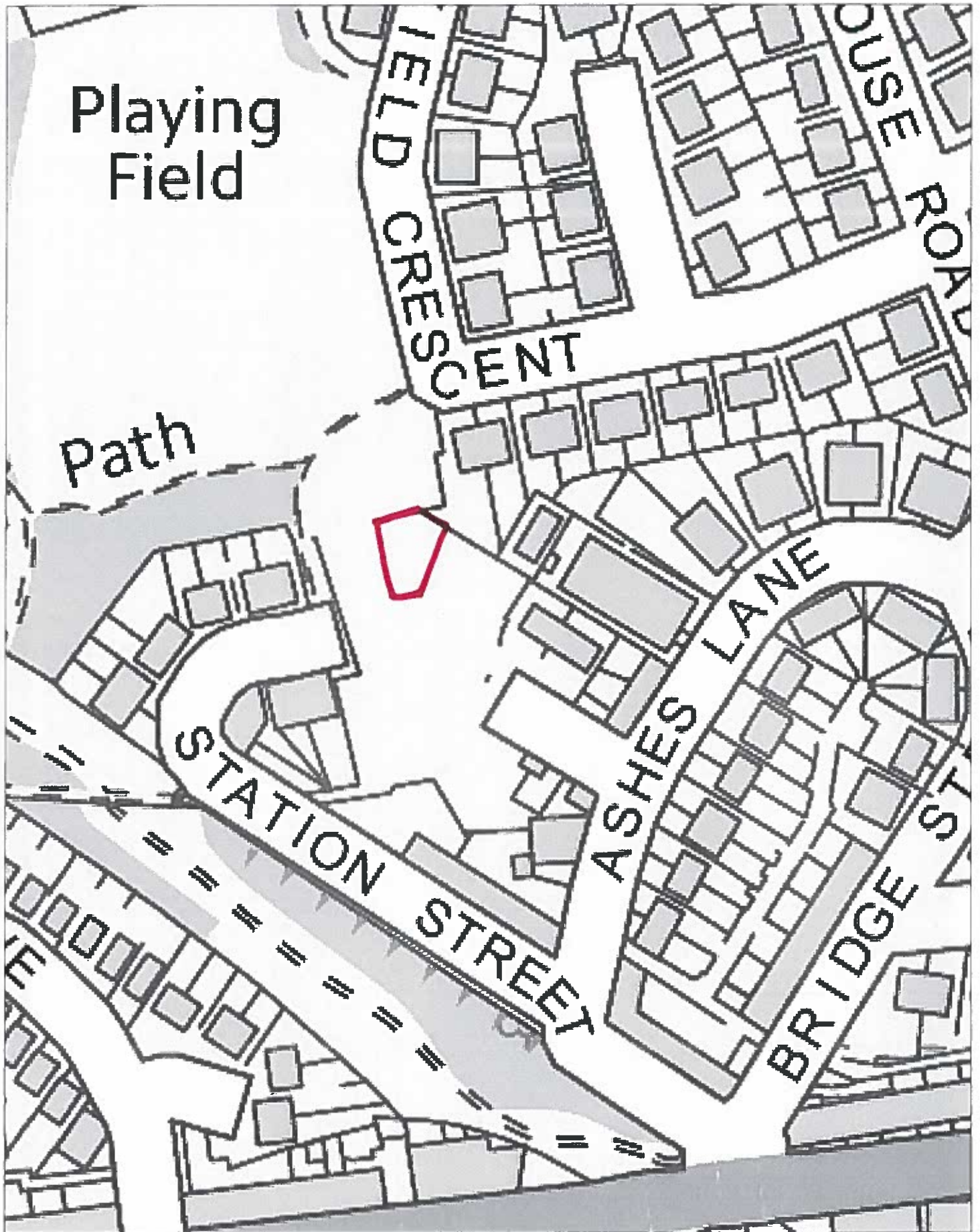
submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details.

Reasons - In order to ensure a satisfactory design and relation with neighbouring properties.





338218





## APPLICATION REPORT - PA/338534/16

Planning Committee, 14 November, 2018

**Registration Date:** 05/05/2016  
**Ward:** Saddleworth West and Lees

**Application Reference:** PA/338534/16  
**Type of Application:** Full Planning Permission

**Proposal:** Erection of 4no. semi-detached dwellings  
**Location:** Plots 7, 8, 11 & 12 Land to rear of Ashes Lane and Station Street, Springhead.  
**Case Officer:** Brian Smith

**Applicant** IES Developments Ltd  
**Agent :** S. Ingram and Associates

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### THE SITE

This application relates to part of a larger cleared site which has been vacant for a considerable length of time. This larger site has previously been the subject of a grant of outline planning permission for a total of nine dwellings (referred to as Plots 4 to 12), comprising three detached houses and three pairs of semi-detached houses (ref:PA/336680/15). That approval was subject to a legal agreement in respect of an agreed level of contribution towards off-site public open space.

The eastern boundary of the larger site adjoins a pair of semi-detached dwellings, and a further plot on which an approved dwelling is presently under construction. The approvals for these three dwellings were granted prior to, and outside the scope of, the wider outline application, although they are referred to as Plots 1 to 3.

With the exception of the Springhead Community Centre and a scout hut immediately to the east of the site, the surrounding area is predominantly residential in character. Immediately to the north is an area of tree lined public open space which is primarily used as playing fields, and to the south beyond Station Street is a linear path which links Lees with Springhead along the length of a former railway line.

Accompanying this application are a further four applications for other properties within the outline approval site. This particular application concerns Plots 7, 8, 11 and 12, which are situated at the northern end of the site. In the case of Plots 7 and 8, the rear gardens back onto the area of tree lined open space. The rear gardens of Plots 11 & 12 back onto the rear garden of 23 Ashfield Crescent and a scout hut respectively. The boundary of 23 Ashfield Crescent is largely characterised by an established evergreen hedge. Plot 12 also adjoins the blank gable of a modern property set at a higher level to the east, namely no.2 Meadow Gate (formerly Plot 2). Similarly designed properties, subject of PA/338218/16, are proposed between these plots.

### THE PROPOSAL

It is proposed to erect two pairs of brick-built, four bed semi-detached houses, each with two off street parking spaces. The uppermost bedrooms will occupy the roof space which accounts for the inclusion of two sentry type dormers on the front roof slope and four roof lights on the rear roof slope.

Access to the site will be sought via a cul-de-sac arrangement formed by an extension of Station Street.

## **RELEVANT HISTORY OF THE SITE:**

PA/339844/17 - Erection of one detached dwelling (Plot 6) - Decision pending.

PA/339843/17 - Erection of one detached dwelling (Plot 5) - Decision pending.

PA/339842/17 - Erection of one detached dwelling (Plot 4) - Decision pending.

PA/338218/16 - Pair of semi-detached houses (Plots 9 & 10) - Decision pending.

PA/336680/15 - Erection of nine dwellings and associated works - Approved 08/07/15 subject to a legal agreement confirming the level of contribution towards Public Open Space.

PA/336382/14 - One detached dwelling (adjacent application site) - Approved 09/03/15

PA/332425/12 - Outline planning application for seven detached dwellings (six of which occupy the application site subject of this application) - Approved 30/01/14 following the completion of a legal agreement in respect of a £50,000 contribution towards Public Open Space.

PA/331577/11 - Substitution of house type to include garage (adjacent application site) - Approved 17/01/12.

MMA/330970/11 – Minor Material Amendment to planning permission granted under PA/059118/10 (adjacent application site) - Approved 28/09/2011.

PA/330267/11 - 1) Change of use of land to garden area. 2) Erection of fencing to perimeter of site (adjacent application site) - Refused 16/06/2011 and subsequently dismissed at appeal.

PA/059118/10 - Erection of two dwellings (adjacent application site, Plots 1 and 2). Approved - 09/02/2011.

PA/057867/10 - Reserved matters application for erection of two dwellings. Appearance, landscaping and scale to be considered (adjacent application site) - Refused 01/07/2010.

PA/054681/08 - Outline application for two dwellings with layout and access to be considered. All other matters reserved (adjacent application site) - Approved 04/12/2009.

PA/053699/07 - Outline application for ten dwellings and provision of car park with layout and access to be considered. All other matters reserved. (Resubmission of PA/051677/06) - Refused 17/10/2007.

PA/051677/06 - Outline application for residential development and car park, with layout and means of access to be considered. All other matters reserved - Refused 07/02/2007.

## **RELEVANT POLICIES**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that, to the extent that development plan policies are material, applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the revised National Planning Policy Framework (NPPF).

In this case, the 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Old ham (DPD). It contains the Core Strategies and Development Management policies used to assess and determine planning applications.

The application site is unallocated on the Proposals Map associated with this document. Therefore, the following policies are considered relevant:

Policy 1 - Climate change and sustainable development;  
Policy 3 - An address of choice;  
Policy 5 - Promoting accessibility and sustainable transport choices;  
Policy 9 - Local environment;  
Policy 11 - Housing;  
Policy 20 - Design; and  
Policy 23 - Open spaces and sports.

The advice within the National Planning Policy Framework (NPPF) is also relevant as a material planning consideration.

## CONSULTATIONS

Traffic Section	Recommend conditional approval
Drainage Section	No objection subject to implementation of the submitted drainage plan
United Utilities	No objection subject to conditions to ensure an acceptable drainage scheme.

## REPRESENTATIONS

51 neighbouring properties, including 23 Ashfield Crescent, have been notified of the application and a site notice has been displayed. Following these publicity measures, the occupier of 12 Station Street has expressed concerns in relation to the proposed number of dwellings on the site as a whole and the disruption associated with the construction phase.

The application was discussed at the meeting of Saddleworth Parish Council Planning Committee on the 6th June 2016, where it was recommended that the application be refused on the grounds that the design is not in keeping with the existing street scene.

## PLANNING ASSESSMENT

The main issues for consideration comprise:

- Principle of development;
- Design;
- Residential Amenity;
- Parking and highway safety;
- Public Open Space; and
- Trees

### Principle of development

Outline planning permission for the erection of nine dwellings on the larger site of which this application forms part was granted in 2015. There have been no material changes in circumstances since that decision, and therefore the principle of residential development on the site has been already established, and it has been demonstrated that the site occupies a sustainable location as required under DPD Policies 1, 3 and 5.

### Design

DPD Policy 20 promotes high quality design and requires that new development should reflect local characteristics whilst not resulting in a significant, adverse impact on the visual amenity of the surrounding area or significantly harm the amenities of occupiers of existing or future neighbouring properties.

The proposed dwellings will provide accommodation over three floors, with the second floor located within the roofspace. Whilst this conflicts with the general character of the area, a

pair of houses of similar scale have been constructed recently immediately to the east of the site, namely nos.1 & 2 Meadow Gate (formerly plots 1 & 2) and an application for dwellings of identical height between the proposed dwellings has also been submitted. Further, the building will be constructed using an appropriate facing brick and slate or tiles reflecting the appearance of properties in the vicinity of the site.

Accordingly, the proposed dwellings would comply with the objectives of DPD Policy 20.

### **Residential amenity**

DPD Policy 9 includes the requirement that development proposals should not cause significant harm to amenity through impacts including privacy, visual appearance or daylight. In addition, paragraph 127 of the NPPF requires that development should "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

To this end, it is considered that the proposed layout demonstrates that adequate separation distances would be maintained between those dwellings subject of this application and neighbouring dwellings, thereby ensuring that sufficient levels of privacy will be retained and in turn avoiding any harmful degree of overshadowing.

With particular regard to the relationship between plots 11 & 12 and the neighbouring dwellings on Ashfield Crescent, most notably nos.21 & 23 Ashfield Crescent, notwithstanding the close proximity of the proposed dwellings to the northern boundary of the site, adequate separation distances would appear to be maintained between the dwellings in question, thereby avoiding any harmful degree of intervisibility in this instance. Additionally, the existence of the aforementioned hedgerow and scout hut would further lessen the impact associated with plots 11 & 12. The absence of any objection from the occupiers of both 21 & 23 Ashfield Crescent would seem to support such findings.

Equally, adequate separation distances would be maintained between the plots subject of this application and those proposed at the southern end of the site, namely plots 4,5 & 6.

### **Parking and highway safety**

Following the submission of an amended site layout drawing, the Council's Highways Engineer is now satisfied with the scheme, and as such, it is recommended that the application be approved subject to a condition for the provision of the access and parking spaces prior to occupation.

### **Public open space**

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

From the site history, it is noted a financial contribution was agreed on the outline approval for nine dwellings on the wider site. However, 'full' applications on a plot by plot basis have been submitted subsequently. This has resulted in the original application site being split into five different plots.

To this end, it is the Council's view that regardless of present or future ownership, this remains overall one development site, as it follows the layout approved by the outline application. Therefore each application should be subject to a pro rata contribution. The various landowners (responsible for the submission of this and the four related applications) have agreed to a planning obligation towards improvement works to the open space in the locality and for a contribution of £22500 which will be paid on the granting of planning permission.

Subject to this obligation being completed, the objectives of DPD Policy 23 will be satisfied.

## **Trees**

Saved Policy D1.5 aims to protect existing trees on development sites. In the absence of any trees and hedges on the site, other than the aforementioned evergreen hedge and trees on land adjacent to the development site, the development will not result in the specific loss of any trees and therefore the policy's aims would be satisfied.

## **CONCLUSION**

The development would provide new family homes in a highly sustainable location, and would provide a contribution to the improvement or provision of new public open space in the local area. It is therefore considered that the development would result in significant benefits to the local community, although it is accepted that in the short term there will be some disruption associated with the construction of the development. The proposal would therefore be in accordance with relevant national and local planning policies.

## **RECOMMENDATION**

It is recommended that Committee resolves:

1. To grant planning permission subject to the recommended conditions and to completion of a planning obligation for a financial contribution towards off-site public open space, and,
2. To authorise the Head of Planning & Development Management to issue the decision upon satisfactory receipt of the contribution.

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the amended plans referenced as:-
  - Site Plan referenced Dwg No.2 SP, received on 1st October 2018;
  - Ground Floor Plan and Cross Section referenced Dwg No.64 'C' 'R', received on 1st October 2018;
  - First and Second Floor Plans referenced Dwg No.64 'F' 'R', received on 1st October 2018; and,
  - Elevations referenced Dwg No.64 'S' 'R', received on 1st October 2018.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. Prior to the construction of any external walls, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including the roof, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located

4. Prior to the occupation of the dwellings hereby approved, details of a site investigation

and assessment in relation to landfill gas risk and ground contamination in the form of a consultant's written report and recommendation shall be submitted to the Local Planning Authority, including evidence that any necessary programmed remedial measures have been implemented.

Reason - In order to protect public safety and the environment.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development in Classes A, B, C, D or E of Part 1, Schedule 2 to that Order shall be carried out on the site without the prior written consent of the Local Planning Authority

Reason - The Local Planning Authority considers it expedient, having regard to the density, type and appearance of the development, to regulate any future alterations/extensions to ensure that the amenity of the occupiers of neighbouring dwellings and the character and appearance of the area are not detrimentally affected.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of the approved dwellinghouses in front of the forwardmost part of any wall of the dwellinghouses which fronts onto a highway, other than any expressly authorised by this permission.

Reason - The Local Planning Authority considers it expedient, having regard to the open plan layout of the development, to regulate any future development of the dwellings to ensure that the character and appearance of the development is not detrimentally affected.

7. Prior to the occupation of the proposed dwellings, the foul and surface water drainage system shall be implemented in full accordance with the drainage plan most recently updated on the 29th October 2018, referenced Drawing No.WL\_906\_006 Revision G. Thereafter, the development shall be completed, maintained and managed in accordance with the approved details.

Reason - To secure proper drainage and to manage the risk of flooding and pollution.

8. No dwelling shall be brought into use unless and until the access and car parking spaces for that dwelling has been provided in accordance with the approved plan received on 1st October 2018 (Ref: Dwg No.2 SP). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the access/parking spaces. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety.

9. Prior to the commencement of the construction of the dwellings hereby approved, details of finished floor levels relative to agreed off-site datum points shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details.

Reasons - In order to ensure a satisfactory design and relation with neighbouring properties.



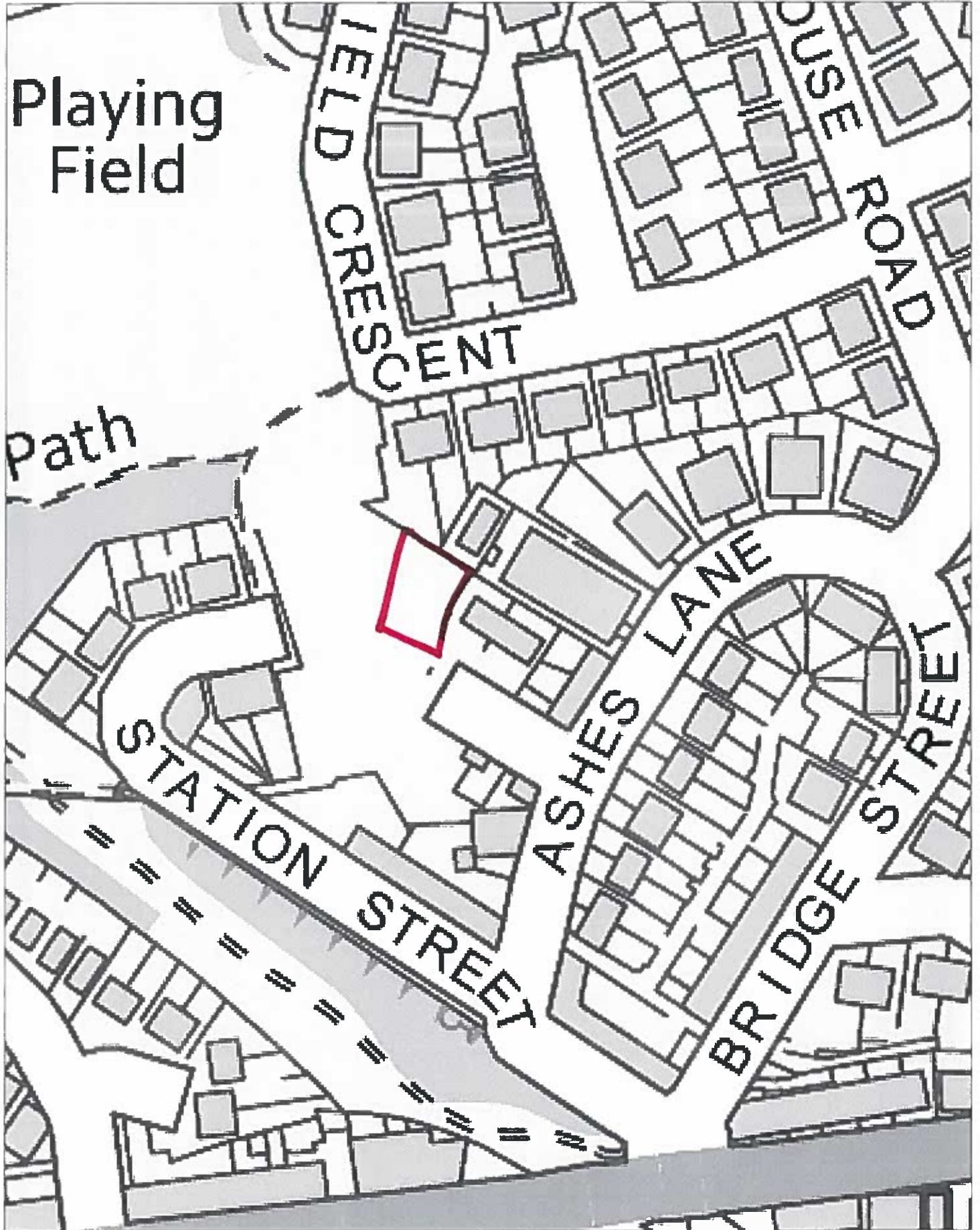




338534

Playing Field

Path





## APPLICATION REPORT - PA/339842/17

Planning Committee, 14 November, 2018

**Registration Date:** 08/03/2017  
**Ward:** Saddleworth West and Lees

**Application Reference:** PA/339842/17  
**Type of Application:** Full Planning Permission

**Proposal:** Erection of 1 No. detached dwelling  
**Location:** Plot 4, Land to the rear of Ashes Lane and Station Street, Springhead, Oldham  
**Case Officer:** Brian Smith

**Applicant** Mr Cunliffe  
**Agent :** Chorlton Planning Ltd

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### THE SITE

This application relates to part of a larger cleared site which has been vacant for a considerable length of time. This larger site has previously been the subject of a grant of outline planning permission for a total of nine dwellings (referred to as Plots 4 to 12), comprising three detached houses and three pairs of semi-detached houses (ref:PA/336680/15). That approval was subject to a legal agreement in respect of an agreed level of contribution towards off-site public open space.

The eastern boundary of the larger site adjoins a pair of semi-detached dwellings, and a further plot on which an approved dwelling is presently under construction. The approvals for these three dwellings were granted prior to, and outside the scope of, the wider outline application, although they are referred to as Plots 1 to 3.

With the exception of the Springhead Community Centre and a scout hut immediately to the east of the site, the surrounding area is predominantly residential in character. Immediately to the north is an area of tree lined public open space which is primarily used as playing fields, and to the south beyond Station Street is a linear path which links Lees with Springhead along the length of a former railway line.

Accompanying this application are a further four applications for other properties within the outline approval site. This particular application concerns plot 4 which is situated at the southern end of the site, the rear garden of which backs onto the common boundary with no.31 Station Street which is largely screened by an established leylandii hedgerow. Plot 4 also adjoins the blank gable of an earlier approved detached property set at a higher level to the east which to date is nearing completion (plot 3).

### THE PROPOSAL

It is proposed to erect a brick-built, three bed detached house, with additional accommodation provided in the roof space. Two dedicated off-street car parking spaces are proposed.

Access to the site will be via a cul-de-sac arrangement formed by an extension of Station Street.

### RELEVANT HISTORY OF THE SITE:

PA/339843/17 - Erection of one detached dwelling (Plot 5) - Decision pending.

PA/338534/16 - Two pair of semi-detached houses (Plots 7,8,11 & 12) - Decision pending.

PA/338218/16 - Pair of semi-detached houses (Plots 9 & 10) - Decision pending.

PA/336680/15 - Erection of nine dwellings and associated works - Approved 08/07/15 subject to a legal agreement confirming the level of contribution towards Public Open Space.

PA/336382/14 - One detached dwelling (adjacent application site) - Approved 09/03/15

PA/332425/12 - Outline planning application for seven detached dwellings (six of which occupy the application site subject of this application) - Approved 30/01/14 following the completion of a legal agreement in respect of a £50,000 contribution towards Public Open Space.

PA/331577/11 - Substitution of house type to include garage (adjacent application site) - Approved 17/01/12.

MMA/330970/11 – Minor Material Amendment to planning permission granted under PA/059118/10 (adjacent application site) - Approved 28/09/2011.

PA/330267/11 - 1) Change of use of land to garden area. 2) Erection of fencing to perimeter of site (adjacent application site) - Refused 16/06/2011 and subsequently dismissed at appeal.

PA/059118/10 - Erection of two dwellings (adjacent application site, Plots 1 and 2). Approved - 09/02/2011.

PA/057867/10 - Reserved matters application for erection of two dwellings. Appearance, landscaping and scale to be considered (adjacent application site) - Refused 01/07/2010.

PA/054681/08 - Outline application for two dwellings with layout and access to be considered. All other matters reserved (adjacent application site) - Approved 04/12/2009.

PA/053699/07 - Outline application for ten dwellings and provision of car park with layout and access to be considered. All other matters reserved. (Resubmission of PA/051677/06) - Refused 17/10/2007.

PA/051677/06 - Outline application for residential development and car park, with layout and means of access to be considered. All other matters reserved - Refused 07/02/2007.

## **RELEVANT POLICIES**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that, to the extent that development plan policies are material, applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the revised National Planning Policy Framework (NPPF).

In this case, the 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Old ham (DPD). It contains the Core Strategies and Development Management policies used to assess and determine planning applications.

The application site is unallocated on the Proposals Map associated with this document. Therefore, the following policies are considered relevant:

Policy 1 - Climate change and sustainable development;  
Policy 3 - An address of choice;  
Policy 5 - Promoting accessibility and sustainable transport choices;  
Policy 9 - Local environment;  
Policy 11 - Housing;  
Policy 20 - Design; and  
Policy 23 - Open spaces and sports.

The advice within the National Planning Policy Framework (NPPF) is also relevant as a material planning consideration.

## **CONSULTATIONS**

Traffic Section	Recommend conditional approval
Drainage Section	No objection subject to implementation of the submitted drainage plan
United Utilities	No objection subject to conditions to ensure an acceptable drainage scheme.

## **REPRESENTATIONS**

51 neighbouring properties have been notified of the application and a site notice has been displayed. Following these publicity measures, the occupier of 12 Station Street has expressed concerns in relation to the proposed number of dwellings on the site as a whole and the disruption associated with the construction phase. Additionally, the occupier of 31 Station Street has expressed concern about the proximity of the proposed dwelling to the common boundary.

The application was discussed at the meeting of Saddleworth Parish Council Planning Committee on the 3rd April 2017 where it was recommended that the application be approved.

## **PLANNING ASSESSMENT**

The main issues for consideration comprise:

- Principle of development;
- Design;
- Residential Amenity;
- Parking and highway safety;
- Public Open Space; and
- Trees

### **Principle of the development**

Outline planning permission for the erection of nine dwellings on the larger site of which this application forms part was granted in 2015. There have been no material changes in circumstances since that decision, and therefore the principle of residential development on the site has been already established, and it has been demonstrated that the site occupies a sustainable location as required under DPD Policies 1, 3 and 5.

### **Design**

DPD Policy 20 promotes high quality design and requires that new development should reflect local characteristics does not result in a significant, adverse impact on the visual amenity of the surrounding area or significantly harm the amenities of occupiers of existing or future neighbouring properties.

The proposed dwelling will be two storeys in height with a games room provided within the attic space, the roof of which includes four roof lights as a means of providing natural light to the said games room. The scale of the dwelling reflects the general character of the area and will be constructed from an appropriate facing brick and slate or tiles, again reflecting

the appearance of properties in the vicinity of the site.

Accordingly, the proposed dwellings would comply with the objectives of DPD Policy 20.

### **Residential amenity**

DPD Policy 9 includes the requirement that development proposals should not cause significant harm to amenity through impacts including privacy, visual appearance or daylight. In addition, paragraph 127 of the NPPF requires that development should "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

With specific regard to the comments received from the occupier of 31 Station Street. Following receipt of these, a revised plan has been submitted demonstrating that the footprint of the dwelling subject of this application will occupy a position further forward in the plot, and in turn, structural openings in the rear elevation, at what is effectively the second floor, have been omitted. Such measures should ensure that the existing amenity levels enjoyed by the occupiers of 31 Station Street are not unduly compromised.

To this end, the revised proposal demonstrates that adequate separation distances would be maintained between the dwelling subject of this application and each of the neighbouring dwellings, thereby ensuring that sufficient levels of privacy will be retained. Further, as a consequence of the favourable orientation, any harmful degree of overshadowing would equally be avoided. In fact, the existence of the aforementioned leylandii hedgerow would further lessen the impact associated with the proposed dwelling insofar as inter visibility is concerned.

Equally, adequate separation distances would be maintained between the plot subject of this application and the closest of those proposed at the northern end of the site, namely plots 11 & 12.

### **Parking and highway safety**

Following the submission of an amended site layout drawing, the Council's Highways Engineer is now satisfied with the scheme, and as such, it is recommended that the application be approved subject to a condition for the provision of the access and parking spaces prior to occupation.

### **Public open space**

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

From the site history, it is noted a financial contribution was agreed on the outline approval for nine dwellings on the wider site. However, 'full' applications on a plot by plot basis have been submitted subsequently. This has resulted in the original application site being split into five different plots. To this end, it is the Council's view that regardless of present or future ownership, this remains overall one development site, as it follows the layout approved by the outline application. Therefore each application should be subject to a pro rata contribution. The various landowners (responsible for the submission of this and the four related applications) have agreed to a planning obligation towards improvement works to the open space in the locality and for a contribution of £22500 which will be paid on the granting of planning permission.

Subject to this obligation being completed, the objectives of DPD Policy 23 will be satisfied.

### **Trees**

Saved Policy D1.5 aims to protect existing trees on development sites. In the absence of any trees and hedges on the site other than the aforementioned evergreen hedge on land



adjacent to the development site, no conflict would appear to exist in respect of the aims of this policy.

## **CONCLUSION**

The development would provide new family homes in a highly sustainable location, and would provide a contribution to the improvement or provision of new public open space in the local area. It is therefore considered that the development would result in significant benefits to the local community, although it is accepted that in the short term there will be some disruption associated with the construction of the development. The proposal would therefore be in accordance with relevant national and local planning policies.

## **RECOMMENDATION**

It is recommended that Committee resolves:

1. To grant planning permission subject to the recommended conditions and to completion of a planning obligation for a financial contribution towards off-site public open space, and,
2. To authorise the Head of Planning & Development Management to issue the decision upon satisfactory receipt of the contribution.

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the amended plans referenced as:-

- Site Plan referenced Dwg No.2 SP, received on 1st October 2018;
- Ground and First Floor Plans, referenced Dwg No.64 'D', received on 1st October 2018;
- Cross Section and Second Floor Plan, referenced Dwg No.64 'E', received on 1st October 2018; and,
- Elevations referenced, Dwg No.64 'F', received on 1st October 2018.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. Prior to the construction of any external walls, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including the roof, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located

4. Prior to the occupation of the dwellings hereby approved, details of a site investigation and assessment in relation to landfill gas risk and ground contamination in the form of a consultant's written report and recommendation shall be submitted to the Local Planning Authority, including evidence that any necessary programmed remedial measures have been implemented.

Reason - In order to protect public safety and the environment.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development in Classes A, B, C, D or E of Part 1, Schedule 2 to that Order shall be carried out on the site without the prior written consent of the Local Planning Authority

Reason - The Local Planning Authority considers it expedient, having regard to the density, type and appearance of the development, to regulate any future alterations/extensions to ensure that the amenity of the occupiers of neighbouring dwellings and the character and appearance of the area are not detrimentally affected.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of the approved dwellinghouses in front of the forwardmost part of any wall of the dwellinghouses which fronts onto a highway, other than any expressly authorised by this permission.

Reason - The Local Planning Authority considers it expedient, having regard to the open plan layout of the development, to regulate any future development of the dwellings to ensure that the character and appearance of the development is not detrimentally affected.

7. Prior to the occupation of the proposed dwellings, the foul and surface water drainage system shall be implemented in full accordance with the drainage plan updated on the 29th October 2018, referenced Drawing No.WL\_906\_006 Revision G. Thereafter, the development shall be completed, maintained and managed in accordance with the approved details.

Reason - To secure proper drainage and to manage the risk of flooding and pollution.

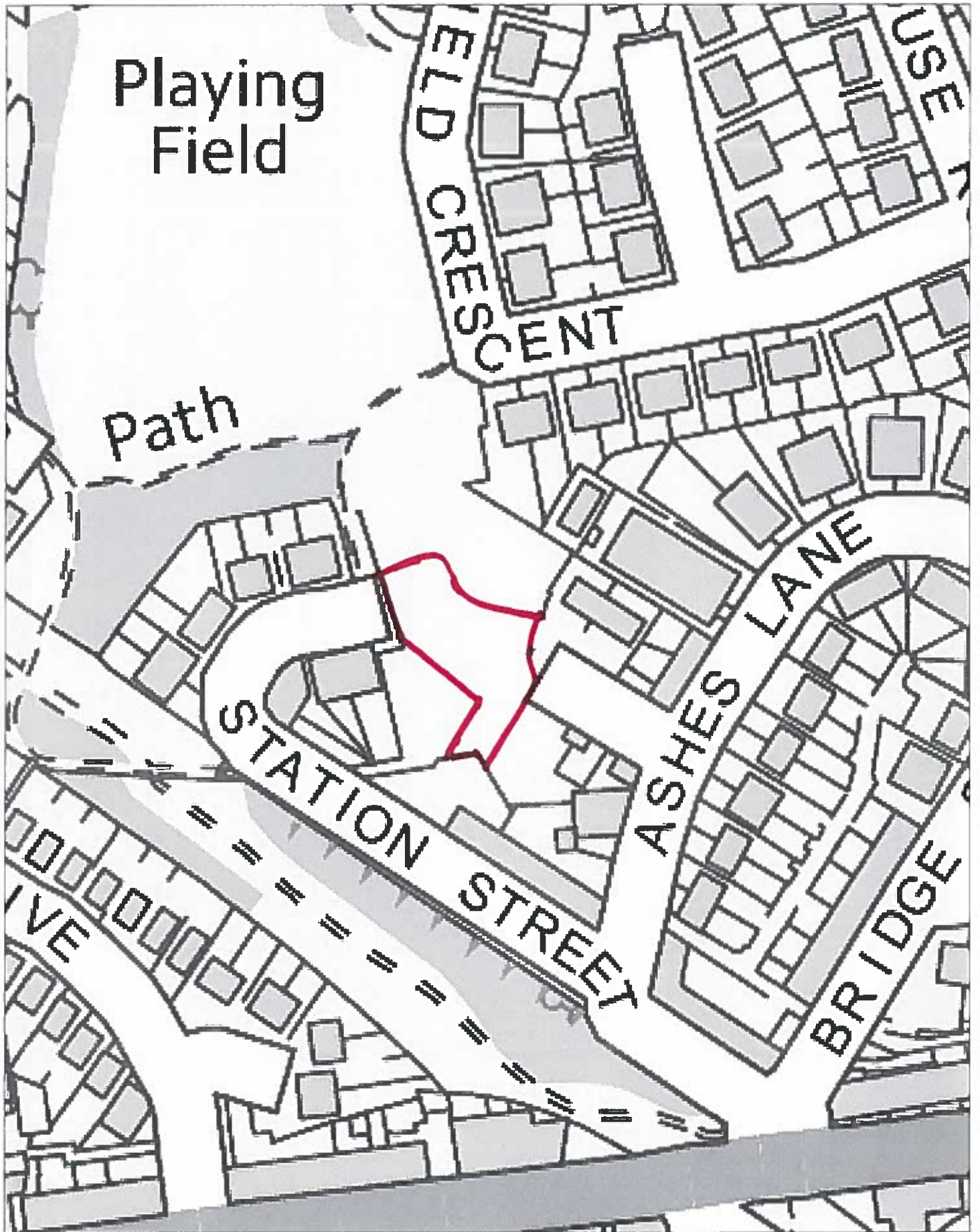
8. No dwelling shall be brought into use unless and until the access and car parking spaces for that dwelling has been provided in accordance with the approved plan received on 1st October 2018 (Ref: Dwg No.2 SP). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the access/parking spaces. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety.

9. Prior to the commencement of the construction of the dwellings hereby approved, details of finished floor levels relative to agreed off-site datum points shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details.

Reasons - In order to ensure a satisfactory design and relation with neighbouring properties.

339842





## APPLICATION REPORT - PA/339843/17

Planning Committee, 14 November, 2018

**Registration Date:** 06/07/2017  
**Ward:** Saddleworth West/Lees and Waterhead

**Application Reference:** PA/339843/17  
**Type of Application:** Full Planning Permission

**Proposal:** Erection of 1.no detached dwelling  
**Location:** Plot 5, Land to the rear of Ashes Lane and Station Street,  
Springhead, Oldham  
**Case Officer:** Brian Smith

**Applicant** Mr Cunliffe  
**Agent :** Chorlton Planning Ltd

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### THE SITE

This application relates to part of a larger cleared site which has been vacant for a considerable length of time. This larger site has previously been the subject of a grant of outline planning permission for a total of nine dwellings (referred to as Plots 4 to 12), comprising three detached houses and three pairs of semi-detached houses (ref:PA/336680/15). That approval was subject to a legal agreement in respect of an agreed level of contribution towards off-site public open space.

The eastern boundary of the larger site adjoins a pair of semi-detached dwellings, and a further plot on which an approved dwelling is presently under construction. The approvals for these three dwellings were granted prior to, and outside the scope of, the wider outline application, although they are referred to as Plots 1 to 3.

With the exception of the Springhead Community Centre and a scout hut immediately to the east of the site, the surrounding area is predominantly residential in character. Immediately to the north is an area of tree lined public open space which is primarily used as playing fields, and to the south beyond Station Street is a linear path which links Lees with Springhead along the length of a former railway line.

Accompanying this application are a further four applications for other properties within the outline approval site. This particular application concerns plot no.5 which is situated at the southern end of the site, the rear garden of which backs onto the common boundary with no.31 Station Street which is largely screened by an established leylandii hedgerow. Detached houses of somewhat differing scale and design, are proposed to either side.

### THE PROPOSAL

It is proposed to erect a brick-built, three storey, four bed detached house, with a garden room to the rear. An attached garage and two dedicated off-street car parking spaces are proposed.

Access to the site will be via a cul-de-sac arrangement formed by an extension of Station Street.

### RELEVANT HISTORY OF THE SITE:

PA/339844/17 - Erection of one detached dwelling (Plot 6) - Decision pending.

PA/339842/17 - Erection of one detached dwelling (Plot 4) - Decision pending.

PA/338534/16 - Two pair of semi-detached houses (Plots 7,8,11 & 12) - Decision pending.

PA/338218/16 - Pair of semi-detached houses (Plots 9 & 10) - Decision pending.

PA/336680/15 - Erection of nine dwellings and associated works - Approved 08/07/15 subject to a legal agreement confirming the level of contribution towards Public Open Space.

PA/336382/14 - One detached dwelling (adjacent application site) - Approved 09/03/15

PA/332425/12 - Outline planning application for seven detached dwellings (six of which occupy the application site subject of this application) - Approved 30/01/14 following the completion of a legal agreement in respect of a £50,000 contribution towards Public Open Space.

PA/331577/11 - Substitution of house type to include garage (adjacent application site) - Approved 17/01/12.

MMA/330970/11 – Minor Material Amendment to planning permission granted under PA/059118/10 (adjacent application site) - Approved 28/09/2011.

PA/330267/11 - 1) Change of use of land to garden area. 2) Erection of fencing to perimeter of site (adjacent application site) - Refused 16/06/2011 and subsequently dismissed at appeal.

PA/059118/10 - Erection of two dwellings (adjacent application site, Plots 1 and 2). Approved - 09/02/2011.

PA/057867/10 - Reserved matters application for erection of two dwellings. Appearance, landscaping and scale to be considered (adjacent application site) - Refused 01/07/2010.

PA/054681/08 - Outline application for two dwellings with layout and access to be considered. All other matters reserved (adjacent application site) - Approved 04/12/2009.

PA/053699/07 - Outline application for ten dwellings and provision of car park with layout and access to be considered. All other matters reserved. (Resubmission of PA/051677/06) - Refused 17/10/2007.

PA/051677/06 - Outline application for residential development and car park, with layout and means of access to be considered. All other matters reserved - Refused 07/02/2007.

## **RELEVANT POLICIES**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that, to the extent that development plan policies are material, applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the revised National Planning Policy Framework (NPPF).

In this case, the 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Old ham (DPD). It contains the Core Strategies and Development Management policies used to assess and determine planning applications.

The application site is unallocated on the Proposals Map associated with this document. Therefore, the following policies are considered relevant:

Policy 1 - Climate change and sustainable development;

Policy 3 - An address of choice;  
Policy 5 - Promoting accessibility and sustainable transport choices;  
Policy 9 - Local environment;  
Policy 11 - Housing;  
Policy 20 - Design; and  
Policy 23 - Open spaces and sports.

The advice within the National Planning Policy Framework (NPPF) is also relevant as a material planning consideration.

## CONSULTATIONS

Traffic Section	Recommend conditional approval
Drainage Section	No objection subject to implementation of the submitted drainage plan
United Utilities	No objection subject to conditions to ensure an acceptable drainage scheme.

## REPRESENTATIONS

51 neighbouring properties have been notified of the application and a site notice has been displayed. Following these publicity measures, the occupier of 12 Station Street has expressed concerns in relation to the proposed number of dwellings on the site as a whole and the disruption associated with the construction phase.

The application was discussed at the meeting of Saddleworth Parish Council Planning Committee on the 7th August 2017 where it was recommended that the application be approved.

## PLANNING ASSESSMENT

The main issues for consideration comprise:

- Principle of development;
- Design;
- Residential Amenity;
- Parking and highway safety;
- Public Open Space; and
- Trees

### Principle of the development

Outline planning permission for the erection of nine dwellings on the larger site of which this application forms part was granted in 2015. There have been no material changes in circumstances since that decision, and therefore the principle of residential development on the site has been already established, and it has been demonstrated that the site occupies a sustainable location as required under DPD Policies 1, 3 and 5.

### Design

DPD Policy 20 promotes high quality design and requires that new development should reflect local characteristics does not result in a significant, adverse impact on the visual amenity of the surrounding area or significantly harm the amenities of occupiers of existing or future neighbouring properties.

The proposed dwelling will be three storeys in height. Whilst this conflicts with the general character of the area, a pair of houses of similar scale have been constructed recently to the north east of the site, namely no.1 & 2 Meadow Gate (formerly plots 1 & 2), and applications for somewhat comparable sized dwellings on neighbouring plots have also been submitted. The building will be constructed using an appropriate facing brick and slate or tiles, again reflecting the appearance of properties in the vicinity of the site.

Accordingly, the proposed dwellings would comply with the objectives of DPD Policy 20.

### **Residential amenity**

DPD Policy 9 includes the requirement that development proposals should not cause significant harm to amenity through impacts including privacy, visual appearance or daylight. In addition, paragraph 127 of the NPPF requires that development should "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

To this end, it is considered that the proposed layout demonstrates that adequate separation distances would be maintained between the dwelling subject of this application and each of the neighbouring dwellings, thereby ensuring that sufficient levels of privacy will be retained. In turn, as a consequence of the favourable orientation insofar as existing dwellings are concerned, any harmful degree of overshadowing would largely be avoided. Further, the existence of the aforementioned leylandii hedgerow would further lessen the impact associated with the proposed dwelling insofar as inter visibility is concerned.

Equally, adequate separation distances would be maintained between the plot subject of this application and the closest of those proposed at the northern end of the site, namely plots 11 & 12.

### **Parking and highway safety**

The Council's Highways Engineer has assessed the application site and has recommended that the application be approved subject to a condition for the provision of the access and parking spaces prior to occupation.

### **Public open space**

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

From the site history, it is noted a financial contribution was agreed on the outline approval for nine dwellings on the wider site. However, 'full' applications on a plot by plot basis have been submitted subsequently. This has resulted in the original application site being split into five different plots. To this end, it is the Council's view that regardless of present or future ownership, this remains overall one development site, as it follows the layout approved by the outline application. Therefore each application should be subject to a pro rata contribution. The various landowners (responsible for the submission of this and the four related applications) have agreed to a planning obligation towards improvement works to the open space in the locality and for a contribution of £22500 which will be paid on the granting of planning permission.

Subject to this obligation being completed, the objectives of DPD Policy 23 will be satisfied.

### **Trees**

Saved Policy D1.5 aims to protect existing trees on development sites. In the absence of any trees and hedges on the site other than the aforementioned evergreen hedge, no conflict would appear to exist in respect of the aims of this policy.

### **CONCLUSION**

The development would provide new family homes in a highly sustainable location, and would provide a contribution to the improvement or provision of new public open space in the local area. It is therefore considered that the development would result in significant benefits to the local community, although it is accepted that in the short term there will be some disruption associated with the construction of the development. The proposal would therefore be in accordance with relevant regional and local planning policies.



## RECOMMENDATION

It is recommended that Committee resolves:

1. To grant planning permission subject to the recommended conditions and to completion of a planning obligation for a financial contribution towards off-site public open space, and,
2. To authorise the Head of Planning & Development Management to issue the decision upon satisfactory receipt of the contribution.

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the amended plans referenced as:-

- Site Plan referenced Dwg No.2 SP, received on 1st October 2018;
- Ground Floor, First Floor and Second Floor Plans referenced Dwg No.64 'N' 'R', received on 1st October 2018;
- Elevations referenced Dwg No.64 'N' 'R', received on 1st October 2018.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. Prior to the construction of any external walls, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including the roof, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located

4. Prior to the occupation of the dwellings hereby approved, details of a site investigation and assessment in relation to landfill gas risk and ground contamination in the form of a consultant's written report and recommendation shall be submitted to the Local Planning Authority, including evidence that any necessary programmed remedial measures have been implemented.

Reason - In order to protect public safety and the environment.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development in Classes A, B, C, D or E of Part 1, Schedule 2 to that Order shall be carried out on the site without the prior written consent of the Local Planning Authority

Reason - The Local Planning Authority considers it expedient, having regard to the density, type and appearance of the development, to regulate any future

alterations/extensions to ensure that the amenity of the occupiers of neighbouring dwellings and the character and appearance of the area are not detrimentally affected.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of the approved dwellinghouses in front of the forwardmost part of any wall of the dwellinghouses which fronts onto a highway, other than any expressly authorised by this permission.

Reason - The Local Planning Authority considers it expedient, having regard to the open plan layout of the development, to regulate any future development of the dwellings to ensure that the character and appearance of the development is not detrimentally affected.

7. Prior to the occupation of the proposed dwellings, the foul and surface water drainage system shall be implemented in full accordance with the drainage plan updated on the 29th October 2018, referenced Drawing No.WL\_906\_006 Revision G. Thereafter, the development shall be completed, maintained and managed in accordance with the approved details.

Reason - To secure proper drainage and to manage the risk of flooding and pollution.

8. The dwelling shall not be brought into use unless and until the access and car parking space for that dwelling has been provided in accordance with the approved plan received on 1st October 2018 (Ref: Dwg No.2 SP). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the access/parking spaces. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety.

9. Prior to the commencement of the construction of the dwellings hereby approved, details of finished floor levels relative to agreed off-site datum points shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details.

Reasons - In order to ensure a satisfactory design and relation with neighbouring properties.

339843

Playing Field

Path

FIELD CRES  
CENT

STATION STREET

ASHES LANE

BRIDGE

IVE





## APPLICATION REPORT - PA/339844/17

Planning Committee, 14 November, 2018

**Registration Date:** 11/01/2018  
**Ward:** Saddleworth West and Lees

**Application Reference:** PA/339844/17  
**Type of Application:** Full Planning Permission

**Proposal:** Proposed 1 no. detached dwelling.  
**Location:** Plot 6, Land to the rear of Ashes Lane and Station Street, Springhead, Oldham  
**Case Officer:** Brian Smith

**Applicant Agent :** Meadowgate Developments Ltd

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### THE SITE

This application relates to part of a larger cleared site which has been vacant for a considerable length of time. This larger site has previously been the subject of a grant of outline planning permission for a total of nine dwellings (referred to as Plots 4 to 12), comprising three detached houses and three pairs of semi-detached houses (ref:PA/336680/15). That approval was subject to a legal agreement in respect of an agreed level of contribution towards off-site public open space.

The eastern boundary of the larger site adjoins a pair of semi-detached dwellings, and a further plot on which an approved dwelling is presently under construction. The approvals for these three dwellings were granted prior to, and outside the scope of, the wider outline application, although they are referred to as Plots 1 to 3.

With the exception of the Springhead Community Centre and a scout hut immediately to the east of the site, the surrounding area is predominantly residential in character. Immediately to the north is an area of tree lined public open space which is primarily used as playing fields, and to the south beyond Station Street is a linear path which links Lees with Springhead along the length of a former railway line.

Accompanying this application are a further four applications for other properties within the outline approval site. This particular application concerns plot no.6 which is situated at the southern end of the site, the rear garden of which backs onto the common boundary with no.31 Station Street which is largely screened by an established leylandii hedgerow. The proposed dwelling is flanked by an existing semi-detached house, namely no.39 Station Street and the proposed three storey dwelling occupying plot no.5 subject of PA/339843/17.

### THE PROPOSAL

It is proposed to erect a brick-built, two storey, three bed detached house, with a double garage to the side. Including the garage, three dedicated off street car parking spaces are proposed.

Access to the site will be via a cul-de-sac arrangement formed by an extension of Station Street.

PA/339843/17 - Erection of one detached dwelling (Plot 5) - Decision pending.

PA/339842/17 - Erection of one detached dwelling (Plot 4) - Decision pending.

PA/338534/16 - Two pair of semi-detached houses (Plots 7,8,11 & 12) - Decision pending.

PA/338218/16 - Pair of semi-detached houses (Plots 9 & 10) - Decision pending.

PA/336680/15 - Erection of nine dwellings and associated works - Approved 08/07/15 subject to a legal agreement confirming the level of contribution towards Public Open Space.

PA/336382/14 - One detached dwelling (adjacent application site) - Approved 09/03/15

PA/332425/12 - Outline planning application for seven detached dwellings (six of which occupy the application site subject of this application) - Approved 30/01/14 following the completion of a legal agreement in respect of a £50,000 contribution towards Public Open Space.

PA/331577/11 - Substitution of house type to include garage (adjacent application site) - Approved 17/01/12.

MMA/330970/11 – Minor Material Amendment to planning permission granted under PA/059118/10 (adjacent application site) - Approved 28/09/2011.

PA/330267/11 - 1) Change of use of land to garden area. 2) Erection of fencing to perimeter of site (adjacent application site) - Refused 16/06/2011 and subsequently dismissed at appeal.

PA/059118/10 - Erection of two dwellings (adjacent application site, Plots 1 and 2). Approved - 09/02/2011.

PA/057867/10 - Reserved matters application for erection of two dwellings. Appearance, landscaping and scale to be considered (adjacent application site) - Refused 01/07/2010.

PA/054681/08 - Outline application for two dwellings with layout and access to be considered. All other matters reserved (adjacent application site) - Approved 04/12/2009.

PA/053699/07 - Outline application for ten dwellings and provision of car park with layout and access to be considered. All other matters reserved. (Resubmission of PA/051677/06) - Refused 17/10/2007.

PA/051677/06 - Outline application for residential development and car park, with layout and means of access to be considered. All other matters reserved - Refused 07/02/2007.

## **RELEVANT POLICIES**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that, to the extent that development plan policies are material, applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the revised National Planning Policy Framework (NPPF).

In this case, the 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Old ham (DPD). It contains the Core Strategies and Development Management policies used to assess and determine planning applications.

The application site is unallocated on the Proposals Map associated with this document. Therefore, the following policies are considered relevant:

Policy 1 - Climate change and sustainable development;  
Policy 3 - An address of choice;  
Policy 5 - Promoting accessibility and sustainable transport choices;  
Policy 9 - Local environment;  
Policy 11 - Housing;  
Policy 20 - Design; and  
Policy 23 - Open spaces and sports.

The advice within the National Planning Policy Framework (NPPF) is also relevant as a material planning consideration.

## **CONSULTATIONS**

Traffic Section	Recommend conditional approval
Drainage Section	No objection subject to implementation of the submitted drainage plan
United Utilities	No objection subject to conditions to ensure an acceptable drainage scheme.

## **REPRESENTATIONS**

Six neighbouring properties, including 31 & 39 Station Street have been notified of the application and a site notice has been displayed. Following these publicity measures, the occupier of 12 Station Street has expressed concerns in relation to the proposed number of dwellings on the site as a whole and the disruption associated with the construction phase.

The application was discussed at the meeting of Saddleworth Parish Council Planning Committee on the 7th August 2017 where it was recommended that the application be approved.

## **PLANNING ASSESSMENT**

The main issues for consideration comprise:

- Principle of development;
- Design;
- Residential Amenity;
- Parking and highway safety;
- Public Open Space; and
- Trees

### **Principle of the development**

Outline planning permission for the erection of nine dwellings on the larger site of which this application forms part was granted in 2015. There have been no material changes in circumstances since that decision, and therefore the principle of residential development on the site has been already established, and it has been demonstrated that the site occupies a sustainable location as required under DPD Policies 1, 3 and 5.

### **Design**

DPD Policy 20 promotes high quality design and requires that new development should reflect local characteristics does not result in a significant, adverse impact on the visual amenity of the surrounding area or significantly harm the amenities of occupiers of existing or future neighbouring properties.

The proposed dwelling will be two storeys in height which largely conforms with the general character of the area. The building will be constructed using an appropriate facing brick and slate or tiles, again reflecting the appearance of properties in the vicinity of the site.

Accordingly, the proposed dwellings would comply with the objectives of DPD Policy 20.

## **Residential amenity**

DPD Policy 9 includes the requirement that development proposals should not cause significant harm to amenity through impacts including privacy, visual appearance or daylight. In addition, paragraph 127 of the NPPF requires that development should "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

To this end, in terms of the relationship with 39 Station Street, it is considered that the proposed layout demonstrates that adequate separation distances would be maintained between those structural openings serving habitable rooms in the rear elevation at first floor level and this neighbouring dwelling's rear garden, thereby ensuring that sufficient levels of privacy will be retained. In turn, as a consequence of the favourable orientation, insofar as both 39 Station Street and Plot 5 are concerned, any harmful degree of overshadowing would largely be avoided. Further, the existence of the aforementioned leylandii hedgerow would further lessen the impact associated with 31 Station Street, insofar as intervisibility is concerned.

Equally, adequate separation distances would be maintained between this plot and the closest of those proposed at the northern end of the site, namely Plots 7, 8, 9 & 10.

## **Parking and highway safety**

The Council's Highways Engineer has assessed the application site and has recommended that the application be approved subject to a condition for the provision of the access and parking spaces prior to occupation.

## **Public open space**

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

From the site history, it is noted a financial contribution was agreed on the outline approval for nine dwellings on the wider site. However, 'full' applications on a plot by plot basis have been submitted subsequently. This has resulted in the original application site being split into five different plots. To this end, it is the Council's view that regardless of present or future ownership, this remains overall one development site, as it follows the layout approved by the outline application. Therefore each application should be subject to a pro rata contribution. The various landowners (responsible for the submission of this and the four related applications) have agreed to a planning obligation towards improvement works to the open space in the locality and for a contribution of £22500 which will be paid on the granting of planning permission.

Subject to this obligation being completed, the objectives of DPD Policy 23 will be satisfied.

## **Trees**

Saved Policy D1.5 aims to protect existing trees on development sites. In the absence of any trees and hedges on the site other than the aforementioned evergreen hedge, no conflict would appear to exist in respect of the aims of this policy.

## **CONCLUSION**

The development would provide new family homes in a highly sustainable location, and would provide a contribution to the improvement or provision of new public open space in the local area. It is therefore considered that the development would result in significant benefits to the local community, although it is accepted that in the short term there will be some disruption associated with the construction of the development. The proposal would



therefore be in accordance with relevant national and local planning policies.

## RECOMMENDATION

It is recommended that Committee resolves:

1. To grant planning permission subject to the recommended conditions and to completion of a planning obligation for a financial contribution towards off-site public open space, and,
2. To authorise the Head of Planning & Development Management to issue the decision upon satisfactory receipt of the contribution.

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications referenced as:-

- Site Plan referenced Dwg No.2 SP, received on 1st October 2018;
- Ground Floor and First Floor Plans referenced Dwg No.64 'G', received on 1st October 2018;
- Cross Section and Second Floor Plan referenced Dwg No.64 'H', received on 1st October 2018;
- Elevations referenced Dwg No.64 'J', received on 1st October 2018;
- Garage details referenced Dwg No.2 SP 2, received on 27th February 2017.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. Prior to the construction of any external walls, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including the roof, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located

4. Prior to the occupation of the dwellings hereby approved, details of a site investigation and assessment in relation to landfill gas risk and ground contamination in the form of a consultant's written report and recommendation shall be submitted to the Local Planning Authority, including evidence that any necessary programmed remedial measures have been implemented.

Reason - In order to protect public safety and the environment.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development in Classes A, B, C, D or E of Part 1, Schedule 2 to that Order shall be carried out on the site without the prior written consent of the Local Planning Authority

Reason - The Local Planning Authority considers it expedient, having regard to the density, type and appearance of the development, to regulate any future alterations/extensions to ensure that the amenity of the occupiers of neighbouring dwellings and the character and appearance of the area are not detrimentally affected.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of the approved dwellinghouses in front of the forwardmost part of any wall of the dwellinghouses which fronts onto a highway, other than any expressly authorised by this permission.

Reason - The Local Planning Authority considers it expedient, having regard to the open plan layout of the development, to regulate any future development of the dwellings to ensure that the character and appearance of the development is not detrimentally affected.

7. Prior to the occupation of the proposed dwellings, the foul and surface water drainage system shall be implemented in full accordance with the drainage plan updated on the 29th October 2018, referenced Drawing No.WL\_906\_006 Revision G. Thereafter, the development shall be completed, maintained and managed in accordance with the approved details.

Reason - To secure proper drainage and to manage the risk of flooding and pollution.

8. The dwelling shall be brought into use unless and until the access and car parking space for that dwelling has been provided in accordance with the approved plan received on 1st October 2018 (Ref: Dwg No.2 SP). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the access/parking spaces. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety.

9. Prior to the commencement of the construction of the dwellings hereby approved, details of finished floor levels relative to agreed off-site datum points shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details.

Reasons - In order to ensure a satisfactory design and relation with neighbouring properties.

339844

Playing Field

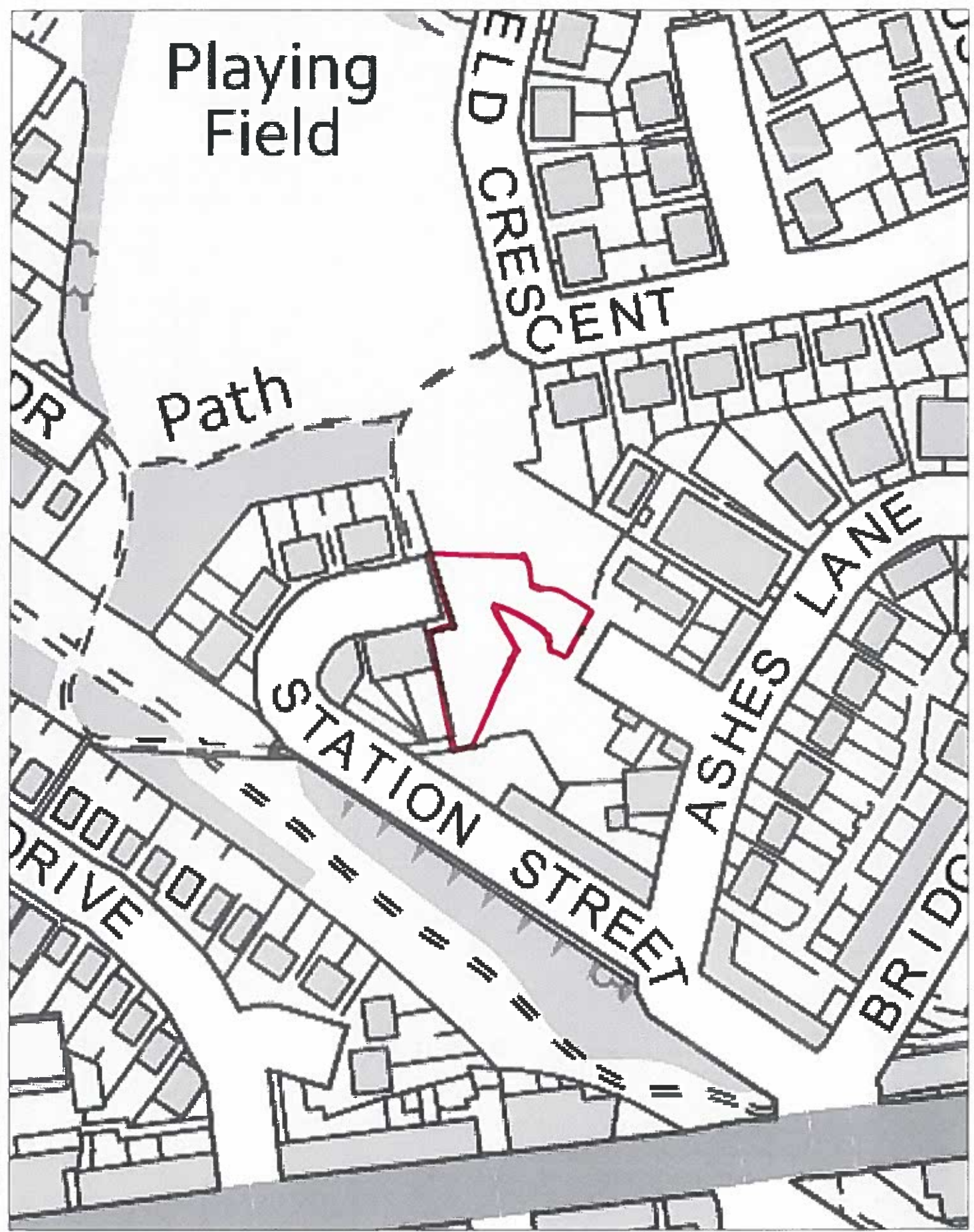
ELD CRES  
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Path

STATION STREET

ASHES LANE

BRIDGE



**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
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Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Date: 06.11.18

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Page 47  Ordnance Survey

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## 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

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### 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 6<sup>th</sup> 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;
- Wharmton 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 **Page 64** on the basis of the comments received 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: Page 66

*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 overestimate of 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](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 Checks (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.







## APPLICATION REPORT - PA/341768/18

Planning Committee, 14 November, 2018

**Registration Date:** 15/05/2018  
**Ward:** Crompton

**Application Reference:** PA/341768/18  
**Type of Application:** Full Planning Permission

**Proposal:** 1) Erection of a three storey teaching block over existing multi use games area (MUGA) with associated soft and hard landscaping 2) Construction of a multi use games area (MUGA) to rear of existing sports hall and associated soft and hard landscaping 3) Erection of a single storey extension to Clegg block 4) Internal remodelling to existing Selwyn and Milne Block 5) Demolition of existing Ballard teaching block and removal of existing MUGA 6) Creation of two new car parking areas.

**Location:** Crompton House C Of E High School, Rochdale Road, Shaw, OL2 7HS

**Case Officer:** Tessa McKee

**Applicant Agent :** Oldham Council  
Kier Workplace Services

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### THE SITE

Crompton House Church of England Secondary School is located off Rochdale Road, Shaw. It is an existing school, with a number of buildings, sports pitches, a Multi-Use Games Area and car-parking areas. There are significant topographical level differences within the site.

The main access is from Rochdale Road with a secondary access point off Grampian Way.

The surrounding area is residential and the setting is within the Pennine foothills. Houses back on to the school boundaries to the north (Malvern Close, Highlands Road and Grampian Way), to the west (Moorfield Hamlet), and part of the boundary to the south-east (Rochdale Road). To the east, Crompton Cemetery forms a boundary with the school which is lined by mature trees and understorey planting.

### THE PROPOSAL

Planning permission is sought for:

- Demolition of existing Ballard teaching block and removal of existing MUGA
- Erection of a three storey teaching block. This is proposed over the existing multi use games area (MUGA). The external finish has been amended to include brick and black window and door openings (as detailed within the amended plans Received 19 October 2018).
- Erection of a single storey extension to Clegg block to improve and expand catering/dining facilities.
- Construction of a multi use games area (MUGA) to rear of existing sports hall and associated soft and hard landscaping. The location is on an unused grassed area behind the existing sports hall.

- Creation of a new car park (Area 1) in place of the demolished Ballard Block (accessed via Rochdale Road) comprising 44 car-parking spaces (including 4 disabled person bays).
- New car park (Area 2) accessed via Grampian Way comprising 30 car parking spaces
- Associated hard and soft landscaping works, include a pedestrian path from the Grampian Way car park to the main school buildings.
- Associated lighting to the external car parks and pedestrian footpath.

The redevelopment of the school will also involve internal remodelling to the existing Selwyn and Milne Blocks.

## **BACKGROUND**

The Design and Access Statement submitted as part of the application explains the need for the proposal as follows:

*'Crompton House Secondary School currently provides 1120 school places for boys and girls between the ages of 11-16 with additional 6th form facilities on site. With pupil projection forecasts illustrating the need for an increase in Secondary School places throughout Oldham in order to meet future demand, the Governors and Headteacher at Crompton House Secondary School support the Local Authority in proposing to expand the school's intake from an 8 Form Entry to a 12 Form Entry Secondary School.'*

*The proposed expansion will increase the total 'Planned Admission Number (PAN)' of the Academy from 1120 pupils to 1680 pupils (an additional 112 pupils per year group). In order to support this increase, the number of classroom learning spaces will need to be increased due to a current shortage.*

*Furthermore, some of the classrooms in use are either unsuitable in terms of size, or are located in areas not easily accessible due to the age of the existing buildings. Capacity issues will need to be addressed aside from additional learning spaces in order to enhance operational efficiencies across the school.'*

## **RELEVANT HISTORY OF THE SITE:**

PA/332955/12 - (1) Proposed artificial grass pitch with floodlighting, ball stop fencing and associated works (2) Additional car park to south elevation of existing sports hall. Granted. 20/12/2018

PA/041104/01 - Sports hall and associated changing facilities. Granted 05/04/2001

## **RELEVANT PLANNING POLICIES AND GUIDANCE**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF).

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is unallocated by the Proposals Map associated with this document.

The following Joint Development Plan Document Policies are considered to be relevant:

Policy 1 - Climate change and sustainable development;

Policy 2 – Communities  
 Policy 5 - Promoting Accessibility and Sustainable Transport Choices  
 Policy 9 - Local environment;  
 Policy 18 - Energy  
 Policy 19 – Water and Flooding  
 Policy 20 – Design;  
 Policy 21 – Protecting Natural Assets  
 Policy 23 - 'Open Spaces and Sports'.  
 Policy 24 – Historic Environment

## CONSULTATIONS

Environmental Health	No objection, subject to conditions in regard to hours of use and a noise reduction boundary treatment to the MUGA.
Highway Engineer	No objection. Recommend conditions to require mitigation measures and car parking management.
The Ramblers Association	No objection.
Drainage	No comments received.
Street Lighting	No objection. Recommend external lighting to be conditioned to protect the residents from light spill.
United Utilities	No objection. Recommend conditions and informatives.
Sport England	No objection. Recommend conditions and informatives.
Greater Manchester Ecology Unit	No objection. Recommend conditions and informatives.
Tree Officer	No objection.

## REPRESENTATIONS

Councillor Murphy has requested the application be considered at Planning Committee because of the level of public interest.

The proposed development has been advertised by means of a public notice erected on site and individual consultation letters sent to neighbouring properties.

Re-notification was carried out on the 24 October 2018. This was further to additional information, including the Landscape and Town Visual Assessment and revised elevation plans.

Shaw & Crompton Parish Council recommend approval.

4 letters of objection were received. The objections and comments raised are summarised below:

- The school is already extended to capacity.
- The proposal will exacerbate existing issues associated with noise, parking, traffic, and air quality.
- The proposal is detrimental to highway safety since:
  - Additional traffic will negate effectiveness of existing traffic controls.
  - Concern about documentation details including:
    - The maximum pupil capacity is omitted from the proposals.
    - No documentation details of the number of fatalities within proximity of school, existing and forecast private drop off/pick-ups and forecast increase for use of surrounding roads.
    - Current frequency of industrial traffic on Duchess Street omitted.
    - Entrance off Duchess Street will compromise highway safety.
- Full Drainage report not included.
- Loss of privacy.
- Light pollution to nearby residents.
- Increase of noise (to provide outdoor space for additional pupils).
- Detriment to visual amenity.

## **PLANNING CONSIDERATIONS**

- Principle of Development
- Design, Landscaping and Heritage
- Amenity
- Highways
- Drainage
- Energy
- Ecology
- Ground conditions

### Principle of Development

DPD Policy 2 states that the Council will support appropriate developments that improve education and skills facilities and contributes to the health and wellbeing of people. Paragraph 94 of the NPPF states that there is a presumption in favour of creating a sustainable choice of school places to meet the needs of existing and new communities. In order to meet this requirement, Local Authorities should take a proactive, positive and collaborative approach and should place great weight on the need to create, expand or alter schools.

The application is for additional teaching facilities on an existing school site in an accessible location within the urban area, and the principle of the education use and development is already established and acceptable.

DPD Policy 23 'Open Spaces and Sports' states that the development of a site that is currently or was most recently used as open space or for sport and recreation will be permitted provided it can be demonstrated the development brings significant benefits to the community that would outweigh the harm resulting from the loss of open space; and a replacement facility which is at least equivalent in terms of usefulness, attractiveness, quality and accessibility, and where appropriate quantity, to existing and future users is provided by the developer on another site prior to the development commencing.

The existing MUGA is proposed to be replaced on site which will ensure that this facility is still available to the school and external community users. The proposed teaching block and Grampian Way car park will encroach slightly onto open space on site. However, it will not impact on the facility of the open space and sports pitches. The proposal would ensure the on-going provision of the MUGA facility to benefit the community. The loss of open space is therefore not significant and is outweighed by the public benefits of the scheme. Sport England has raised no objection to the replacement facility.

Overall, the proposed school expansion and relocation of the MUGA complies in principle with the requirements of DPD Policy 2 'Communities' and Policy 23 'Open Spaces and Sports' and the NPPF.

### Design, Landscaping and Heritage

In regards to design, visual amenity and impact on the street scene, Policy 1 within the DPD states that the Council will ensure that development proposals respect Oldham's built environment whilst Policy 20 requires proposals to respond positively to the environment, contribute to a distinctive sense of place, and make a positive contribution to the street scene.

The site is adjacent to listed buildings fronting Rochdale Road and the original school buildings have heritage value. As such an assessment is also made in accordance of DPD Policy 24 - Historic Environment, and the NPPF.

### **New Teaching Block**

The proposed new teaching block is designed over three floors as one single block, which

cuts into the landscape set between existing school buildings. The external finish originally was proposed as reflective aluminium cladding. However, there were concerns of the visual impact and the submitted 'Landscape Townscape and Visual Assessment' recommended that a non-reflective material be used. Amended plans received on the 19 October, altered the external material to brick. The brick appearance is consistent with the existing school and residential built form. The proposed details include black window and door casements, and a parapet design will instil a modern character to the proposed building.

The visual impact of the building primarily affects residential properties backing on to the site, and adjacent elevated residential areas where close and clear views are possible. The scale of the building differs from the existing school buildings. However, this is partly mitigated by its lower ground level on the site, so that it will be similar in height to the two storey school buildings in the west. The proposed brick cladding complements the existing building materials of the school and surrounding materials. Furthermore, the muted materials will limit the building's visual impact from distant views.

Given the location of the teaching block within the site, it would have little visual impact on Rochdale Road itself, the main buildings facing Rochdale Road, and the adjacent listed buildings, from which it will be screened by retained buildings.

### **Extension to Clegg building**

The design is a single storey flat roof extension and infills a section of Clegg building to the rear of the site. It is designed in a manner to reflect an appropriate scale and massing in relation to the existing building.

### **Demolition of the Ballard building and proposed Rochdale Road car park**

The Ballard building has limited heritage value and its demolition will have minimal impact in heritage terms. Its loss will open views and result in the exposure of the kitchen services (such as extraction units) to the rear of the Clegg building. This exposure is negative visually. However, the proposal includes mitigation measures, including painting the extraction units and the provision of trees in the car park.

The existing 1.5m boundary wall to the front is to be retained and this will screen the proposed car-park and retain the original boundary treatment. Security fencing is proposed set back within the site and will not detract visually.

Overall, subject to mitigation measures to be conditioned, the proposal would not detract from the setting of the adjacent listed buildings and the historic school buildings.

### **Multi Use Games Area (MUGA).**

The MUGA is proposed adjacent to the existing sports building and in proximity to the existing sports pitch. The proposal does not include fencing details and a MUGA would require 3m/part 4.5m fencing. This is recommended to be conditioned. Visually the MUGA and associated fencing is in keeping with the character of the school site.

The MUGA is 2.5m from the boundary with the cemetery which is lined with trees. The proposal will place development closer to the cemetery boundary. Measures, including fencing and additional tree planting, should assist in mitigation, and overall the impact is not considered significant on the cemetery itself. Furthermore, given the public benefits of the proposal, on balance the impact is considered acceptable.

### **Landscaping and Trees**

Retained trees are recommended to be protected from unnecessary damage during the construction process and suitable tree protection measures are proposed. The proposal will result in limited tree loss. However these losses can be compensated with replacement planting.

The submitted 'Landscape Visual Impact Assessment' suggested that some landscape improvements could reduce the visual effects of the proposal. The heritage statement details the use of trees in the proposed Rochdale Road car park to mitigate the view of the external kitchen services. An appropriate landscaping condition is thus recommended

The overall design of development accords with the general principles within the NPPF and Policies 9, 20 and 24 of the DPD.

### Amenity

Policy 9 states that it is necessary to consider how the proposal impacts on the amenity of the occupants of adjoining residential properties and the visual appearance of an area.

The proposal will increase the capacity of the school; however the operation of the school and community uses will be no different to existing. The proposal also intends to improve how the school functions. The increased use on site is not considered to cause a detriment to existing amenity.

The neighbouring properties fronting Malvern Close, Highlands Road and Grampian Way will have views of the proposed three storey teaching block. The closest properties are those on Malvern Close. The side of 5 Malvern Close is set approximately 33m from the proposed building and the gardens of 5 and 7 Malvern Close are set over 20m from the teaching block. These main elevations do not have a direct relationship with the teaching block and the separation distance would mitigate against any significant overlooking caused by virtue of the proposed building.

Visually the proposal has an impact. However, this is seen in context of the school site and, given the muted materials and separation distances, the impact is not considered to be a significant detriment to amenity.

The extension of the Clegg building is limited to single storey, infills a section of the existing building and projects no closer than the existing building. There is also existing screening to the rear boundary of Malvern Close.

The teaching block and Clegg building extension will require ventilation systems. The submitted 'Planning Statement' indicates that extract ducts will be insulated acoustically and discharge 1 metre above roof eaves and operate in hours to be agreed by the local planning authority. To ensure there is no associated disturbance or negative visual amenity, a scheme for the ventilation system is recommended to be conditioned.

The proposed car parks are to provide staff parking and, outside school hours, provide some community parking within the current operational hours. The car parking management plan is to be conditioned, which will aim to ensure minimal disturbance. It is noted it will bring car parking closer to some residential properties, however, there remains an acceptable separation distance (approximately 3m) between the residential properties of Moorfield Hamlet and the parking area. The impact is therefore considered acceptable.

The MUGA will require fencing and, to ensure it is designed to reduce noise from ball impact, Environmental Health have recommended a condition. The proposed MUGA is approximately 90m from the closest residential property which fronts Rochdale Road. The distance and an existing dense belt of mature trees will mitigate against any significant increase in noise and disturbance from the relocation of the MUGA, subject to the fencing condition.

External lighting is proposed to the car parking area and a pedestrian footway. The Street Lighting Section has considered the proposal and has no objection in principle, subject to a detailed scheme to be submitted.

A Crime and Impact Assessment has been submitted with the proposal. The security provisions are considered adequate, subject to a condition to require the development to aim to accord with the Crime Impact Assessment recommendations.



During construction, conditions have been attached to the recommendation suggesting limited hours of construction and access into the site to protect neighbouring residents, and to control the provision of a site compound.

Given the above, it is considered that, on balance, the proposed development would be in compliance with DPD Policy 9.

### Highways

The Local Highway Authority has assessed the scheme in terms of the potential impact on highway safety.

A Transport Assessment has been submitted with the application which examines the existing situation and the likely effect of the development.

It is noted the extension will result in an increase in number of staff and pupils and will have an impact on the local highway network.

A number of mitigation measures have been recommended which are detailed below and in principle the Local Highway Authority is satisfied with the proposal subject to recommended mitigation measures being conditioned. The highway matters are considered in further details below.

### **Access**

Rochdale Road is a distributor road (B-road) that runs from Shaw to Rochdale. The majority of pupils enter and leave the school via the main gate on Rochdale Road. At school finish time, 1303 pupils leave the school at the same time. Parental vehicles making drop offs/pick-ups, general traffic, parked buses and sheer volume of pupils exiting the school cause congestion and reduce highway safety at the main gate on Rochdale Road.

The location of the school crossing patrol is not ideal. There are no drop kerbs and the route crosses a bus lay-by. When a third bus waiting to access the bus lay-by arrives on the southern side of Rochdale Road, it causes significant obstruction to pupils using the school crossing patrol. In addition, the school crossing patrol has to be marshalled by a number of teachers.

The proposed school extension is to have two pedestrian accesses into the site:

- Car parking Area 1 to the south (existing site access on Rochdale Road);
- Car parking Area 2 to the north (proposed secondary site access on Grampian Way / Duchess Street).

Both entrances will have segregated vehicle and pedestrian traffic.

The proposed secondary site access is to be on Grampian Way / Duchess Street. Grampian Way / Duchess Street are residential roads with bus routes. A section of Duchess Street is relied upon for on-street parking due to a small number of properties without any dedicated off-street parking spaces.

The Local Highway Authority has requested the inclusion of conditions to ensure that school safety zones are implemented along Rochdale Road and Grampian Way / Duchess Street.

The school safety zone and mitigation measures on Grampian Way/Duchess Street are recommended to include:

- Removal of 1 pair of speed cushions on Duchess Street.
- Installation of 5 pairs of speed cushions on Duchess Street/Grampian Way.
- School safety zone signs on Duchess Street/Grampian Way.
- 20mph zone signs to be extended on Duchess Street/Grampian Way.

- On-street school bus stop on Duchess Street.
- Residents' parking lay-by on Duchess Street.
- Amendments to the Derwent Drive/Duchess Street junction.

The school safety zone and mitigation measures on Rochdale Road are recommended to include:

- A toucan pedestrian crossing to be located between the south bus stop lay-by and Millbrae Gardens on Rochdale Road.
- 'KEEP CLEAR' road markings to the entrance and exit of proposed car park 1 on Rochdale Road.
- School safety zone signs on Rochdale Road.

The use of two pedestrian accesses will give parents a choice of which entrance they use. Those travelling from the north of the site may now find it easier and quicker to walk to school than to travel (by car) to the southern entrance on Rochdale Road.

The use of a signalised pedestrian crossing on Rochdale Road will provide a clear and safe place to cross for pupils crossing Rochdale Road. The use of waiting and parking restrictions will keep Rochdale Road and accesses into and out of the school clear of traffic, reducing congestion on Rochdale Road.

The improvements in highway safety and also in the perception that it would be safer to walk to school could see a reduction in the number of parents driving their children directly to school. They may be encouraged to park further away and walk the extra distance more safely.

The Highway Authority considers that, if the mitigation measures are implemented, children will be able to travel to the school site safely, without detriment to safety of other users of the highway and there will be no significant increase of impact on the local highway network.

### **Vehicular Parking**

The existing school car parking provides 131 parking spaces for 131 full time and 45 part time staff. Any additional parking takes place on Rochdale Road or nearby residential roads, which reduces space for parental vehicles making drop-offs and pick-ups and adds to congestion on Rochdale Road.

The car parks for the proposed school will provide 174 spaces for existing and future staff. The car park for the proposed school will also provide additional 10 spaces for visitors and 4 spaces for disabled persons' parking.

The Local Highway Authority have worked with the Applicant to ensure that the space within the site is optimised and that parking spaces are provided for existing and future demand in order to ensure that there is no on-street parking demand on Rochdale Road and Grampian Way / Duchess Street. A condition is recommended to ensure that car parking spaces are provided in accordance with the approved plan.

### **Sustainable Travel and Parking Management Plan**

The proposal includes an 'interim travel plan'. A condition is recommended for an updated School Travel Plan to promote more sustainable modes of travel to the site.

The Local Highway Authority recommends a condition to require a School Parking Management Plan regarding the operation and availability of the school car park during the public opening times, and this will be subject to a condition.

### **Summary of Highway Matters**

The proposed development, subject to conditions (including mitigation measures, a parking management plan and a travel plan) will comply with the provisions of the NPPF and

Policy 9 of the DPD.

### Drainage

The site is located within Flood Zone 1, and is therefore within the lowest risk flood zone. There are parts of the site that are identified as being susceptible to surface water flooding. However, the submitted 'Flood Risk Assessment' (FRA) advises that the majority of the proposed redevelopment site is at very low risk. The site lies within the Shaw/ Beal Critical Drainage Area and the FRA advises managing surface water discharges from development.

Based on the findings of the FRA, it is considered that there are no grounds for objection to the proposed development on the basis of flood risk, providing its recommendations (including surface water measures and ground water investigations) are followed. Conditions are recommended accordingly.

Subject to conditions, the development satisfies the requirements of the NPPF and the provisions of DPD Policy 19 – Water and Flooding, and should therefore be considered as appropriate for this location in terms of flood risk and drainage.

### Energy

DPD Policy 18 requires all developments over 1000sqm to reduce energy emissions in line with the targets based on reductions over and above Part L of the Building Regulations 2010 or 2013. It is considered that a condition could be applied to require a detailed scheme to be submitted to meet the requirements of Policy 18.

### Ecology

The submitted ecological appraisal concluded that the proposed development at the site is acceptable and in accordance with ecological considerations and the NPPF. Issues relating to bats, nesting birds, invasive species and general ecological mitigation were identified. The Greater Manchester Ecology Unit (GMEU) advise that all can be resolved via condition.

A small bat roost, maximum count of two common pipistrelle, was located within the Ballard building to be demolished. GMEU are satisfied that the conservation status of this species will not be compromised by this development and that the proposed outline method statement is proportionate to the level of disturbance and loss of roosting opportunity. It has been a year since the submitted bat survey was carried out and therefore there is risk that the roost size may have increased. As such the GMEU recommends that a full licence is now required from Natural England

The development will involve the loss of a small area of dense scrub in order to make way for the new MUGA. GMEU recommends a condition to avoid vegetation clearance during the bird nesting season.

Three species of invasive plant species were found on site and as such a condition is recommended to require a method statement to detail their eradication.

Section 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment. The majority of the development will be impacting on habitats of negligible to low value, with the only feature of higher value that will be lost being the small area of dense willow scrub and associated bird nesting habitat for the new MUGA and 6 bird boxes are proposed within this woodland which is proportionate to the loss of bird nesting habitat. Given the scale of the school site there is opportunity to provide mitigation in particular through enhancement of the existing woodland along the southern boundary of the site. Mitigation measures are recommended to be conditioned accordingly.

### Ground Conditions

There are no significant concerns raised by the Environmental Health Section in regard to

ground conditions and a condition is recommended to ensure the ground works are carried out in accordance with the 'Phase 2 report recommendations and Updated Ground Gas Risk Assessment letter'.

### Conclusion

The proposal will provide school places for the future and improve education facilities whilst maintaining the provision of existing sports facilities. The setting and design of the development, subject to conditions, avoids harmful impacts on local amenity and local highways system. Given the above, subject to conditions, the proposal is a sustainable development and complies with Policies of the Oldham LDF Joint DPD.

As such, it is recommended that members be minded to grant full planning permission, subject to relevant conditions.

### **RECOMMENDATION**

Approve, subject to the following conditions:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the approved plans: and specification which are referenced ss follows:

Received on the 2 May 2018:

KWS-ZZ-ZZ-DR-A-1150 Proposed Site Plan  
KWS-ZZ-ZZ-DR-A-1251 Proposed GA Ground Floor Plan Sheet 1  
KWS-ZZ-ZZ-DR-A-1252 Proposed GA Ground Floor Plan Sheet 2  
KWS-ZZ-ZZ-DR-A-1253 Proposed GA First Floor Plan Sheet 1  
KWS-ZZ-ZZ-DR-A-1254 Proposed GA First Floor Plan Sheet 2  
KWS-ZZ-ZZ-DR-A-1255 Proposed GA Roof Plan Sheet 1  
KWS-ZZ-ZZ-DR-A-1256 Proposed\_GA\_Roof\_Plan\_Sheet\_2  
KWS-ZZ-ZZ-DR-A-1257 Proposed Ground Floor Plan Clegg Block  
KWS-ZZ-ZZ-DR-A-1258 Proposed Ground Floor Plan Milne Block  
KWS-ZZ-ZZ-DR-A-1259 Proposed First Floor Plan Milne Block  
KWS-ZZ-ZZ-DR-A-1260 Proposed Ground Floor Plan Selwyn Block  
KWS-ZZ-ZZ-DR-A-1261 Proposed First Floor Plan Selwyn Block  
KWS-ZZ-ZZ-DR-A-1262 Proposed Ground Floor Plan New Teaching Block

KWS-ZZ-ZZ-DR-A-1263 Proposed First Floor Plan New Teaching Block  
KWS-ZZ-ZZ-DR-A-1264 Proposed Second Floor New Teaching Block  
KWS-ZZ-ZZ-DR-A-1265 Proposed Roof Plan New Teaching Block  
KWS-ZZ-ZZ-DR-A-1350 Proposed Site Sections Reference Plan  
KWS-ZZ-ZZ-DR-A-1351 Proposed Site Sections Sheet 01  
KWS-ZZ-ZZ-DR-A-1352 Proposed Site Sections Sheet 02  
KWS-ZZ-ZZ-DR-A-1354 Proposed Teaching Block Sections  
KWS-ZZ-ZZ-DR-A-1355 Proposed Clegg Block Sections  
KWS-ZZ-ZZ-DR-A-1450 Proposed Building Elevations Reference Plan  
KWS-ZZ-ZZ-DR-A-1451 Proposed Elevations Teaching Block East & West  
KWS-ZZ-ZZ-DR-A-1452 Proposed Elevations Teaching Block North & South  
KWS-ZZ-ZZ-DR-A-1453 Proposed Dining Extension Elevation North  
KWS-ZZ-ZZ-DR-A-1800 Proposed Parking Area 1 Plan  
KWS-ZZ-ZZ-DR-A-1801 Proposed MUGA Plan  
KWS-ZZ-ZZ-DR-A-1802 Proposed Parking Area 2 Plan  
KWS-ZZ-ZZ-DR-A-1803 Proposed Entrance Landscape Works

Received on the 19 October 2018:

KWS-ZZ-ZZ-DR-A-1451 Proposed Elevations Teaching Block East & West - Rev.P03  
KWS-ZZ-ZZ-DR-A-1452 Proposed Elevations Teaching Block North & South-  
Rev.P03.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. The demolition of the Ballard building is likely to cause harm to common pipistrelle bats as identified in the Ecological Survey and assessment by ERAP Ltd, ref 2017-229 and demolition shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or

b) a statement in writing from the relevant licensing body or the local planning authority to the effect that it does not consider that the specified development will require a licence.

Reason - To ensure the protection of valued species and enhancement of biodiversity.

4. Prior to any earthworks being commenced, a method statement detailing eradication and/or control and/or avoidance measures for Himalayan balsam, wall cotoneaster and rhododendron shall be submitted to and approved in writing by the local planning authority. The approved method statement shall be adhered to and implemented in full.

Reason - In the interests of public health.

5. No works to trees or shrubs shall occur between the 1<sup>st</sup> March and 31<sup>st</sup> August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the local planning authority.

Reason - To ensure the protection of valued species.

6. Prior to the first occupation of the development hereby permitted, full details of biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme.

Reason - To ensure the protection of valued species and enhancement of bio-diversity.

7. Other than the demolition of the existing Ballard building hereby approved, no development shall take place until details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable and restrict the rate of discharge to the lowest possible rate, have been submitted to and approved in writing by the Local Planning Authority. The drainage shall be provided in accordance with the approved details before the building is brought into use.

Reason - To secure proper drainage and to manage the risk of flooding and pollution.

8. Other than the demolition of the existing Ballard building hereby approved, no above ground works shall commence unless and until full details of both hard and soft

landscape works have been submitted to and approved in writing by the Local Planning Authority. The landscaping works will include:

- details of replacement tree planting;
- ecological mitigation planting to the southern boundary;
- a scheme of mitigation planting in relation to the Rochdale Road car park (Area 1) and the impact of the Teaching Block and MUGA;
- surfacing details of the MUGA;
- surfacing details of Rochdale Road car park (Area 1) and Grampian Way/Duchess St car park (Area 2).

The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

Reason - To ensure that the development site is landscaped to an acceptable standard in the interests of protecting the visual amenity, character of the site and its surroundings and ecology.

9. All hard and soft landscape works for the site to comply with condition 8 shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme approved in writing by the Local Planning Authority. Thereafter, any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan.

Reason - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area.

10. Notwithstanding the approved plans, no above ground works of the buildings and car parks hereby approved shall commence unless and until a scheme detailing existing ground levels and all finished floor and site levels, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed entirely in accordance with the approved details.

Reason - In the interests of visual amenity and land stability.

11. No development in relation to the construction of the replacement MUGA shall be commenced until details of the specification, design and layout of the MUGA have been submitted to and approved in writing by the local planning authority. The development shall be implemented fully in accordance with the approved details.

Reason - In order to ensure the protection and enhancement of sports facilities.

12. No use of the MUGA shall take place until a boundary/fence treatment scheme (including location, height, colour and design, and details to reduce the noise from the ball impact) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the use commences and shall be retained thereafter.

Reason - To protect the amenity of occupants of nearby premises.

13. Notwithstanding the approved plans, no development of any boundary treatment shall take place unless and until a plan has been submitted to and approved in writing by

the Local Planning Authority that indicates the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the buildings are occupied.

Reason - To ensure an acceptable form of development is achieved in the interests of visual amenity.

14. The proposed development shall be constructed in accordance with the recommendations contained within section 3.3 of the submitted Crime Impact Statement (Ref:2012/0876/CIS/01 Version A:30/10/17) and shall reflect the physical security specification listed within sections 4 & 5 of the appendices within the submitted Crime Impact Statement.

Reason - To protect public safety.

15. Prior to installation of external facing materials, samples and/or specification details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples or specifications.

Reason - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area.

16. The development shall not be brought into use unless and until a colour scheme to paint the wall and roof mounted services on the north-west and south-west elevation of the Clegg Building (facing Rochdale Road and the Public Right of Way), has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the adjacent car park is brought into use.

Reason - In the interests of visual amenity and the setting of heritage buildings.

17. The development hereby approved shall not be brought into use unless and until the car parking spaces have been provided in accordance with the approved plan received on the December 2017 (Ref: Dwg No. CHSS-KWS-ZZ-ZZ-DR-A-SK012 Rev P02) and thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason – To ensure that adequate off street parking facilities are provided for the development so that parking does not take place on the highway to the detriment of the highway safety.

18. Prior to the occupation of the development, details of a School Travel Plan shall be submitted to and approved in writing by the local planning authority. The plan shall show measures to reduce the need to travel to and from the site by private transport and the timing of such measures. Within six months of the occupation of the development, the plan shall be implemented in accordance with the details as approved and retained thereafter.

Reason – To ensure the development accords with sustainable transport policies.

19. Notwithstanding any details provided as part of the application, no above ground works of the buildings and car parks hereby permitted shall take place until a detailed scheme for all external lighting to be installed has been submitted to and approved in writing by the Local Planning Authority. The details shall include the position and height of lighting on the building or site and its luminance, angle of installation and

any shields to be fixed to the lights. Only lighting as approved shall be installed on the site.

Reason - To protect the amenities of occupiers of nearby residential properties from lighting spill and luminance.

20. Secure cycle parking facilities shall be provided within the site prior to the first occupation of the development hereby permitted, in accordance with details that shall first have been submitted to and approved in writing by local planning authority. Such facilities shall thereafter remain available for users of the development.

Reasons - To ensure adequate cycle storage facilities are available to users of the development

21. No development hereby approved shall be brought into use unless and until details of a school safety zone, located on the approach to the site along Rochdale Road, has been submitted to and approved in writing by the local planning authority, and the approved scheme has been implemented in accordance with the approved details. The detailed school safety zone scheme should include for the following provisions:

- KEEP CLEAR road marking to the entrance and exit of proposed car park 1 on Rochdale Road.
- Toucan pedestrian crossing to be located between the south bus stop lay-by and Millbrae Gardens on Rochdale Road.
- School safety zone signs on Rochdale Road.

Reasons – To facilitate the safe movement of pedestrians, cyclists and other highway users in the vicinity of the development.

22. No development hereby approved shall be brought into use unless and until details of a school safety zone, on the approach to the site along Grampian Way / Duchess Street, has been submitted to and approved in writing by the local planning authority and the approved scheme has been implemented in accordance with the approved details. The detailed school safety zone scheme should include for the following provisions:

- Removal of 1 pair of speed cushions on Duchess Street.
- Installation of 5 pairs of speed cushions on Duchess Street/Grampian Way.
- School safety zone signs on Duchess Street/Grampian Way.
- 20mph zone signs to be extended on Duchess Street/Grampian Way.
- On street school bus stop on Duchess Street.
- Residents parking lay-by on Duchess Street.
- Amendments to Derwent Drive/Duchess Street Junction.

Reasons – To facilitate the safe movement of pedestrians, cyclists and other highway users in the vicinity of the development.

23. The development hereby approved shall not be brought into use unless and until a Parking Management Plan, detailing the operation and availability of the school car parks during events out of school hours has been submitted to and approved in writing by the Local Planning Authority. Thereafter all measures that form part of the approved management plan shall be implemented and remain available for users of the facility.

Reason - To ensure that adequate off-street parking facilities are provided for the development so that parking does not take place on the highway to the detriment of highway safety.

24. Other than the demolition of the existing Ballard building hereby approved, no above ground works shall commence unless and until a detailed energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement



shall set out how the development will accord with the Energy Infrastructure Target Framework set out in Policy 18 of the Oldham Local Development Framework Joint Core Strategy and Development Management Policies DPD and shall detail how:

- a target area has been determined; and
- how the development will meet this target.

The development shall be carried out in accordance with the approved scheme and phasing arrangements and retained as operational at all times thereafter.

Reason – In the interests of sustainability and energy efficiency.

25. The development hereby permitted shall be undertaken in full accordance with the recommendations of the:

- Phase 2 Desk Study Report No. 3445/01 by TerraConsult Ltd completed in October 2017
- Updated Ground Gas Risk Assessment letter report Ref 3445/LR02-2/RJC by TerraConsult Ltd. (which recommended gas protection measures to meet the requirements of Characteristic Situation 2, in line with BS8485:2015)

Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report in order to discharge the condition.

Reason - In order to protect public safety from land contamination and the environment.

26. Other than the demolition of the existing Ballard building hereby approved, no above ground works shall commence unless and until a detailed scheme for any ventilation (including design, location and colour details of externally mounted plant and equipment and noise insulation details) have been submitted to and approved in writing by the Local Planning Authority. Any work implementing the scheme shall be completed before the use commences and shall be retained at all times thereafter.

Reason - To protect the amenity of nearby residents.

27. During construction and demolition, no vehicular movements from construction vehicles to and from and/or within the site shall take place except between 07:30 and 18.00 hours each day, Monday to Saturday, and at no times on Sundays or Bank Holidays and Public Holidays.

Reason - To protect the amenity of occupiers of nearby properties.

28. The use of the MUGA hereby permitted for sporting activities shall be restricted to between 08.00 to 21.00 hours, Monday to Friday, and 09.00 to 18.00 hours on Saturday, Sunday and Bank/Public Holidays.

Reason - To protect the amenity of occupiers of nearby residential properties.

29. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts, along with contractors' contact details. The approved scheme shall be maintained for the duration of the construction works.

Reason – To protect the amenity of neighbouring residents during construction works.

30. Prior to the commencement of any works which would involve the temporary loss of

sports pitches, details of the construction compound and access (including location, size and design) and proposal details for the reinstatement of the site upon completion of the works shall be submitted to and approved in writing by the local planning authority. The development shall be implemented fully in accordance with the approved scheme.

Reasons - In order to ensure the protection of sports facilities.

341768



Planning Services  
 Oldham MBC  
 PO Box 30  
 Civic Centre  
 West Street  
 Oldham  
 OL1 1UQ

Contact Us -  
 Phone: 0161 911 4105  
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 Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
 Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

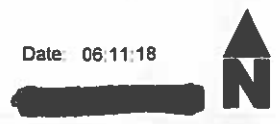
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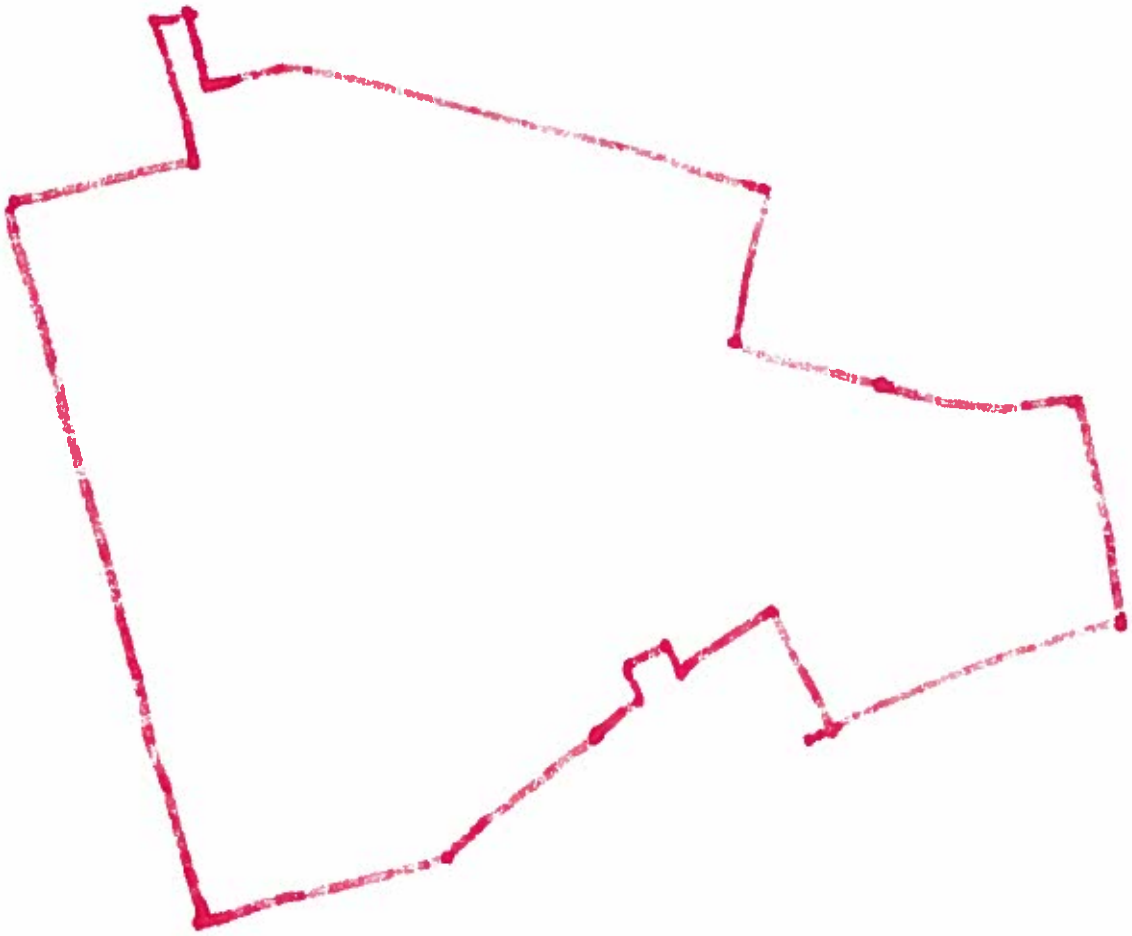
**OLDHAM**   
 Metropolitan Borough 

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 Ordnance Survey

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## APPLICATION REPORT - PA/341773/18

Planning Committee, 14 November, 2018

**Registration Date:** 01/08/2018  
**Ward:** Saint James'  
**Application Reference:** PA/341773/18  
**Type of Application:** Full Planning Permission

**Proposal:** Proposed replacement portal frame factory unit (use class B1c).  
Demolition of single storey building and part demolition (single storey lean-to section) of a main factory unit.

**Location:** G M Machinery, Barry Street, Oldham, OL1 3NE  
**Case Officer:** Tessa McKee

**Applicant** Mr Taylor  
**Agent :** Mr Tetlow

---

### THE SITE

The application site is within Acorn Industrial Estate, which is accessed off Barry Street, Oldham, and is surrounded to the west, south, and east by further industrial premises. There are residential properties across Derker Street to the north; however, these are screened from the site by a well-established line of trees and shrubs.

The site contains a large brick building with a double gable frontage, to the side of which is a single storey lean-to section. Adjacent is a single storey, pitched roof portal frame building. A further block of small industrial units is located to the north side of the site.

### THE PROPOSAL

Planning permission is sought for the demolition of the existing single storey portal building and lean-to section of the main GM Machinery building. These will be replaced by a new building which will be attached to the northern side of the main building. The overall footprint of the new building will be a similar width and length to the removed buildings, whilst enclosing the presently open space between the buildings to create more internal space.

The proposed building measures approximately 56.6m overall in length, and 23.5m in width. It measures approximately 9.5m in height to its eaves, 12.2m to the ridge, and has a gable roof design. The net additional floor space would be 282.8 square metres.

The walls are proposed to be constructed in facing brick, block dado walls, pvc coated cladding, and the roof is to be pvc coated metal cladding with pvc roof lights. It will include timber doors and steel roller shutters.

The proposed hours of use are 07.30 – 17.00 (Monday to Friday) and 07.30 – 13.00 (Saturday).

### RELEVANT HISTORY OF THE SITE:

There have been various applications associated with employment uses on the Acorn Business Park.

### RELEVANT PLANNING POLICIES AND GUIDANCE

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).

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is within a Business Employment Area as allocated by the Proposals Map associated with this document.

The following Joint Development Plan Document Policies are considered to be relevant:

Policy 1 - Climate change and sustainable development;

Policy 9 - Local environment;

Policy 14 - Supporting Oldham's Economy

Policy 20 - Design

## CONSULTATIONS

Highway Engineer	No objection, subject to a condition to ensure adequate parking and servicing space.
Environmental Health	No objection, subject to conditions in relation to land contamination and sound insulation.
Coal Authority	No objection, subject to a condition requiring intrusive site investigations.
United Utilities	No objection, subject to conditions requiring a satisfactory scheme of drainage.

## REPRESENTATIONS

This application was publicised by way of a site notice and neighbour notification letters. No responses have been received.

## PLANNING CONSIDERATIONS

The main issues to consider are:

- Principle of the proposed development
- Design;
- Residential amenity;
- Highway safety; and
- Other matters.

### Principle of the proposed development

DPD Policy 1 seeks to ensure the effective and efficient use of land and buildings. DPD Policy 14 states that it is important that Oldham has a range of sites to support the local economy for both existing and new firms within the area.

The existing site and business has a history of commercial activity and the proposed building and use would retain this function. The application is acceptable in principle as the development would support an existing local business and maintain an employment generating use on the site. It is therefore considered compliant with the aims and objectives of Policy 14.

### Design

DPD Policy 20 promotes high quality design and requires that new development should reflect local characteristics whilst not resulting in a significant adverse impact on the visual amenity of the surrounding area.

The proposed building is taller than the buildings to be replaced, but will be of similar overall height to the main building and is of an appropriate scale and massing in relation to the surrounding industrial/commercial units. Proposed facing materials will reflect those used on other buildings in the vicinity of the site and would therefore be appropriate in this setting. In this context the proposal would satisfy the objectives of Policy 20.

### Residential Amenity

DPD Policy 9 requires that development does not adversely affect the environment or human health caused by air quality, odour, noise, vibration or light pollution, or cause significant harm to the amenity of existing and future occupants through impacts on privacy, safety, security, noise, pollution, visual appearance of an area, access to daylight, and other nuisances.

The nearest residential property on the opposite side of Derker Street to the north is a minimum distance of approximately 35 metres from the proposed building and screened by the established bank of trees. Other properties are located at a greater distance, and again well screened by the existing trees. The Environmental Health team has recommended a noise insulation condition which will assist in containing any potential noise associated with the proposal. Subject to a noise insulation condition, the impact is considered acceptable.

### Highway safety

The Highway Engineer is satisfied that the proposed development will not have a significant effect on the local highway network and does not wish to restrict planning permission being granted for highway safety reasons subject to a condition to ensure that the turning area and parking spaces outlined in the submission is maintained at all times within the site.

### Other matters

#### *Ground conditions*

The Coal Authority and the Council's Environmental Health recommend conditions requiring intrusive site investigations and the submission of a remediation strategy and landfill gas investigations before any development of the proposed building takes place and these are included in the recommendation.

#### *Drainage*

DPD Policy 19 seeks to direct development away from areas at risk of flooding and encourages the use of sustainable drainage systems (SUDS) in new development. Criterion (b) of the policy states that developments must 'minimise the impact of development on surface water run-off. The allowable discharge rates must be agreed with the council for all developments, which must where possible be achieved through the implementation of SUDS'. The NPPF identifies that development should ensure that developments do not increase flood risk elsewhere.

In this respect, it is considered expedient to attach conditions requiring the submission of an appropriate drainage strategy to ensure that the post-development surface water discharge in order to comply with DPD Policy 19 and the NPPF.

### Conclusion

The proposed development will provide improved facilities for an existing business and can be satisfactorily accommodated on this established employment site. It would therefore comply with relevant national and local planning policies subject to the recommended conditions.

Approve, subject to the following conditions:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the approved plan and specifications referenced Drawing No. RC 02185309/2.A.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. Other than the demolition of the existing buildings hereby approved, no development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk 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, in order to discharge the condition.

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

4. Other than the demolition of the existing buildings hereby approved, no development shall commence unless and until a site investigation and assessment in relation to the potential risks posed to the development by past shallow coal mining activity has been carried out and the consultant's report and recommendations, including details of intrusive site investigations, the results of any gas monitoring and a scheme of any necessary remedial works to render the site suitable for the development, have been submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any unexpected hazards are found which have not been identified in the site investigation, additional measures for their remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

Reason - To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely.

5. Other than the demolition of the existing buildings hereby approved, no development shall take place until details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable and restrict the rate of discharge to the lowest possible rate, have been submitted to and approved in writing by the Local Planning Authority. The drainage shall be provided in accordance with the approved details before the building is brought into use.

Reason - To secure proper drainage and to manage the risk of flooding and pollution.

6. Other than the demolition of the existing buildings hereby approved, no development shall take place unless and until a scheme for protecting the existing housing from noise from the proposed building has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the building is first occupied and retained thereafter.

Reason - To ensure the protection of the occupiers of nearby residential dwellings.



7. Prior to the commencement of any above ground construction works to the building hereby approved, a specification and colour scheme for all external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located.

8. The development hereby approved shall not be brought into use unless and until the car parking spaces and turning areas have been provided in accordance with the approved plan received on 2nd May 2018 (Ref: Dwg No. RC 02185309/2) and thereafter the parking spaces and turning areas shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided for the development so that parking does not take place on the highway to the detriment of highway safety.

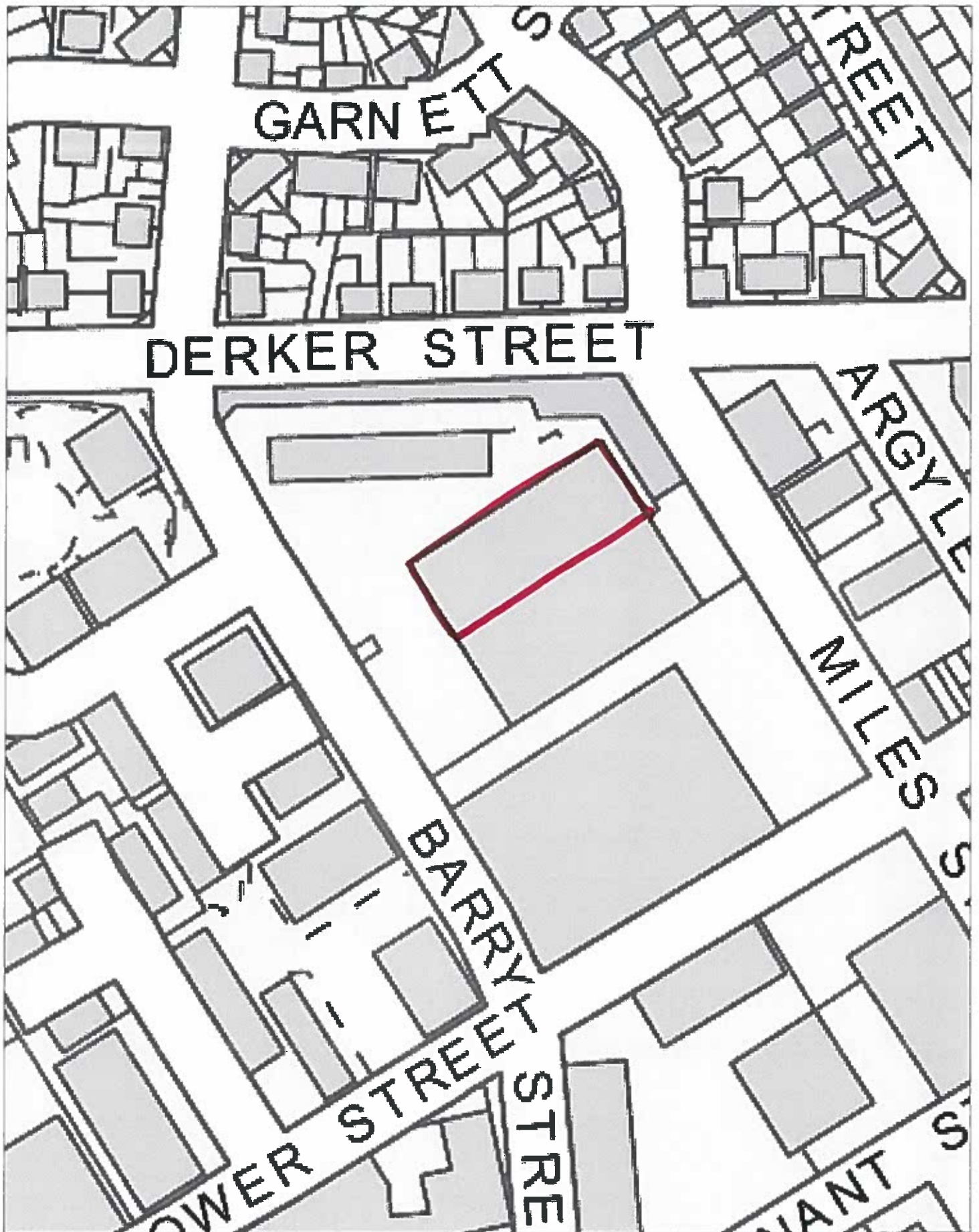
9. Prior to the commencement of the construction of the building hereby approved, a detailed energy statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall set out how the development will accord with the Energy Infrastructure Target Framework set out in Policy 18 of the Oldham Local Development Framework Joint Core Strategy and Development Management Policies DPD.

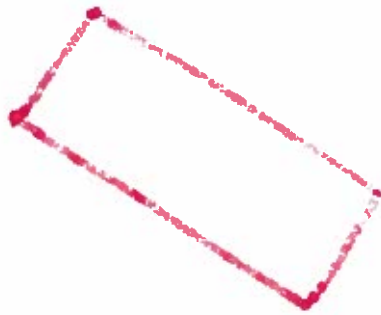
The development shall be carried out in accordance with the approved scheme and retained as operational at all times thereafter.

Reason – In the interests of sustainability and energy efficiency.



341773





## APPLICATION REPORT - PA/342202/18

Planning Committee, 14 November, 2018

**Registration Date:** 06/08/2018  
**Ward:** Chadderton Central  
**Application Reference:** PA/342202/18  
**Type of Application:** Full Planning Permission

**Proposal:** Extension of existing building for the provision of a new nursery classroom for the school and alterations to the existing school car park to provide extra car parking spaces.  
**Location:** Kingfisher School, Foxdenton Lane, Chadderton, OL9 9QR  
**Case Officer:** Matthew Taylor  
**Applicant Agent :** Oldham Council  
Kier

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### THE SITE

The application site accommodating Kingfisher School, is a single storey building set within a large site. Ancillary facilities include car parking, garages/storage buildings, playing fields and open land to the rear of the site. The school serves Oldham's children with severe and complex learning needs at primary children age.

The site is accessed off Foxdenton Lane, Chadderton, and is bounded predominantly by residential properties along the north and east boundaries. To the west and south the neighbouring uses are either open space or commercial buildings.

### THE PROPOSAL

Planning consent is sought for the following:

- The erection of a single storey rear extension for the provision of a new nursery classroom; and
- Alterations to the existing school car park to provide an extra 31 no. car parking spaces.

### RELEVANT HISTORY OF THE SITE:

PA/058206/10 - 1) Creation of new entrance 2) Single storey extension 3) 3 no. single storey in-fill extensions 4) refurbishment and remodel of existing school buildings – Granted 06/07/2010.

PA/339127/16 - Demolition of existing outbuildings followed by the construction of a new hydrotherapy pool for the school. Addition of glazed roof to existing internal courtyard to provide extra learning space – Granted 17/11/2016.

### RELEVANT PLANNING POLICIES & GUIDANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 11 of the National Planning Policy Framework

(NPPF).

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is unallocated on the Proposals Map associated with this document.

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

Joint Development Plan Document

Policy 1 - Climate change and sustainable development;

Policy 2 – Communities;

Policy 9 - Local environment;

Policy 16 - Local Services and Facilities; and

Policy 20 – Design.

## **CONSULTATIONS**

Highway Engineer	Does not wish to restrict the granting of planning permission following confirmation of the number of additional pupils that will be on site as a result of the proposal.
Environmental Health	A Phase 2 site investigation with gas monitoring is required. As such, it is recommended a appropriately worded condition is attached to require this is undertaken prior to occupation of the development.
Drainage	No objection.

## **REPRESENTATIONS**

This application was publicised by way of a site notice and neighbour notification letters. No responses have been received to this public consultation.

## **PLANNING CONSIDERATIONS**

In determining the application, the main issues to consider are:

- Principle of development
- Visual Amenity
- Residential Amenity
- Highway Safety

### Principle of development

In respect of DPD Policy 2, the proposed works are required to provide additional learning accommodation and upgraded learning facilities for students. Therefore the proposal is considered acceptable in principle against the provisions of DPD Policy 2, as it would improve the existing school facilities.

### Visual Amenity

In regards of design, visual amenity and impact on the street scene, DPD Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment, whilst DPD Policy 20 requires such proposals to respond positively to the environment, contribute to a distinctive sense of place, and make a positive contribution to the street scene.

To this end, it is considered that the proposed additions to the school have been designed in a manner to reflect an appropriate scale and massing in relation to the existing buildings. Furthermore, the external finish of the extension would follow the appearance of the existing modern addition and the currently extant planning consent for another addition given that the proposed external finish of the scheme includes modern cladding panels.

### Residential Amenity

DPD Policy 9 states that it is necessary to consider how the proposal impacts on the amenity of the occupants of adjoining residential properties and the visual appearance of an area.

From the proposed plans and a site visit, it is evident that the development will not have an adverse impact on neighbouring properties. This is because the proposed extension is located to the rear of the existing school and is screened from view by a existing landscaping strip along the rear boundary. In addition, the school is positioned on a lower ground level than the adjoining neighbouring properties limiting the impact on nearby dwellings. As such, the Council is satisfied that the proposed scheme would not result in any significant loss of amenity to the occupiers of nearby dwellings, and is therefore acceptable against DPD Policy 9.

### Highway Safety

The Council's Highways Engineer has assessed the scheme in terms of the potential impact on highway safety and does not wish to raise any objections to the scheme.

### Conclusion

The principle of the scheme and its overall design meet the aims and objectives set out within Policy 2 'Communities', Policy 9 'Local Environment' and Policy 20 'Design' of the Oldham LDF Joint DPD and therefore it is recommended the application be approved, subject to conditions.

## **RECOMMENDATION**

Approve, subject to the following conditions:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications, which are referenced as follows:

Drawing Number: 23470-KWS-ZZ-00DR-A-1200, Rev. P01, received on 6th August 2018.

Drawing Number: 23470-KWS-ZZ-00DR-A-1210, Rev. P01, received on 6th August 2018.

Drawing Number: 23470-KWS-ZZ-00DR-A-1350, Rev. P01, received on 6th August 2018.

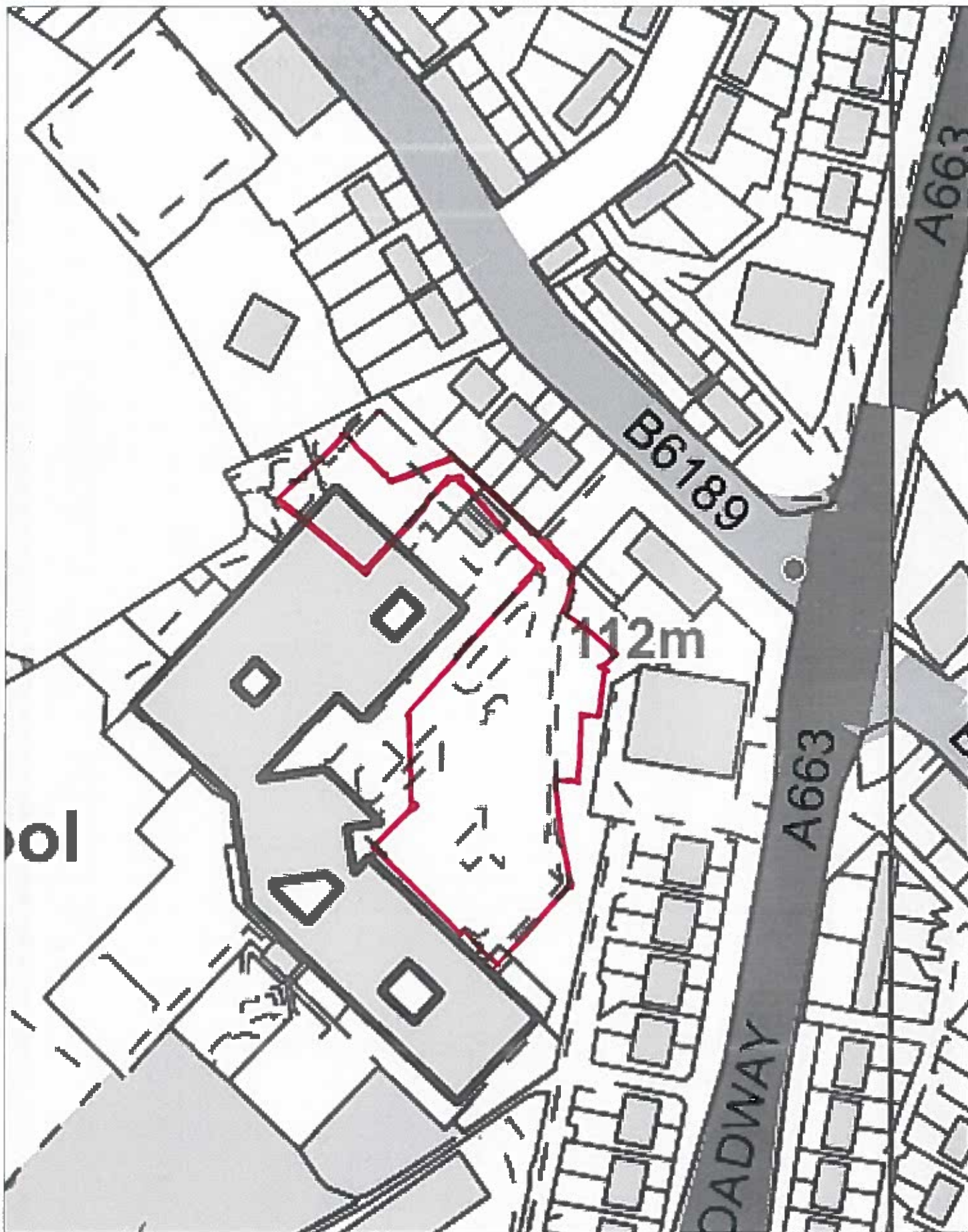
Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. The development hereby approved shall not be occupied unless and until a satisfactory completion report of the necessary programmed remedial measures for landfill gas outlined in the submitted Phase 1 Preliminary Investigation/desk Study Report (Report No 2867/01 Issue 1, 27<sup>th</sup> June 2016) has been submitted to and approved in writing by the Local Planning Authority.

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



342202





# **PLANNING COMMITTEE - BACKGROUND PAPERS**

## **REPORT OF THE HEAD OF PLANNING AND INFRASTRUCTURE**

### **PLANNING AND ADVERTISEMENT APPLICATIONS**

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information defined by that Act.

### **THE BACKGROUND PAPERS**

1. **The appropriate planning application file:** This is a file with the same reference number as that shown on the Agenda for the application. It may contain the following documents:
  - The application forms
  - Plans of the proposed development
  - Certificates relating to site ownership
  - A list of consultees and replies to and from statutory and other consultees and bodies
  - Letters and documents from interested parties
  - A list of OMBC Departments consulted and their replies.
2. **Any planning or advertisement applications:** this will include the following documents:
  - The application forms
  - Plans of the proposed development
  - Certificates relating to site ownership
  - The Executive Director, Environmental Services' report to the Planning Committee
  - The decision notice
3. Background papers additional to those specified in 1 or 2 above or set out below.

### **ADDITIONAL BACKGROUND PAPERS**

1. The Adopted Oldham Unitary Development Plan.
2. Development Control Policy Guidelines approved by the Environmental Services (Plans) Sub-Committee.
3. Saddleworth Parish Council Planning Committee Minutes.
4. Shaw and Crompton Parish Council Planning Committee Minutes.

These documents may be inspected at the Access Oldham, Planning Reception, Level 4 (Ground Floor), Civic Centre, West Street, Oldham by making an appointment with the allocated officer during normal office hours, i.e. 8.40 am to 5.00 pm.

Any person wishing to inspect copies of background papers should contact Development Management telephone no. 0161 770 4105.





## Planning Appeals Update

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### **Planning Committee**

#### **Report of Head of Planning and Infrastructure**

#### **DATE OF COMMITTEE**

**November 2018**

#### **PLANNING APPEALS**

#### **WRITTEN REPRESENTATIONS**

#### **HOUSE HOLDER**

HH/341823/18                      59 Devon Street, Oldham OL9 7BZ

#### **ADVERTISEMENTS**

#### **APPEAL DECISIONS**

HH/341204/18	14 Pickhill Lane, Uppermill, OL3 6BN
Original Decision	Del
Appeal Decision	Allowed on appeal

PA/340209/17	149a Manchester Road, Greenfield, OL3 7HJ
Original Decision	Del
Appeal Decision	Dismissed

**RECOMMENDATION -**            That the report be noted.

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information as defined by that Act.

Files held in the Development Control Section

The above papers and documents can be inspected from 08.40am to 4.30pm on level 12, Civic Centre, West Street, Oldham.

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## Appeal Decision

Site visits made on 3 July 2018 and 4 September 2018

**by Jillian Rann BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 October 2018

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**Appeal Ref: APP/W4223/W/18/3200347**

**14 Pickhill Lane, Uppermill OL3 6BN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Raymond Southern against the decision of Oldham Metropolitan Borough Council.
  - The application Ref HH/341204/18, dated 15 December 2017, was refused by notice dated 21 March 2018.
  - The development proposed is an extension to existing dwelling.
- 

### Decision

1. The appeal is allowed and planning permission is granted for an extension to existing dwelling at 14 Pickhill Lane, Uppermill OL3 6BN in accordance with the terms of the application, Ref HH/341204/18, dated 15 December 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
    - Location Plan drawing 1442.PL01;
    - Existing Drawings 1442.PL02;
    - Proposed Drawings 1442.PL03 revision A;
    - Existing and Proposed Site Plans drawing 1442.PL04;
    - Existing and Proposed Roof Plans drawing 1442.PL05.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Preliminary Matters

2. The Council has confirmed that its decision was based on a revised drawing, reference 1442.PL03 revision A (the revised drawing), but that this drawing was not the subject of further publicity during the course of the application. The revisions related to the design of the proposed extension, and included changes to the size and position of the first floor rear windows, and a reduction in the amount of glazing to the side and rear elevations at ground floor level.

3. In its letter notifying interested parties of the appeal, the Council has made specific reference to the revised drawing, and to the opportunity for further representations to be submitted in this respect as part of the appeal process. Whilst no further representations were received, I am satisfied that all parties have had the opportunity to comment and would not be prejudiced by my dealing with the appeal on the basis of the revised drawing, consistent with the Council's own determination.
4. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. I have given the main parties the opportunity to comment on this. No further comments have been received.

### **Main Issue**

5. The main issue is the effect of the proposed development on the character and appearance of the appeal site and its surroundings, including Uppermill Conservation Area.

### **Reasons**

6. The appeal site is a stone, mid-terraced house in Uppermill Conservation Area (the CA). Whilst there is some more recent development to the rear of the site, this part of the CA is characterised mainly by streets of close-knit stone housing, including terraces and some larger detached properties. The appeal site and its neighbours make a positive contribution to this character.
7. To the rear, the appeal property and its neighbours have small, open plan garden areas. Due to the low fence at the end of the garden alongside Hawthorpe Grove, and the topography of surrounding land, the rear of the terrace can be clearly viewed from this adjacent road, which serves numerous properties to the rear of the site. As such, whilst less formal than the front of the terrace, this rear elevation also contributes to the character of this part of the CA.
8. The two storey part of the proposed extension would be set down below the ridge of the existing building, thus remaining subservient in height to the host property. Its rear gable would sit alongside a similar two-storey gable to the rear of the adjoining property, No 12 and, although it would project slightly further than this existing gable, I do not find that this relationship would appear awkward or discordant.
9. The ground floor of the proposed extension would not project any further than other single storey extensions elsewhere on the same terrace and, in contrast to the predominantly-glazed extensions to the rear of neighbouring properties, would be built predominantly in stone to match the existing building.
10. The design and detailing of the extension as a whole would reflect the positive characteristics of the existing building, including in the proportions and detailing of its upper floor windows, and the use of matching materials.
11. For the reasons given above, I consider that the extension would appear as a subservient and sympathetic addition, which would not appear unduly prominent, but would sit comfortably alongside the existing building and other neighbouring extensions. The extension would therefore preserve the character and appearance of the host building, and of the CA.



12. I therefore conclude that the proposed extension would not harm the character or appearance of the appeal site or its surroundings, including the Uppermill Conservation Area. The proposal would therefore not conflict with Policy 24 of the Oldham Local Development Framework: Development Plan Document – Joint Core Strategy and Development Management Policies. Amongst other things, this policy states that development within a conservation area must serve to preserve or enhance the character or appearance of the area, and that proposals for all new development, including extensions to buildings, must have a sensitive and appropriate response to context and good attention to detail.
13. The proposal would also accord with the Framework, which requires that, when considering the impact of a proposed development on the significance of a designated heritage asset – in this case the CA – great weight should be given to the asset’s conservation.

### **Other Matters**

14. I have been referred to a previous appeal decision for an extension to the rear of the property, which was dismissed. However, on the basis of the evidence before me, it is clear that the previous appeal related to a single storey extension, which included a high proportion of glazing to its elevations. The proposal before me includes a two-storey component, and would have a more traditional design and solid appearance, with its elevations built predominantly in stone, and glazing details and proportions closely reflecting those on the existing building. Having had due regard to the previous appeal decision, I am therefore satisfied that the current proposal is materially different for these reasons.

### **Conditions**

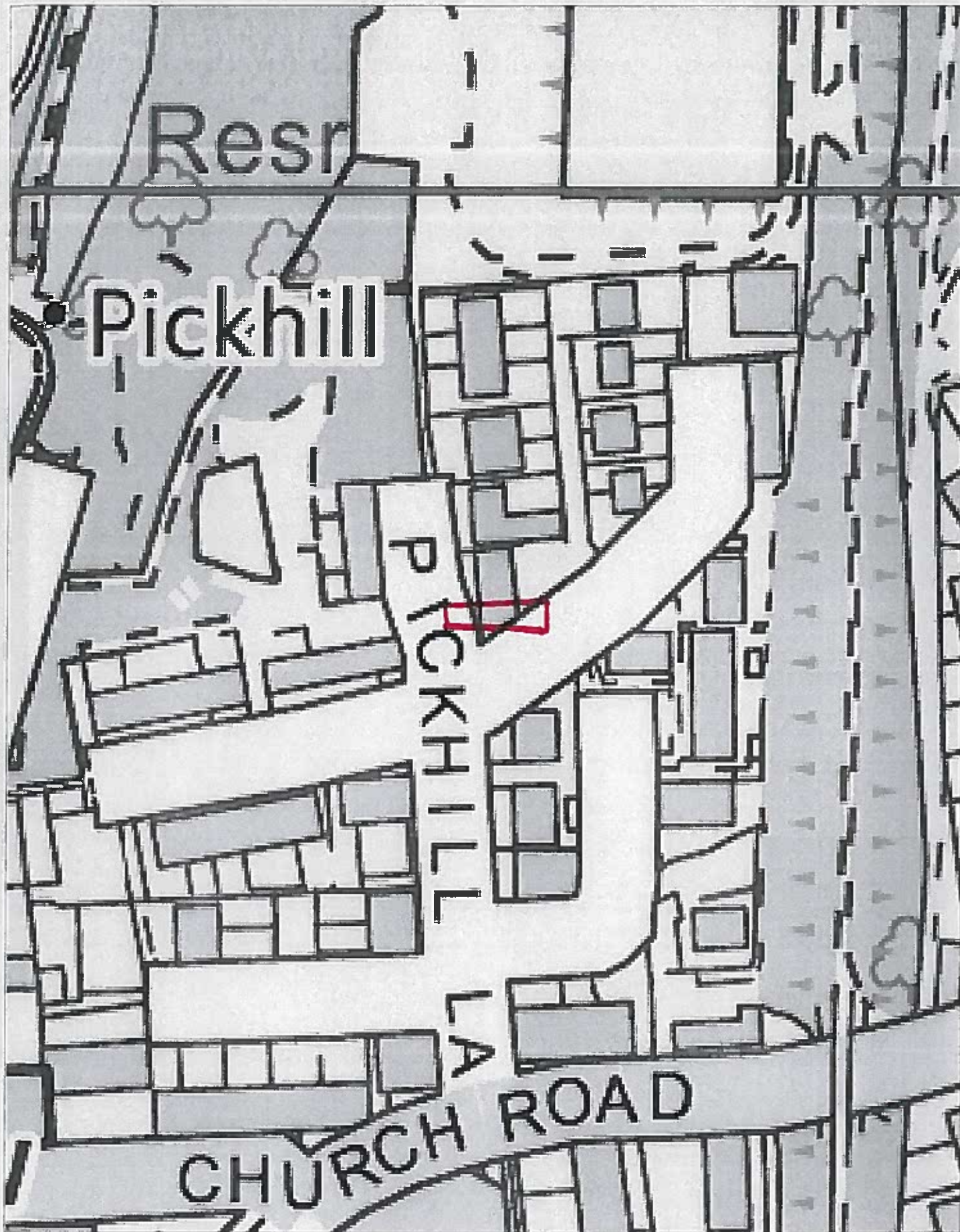
15. I attach a condition specifying the approved plans, for certainty, and a condition requiring the use of matching materials, to preserve the character and appearance of the Conservation Area.

### **Conclusion**

16. For the reasons given above, and having regard to all other matters raised, the appeal is allowed.

*Jillian Rann*  
INSPECTOR









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## Appeal Decision

Site visit made on 25 September 2018

by **Siobhan Watson BA(Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 October 2018

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**Appeal Ref: APP/W4223/W/18/3202396**

**149A Manchester Road, Greenfield, Oldham, OL3 7HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for approval of details required by condition of an outline planning permission.
  - The appeal is made by D Kaberry (Kaberry Building) against the decision of Oldham Metropolitan Borough Council.
  - The application Ref PA/340209/17 is dated 11 May 2017.
  - The development proposed is the reserved matters for 4 dwellings (approval of appearance, landscaping, layout and scale) following outline permission for residential development approved under application No PA/337274/15.
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### Decision

1. The appeal is dismissed and planning permission is refused.

### Application for costs

2. An application for costs was made by D Kaberry (Kaberry Building) against Oldham Metropolitan Borough Council. This application is the subject of a separate Decision.

### Procedural Matter

3. Outline planning permission for four dwellings has been granted. The only matter approved was access. This proposal seeks approval for appearance, landscaping, layout and scale. I have used the Council's description of development as it is more accurate than that used on the application form.
4. The Council has confirmed that it wishes to withdraw two of the committee's original reasons for resolving to refuse the appeal application. It no longer defends the Committee's previous concerns in respect of highway safety and overlooking. The Council's main concern now is that of the provision of private amenity space for the proposed dwellings. However, neighbours have raised concerns in respect of overlooking, outlook and highway safety and therefore I am obliged to consider these matters anyway.

### Main Issue

5. The main issue is the effect of the development upon the living conditions of both the occupiers of nearby dwellings and of the future occupiers of the appeal dwellings.

## Reasons

6. The proposed dwellings would be 2 storeys high with additional living accommodation in the roof space. Due to the orientation and use of high level and obscured windows, I consider that the design of the dwellings at Plots 1, 2 and 4 would not overlook the existing nearby properties. However, Plot 3 would have a clear glazed bedroom window close to the proposed rear boundary and this would unacceptably overlook the rear gardens of 2 and 4 Noon Sun Close.
7. Furthermore, the rear of Plot 1 and the gable of Plot 2 would be unacceptably close to the garden boundaries and houses of 30 and 32 Dacres Drive. In my assessment, the tall 2 storey massing of the proposed dwellings would be intrusive and overbearing upon the outlook from both inside these existing properties and from their gardens and I share the concerns expressed by interested parties in this respect. I appreciate that there is some change in land levels between the site and Dacres Drive but from what I observed at my visit, this would not mitigate the overbearing impact.
8. Whilst some of the proposed dwellings have shallow rear gardens, there is adequate overall space around them, as garden area at the side would contribute. Therefore, I consider that the living conditions of the future occupants of the proposed dwellings would be acceptable.
9. Whilst I consider that the proposed dwellings would provide adequate living conditions for their future occupiers, I conclude that the proposal would unacceptably harm the living conditions of the occupiers of surrounding properties. Consequently, the proposal would conflict with Policies 9 and 20 of the Oldham Local Development Framework<sup>1</sup> (OLDF) which seek to protect residential amenity and to encourage good design. It would also conflict with Paragraph 127 (f) of the National Planning Policy Framework which indicates that planning decisions should create places with a high standard of amenity for existing users.

## Other Matters

10. Neighbours have also expressed concern in respect of highway safety. The Council's Highway Engineer had no objection to the scheme. It is common for drivers of large vehicles to either reverse into short drives or to stop at the end and walk to the house. The proposed short drive would serve only 4 houses and therefore the frequency of lorries visiting the drive would be limited. Furthermore, it would be possible for the residents of the dwellings to bring their bins to the main road for collection should the Council's refuse service require this. I consider that the proposal would not harm highway safety.
11. I understand that the Council will fall short of a full five year housing land supply in 2018/19 but the harm I have identified significantly and demonstrably outweighs the benefit of the small contribution to housing supply that would result from the development. In any event, the principle of housing on this site has already been established. It is merely the details that I find unacceptable.
12. The Council has referred to OLDF Policy 4 but this relates to the local economy and is not directly relevant to the proposal. I have taken into account all other

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<sup>1</sup> Development Plan Document – Joint Core Strategy and Development Management Policies

matters, including representations from interested parties, but none outweigh the conclusions I have reached.

**Conclusion**

13. The proposal would not constitute sustainable development and I dismiss the appeal.

*Siobhan Watson*

INSPECTOR





