

PLANNING COMMITTEE Regulatory Committee Agenda

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| Date | Wednesday 21 April 2021 |
| Time | 6.00 pm |
| Venue | https://www.oldham.gov.uk/livemeetings . The meeting will be streamed live as a virtual meeting.. |
| Notes | <p>1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Constitutional Services in advance of the meeting.</p> <p>2. CONTACT OFFICER for this Agenda is Constitutional Services email constitutional.services@oldham.gov.uk</p> <p>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, 16 April 2021.</p> <p>4. PUBLIC SPEAKING – Any applicant or objector wishing to speak at this meeting must register to do so by email to constitutional.services@oldham.gov.uk by no later than 12.00 noon on Wednesday, 21 April 2021. Full joining instructions will be provided.</p> <p>5. 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.</p> <p>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.</p> <p>6. PLANNING CONSIDERATIONS - In determining each planning application, the Council has taken due regard of all material planning considerations, including national and local planning policies and legislation, and all representations received during the processing of the application.</p> |

Each application has been considered against the provisions of the Human Rights Act 1998. Under Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration has been given to their comments. Article 8 of the Convention and Article 1 of the First Protocol to the Convention confer a right to respect private and family life and a right to the peaceful enjoyment of possessions. On balance the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 of the Convention and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval/ refusal of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the discretion afforded by law to the Council under the Town and Country Planning Acts.

Each application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty which requires the Council, in the exercise of its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between such persons.

The Crime and Disorder Act 1998 imposes a duty upon the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area, the misuse of drugs, alcohol and other substances in its area and reoffending in its area. In making planning decisions under the Town and Country Planning Acts, due regard has been given to the provisions of the Crime and Disorder Act 1998.

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:
Councillors Akhtar, Davis (Vice-Chair), H. Gloster, Harkness, Hewitt, Hudson, Phythian, Garry, Ibrahim, Iqbal, Jacques, Malik, Surjan and Dean (Chair)

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 17th March 2021 are attached for Members' approval.

6 MMA/344723/20 - Land at Knowls Lane, Oldham, Oldham (Pages 5 - 38)

Variation of Conditions 8 (landscaping management) and amendments to approved plans within condition 13 (link road plans) to PA/343269/19 for up to 265 new homes (outline) and new link road between Knowls Lane and Ashbrook Road (full). Changes sought are; , Condition 8 to be separated into two conditions one relating to the link road and one the outline residential development. , Amendments to condition 13 to provide indicative location of speed tables provided within the proposed link road, and the inclusion of a separate cycleway and footway along the route of the proposed link road (no changes to alignment width or gradient of the proposed highway).

7 FUL/345659/20 - Land to the west of Broadway and Milton Drive, Chadderton, Oldham, OL9 9QS (Pages 39 - 74)

Residential development of up to 160 dwellings with vehicular access onto Broadway and Milton Drive, car parking, roads, landscaping and associated works and infrastructure following demolition of existing buildings.

8 FUL/346233/21 - Former Weavers Answer, 70-74 Milnrow Road, Shaw, Oldham, OL2 8ER (Pages 75 - 88)

Change of use from public house to supported accommodation

9 PA/344187/19 - 148 Middleton Road, Royton, OL2 5LL (Pages 89 - 106)

Residential Development to form 14 no Residential Apartments (Use Class C3) following demolition of existing public house

10 PA/343870/19 - Mayfield Primary School, Mayfield Road, Oldham OL1 4LG (Pages 107 - 110)

11 Appeals (Pages 111 - 116)

Appeals

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PLANNING COMMITTEE
17/03/2021 at 6.00 pm



Oldham
Council

Present: Councillor Dean (Chair)
Councillors Akhtar, Davis (Vice-Chair), H. Gloster, Phythian, Garry, Al-Hamdani (Substitute), Ibrahim, Iqbal, Jacques, Malik, Surjan and Sheldon (Substitute)

Also in Attendance:

Simon Rowberry	Interim Head of Planning
Alan Evans	Group Solicitor
Graham Dickman	Development Management Team Leader
Kaidy McCann	Constitutional Services
Sian Walter-Browne	Constitutional Services

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Harkness and Hudson and Councillors Al-Hamdani and Sheldon attended as substitutes.

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

The following public question was received from Ms Frankland in relation to Denbigh Drive, Shaw.

“Can you confirm that a Habitats Regulation Assessment for this site has been completed?”

What the Committee’s imperative reasons are for overriding the public interest in the protection of this and other green sites in the Shaw area and what are the proposed conservation objectives detailed in the assessment that covers this site?”

The Interim Head of Planning responded that, as no application had been submitted, no Assessment was presently available.

As part of any formal submission, the applicant would be required to submit information to accompany the proposal to demonstrate that any impacts on ecological interests had been fully addressed. This would include compliance with statutory requirements within the Habitats Regulations and any potential impacts on protected species. In addition, although outside the anticipated application site boundary, due regard would need to be given to any effects on the Site of Biological Importance which was located within the ponds/marsh area to the south of the site.

Any planning application would need to be determined in accordance with the prevailing planning policies and guidance. This included the National Planning Policy Framework (NPPF), along with any local plan policies, the weight given to which would be in accordance with the level of consistency with the policies within the NPPF.

As the Council could not presently demonstrate a 5 year supply of deliverable housing sites, the presumption in favour of sustainable development set out in paragraph 11 of the NPPF would apply. If an application were to be refused, it would be necessary to show that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies within the NPPF as a whole.

5 MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 20th January 2021 be approved as a correct record.

6 PA/344654/20 - DR KERSHAW'S HOSPICE, TURF LANE, ROYTON, OLDHAM OL2 6EU

APPLICATION NUMBER: PA/344654/20

APPLICANT: Dr Paul Cook

PROPOSAL: Change of use of wooded area to land for the sole use of an extended garden area for Dr. Kershaw's Hospice, and construction of fencing within the site.

LOCATION: Dr Kershaw's Hospice, Turf Lane, Royton, Oldham, OL2 6EU,

It was **MOVED** by Councillor Davis and **SECONDED** by Councillor Garry that the application be **APPROVED**.

On being put to the vote the Committee was unanimously **IN FAVOUR** of the application.

DECISION: That the application be **GRANTED** subject to the conditions as outlined in the report.

7 FUL/345308/20 - PLOT 01, WOODFIELD CENTRE, NETHERFIELD CLOSE, OLDHAM OL8 4ET

APPLICATION NUMBER: FUL/345308/20

APPLICANT: Mr Z Chauhan

PROPOSAL: Proposed erection of detached two story dwelling with associated landscape and external works

LOCATION: Plot 01, Woodfield Centre, Netherfield Close,
Oldham OL8 4ET



It was MOVED by Councillor Dean and SECONDED by
Councillor Malik that the application be APPROVED.

On being put to the vote the Committee was unanimously IN
FAVOUR of the application.

DECISION: That the application be GRANTED subject to the
conditions as outlined in the report.

8

APPEALS

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

The meeting started at 6.00 pm and ended at 6.32 pm

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APPLICATION REPORT - MMA/344723/20 Planning Committee 21st April 2021

Registration Date: 28th July 2020
Ward: Saddleworth West And Lees

Application Reference: MMA/344723/20
Type of Application: Minor Material Amendment

Proposal: Variation of Conditions 8 (landscaping management) and amendments to approved plans within condition 13 (link road plans) to PA/343269/19 for up to 265 new homes (outline) and new link road between Knowls Lane and Ashbrook Road (full). Changes sought are; , Condition 8 to be separated into two conditions one relating to the link road and one the outline residential development. , Amendments to condition 13 to provide indicative location of speed tables provided within the proposed link road, and the inclusion of a separate cycleway and footway along the route of the proposed link road (no changes to alignment width or gradient of the proposed highway).

Location: Land at Knowls Lane, Oldham, Oldham
Case Officer: Jill Nixon
Applicant: Russell Homes UK Ltd
Agent : Mr Dan Ingram

RECOMMENDATION

It is recommended that the application is approved subject to the conditions set out below and to the requirements of the Section 106 agreement completed in respect of application PA/343269/19 and dated 4th December 2019 for the following:

- 60 affordable housing dwellings;
- Off-site highway works to the value of £115000;
- Management of the open space to be provided on site, and;
- The transference of land to St Agnes Church of England Primary School.

THE SITE

The site comprises an irregular shaped area of land on the south eastern edge of Lees surrounded primarily by existing development to the west, north, and east. Knowls Lane and Thornley Lane demark the southern boundary with open land and scattered development to the south-east.

Most of the site comprises vacant open grassland which was historically used for agricultural purposes. The wooded valley of Thornley Brook runs through the north of the site, alongside which runs public footpath 26 OLDH. Further public footpaths 25 OLDH and 27 OLDH also traverse the site north to south.

Part of the site has recently been designated by Natural England as Ancient Woodland.

RELEVANT PLANNING HISTORY

A Hybrid Planning Application (PA/340887/17) 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” was refused on 7th December 2018 following determination by Planning Committee.

A re-submission of that application was received on 26th April 2019 in light of further information in respect of the landscape designation of part of the site which had formed the basis on which the previous decision to refuse had been determined.

This re-submitted Hybrid Planning Application (PA/343269/19) comprised 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.” It was granted planning permission on 5th December 2019 subject to a Section 106 legal agreement, following a determination by Planning Committee at its meeting on 1st July 2019.

That decision was subject to a legal challenge on the grounds that officers wrongly advised Planning Committee of the weight to be afforded to landscape harm and the status of the Council’s ‘Other Protected Open Land’ (OPOL) policy; a failure to have regard to the statutory duty in respect of impact on heritage assets; and a failure to have regard to the Council’s policy in respect of Energy (Policy 18).

On all grounds, Mr Justice Julian Knowles rejected the challenges, thereby upholding the planning approval. The period for further legal challenge to the permission has now passed.

That permission (PA/343269/19) remains extant and capable of implementation. This is a significant material planning consideration in respect of the present application.

THE PROPOSAL

The present application seeks amendment to the conditions associated with the extant planning permission (PA/343269/19), with particular regard to Conditions 8 and 13.

The amendments sought are as follows;

Firstly, to vary condition 8 (landscaping management) into two conditions; one relating to the ‘Full application’ link road proposal, and one to the ‘Outline’ residential development.

The applicant considers that, as this condition has been placed in a section of the Decision Notice relating to both the ‘Full’ (the link road) and ‘Outline’ (residential development) it may unduly

prevent implementation of the road scheme until details of the residential development are received, which was not the purpose of the condition.

Secondly, to vary the list of approved plans in condition 13 to provide indicative location of speed tables within the proposed link road, and the inclusion of a separate cycleway and footway along the route of the proposed link road. There are no changes to alignment, width or gradient of the proposed highway.

It should be noted that the planning condition numbers 8 and 13 relate to the condition numbering on the decision notice for planning approval PA/343269/19. The recommended changes will be described in the report below.

Section 73 of the Town and Country Planning Act 1990, as amended

This application is submitted under the provisions of Section 73 of the Town and Country Planning Act 1990 (the Act), as amended.

The Act states that in considering an application under this provision:

“the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application”.

In effect, the scope of consideration is limited to changes sought in the present application to the conditions attached to the extant approval. It is not an opportunity to re-assess the merits of the original decision beyond that specific scope.

The National Planning Practice Guidance explains that:

“Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted. A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect”

“As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation, then this may need to be the subject of a deed of variation”.

“Section 73 cannot be used to make minor material amendments if there is no relevant condition in the permission listing the originally approved plans”.

The present application seeks to amend conditions, including one where the approved plans are specifically listed. The application description clearly defines the scope of the original permission, and the extent of the changes sought to that permission.

Environmental Impact Assessment

National Planning Practice Guidance explains that:

“A section 73 application is considered to be a new application for planning permission under the 2017 Environmental Impact Assessment (EIA) Regulations. Where the development is of a type listed under Schedule 2 to the 2017 EIA Regulations, and satisfies the criteria or thresholds set, a local planning authority must carry out a new screening exercise and issue a screening opinion as to whether EIA is necessary”.

The development represents “Schedule 2” development as defined in the EIA Regulations. That fact does not imply that an Environmental Impact Assessment is invariably required, but that the proposal must be screened under the selection criteria in Schedule 3 of the Regulations.

A screening opinion was issued to the approved application PA/343269. This confirmed the Local Planning Authority’s opinion that Environmental Impact Assessment was not required. This confirmation was reflected in a determination issued by the Planning Inspectorate on 15th May 2019 that in the opinion of the Secretary of State *“whilst there may be some impact on the surrounding area as a result of this development, the proposal would not be of a scale and nature likely to result in significant environmental impact. EIA is not required”*

In respect of the present application, the applicant has sought an Environmental Impact Assessment Screening Opinion which assesses the present proposals within the selection criteria within the EIA Regulations.

It is noted that since the present application was submitted, Natural England has designated a part of the site as Ancient Woodland. This is a material change since the granting of the previous approval. In order to assess the significance of this impact, an independent legal opinion has been obtained.

In addition, the applicant has submitted a ‘Natural Vegetation Classification Survey Report’ (dated 2nd July 2020) which reconsiders the arboricultural and associated ecological implications of the designation.

It should be noted that Ancient Woodland is not a statutory designation and has not been the subject of any formal consultation with the landowner, the Council, or by means of general publicity. Nevertheless, paragraph 175 (c) of the National Planning Policy Framework states that *“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland or veteran trees) should be refused unless there are wholly exceptional reasons (bullet point 58) and a suitable compensation strategy exists.”*

Bullet point 58 clarifies that such circumstances include *“infrastructure projects.....where the public benefit would clearly outweigh the loss of deterioration of habitats”*

It must also be reiterated that the designation does not apply retrospectively, and the existing permission for development stands unaffected.

With regard to criterion 1 of Schedule 3, the environmental impacts of the development remain fundamentally unchanged from the earlier application, which relates only to minor, incidental features of the road's design and construction. Thus, the proposed variations to the conditions has no effect on the substance of those conditions.

As for criterion (2) of the selection criteria, this requires (sub-paragraph (1)) that the environmental sensitivity of geographical areas likely to be affected by development must be considered, and the designation of the areas of Ancient Woodland fits into the screening analysis. Given the protection afforded to Ancient Woodland under the NPPF, the areas of Ancient Woodland should be considered to be of high sensitivity even though areas of Ancient Woodland are not considered sensitive areas under the 2017 EIA Regulations for the purposes of the definition of schedule 2 development.

In respect of Schedule 3, criterion (3) of the EIA Regulations, the types and characteristics of the potential impact are essentially unchanged from the extant permission. In this latter connection, such matters as the magnitude and spatial extent of the impact (subparagraph (a) of criterion 3) and the nature of the impact (sub-paragraph (b) of criterion (3)) in respect of both the overall development and of the link road itself do not differ from the impact assessed under the extant permission.

The impact of the new road on woodland areas (designated or not) remains unchanged. The impact on the area recently identified as Ancient Woodland is 0.17ha. As set out in the woodland NVC report, a total of 0.58ha of woodland loss occurs, including areas beyond the Ancient Woodland. The impact of that loss has previously been addressed as part of the approved application. Notwithstanding the recent designation, there is no material change in the loss of trees from the site as a result of the proposed amendments.

In addition, there is approximately 0.37ha of mitigation in the form of woodland planting, which will be provided alongside additional new planting to be provided as an integral part of the associated residential development.

Ultimately, the question to be addressed at the screening stage is whether the development as a whole, which is the subject of the Section 73 Application, would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

In that context, it would reasonably follow from the fact that the Ancient Woodland areas form both a relatively small part of the overall development site, and that the areas of Ancient Woodland affected by the new road are smaller still (significantly less than half the Thornley Brook Valley area and hardly any of the Ashes Clough area) that the impact of the new road on ancient woodland could legitimately be afforded only relatively modest or limited weight in the overall screening exercise for the whole development, notwithstanding the high sensitivity of the Ancient Woodland.

Taking all these material factors into consideration, it is concluded that the development continues not to require submission of an Environmental Impact Assessment in line with previous determinations by the Council and the Secretary of State.

RELEVANT PLANNING POLICIES

The western part of the site is allocated as Phase 2 Housing land. The eastern parcel of the site is identified as Other Protected Open Land (OPOL) on the Council's development proposals map.

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

Policy 1 - Climate Change and Sustainable Development
Policy 2 - Communities
Policy 3 - An Address of Choice
Policy 5 - Promoting Accessibility and Sustainable Transport
Policy 6 - Green Infrastructure
Policy 9 - Local Environment
Policy 10 – Affordable Housing
Policy 11 - Housing
Policy 14 - Supporting Oldham's Economy
Policy 18 - Energy
Policy 19 - Water and Flooding
Policy 20 – Design
Policy 21 - Protecting Environmental Assets Natural
Policy 22 - Protecting Open Land
Policy 23 - Open Spaces and Sports
Policy 24 - Historic Environment
Policy 25 -- Developer Contributions

CONSULTATIONS

Highway Engineer – No objection

Environmental Health – No objection

Transport for Greater Manchester – No objection

Highways England – No objection

Ramblers – Sought clarification of the changes to the right of way; which have been provided

Greater Manchester Police - No objection subject to securing the recommendations of the Crime Impact Assessment

Greater Manchester Archaeology Unit – Comments on the previous application continue to apply.

United Utilities - No objection

Historic England – No comments

Local Lead Flood Authority – No objection

Coal Authority - No additional comments.

Environment Agency - No additional comments

Natural England - No comments on the present application.

Greater Manchester Ecology Unit - No objection subject to the range of species referred to in the conditions continuing to apply to both elements of the development, along with the need for updated surveys and design for surface water outfalls.

REPRESENTATIONS

The application has been advertised by press notice, site notice and neighbour notification letter. Following the submission of amended plans relating to Condition 13, which resulted in amendments to the wording of proposed application, a further consultation exercise has been undertaken and additional site notices posted.

Approximately 160 separate letters of objection have been received.

Objections relating to this application are in summary;

- The need to consider that part of the site is now designated as Ancient Woodland;
- The changes sought should be dealt with as a new application, not a Minor Material Amendment;
- Lack of clarity regarding what changes are sought;
- The application should be supported by an Environmental Impact Assessment;
- Updated Arboricultural Impact Assessment should be provided;
- With respect to Condition 8, the applicant's requested wording includes a change to no above ground works from prior to commencement.

Saddleworth Parish Council has commented that no work should be carried out until all necessary landscaping details have been approved and the original condition should remain in place. There are concerns that the culvert could increase the risk of flooding, and with the impact on Ancient Woodland.

The majority of objections do not relate specifically to the amendments sought in this application, but to the principle of the link road and development as approved in the original planning permission PA/343269/19.

Many of the letters suggest that a substantial increase of the recreational use of the land during Covid warrants a review of the existing consent. The other objections raised to the principle include, but are not restricted to highway safety, pollution, ecology, potential flooding, impact on the landscape, loss of OPOL and recreation land, and impact on footpaths.

These matters were all considered in detail in respect of the previous permission, and only where those impacts have materially changed as a result of the amended proposals, can they be considered within the scope of the present application. Those matters of principle cannot be considered afresh at this stage.

All these matters are addressed within the report.

PLANNING CONSIDERATIONS

Principle of the development

As noted earlier within this report, the application has been submitted under the provisions of Section 73 of the Town and Country Planning Act 1990, as amended.

Consequently, the principle of the development, and those matters over which there is no material planning change within the present application, are not for further consideration at this stage.

The Officer's report on application PA/343269/19 considered those issues in detail, including the local plan designation and landscape impacts.

In considering the materiality of those factors; there have been no fundamental statutory, national, or local changes in planning policy or legislation since the granting of the earlier permission which would require re-assessment. The impact of the Ancient Woodland designation is considered in detail elsewhere in this report.

The previous conclusions in respect of the planning balance and the relevance to the application of the 'presumption in favour of sustainable development' required in Paragraph 11 of the National Planning Policy Framework remain pertinent.

Based on the identified five-year housing land supply and local housing need over the next five years, Oldham remains unable to identify a five-year supply of housing. Consequently, the 'presumption in favour of sustainable development' will still apply as per paragraph 11(d) of the NPPF.

Highway Issues

The changes sought within condition 13 relate solely to design details of the approved link road. The route of the road and its linkages to the existing highway network remain as previously determined.

The details remain indicative insofar as the new link road and associated highway alterations will also need to be subject to a final specification which will be agreed with the Local Highway Authority as part of the formal adoption process. The terms of the planning condition will continue to require the final details to be submitted for approval once that stage is reached.

As the design of any large infrastructure scheme develops, revisions are inevitable. In the context of this present planning application, the primary issue for consideration is whether those changes result in significant environmental or other impacts which are materially different to that for which approval has already been granted.

The detailed scheme will incorporate provision of a segregated two-metre wide footway and 3.5-metre wide cycleway to ensure full and safe accessibility to persons not using a motorised vehicle.

Those revisions have been considered by the Council's technical officers and no objections have been received. In this context, the proposed revisions to the plans under condition 13 are deemed be acceptable.

Recent concerns have been expressed that the introduction of a diversion and stepped access across the link road, which will dissect public footpath 26 OLDH, would not ensure accessibility for all and therefore impact on the Council's obligations under the Equality Act 2010.

It should be noted that the proposed arrangement reflects that which has previously been approved and deemed acceptable. The present route of this footpath follows the southern bank of Thornley Brook. It comprises an unmade, meandering footpath, with an undulating surface,

including short stepped sections. Consequently, in consideration of the introduction of the revised route and access, due regard has been given to whether the changes as a result of the new road would unduly impede access, and whether improvements would be practical given the existing situation.

Options, such as the introduction of a tunnel, have been previously considered. However, this has been discounted for practical reasons, including that it may have created a security hazard for vulnerable users and therefore discouraged access.

A separate consent for the diversion of existing public footpaths will nevertheless be required under Section 257 of the Town and Country Planning Act.

Furthermore, as noted above, where new pedestrian infrastructure is to be introduced into the development, this will be designed to ensure a safe and accessible environment, taking into consideration the general undulating topography of the local area. Provision will be made on the new link road at junctions, and where the footpath crosses the new road, for measures to assist pedestrian use and safety, including the construction of speed tables to slow traffic.

Consequently, it is considered that the impacts of the development in respect of highway and access issues has fully addressed the impacts on different groups within the community.

Ecology and Natural Habitats

The application site and development has been subject to a full Ecological Assessment undertaken in September 2017. An updated report was submitted in April 2019. Subsequently, a National Vegetation Classification Survey Report was submitted in 2020. Together these documents assessed the baseline ecological situation on the site, and any impacts resulting from the development, including those in relation to protected species. The latter report also assesses the recent additional Ancient Woodland designation.

The present proposals do not result in changes which would create a development which would result in any demonstrable material additional impact on factors of ecological importance or have any additional impacts on the ecology or natural habitats within the site

The earlier conclusions in relation to the impact on ecological interests remain as previously determined. The conditions associated with the approval set out in detail the measures which will need to be addressed to ensure appropriate protection of habitat, and for the incorporation within the development scheme of measures to promote enhanced biodiversity. The proposed amendments do not reduce that focus and satisfactory arrangements to ensure mitigation and enhancement of the natural environment will continue to apply.

Ecological specialists at the Greater Manchester Ecology Unit, Natural England, and the Environment Agency have been consulted on the present, and previous, applications. Subject to continued imposition of the requirements of relevant conditions, no objections have been raised.

A development of this scale will inevitably need to be implemented over an extended period, and it is recognised that ecological circumstances will evolve during that period. For that reason, the conditions associated with the approval require updated surveys to reflect the phasing of the development. These will continue to form requirements of the permission.

Furthermore, statutory requirements in respect of the Habitats Directive and the Wildlife and Countryside Act 1981 will continue to apply and the developer will need to ensure all necessary licences and consents are obtained beyond the scope of the planning permission.

Notwithstanding any grant of planning permission, the consent from the Forestry Commission may be required to fell any trees.

In considering the present application, all impacts on existing ecological features have been fully considered having regard to local and national planning policies and other material considerations.

Amendments to Condition 8

This condition, as presently applied requires that no phase of residential development shall take place until a landscape management plan has been submitted to and approved in writing by the Local Planning Authority. As noted earlier in this report, the applicant considers that as this condition has been placed in a section of the Decision Notice relating to both the 'Full' (the link road) and 'Outline' (residential development) it may unduly prevent implementation of the road scheme until details of the residential development are received.

The condition goes on to define the detailed matters which would need to be comprised within that landscape management plan.

Whilst this is arguably a matter of semantics; it is nevertheless important that clarity within the wording of the conditions is achieved.

It is equally important that the specific requirements of the conditions continue to fully apply.

Therefore, movement of the original condition to the 'Outline' section of the notice would be appropriate, as the present condition only imposes a restriction on the residential development itself until the management plan is approved and implemented.

In respect of the resultant removal from the requirements in relation to the full application, it is noted that Condition 4 in this part of the decision notice also requires approval of a landscape (and ecological) management plan prior to the commencement of work on the link road. To avoid unnecessary duplication therefore, it is recommended that the specific requirements of Condition 8, as they currently apply to the link road, should be incorporated into this revised condition.

The proposed wording set out in the applicant's statement suggests that the condition should come into force prior to "above ground construction". However, since the purpose of the condition includes protection of existing ecological features, this change is not considered to be appropriate and will remain prior to commencement of the development per se.

Ultimately the change will not remove or weaken any existing obligations with regard to the landscape management plan, but merely provide improved clarity to those requirements. In this context, there are no material planning grounds to oppose the proposed changes.

Heritage and archaeology

The amendments relate only to the areas of the overall application site along the alignment of the link road. There are no material impacts on heritage assets as a result of this development or the

amendments sought. No objections from specialist consultees have been received on these grounds.

Other matters

Other material considerations, including flood risk and drainage, land stability, and future issues associated with the design and layout of the wider residential development, will not be materially affected by the present proposals. Such matters will continue to be subject to the need for submission of further details within the included planning conditions or at reserved matters approval stage.

CONCLUSION

As noted above, this application has been submitted under the provisions of Section 73 of the Town and Country Planning Act 1990, as amended. Consideration of the present application is limited to the changes within those conditions for which amendment is sought.

Taking all material planning factors into consideration, it is concluded that the proposed application should be approved, having due regard to the previously imposed conditions, as now amended, and the Section 106 legal agreement to which the permission will continue to be bound.

Recommended conditions

Condition that apply to the Link Road only (full application)

1. (Updated to reflect relevant legislation)

The development of the link road must be begun not later than 4th December 2022.

Reason - To comply with the provisions of Sections 73 and 91 of the Town & Country Planning Act 1990, as amended.

2.

Prior to the commencement of development, scheme details of the new culverted link road and detailed mitigation package for this and the wider Thornley Brook river corridor shall be submitted to and approved in writing to the local planning authority. Thereafter the culverted link road 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 the updated culvert crossing designs.
- b) The outline Thornley Brook mitigation package (as per TEP drawings, March 2018) should be developed to a detailed design.
- c) Clear detail should be provided as to how the stated 300mm of natural bed will be achieved within the new culvert crossing.
- d) Details are to be provided of the mammal ledge and oversized culvert to maximise natural light and wildlife passage.
- e) Details of any bank re-profiling near the river.

- f) Where new soft landscaping is to be introduced to the 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 area.

Reason – To ensure that the proposed major crossing of river and stated mitigation package (as per TEP drawings, March 2018) are 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 should conserve and enhance the natural and local environment by minimising impacts on biodiversity.

3.

Notwithstanding the features shown on the approved plans, written agreement should be sought prior to the 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 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 drawing no D6363.001).

Reason – 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 in writing by the Local Planning Authority and carried out in compliance with the approved details and are sympathetic to the natural landscape.

4. (Updated to incorporate former Condition 8 as it relates to the link road)

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 to and approved in writing by the Local Planning Authority. The revised LEMP should 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 principles of the submitted plan - Riverbank Habitat Improvement Area 1 (TEP, drawing 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 material from trees and brash removed from the 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/reseeding if planting fails.
- i) 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.
- j) Details of the extent and type of new soft landscaping including planting schedule based on UK provenanced and native species.
- k) Details of retained BAP woodland, acid & marshy grassland habitats.
- l) Details of maintenance regimes.
- m) Details of any new habitat created on site.
- n) Details of any bluebell translocation areas.
- o) Details of sensitively designed and located SUDs features adjoining retained greenspace corridors.
- p) Details of treatment of site boundaries and/or buffers around steep valley stream corridors.
- q) Details of management responsibilities.

The LEMP and its initial implementation shall be the responsibility of the developer for a minimum of the 5-year establishment period.

Reason - To protect the natural environment and to ensure the LEMP is based on up-to-date information.

Conditions that apply to both the outline element and full planning of this permission

5.

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) and shall also contain measures to ensure that any soils brought into 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.

6.

Prior to the 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 local planning authority. These should be undertaken no earlier than 6 months prior to the commencement of development, including any precautionary mitigation measures.

Reason – To ensure the protection of protected species (in line with the relevant legislation).

7.

Prior to the commencement of the link road and each subsequent and separate phase of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The construction of the embankment should be implemented according to a submitted Construction Environmental Management Plan, which provides the following details and is approved in writing 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 facilities for the storage and removal of refuse and waste material, working methodologies and measures to prevent spillage of materials, excess surface water run-off and increased sediments into Thornley Brook during construction.
- e) Details of temporary high visibility fencing to all retained trees and their root zones, woodland edge (to root zones) and 5m stand-off to retained watercourse.
- f) Vegetation removal (including undergrowth such as bramble). This should occur outside the bird nesting season (March – August inclusive).

Reason – To ensure the adequate handling of refuse and waste materials, to minimise any detriment to the natural environment through the risks of pollution and dangers to highways safety during the construction phase.

8. (Formerly Condition 9, re-numbered following changes to the original condition 8.

Prior to the construction of the Link Road a surface water drainage strategy, based on sustainable drainage principles and an assessment of the hydrological and topographical context of the development site, should be 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 CIRA guidance (https://www.cira.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 can be adequately drained and is connected to suitable drainage systems in order to protect the water quality of the adjoining Thornley Brook Water Framework Directive (WFD) waterbody and improve ecological value within retained greenspace corridors.

9. (Formerly Condition 10, re-numbered following changes to original condition 8)

Prior to commencement of any residential development and any subsequent and separate phase of residential development, a foul and surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and topographical context of the development site, should be 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 CIRA guidance (https://www.cira.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 can be adequately drained and is connected to suitable drainage systems in order to protect the water quality of the adjoining Thornley Brook WFD waterbody and improve ecological value within retained greenspace corridors.

10. (Formerly Condition 11, re-numbered following changes to original condition 8).

Prior to the construction of the Link Road and for each subsequent and separate phase of development, a site investigation and assessment in relation to the landfill gas risk should be carried out. The consultant's report and recommendations should be submitted to and approved in writing by the Local Planning Authority.

Written approval from the Local Planning Authority will also 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 within 250m of a former landfill site.

11. (Formerly Condition 12, re-numbered following changes to original condition 8).

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 should be carried out. The consultant's report and recommendation should be 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 and the environment and to secure the satisfactory development of the site in terms of human health and the wider environment.

12. (Formerly Condition 13, re-numbered following changes to original condition 8, and updated to reflect the amended drawings submitted as part of the present application.

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

- Proposed Link Road Schematic Drainage (Sutcliffe) Drawing No. 28959-620-P5;
- Proposed Link Road Longitudinal Section (Sutcliffe) Drawing No. 28959-625-P9;
- Proposed Link Road Cross Sections (Sutcliffe) Drawing No. 28959-626-P8;
- Proposed Culvert Longitudinal Section (Sutcliffe) Drawing No. 28959-627-P7;
- Path Realignment Works (Sutcliffe) Drawing No. 28959-628-P5;
- Proposed Link Road Visibility Check (Sutcliffe) Drawing No. 28959-629-P3;
- Proposed Link Road Vehicle Tracking (Sutcliffe) Drawing No. 28959-630-P3;
- Proposed Link Road Junction with Knowls Lane including Widening, New Footways and Visibility (Axis) 2123-01-GA-101;
- 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 the Manual for Streets and the Design Manual for Roads and Bridges.

13. (Formerly Condition 14, re-numbered following changes to original condition 8)

No development shall commence until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and,
- b) The approved programme of archaeological work has been carried out in accordance with the approved details

Reason - To enable the recording of any matters of archaeological interest.

Conditions relating to the outline element only

14. (Former Condition 8 to reflect the outline development only).

No phase of the residential development 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 development.

The scheme shall include the following elements:

- Details of the extent and type of new soft landscaping including planting schedule based on UK provenanced and native species.
- Details of retained BAP woodland, acid & marshy grassland habitats.
- Details of maintenance regimes.
- Details of any new habitat created on site.
- Details of any bluebell translocation areas.

Details of sensitively designed and located SUDs features adjoining retained greenspace corridors.

Details of treatment of site boundaries and/or buffers around steep valley stream corridors.

Details of management responsibilities.

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

15. (Updated to reflect relevant legislation)

Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) of the residential elements of the proposal shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any residential development on the site. The development shall be carried out in accordance with the approved details.

Reason - To comply with Sections 73 and 92 of the Town and Country Planning Act 1990, as amended.

16. (Updated to reflect relevant legislation)

The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- i) The expiration of five years from 5th December 2019; or
- ii) The expiration of two years from the final approval of the reserved matters or in the case of different dates, the final approval of the last such matter to be approved.

Reason - To comply with the provisions of Sections 73 and 92 of the Town & Country Planning Act 1990, as amended.

17. (Updated to reflect relevant legislation)

In the case of the reserved matters, an application for approval must be made not later than 4th December 2022.

Reason – To comply with the provisions of Section 73 of the Town & Country Planning Act 1990, as amended.

18.

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 consider the following:

- a) A landscape buffer to south (approx. 20m) and transition zones on the northern boundary should 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 adequate landscaping is provided and the LEMP is based on up-to-date information.

19.

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.

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

iv) Connection with the surrounding network of public rights of way.

v) Street types and movement throughout the scheme via car, cycle and by foot.

vi) Boundary treatments, trees and hedgerows.

vii) Lighting and street furniture.

viii) Public open space required for the development.

ix) Alignment with proposed character areas.

x) Treatment of the development edge.

xi) Housing mix.

xii) Building heights.

xiii) Parking strategy, including layout parking allocations for motor vehicles and cycles.

xiv) Street cross sections.

xv) Palette of materials for housing and public realm works.

xvi) Location of emergency services infrastructure.

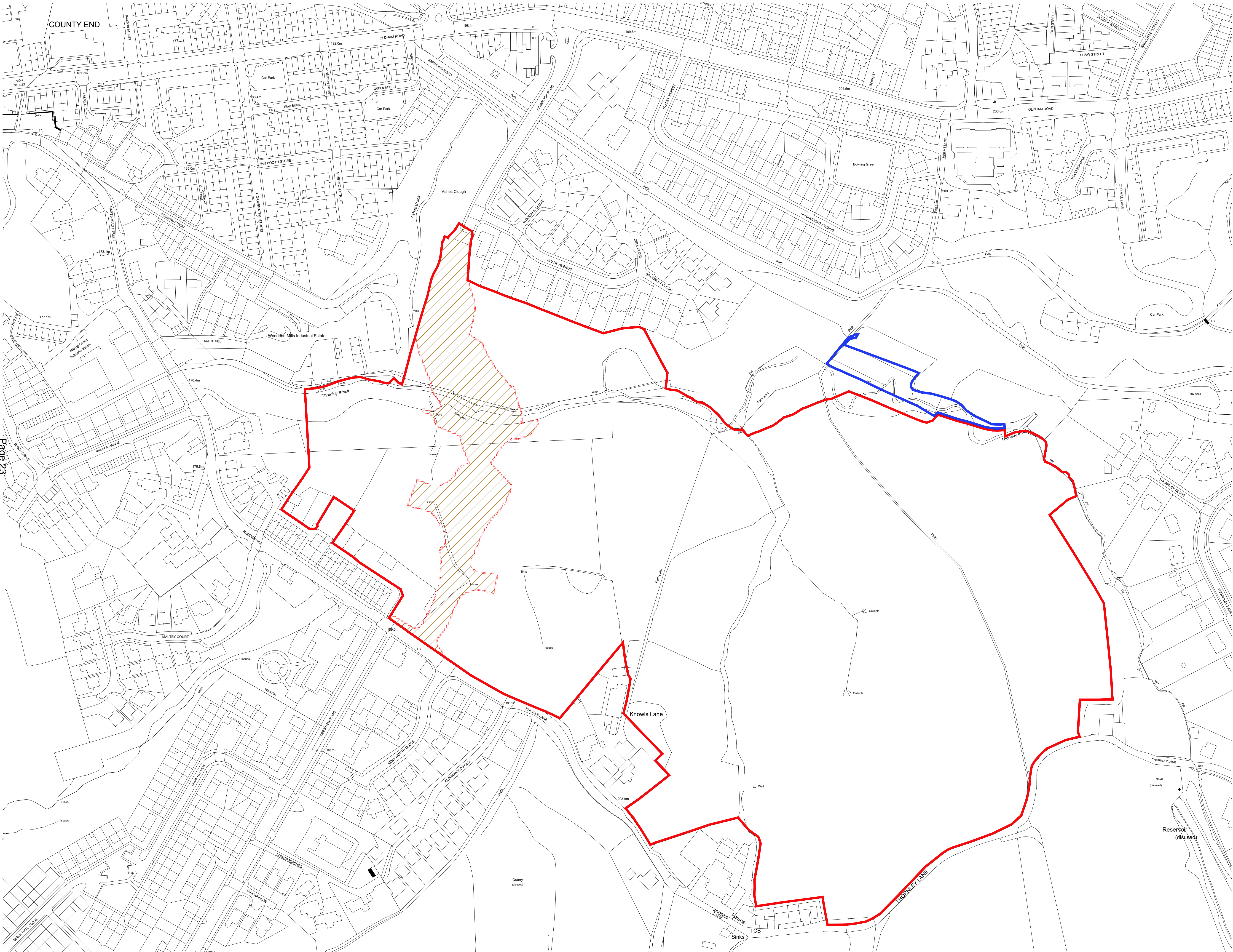
xvii) Environmental standards and sustainable design elements (to include electric vehicle charging infrastructure).

Reason – To ensure a high-quality designed scheme and in the interests of the visual appearance of the development.

20.

No phase of the development shall take place until a phasing plan, which shall include the access arrangements for each 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 highway safety.






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- Notes:
- This drawing is copyright.
 - Do not scale dimensions from this drawing.
 - This drawing is to be read in conjunction with all other relevant drawings.
 - All discrepancies on this drawing are to be reported to the architect.
 - Do not modify any element of this drawing.
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North Sign / Key Plan

The following external model files are included within this drawing:

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

D	12/09/17	Minor tweaks	DM	GP
C	31/08/17	Minor tweaks along northern boundary	DM	GP
Rev	Date	Revision Notes	Dn	Rv

Client / Contractor



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Project
LEES VILLAGE

Drawing Title
SITE BOUNDARY PLAN

Job Number 6802	Drawing Originated Date 27/06/2017	PAS 1192 Status Code -
Scale@A1 1:1250	Purpose PRELIMINARY	

Drawing Number SP(90)08	Revision D
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Planning Committee Meeting

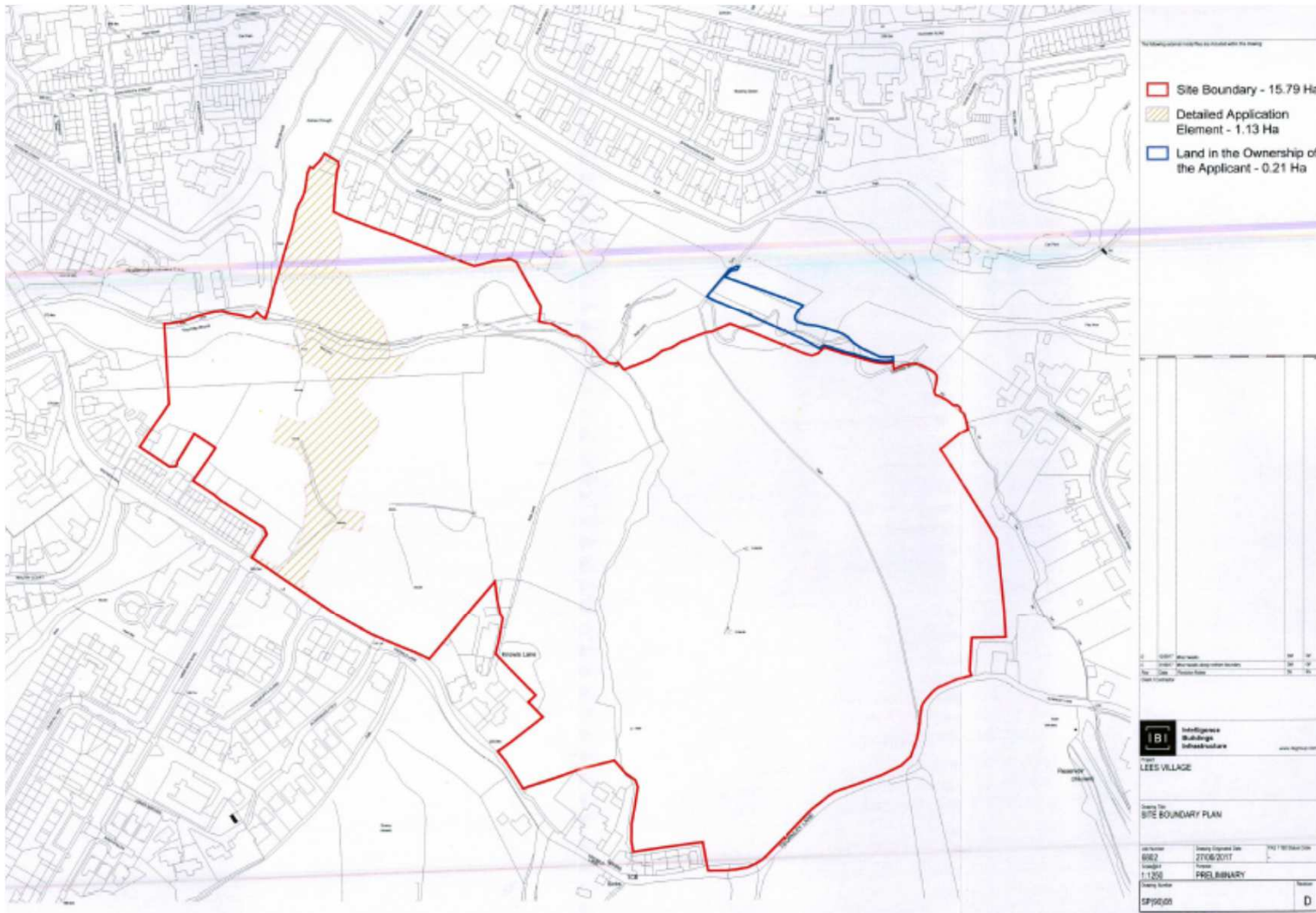
21st April 2021

MMA/344723/20 - Hybrid Planning Application comprising of:

Variation of Conditions 8 (landscaping management) and amendments to approved plans within condition 13 (link road plans) to PA/343269/19 for up to 265 new homes (outline) and new link road between Knowls Lane and Ashbrook Road (full). Changes sought: Condition 8 to be separated into two conditions one relating to the link road and one the outline residential development. Amendments to condition 13 to provide indicative location of speed tables provided within the proposed link road, and the inclusion of a separate cycleway and footway along the route of the proposed link road (no changes to alignment width or gradient of the proposed highway).

Land at Knowls Lane, Oldham

Location Plan of overall development



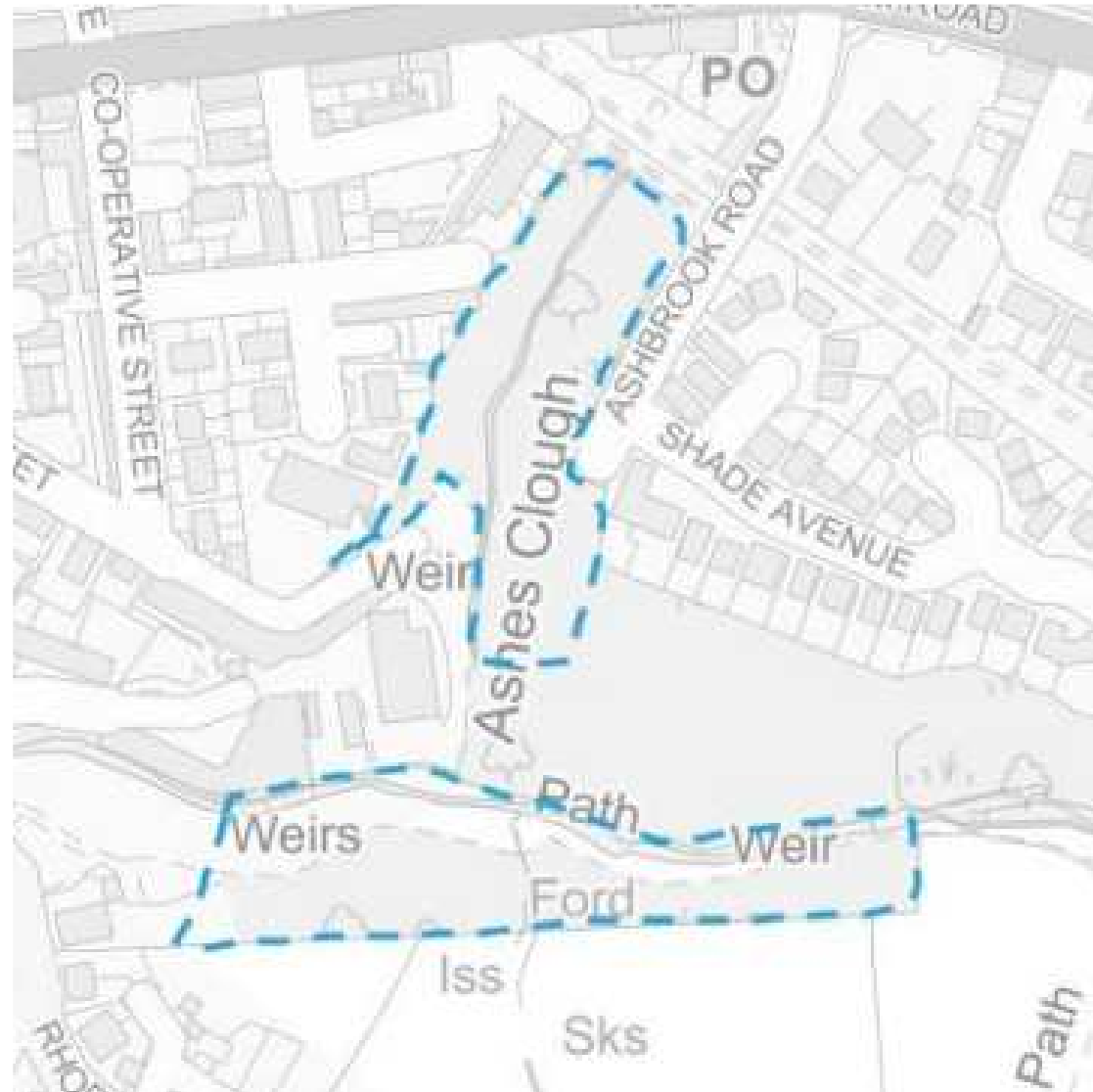
Aerial view of the site and the surrounding area



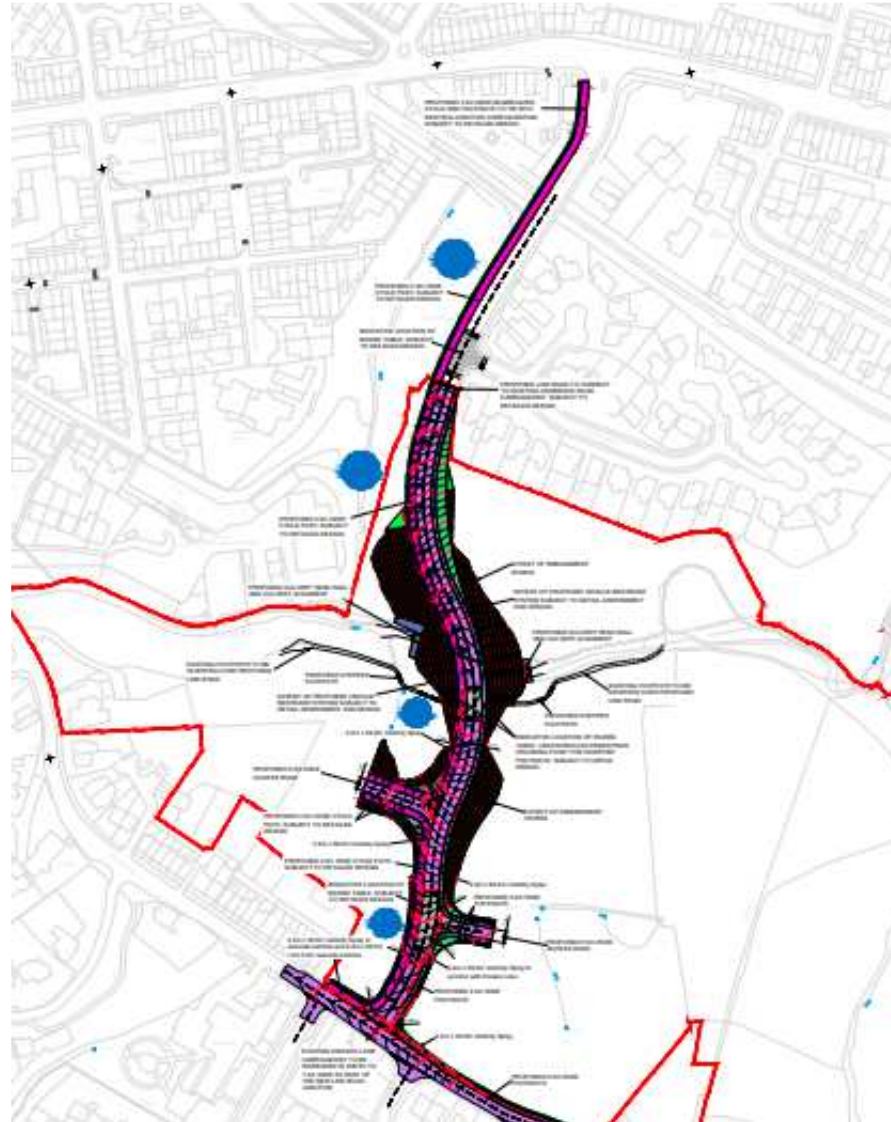
Indicative Site Plan



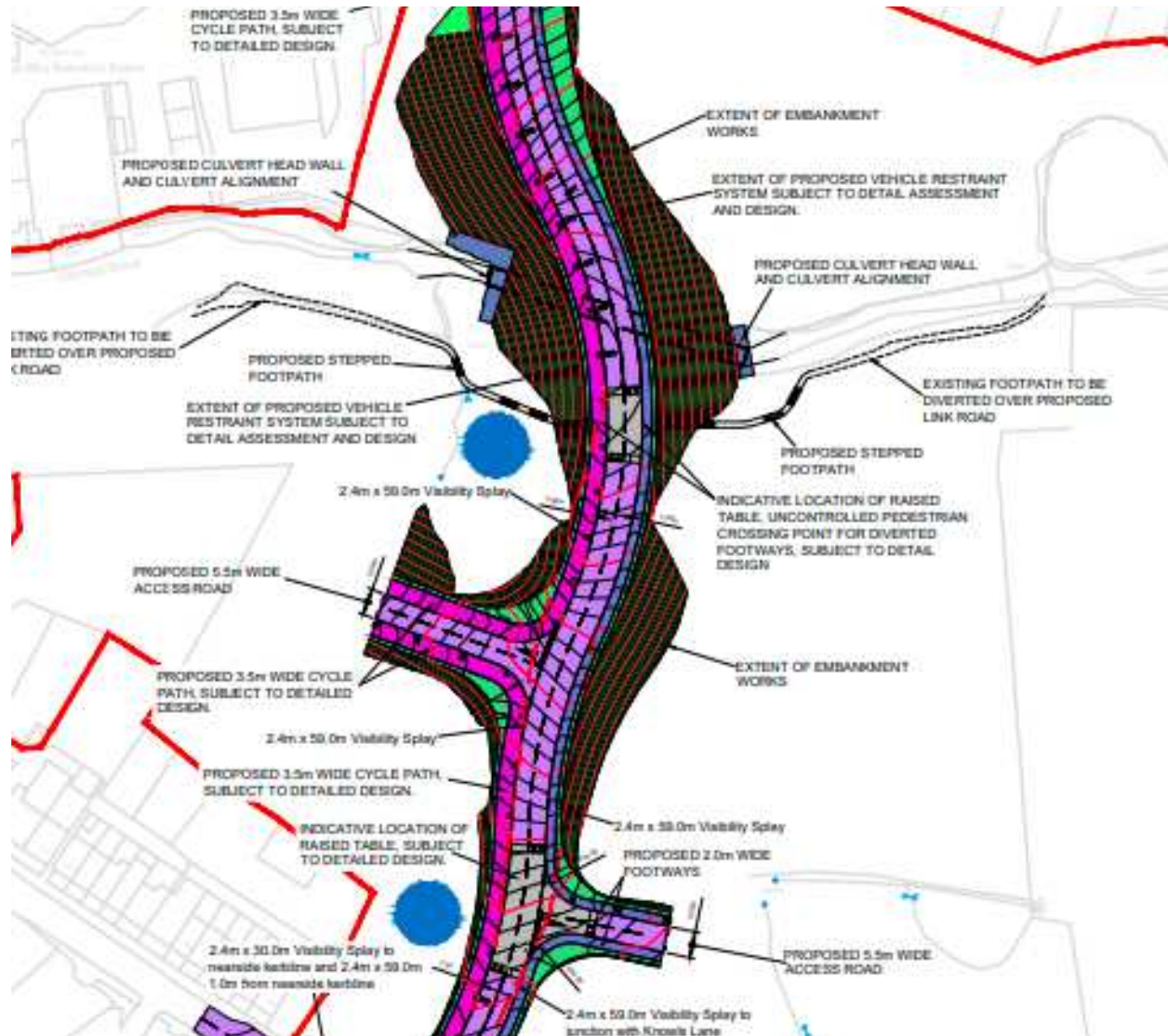
Ancient Woodland

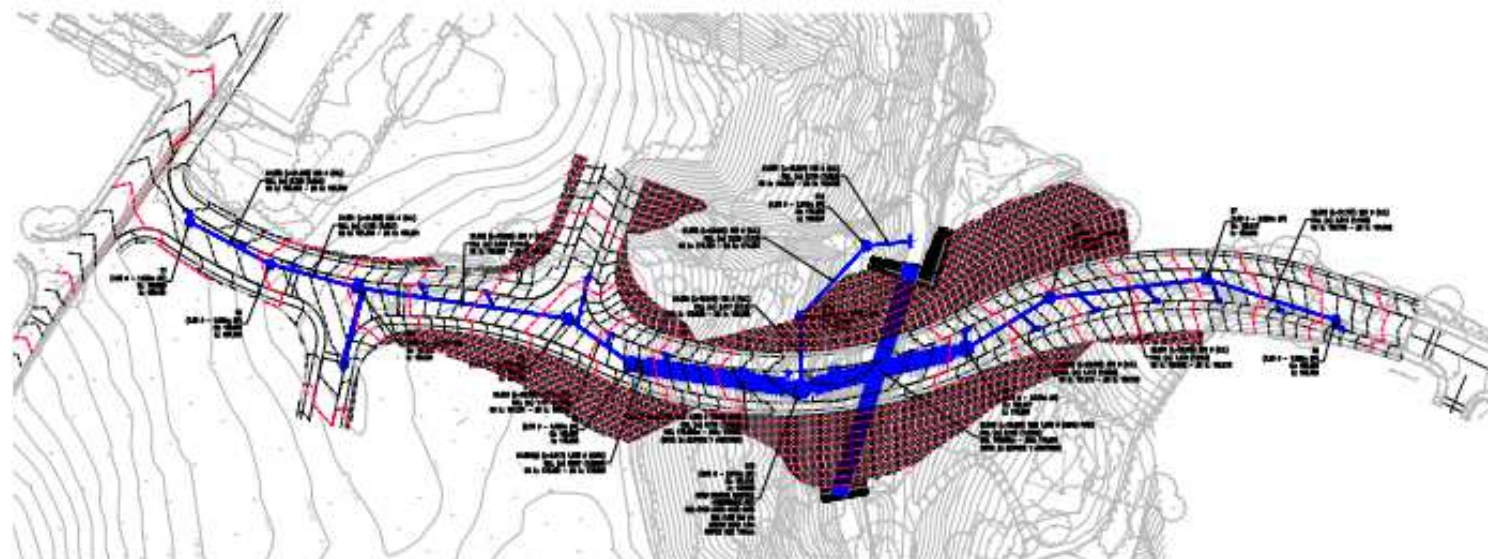
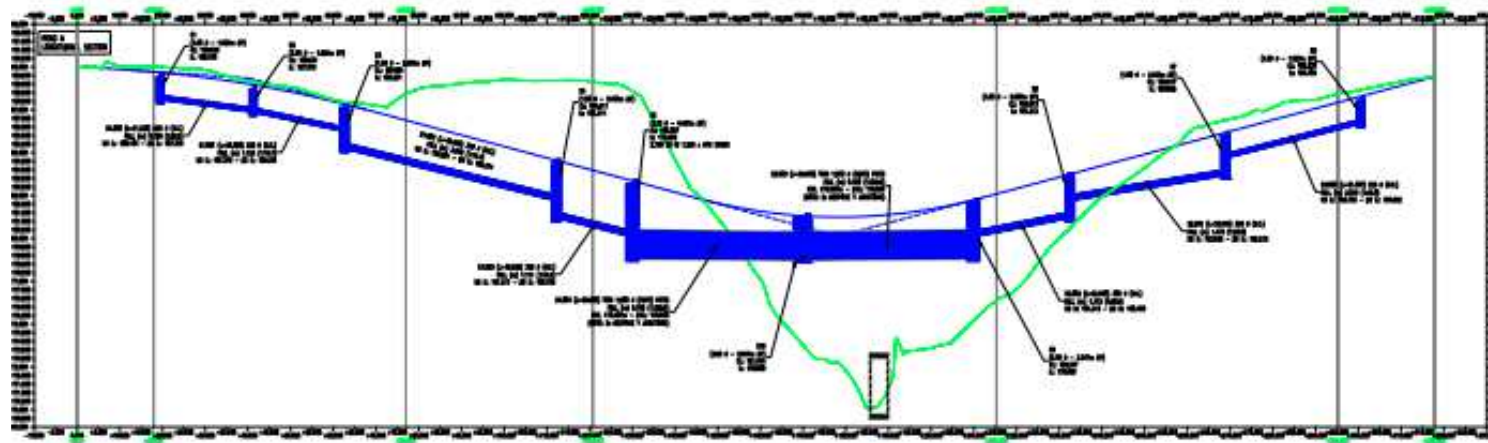


Proposed link road overall general arrangement plan



General arrangement plan - detail





Site panorama



Link Road exit on to Knowls Lane



Link Road exit on to Ashbrook Road / Oldham Road



CGI of Culvert & Link Road



Public footpath, showing existing woodland



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APPLICATION REPORT - FUL/345659/20 **Planning Committee 21st April 2021**

Registration Date: 15th October 2020
Ward: Chadderton Central

Application Reference: FUL/345659/20
Type of Application: Full Application

Proposal: Residential development of up to 160 dwellings with vehicular access onto Broadway and Milton Drive, car parking, roads, landscaping and associated works and infrastructure following demolition of existing buildings.

Location: Land to the west of Broadway and Milton Drive, Chadderton, Oldham, OL9 9QS

Case Officer: Jill Nixon
Applicant Mrs Amanda Oakden
Agent : Miss Emma Williams

RECOMMENDATION

It is recommended that Committee resolves to approve the application subject to the conditions set out below and to the applicant entering into a Section 106 agreement to cover the following matters:

- Securing the implementation of Phase 1 of the Linear Park;
- Education contributions totalling £540,000.

THE SITE

The site comprises of 6.10 hectares of undeveloped agricultural land currently occupied by Matthew Fold Farm.

The site is partially bounded to the east by the A663 Broadway and partially by existing residential dwellings off Milton Drive. Newman RC College and its associated playing fields and grounds are located directly to the south/ south-east of the site.

The application site comprises of the residential parcels R5/R6 which form part of the wider Foxdenton strategic site, which is a mixed residential and employment site covering approximately 49 hectares in size. Lydia Becker Way has now been provided to serve the wider development and construction is well underway in residential Phases R1 and R2.

The site occupies an elevated position above open land to the west and north across which Wince Brook flows. This area is to form a linear park for which a detailed application is presently under consideration (RES/345691/20).

THE PROPOSAL

Permission is sought for the erection of 160 dwellings with associated demolition, access, parking and landscaping, a sustainable drainage basin and pumping station.

The residential accommodation would comprise of;

- 34 x two bedroomed dwellings
- 96 x three bedroomed dwellings
- 30 x four bedroomed dwellings

The entire residential development will be accessed from a newly created access point adjacent to the junction of Newman College onto Broadway. An emergency access point being created onto Milton Drive

RELEVANT PLANNING POLICIES

The site is located within a Business Employment Area (BEA - Foxdenton) within the Local Plan. The development site is phases R5 and R6 of the wider Foxdenton Strategic Site, which has outline planning permission for residential use.

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

Policy 1 - Climate Change and Sustainable Development

Policy 2 - Communities

Policy 3 - An Address of Choice

Policy 5 - Promoting Accessibility and Sustainable Transport

Policy 6 - Green Infrastructure

Policy 9 - Local Environment

Policy 10 – Affordable Housing

Policy 11 - Housing

Policy 14 - Supporting Oldham's Economy

Policy 18 - Energy

Policy 19 - Water and Flooding

Policy 20 – Design

Policy 21 - Protecting Environmental Assets Natural

Policy 22 - Protecting Open Land

Policy 23 - Open Spaces and Sports

Policy 24 - Historic Environment

Policy 25 -- Developer Contributions

RELEVANT PLANNING HISTORY

RES/345691/20 - Details of reserved matters for appearance, landscaping and layout for development of Linear Park at Zone L1 of the Broadway Green Masterplan. Pending determination

PA/344838/20 – Parking improvement works and the provision of vehicular access to serve residential development lad to the north. Approved 7 July 2020

PA/337091/15 – Variation of conditions 29, 30, 31 (Part A), and 41, 42 and 43 (Part B) of permission PA/334355/13 Hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution (B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park, to allow phased development and occupation of floorspace and dwellings specified within the 'trip generation threshold' (as defined within Curtins note ref. TPMA1328/STRAT001) prior to the completion of the highway link road ('Interim Trip Generation Threshold') and offsite junction works at A663/Foxdenton Lane/Eaves Lane and M60 Junction 21 ('Trip Generation Threshold'). Approved 28 September 2015

PA/334355/13 - A hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution (B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park. Approved 23 October 2014

CONSULTATIONS

Highway Engineer – No objection

Environmental Health – No objection

Transport for Greater Manchester – No objection

Highways England – No objection

Ramblers - Raises objections to the proposed PROW diversions as shown.

Greater Manchester Archaeology Unit - No objection

Greater Manchester Ecology Unit - No objection in principle

Trees Officer – No objections

Local Lead Flood Authority – No objection

United Utilities - No objection

Environment Agency - No objection

Greater Manchester Police - No objection.

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REPRESENTATIONS

The application has been advertised by means of press and site notice and 155 individual neighbour notification letters.

Twelve letters of objection, including one from the Peak and Northern Footpaths Society have been received as a result of this publicity.

The objections raised are in summary;

- The proposed alternative routes of other public footpaths in the area are unacceptable in the absence of any clear indication of the surrounding landscape proposals and any intended boundary treatments affecting the footpaths.
- Impact on local ecology
- Loss of grazing land
- Over development and not in keeping with character of the area
- Location of the proposed substation (this has since been removed from the application)
- Insufficient information regarding levels and height of proposed dwellings
- Proximity to existing properties
- Increase in noise and air pollution
- Potential increase in flooding
- Strain on existing community facilities
- Increase in traffic, inadequate parking, and inadequate access
- Barrier access on Milton Drive will restrict current access arrangements to existing dwellings
- The construction access from Foxdenton Lane is too narrow and too close to dwellings. It presents a health and safety hazard and will damage boundary fences adjacent to the proposed construction access route
- Foxdenton lane is not built for HGVs and the proposed construction access will be detrimental to residential amenity in terms of noise, vibration, pollution and loss of privacy

PLANNING CONSIDERATIONS

Principle of the development

This application is for a residential development on land identified as phases R5 and R6 of the wider Foxdenton Strategic Site, and on which outline planning permission for residential development has been granted. The principle of residential development on this site has therefore been established with this extant consent.

Design and Impact on the character of the area

NPPF paragraph 127 as well as Local Plan Policies 9 and 20 require that developments are visually attractive as a result of good architecture, layout and are sympathetic to local character and history, including the surrounding built environment.

The scheme has been designed to accord with the parameters approved at outline stage. The layout will integrate with the wider landscape with properties fronting rather backing on to Broadway.

The layout of the proposed development comprises of a series of interconnected primary and secondary streets, lanes and private drives, creating a clear hierarchy of routes. The layout has also been designed to be harmonious with the proposed Linear Park which would be located to the west and north of the site and will be delivered in tandem with the proposed development.

The proposed scheme comprises of a mix of two, three and four bedroom homes and a range of traditional house types. The proposed dwellings have been designed to have cohesion in terms of roofscape and the pallet of materials which will be approved by condition.

The surrounding residential dwellings are mixed in terms of character and design. It is considered that the proposed development will have its own distinct character, that will nevertheless, be in keeping with the wider area.

The landscaping within and beyond the site will be an integral part of the development and its character. The precise details of all aspects of the landscaping, including, hardscape, boundary treatments, planting and its management is to be controlled by condition

Impact on Amenity

NPPF paragraph 127 requires that new development should ensure a high standard of amenity for existing and future users, whilst Local Plan Policy 9 provides that development should 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, security, noise, visual appearance of an area and access to daylight amongst others.

The proposed layout has been amended to remove a substation and detached garage adjacent to the site's communal boundary with 254 Broadway. It is considered that the proposed relationship and interface distances will be satisfactory in securing a reasonable level of amenity for residents of both the existing and proposed dwellings.

The vehicular access to all the proposed dwellings will be from the recently created signalised junction from Newman college onto Broadway. It is not considered that the additional traffic onto this road would result in undue loss of amenity to existing residents in the locality

With respect to the proposed construction traffic, this will initially need to be from Foxdenton Lane. This is due to existing level differences and it is therefore not possible to construct the access or haulage road from the college side of the access point. While it is accepted that

there will be some unavoidable disruption during the construction period, all realistic measures to minimise the impact on residents adjacent to the construction access road have been secured upfront within the Construction Management Plan. These measures include the widening of part of the construction access track and a programme of work to use the access for HGVs for as short a period as possible and construction hours.

On balance it is considered that while there will be some temporary loss of amenity to existing residents during construction, the development itself will not result in any undue loss of amenity to existing residents. Furthermore, it is considered that the associated Public Open space within the Linear Park, secured by this development will result in an overall benefit to the amenity of the existing and proposed residents.

The existing approval envisaged both construction and final development access from Foxdenton Lane and Milton Drive. The revised proposals will provide additional long-term amenity benefit from the alternative use of the Newman College access for the development.

Highway Issues

NPPF Paragraph 108 provides that proposals should ensure that safe and suitable access to the site can be achieved for all users while paragraph 109 provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The strategic impacts of the development have been considered previously during the hybrid application. This included the effects of the expected traffic generation on the wider local and strategic highway network. This resulted in a number of mitigation measures being proposed, some of which are now complete.

The proposed development will be accessed from the existing access at Newman College, which will be adopted by the local highway authority. The proposed emergency access taken from Milton Drive will be designed to provide pedestrian and cycle links to the site from the existing highway network. The detailed is to be secured by condition.

This replaces the access strategy approved within the hybrid application whereby vehicular access would be taken from Foxdenton Lane and a maximum of 40 dwellings from Milton Drive.

The internal layout is considered acceptable in terms of the parking provision, geometry and layout of the highway and it is intended that it is adopted by the Local Highway Authority under a Legal Agreement. Additional detailed information relating to the proposed embankments along the boundaries of the site and the retaining structure and position of the SUDS feature is to be secured by condition.

There are a number of Public Rights of Way which pass through the site and the indicative diversions shown on the proposed layout have resulted in objections from both the Ramblers and the Peak and Northern Footpaths Society. The diversion routes will be dealt with under Section 257 of the Town and Country Planning Act 1990 and consideration will be

made to the connectivity with existing pedestrian infrastructure and the proposed Linear Park. The applicants are aware of the process and their obligations to secure the necessary permissions and if necessary, to make amendments to accommodate satisfactory diversions. It is not considered that the objections raised, given the context of the separate legislation, would warrant the refusal of this application.

As previously stated, the Construction Management Plan has been submitted upfront with the application. Following discussions with the applicant, it has been agreed that access for construction vehicles and construction workers vehicles will be taken from Foxdenton Lane until the access road at Newman College has been adopted by the local highway authority. The local highway authority has undertaken to facilitate the process in a timely way.

The existing weight restriction on Foxdenton Lane does allow access for HGVs to access the site. The use of Foxdenton Lane by construction vehicles is considered the only viable option until access to the site has been constructed from the Newman College access road. The access road can then be used by all types of traffic once it is adopted. Temporary physical measures will be required which restrict construction vehicles from turning right out of the access onto Foxdenton Lane.

The Construction Management Plan also secures designated areas for construction worker parking, wheel wash facilities and restricted hours of access /egress for construction traffic from the college entrance during term time to avoid conflict with student start and finish times.

Drainage

The application was supported by a drainage strategy and Flood Risk Assessment, both of which have been assessed and confirmed as acceptable by the Local Lead Flood Authority.

The drainage provision will be provided by a sustainable drainage basin and a pumping station. Conditions securing the requirement for additional detail of the SUDS basin and pumping station would be attached to the consent. It is considered that the design of these facilities needs to be considered as part of the wider landscaping of the area to ensure that they harmonise with, and where possible enhance, the proposed environment.

Impact on trees

The application was supported by Arboricultural Impact Assessment and Method Statements. The reports identify the loss of 18 individual trees, 8 groups of trees and 3 partial groups of trees. All the trees within the groups are small and are of limited quality. They have been designated as category C – ‘Trees of low quality that should not be considered a constraint to development’. The Council’s arboriculturist agrees with this designation.

A Landscape Masterplan was also submitted with the application and this proposes the replanting of 109 individual trees as well as numerous hedgerows and areas of native and ornamental shrubs. It is considered that this, along with the proposed areas of amenity grass, wetland seed mix, wildflower mix and wildflower meadow in its totality, will provide a satisfactory level of mitigation and an overall improvement in species and biodiversity post development.

The landscaping of the site needs to be considered within the wider context of the proposed Linear Park which is the subject of a separate application (RES/345691/20) and which is pending determination. It is therefore proposed to secure the landscaping by condition, but the condition has been worded to ensure the 109 replacement trees will be secured.

Ecology

The application was supported by Preliminary Ecological Appraisals which were assessed by Greater Manchester Ecology Unit (GMEU). GMEU raised no objection to the proposal subject to the securing of additional reports and precautions, consistent with the obligations attached to the extant outline consent for residential development.

This proposal includes the demolition of the existing building on the site. The building proposed to be demolished was not surveyed for bats prior to the submission of the application in October 2020 because it was not within the ownership of the applicants during the 2020 survey season. The applicants have now acquired the site and therefore now have access to the building proposed for demolition.

Since acquiring the site, the existing building has been assessed by an ecologist who considers the risk of the presence of bats to be 'negligible to low' but additional dusk and dawn surveys are going to be undertaken in April. The building has extant full permission to be demolished under the 2015 hybrid permission (ref: PA/337091/15). It is best practice to request the bat surveys to be carried out prior to determination. However, in this case it is considered reasonable to grant permission subject to conditions with triggers that take account of the extant permission, but do not reduce the environmental obligations.

Section 106 requirements

The extant outline consent was subject to the provisions of a Section 106 agreement that secured affordable housing, public open space, and commuted sum contributions towards education.

Affordable Housing Provision

This application differs to the outline in that a defined affordable housing scheme is to be provided on site, and given the information submitted with the application this is to be secured by condition and not the proposed legal agreement.

The current policy target is for 7.5% of the total development sales value to go towards the delivery of affordable housing. This affordable housing must be provided on-site unless there are exceptional circumstances that would justify the acceptance, by the Council, of off-site provision within the locality or a financial contribution in lieu of provision.

This application is accompanied by an Affordable Housing Statement, which together with the proposed layout plan, identifies that 51 of the total dwellings (32%) will be affordable dwellings. The affordable dwellings identified would provide the following accommodation;

- 22 x two bedroomed dwellings

- 25 x three bedroomed dwellings
- 4 x four bedroomed dwellings

51 dwellings equate to around 32% of the total site capacity. The Affordable Housing statement specifies that both shared ownership (31) and affordable rent (20) are being provided, which is in accordance with the Council's strategic objectives to provide different types of affordable homes, including pathways to home ownership. The delivery of these units will be supported by Homes England grant funding, with 20 new homes forming part of the Homes England SOAHP programme and 31 homes through Great Places Strategic Partnership with Homes England.

It is proposed to secure the provision of the Affordable Housing by listing the supporting statement and the layout plan which identifies the dwellings as approved documents.

Public Open Space

Local Plan Policy 23 requires that major new residential developments such as this are expected to contribute towards the provision of new or enhancement of existing open space unless they can prove it is not financially viable

The requirement for public open space was considered at the outline planning permission stage, whereby it was determined that the provision of the Linear Park would ensure appropriate open space provision is facilitated in association with the development. This is to be secured by the proposed legal agreement.

Education

With respect to the proposed contributions for education purposes, these are to remain the same as those previously secured which is for a total of £540,000 and will be paid as follows;

£110,000 prior to Occupation of 50% of the Dwellings on Phase R5;

£110,000 prior to Occupation of 75% of the Dwellings on Phase R5;

£160,000 prior to Occupation of 50% of the Dwellings on Phase R6;

£160,000 prior to Occupation of 75% of the Dwellings on Phase R6.

CONCLUSION

This proposal is part of the wider Foxdenton development and will deliver a mix of residential dwellings in a highly sustainable location which will also support the wider initiative of the immediate area and will be well-integrated with the adjacent proposed Linear Park.

It is considered that the proposal complies with relevant national and local planning policies.

RECOMMENDED 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

2.

The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice.

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

3.

No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.

REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan.

4.

Notwithstanding the submitted scheme prior to the first occupation of any dwelling hereby approved a detailed landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be submitted at a scale of 1:200, shall include the Sustainable Drainage and Pumping Station areas, take account of the requirements of the approved ecology reports and the approved tree replacement of 109 trees and shall include the following: -

- a. The exact location and species of all existing trees and other planting to be retained;
- b. All proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities per sq. m of all new planting;
- c. An outline specification for ground preparation;
- d. Details (supporting elevations and construction details) of any boundary treatments, retaining walls and structures;
- e. Details of materials and colours of all proposed hard landscape elements and pavings;
- f. The proposed arrangements and specifications for initial establishment maintenance and longer-term maintenance of all planted and/or turfed areas;
- g. A detailed management and maintenance plan for all the greenspace and amenity areas not within the curtilage of dwellings. These areas shall thereafter be maintained and managed in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

The planting shall be wholly implemented in its finally approved form before or within the first available planting season following the substantial completion of development. Any tree or other planting which is lost, felled, removed, becomes diseased, or is substantially damaged within a period of five years thereafter shall be replaced in kind during the first available planting season following the date of loss or damage. All hardscaping boundary treatments shall be fully constructed in accordance with the approved scheme in accordance with timescales contained therein.

REASON - In the interests of visual amenity having regard to Policies 9, 20 and 21 of the Oldham Local Plan

5.

Prior to any demolition works on site, further bat dawn or dusk surveys must be carried out. The details shall be submitted to and approved in writing by the Local Planning Authority. The surveys should be accompanied by a scheme for any necessary precautionary measures and mitigation works based on the findings of the surveys. The works shall be carried out in full accordance with the approved scheme

REASON - In order to protect and mitigate the impact on bats having regard to Policy 21 of the Oldham Local Plan.

6.

Prior to the commencement of any earthworks on site, a survey of the site and within 30m of the boundaries for badger setts shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with any recommended precautionary measures and/ or mitigation works.

REASON - In order to protect and mitigate the impact on badgers having regard to Policy 21 of the Oldham Local Plan.

7.

No works to trees or shrubs shall occur between the 1st March and 31st 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 - In the interest of protecting nesting birds having regard to Policy 21 of the Oldham Local Plan.

8.

Prior to any earthworks, a method statement which shall detail proposals for the eradication and/or control and/or avoidance measures for Himalayan balsam, Japanese knotweed and giant hogweed 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 unless otherwise approved in writing by the local planning authority.

REASON - To prevent the spread of invasive plant species having regard to Policies 9 and 21 of the Oldham Local Plan.

9.

No part of the development hereby approved, excluding demolition works but including earth moving or site clearance, shall take place on site until a method statement to protect the Wince Brook from accidental spillages, dust and debris has been submitted to and approved in writing by the local planning authority. All measures will be implemented and maintained for the duration of the construction period in accordance with the approved details.

REASON – In the interest of biodiversity having regard to Policy 21 of the Oldham Local Plan.

10.

Prior to the installation of any external lighting adjacent to the boundary adjacent to Wince Brook, a lighting design strategy relating to the boundary shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

- Identification of light sensitive bat and other biodiversity features.
- Show where the external lighting will be installed.

- Measures to ensure the lighting will not have a significant impact on bats and biodiversity.
- The lighting shall be installed and maintained in accordance works with the approved details.

REASON - In the interests of biodiversity having regard to Policy 21 of the Oldham Local Plan.

11.

No part of the development hereby approved, excluding demolition works but including earth moving or site clearance, shall take place on site until a Written Scheme of Investigation (WSI) setting out a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority

The programme of archaeological works should be undertaken in full accordance with the approved WSI prior to the first occupation of any of the dwellings hereby approved. The WSI shall cover the following:

- a) A phased programme and methodology of site investigation and recording to include:
 - detailed historical research and analysis for targeted archaeological sites and historic buildings
 - a targeted archaeological evaluation of buried features of potential archaeological interest
 - an archaeological building survey of historic buildings directly affected by the scheme
 - depending upon the evaluation results, more detailed targeted archaeological excavation and recording
- b) A programme for post investigation assessment to include:
 - analysis of the site investigation records and finds
 - production of a final report.
- c) Dissemination of the results commensurate with their significance
- d) Provision for archive deposition of the report, finds and records of the site investigation.
- e) Nomination of a competent person or persons/ organisation to undertake the works set out within the approved WSI.

REASON - To record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publicly accessible having regard to Policy 24 of the Oldham Local Plan.

12.

The development shall be carried out in accordance with the approved "Remediation and Enabling Works Strategy' (13-635-R2-1), received 23/03/21, and a Completion/Verification Report shall be submitted to and approved in writing by the local planning authority in order to fully discharge the condition.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development in each phase is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

REASON - In order to protect public safety and the environment having regard to Policy 9 of the Oldham Local Plan.

13.

No part of the above groundworks hereby approved, excluding any demolition and site clearance works, shall commence until the ground gas risk assessment and any necessary programmed remedial measures have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details

REASON - In order to protect public safety, because the site is located within 250m of a former landfill site, having regard to Policy 9 of the Oldham Local Plan.

14.

No dwelling shall be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan Ref:SK686-PL-01 Rev R and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

REASON - To ensure adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

15.

Prior to the construction of any dwellings hereby approved, precise details and a timetable for construction of the emergency access from Milton Drive to serve the site shall be submitted to and approved in writing by the Local Planning Authority.

The submitted scheme must include details of pedestrian and cycle facilities along Milton Drive linking it to the development site.

The access shall be constructed and made available for use in accordance with the approved details and timetable. The access shall be used for emergency purposes only, at all times, thereafter.

REASON – In the interest of highway safety and to ensure connectivity to and from the site for pedestrians and cyclists and having regard to Policies 5 and 9 of the Oldham Local Plan.

16.

No part of the above ground works hereby approved, excluding any demolition and site clearance works, shall commence until details of the embankments surrounding the site including drainage, retaining structures and levels, and a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be completed in accordance with the approved scheme and timetable

REASON - To ensure that adequate drainage and highway standards are met in the interests of visual amenity having regard to Policies 9, 20, and 21 of the Oldham Local Plan.

17.

No part of the above ground works hereby approved, excluding any demolition and site clearance works, shall be commenced until full details of a scheme for a sustainable drainage system to serve the site, and method of implementation including arrangements to secure funding and maintenance for the lifetime of the development has been submitted to

and approved in writing by the Local Planning Authority. The scheme shall include details of drainage, retaining structures and levels of the adjacent highway

The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved scheme. Details of a scheme for a sustainable drainage system should be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

REASON - To ensure that adequate drainage and highway standards are met in the interests of highway safety having regard to Policies 5, 8 and of the Oldham Local Plan.

18.

Prior to the first occupation of any of the dwellings hereby approved, details of all aspects of the pumping station structures and its compound, including fencing, noise attenuation measures and landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall take account of the requirements of the overall landscaping scheme secured by condition. The pumping station and associated works shall be installed in full accordance with the approved details

REASON - In the Interest of residential and visual amenity and to accord with Policies 20 of the Oldham Local Plan

19.

The development hereby approved shall be implemented in full accordance with the Affordable Housing Statement dated March 2021 and the associated plans identifying the affordable rented and shared ownership properties to which the requirements relate. The identified properties shall be subject to such occupation and sale thereafter, unless a variation to the scheme has been submitted to and approved in writing by the Local Planning Authority.

REASON – To ensure the provision of affordable housing having regard to Policy 10 of the Oldham Local Plan.

20.

Prior to first occupation of any dwelling hereby approved, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be developed in accordance with the Framework Travel Plan produced by Eddisons, August 2020, and shall include a timetable for implementation. The approved Travel Plan shall be fully implemented in accordance with timescales contained therein

REASON- To promote sustainable transport having regard to Policies 5 and 9 of the Oldham Local Plan.

21.

The development shall be implemented in full accordance with the measures as set out in the submitted Construction Environmental Management Plan Rev L dated April 2021.

REASON – In order to minimise any impact on residential amenity and highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

22.

Prior to the construction of any dwelling an Energy Statement which details an average completed energy performance for each dwelling of 15% improvement on Part L of the

Building Regulations, shall be submitted to and approved in writing by the Local Planning Authority. All dwellings shall be constructed in accordance with the approved energy statement and retained as operational thereafter.

REASON – In the interests of sustainability to ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan 23.

23.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, AA, B, C or E of Part 1 of Schedule 2 shall be carried out unless permission is granted by the Local Planning Authority in respect of the following plots as identified on the approved layout plan Ref:SK686-PL-01 Rev R.

1 – 6 (inclusive),
14 – 29 (inclusive),
46– 56 (inclusive),
62– 74 (inclusive),
76 – 81 (inclusive),
83 – 91 (inclusive),
136 – 148 (inclusive),
150, 151 &160

REASON - In order to protect the amenity of neighbouring properties having regard to site levels and/or proximity to neighbouring properties and to Policies 9 and 20 of the Oldham Local Plan.

AFF ACCOMMODATION SCHEDULE											
HOUSE TYPE	NUMBER	Actual		BED	Actual		Mid	End	Det	Total	
		SQFT	NDSS		SQFT	NDSS					
Arun (Iwell)	22	759	753	2	16698	4	18	0	22		
Bourne (Weaver)	19	918	910	3	17442	5	14	0	19		
Bourne SA (Weaver)	6	918	910	3	5508	0	0	6	6		
Southwick (Dee)	4	1131	1131	4	4524	0	4	0	4		
TOTAL =	51			TOTAL =	44172					51	
Nett Area	2.5 Acres										
Coverage	17668.8 SQFT/Acre										
Density	20.4 UPA										
OPEN MARKET ACCOMMODATION SCHEDULE											
HOUSE TYPE	NUMBER	Actual		BED	Actual		Mid	End	Det	Total	
		SQFT	NDSS		SQFT	NDSS					
Edon (Esk)	12	762	754	2	9144	0	12	0	12		
Hollinwood (New Weaver)	12	948	938	3	11376	0	12	0	12		
Colledale (Lea)	6	1010	1000	3	6060	0	6	0	6		
Witham (New Ashbourne)	9	993	984	3	7944	0	0	8	8		
Sarkey (New Stamford)	12	1073	1063	3	12876	0	12	0	12		
Brathay (Blyth)	10	1095	1088	3	10950	0	0	10	10		
Rydal (Ashage)	15	1098	1088	3	16470	0	0	15	15		
Type (New Walton)	8	1058	1048	3	8494	0	0	8	8		
Blakewater (Lymington)	9	1214	1203	4	10926	0	0	9	9		
Rusland (Oakham)	7	1314	1303	4	9198	0	0	7	7		
Winstler (Dunham)	10	1334	1323	4	13340	0	0	10	10		
TOTAL =	109			TOTAL =	116748					109	
Nett Area	7.95 Acres										
Coverage	14685.283 SQFT/Acre										
Density	13.7106918 UPA										
TOTALS											
Total Units	160										
Total SQFT	160920										
Nett Area	10.45 Acres										
Coverage	15399.0431 SQFT/Acre										

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HOUSE TYPE	NUMBER	Actual SQFT	NDSS SQFT	BED	Actual SQFT	Mid	End	Det	Total		
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Hollinwood (New Weaver)	12	948	938	3	11376	0	12	0	12		
Colledale (Lea)	6	1010	1000	3	6060	0	6	0	6		
Witham (New Ashbourne)	9	993	984	3	7944	0	0	8	8		
Sarkey (New Stamford)	12	1073	1063	3	12876	0	12	0	12		
Brathay (Blyth)	10	1095	1088	3	10950	0	0	10	10		
Rydal (Ashage)	15	1098	1088	3	16470	0	0	15	15		
Type (New Walton)	8	1058	1048	3	8464	0	0	8	8		
Blakewater (Lymington)	9	1214	1203	4	10926	0	0	9	9		
Rusland (Oakham)	7	1314	1303	4	9198	0	0	7	7		
Winstler (Dunham)	10	1334	1323	4	13340	0	0	10	10		
TOTAL =					TOTAL =	116748				109	
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Planning Committee Meeting

21st April 2021

Residential development of up to 160 dwellings with vehicular access onto Broadway and Milton Drive, car parking, roads, landscaping and associated works and infrastructure following demolition of existing buildings

Land to the west of Broadway and Milton Drive,
Chadderton

Application No. FUL/345659/20

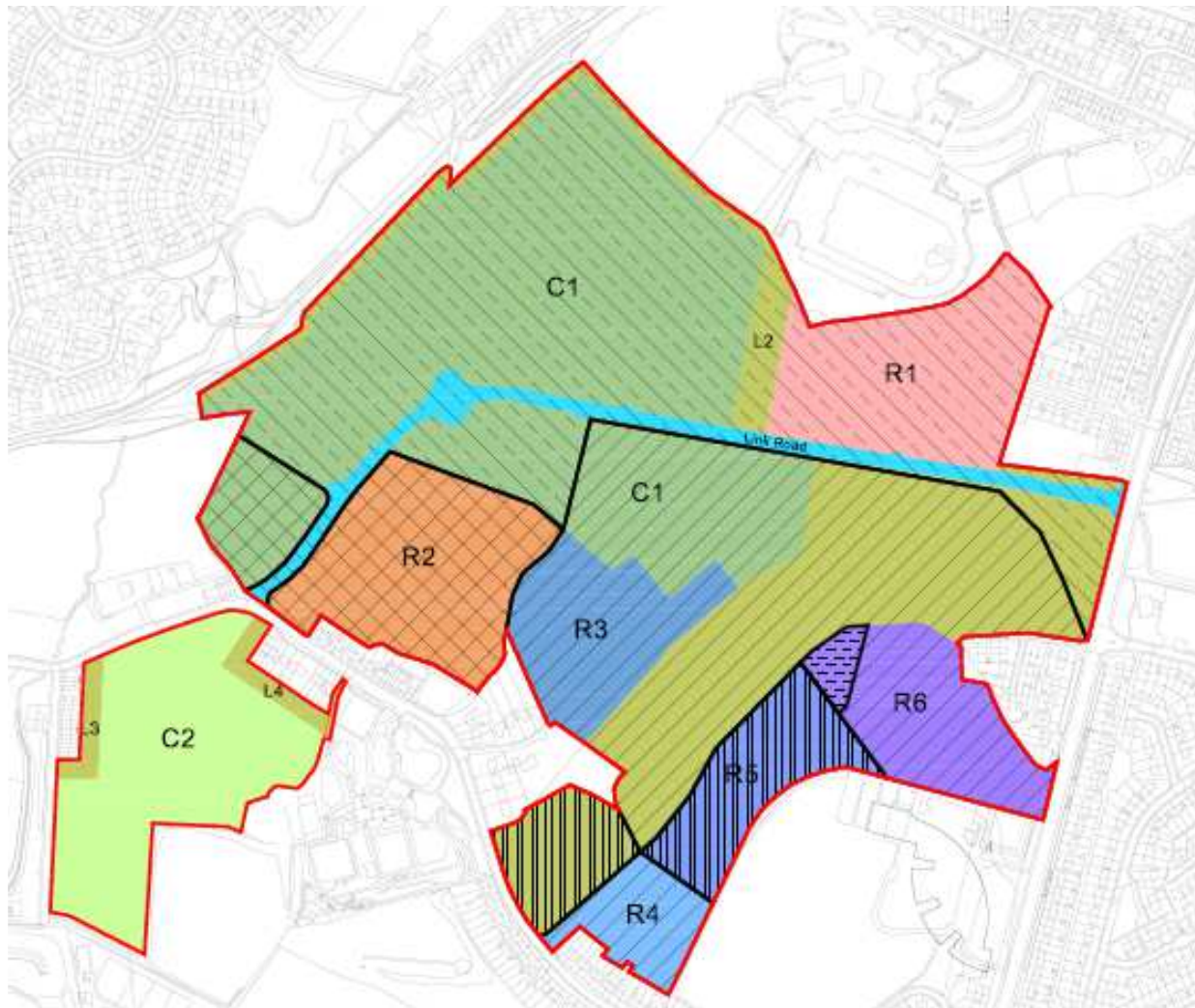
Aerial view



Site boundary



Phasing plan



Proposed site layout



Access from Broadway



Position of site access (within and outside the site)



Temporary construction access from Foxdenton Lane



Initial construction route



Views across southern part of application site



View across proposed linear park towards site



View towards site from Lydia Becker Way



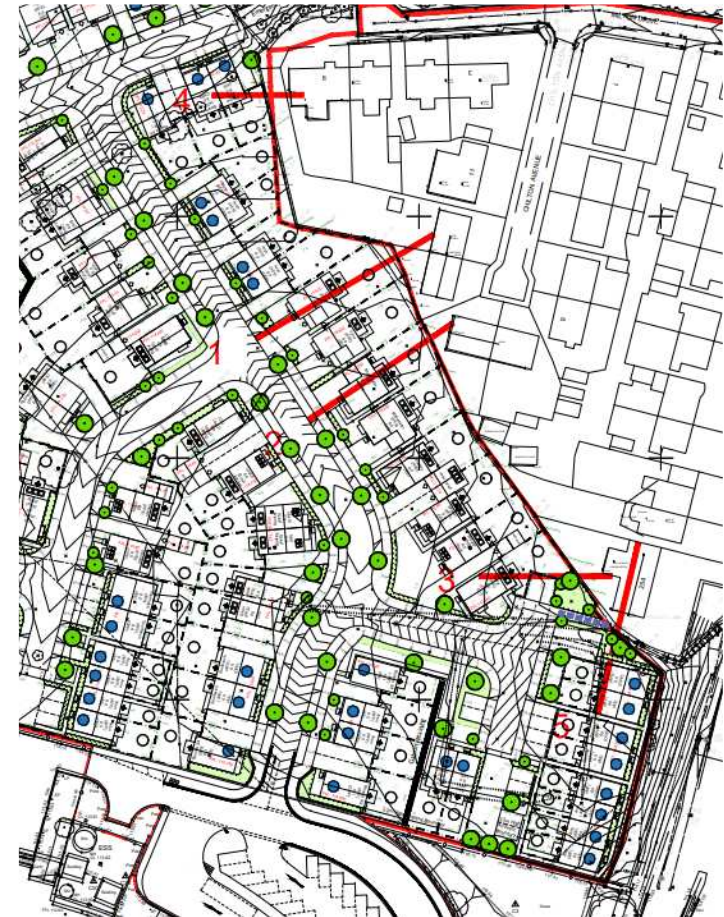
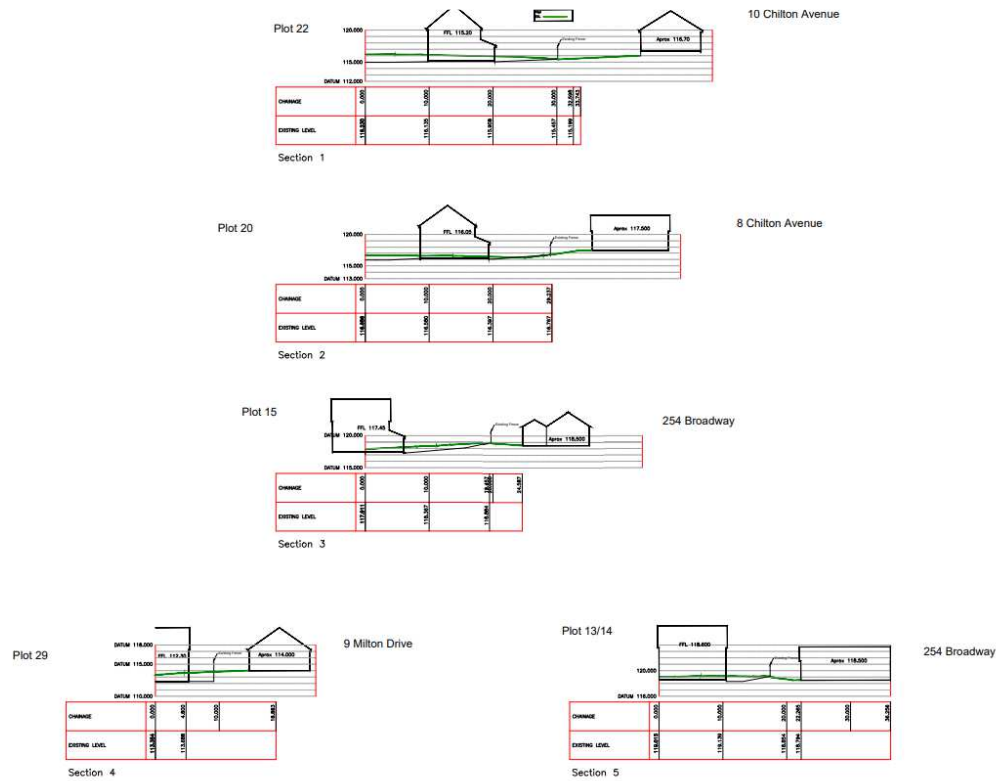
Boundary to properties on Chiltern Avenue/Broadway



Views from Milton Drive (outside and within the site)



Sections to existing properties



Street scenes

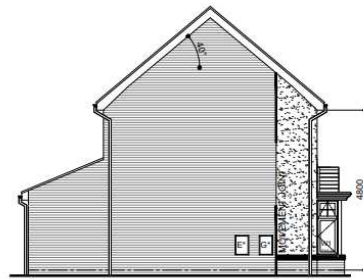


Example house types

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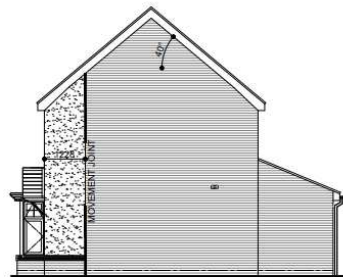
Front Elevation
Scale 1:100 6:1 (Render)



Side Elevation
Scale 1:100 6:1 (Render)



Rear Elevation
Scale 1:100 6:1 (Render)



Side Elevation
Scale 1:100 6:1 (Render)



Front Elevation (Brick)



Front Elevation (Tile Hanging)

Example house types



Example house types



Front Elevation (Brick)
Scale 1:100



Front Elevation (Render)
Scale 1:100



Front Elevation
Scale 1:100



Rear Elevation
Scale 1:100



Side Elevation
Scale 1:100



Side Elevation
Scale 1:100

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APPLICATION REPORT - FUL/346233/21

Planning Committee 21st April 2021

Registration Date: 9th February 2021

Ward: Shaw

Application Reference: FUL/346233/21

Type of Application: Full Application

Proposal: Change of use from public house to supported accommodation

Location: Former Weavers Answer, 70-74 Milnrow Road, Shaw, Oldham, OL2 8ER,

Case Officer: Sophie Leech

Applicant Ms Mehtab Shaukat

Agent : Mr Belal Rashid

RECOMMENDATION

It is recommended that Committee resolves to grant permission subject to the conditions set out below.

THE SITE

The application site is located on Milnrow Road, Shaw and is the former Weavers Answer public house. The building sits in a prominent corner position and is built of traditional stone with a slate roof. The area is mixed use with commercial uses along Milnrow Road and surrounding residential uses which lead off Milnrow Road. The area comprises traditional housing, therefore there is limited on street parking. There is a bus stop outside the site and the site is approximately 0.3 miles from the Metrolink stop at Shaw & Crompton.

THE PROPOSAL

This application seeks planning permission from a change of use of public house to temporary sheltered accommodation, providing 9 single bedrooms.

The applicant provides care and emergency temporary accommodation to homeless and vulnerable individuals working with support agencies.

No changes to the roof are proposed. A number of new windows will be installed comprising the replacement of the existing front door with a matching window; new rear window to serve bedrooms 8 and 9.

RELEVANT PLANNING HISTORY :

FUL/345796/20 - Change of use from public house to temporary emergency sheltered accommodation (18 bedrooms) including hip to gable roof; front and rear dormers and alterations to windows/doors. Refused 29/01/2021 on grounds of visual amenity impact due to the proposed roof additions.

RELEVANT PLANNING POLICIES

The 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of

the Local Development Framework for Oldham.

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

Policy 5 - Promoting Accessibility and Sustainable Transport

Policy 9 - Local Environment

Policy 11 - Housing

Policy 20 - Design

CONSULTATIONS

Highway Officer – No objections

Environmental Health - No objections. The property will be a licensable HMO and an application for a licence must be made before the property is occupied.

Greater Manchester Police Design for Security – No objections, but has recommended a number of measures to be installed

REPRESENTATIONS

Councillor Chris Gloster has requested that the application should be determined by Planning Committee citing inadequate internal arrangements, fear of crime and anti-social behaviour, siting of the entrance next to a bus shelter, inadequate parking, and visual amenity.

55 letters of objections have been received on the following grounds

- The building is not big enough;
- Social issues will cause problems for existing residents;
- Parking is an issue in the area already;
- Anti-social behaviour will be a problem.

PLANNING CONSIDERATIONS

Principle of Development

The site lies within the sustainable settlement of Shaw; therefore, the principle of residential development is accepted, subject to compliance with relevant policies.

Design & Appearance

The building occupies a prominent position on Milnrow Road and is sited within a street scene of buildings which vary in design and appearance. No alterations are proposed to the roof of the building, however there will be three new windows installed on the building. Two windows will match in design to the existing and a third window will be installed at a higher level and will be a square shape.

The replacement of a door with a window and the addition of two new windows are considered small scale changes which would not have a significant, adverse impact on the visual amenity of the building or surrounding area. As a result, the proposal complies with Policy 20.

Residential Amenity

Local Plan Policy 9 (Local Environment) sets out that the Council will protect and improve local environmental quality and amenity by: ensuring development does not cause significant harm

to the amenity of the occupants and future occupants; by ensuring there is no significant harm on neighbouring privacy and outlook, and lastly by ensuring there is no significant loss of light.

The Council's adopted 'Standards for Houses in Multiple Occupation' document dated October 2010 provides standards for all new HMO's in order to assist landlords and managing agents in the management and maintenance of houses in multiple occupation to ensure that tenants are provided with safe and suitable accommodation.

These standards are subject to change as legislation, standards and guidance are constantly updated but useful contacts and links to information sources are provided within this document. The Council's Environmental Health Department have advised that should the application be granted; the building would be a licensable HMO.

The proposed rooms have been measured in accordance with the standards.

The HMO standard for a kitchen diner where no separate lounge is provided is 19.5m². the proposed kitchen measures 29.7m², and therefore complies.

Bedrooms should be to a minimum of 10m² if no living room is provided. The bedroom dimensions range between 20.6 and 13.9m² and therefore also comply.

A concern has been raised regarding the amount of adequate natural light which would be received to bedroom 7 as the window is sited in the corner of the bedroom. However, notwithstanding this, the window would provide natural ventilation.

There will be two new first floor windows located on the rear elevation to serve two new bedrooms. These windows will have the same outlook as existing windows which will be across the rear gardens of properties on Chancery Lane and Gordon Street. The situation is no different to existing windows along Milnrow Road adjacent to the site which overlook other properties. As a result, there is considered to be no further harm in terms of overlooking.

The main entrance is to be sited at the front of the site, with two fire exits at the rear. The residents of the building would therefore access via the front entrance which is no different to the previous use of a public house. As a result, there is considered to be no further harm in terms of noise and disturbance.

In respect of activity associated with the proposal, given the previous use as a public house and the mixed commercial/residential character of the area, it is not considered that the proposal would harm local amenity.

Anti-Social Behaviour

With regard to concerns of potential anti-social behaviour and social problems, whilst such considerations can represent material planning considerations, it is necessary for such concerns to be based on definitive evidence, and in the absence of such, refusal of the application on such grounds cannot be justified.

The Council's Community Safety Team and the Oldham Borough Local Policing Team have identified anti-social behaviour complaints. However, the information provided is for youths under the age of 18. There was one report of anti-social behaviour outside 82-84 Milnrow Road (HMO) in January 2021 and two further reports on Milnrow Road, however no address has been logged. A report of anti-social behaviour was also logged outside the application site in September 2020.

Highways & Parking

Local Plan Policy 5 (Promoting Accessibility and Sustainable Transport Choices) states that the Council will guide development in the most sustainable locations and will encourage the use of public transport, Metrolink, walking and cycling. The policy seeks to ensure that all development has access to public transport.

The Policy also seeks to ensure that development does not increase traffic levels and does not harm the safety of road users. Furthermore, Paragraph 109 of the NPPF also states that development should be refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Highways Engineer has raised no objections to the proposal. The site is in a sustainable location close to public transport and a wide range of local amenities. It is considered there would not be any significant increase in traffic or demand for on street parking in the area resulting from the development. As a result, the proposal would support Policy 5 and 9.

CONCLUSION

The proposed development would result in an economic and social benefit from providing 9 temporary accommodation bedrooms. In terms of the environmental objective, the proposal would not harm any protected landscape features or habitats.

Given the above, there would be no adverse impacts of approving the development that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole and there are no specific policies that indicate that development should be restricted. In these terms, the NPPF advises that permission should be approved.

RECOMMENDED 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. Prior to first occupation of the building for the use hereby approved, a scheme of crime prevention measures shall be implemented in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority. The measures shall be retained thereafter. REASON – In order to secure a safe environment having regard to Policy 9 of the Oldham Local Plan.

70, Milnrow Road, Shaw, Oldham, OL2 8ER-Site Plan



Site Plan shows area bounded by: 393958.33, 409197.93 394099.75, 409339.35 (at a scale of 1:1250), OSGridRef: SD9402 926. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Planning Committee Meeting

21st April 2021

Change of use of public house to supported accommodation

Former Weavers Answer public house
70-74 Milnrow Road, Shaw, OL2 8ER

Application No. FUL/346233/21

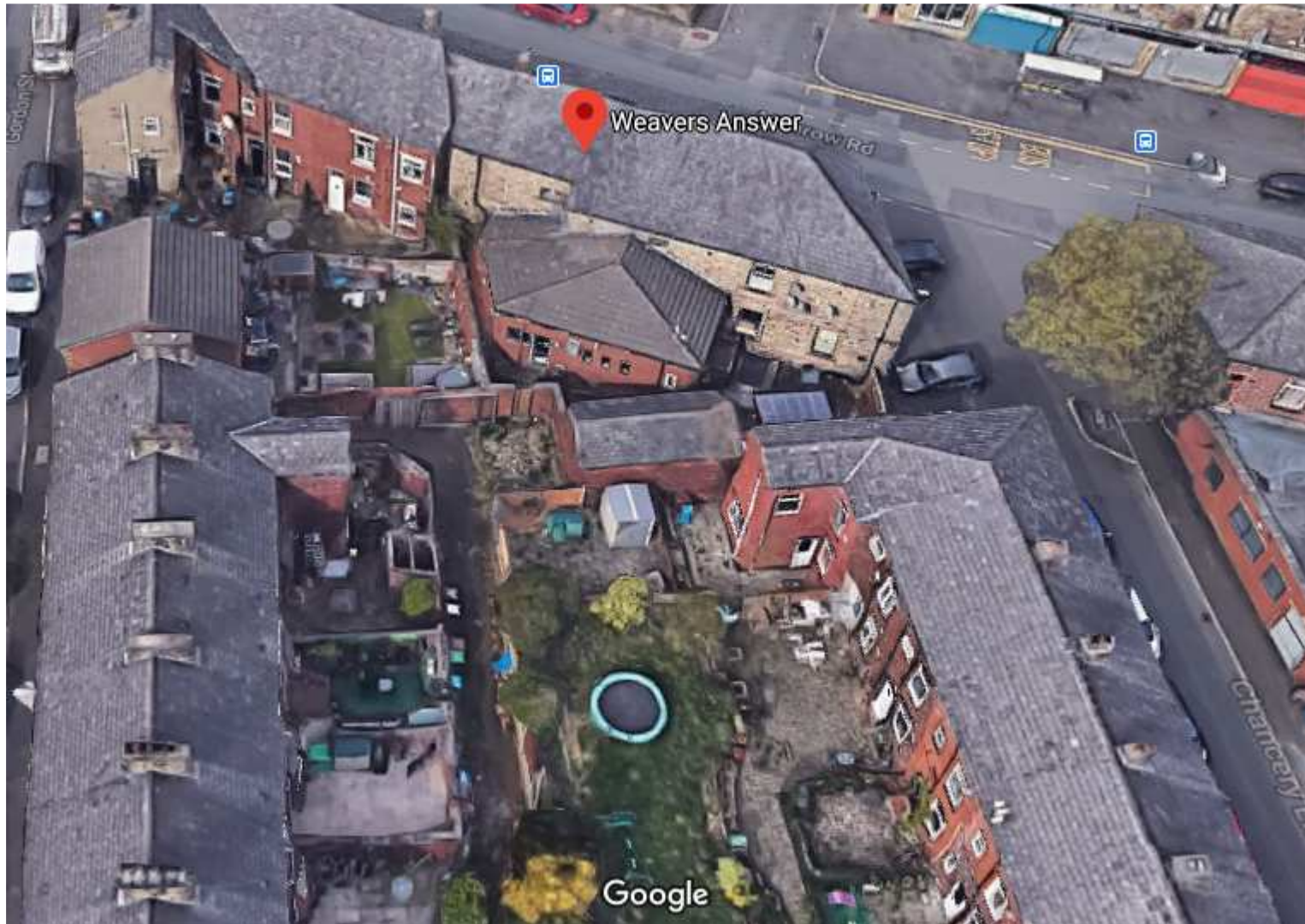
Front and side elevations



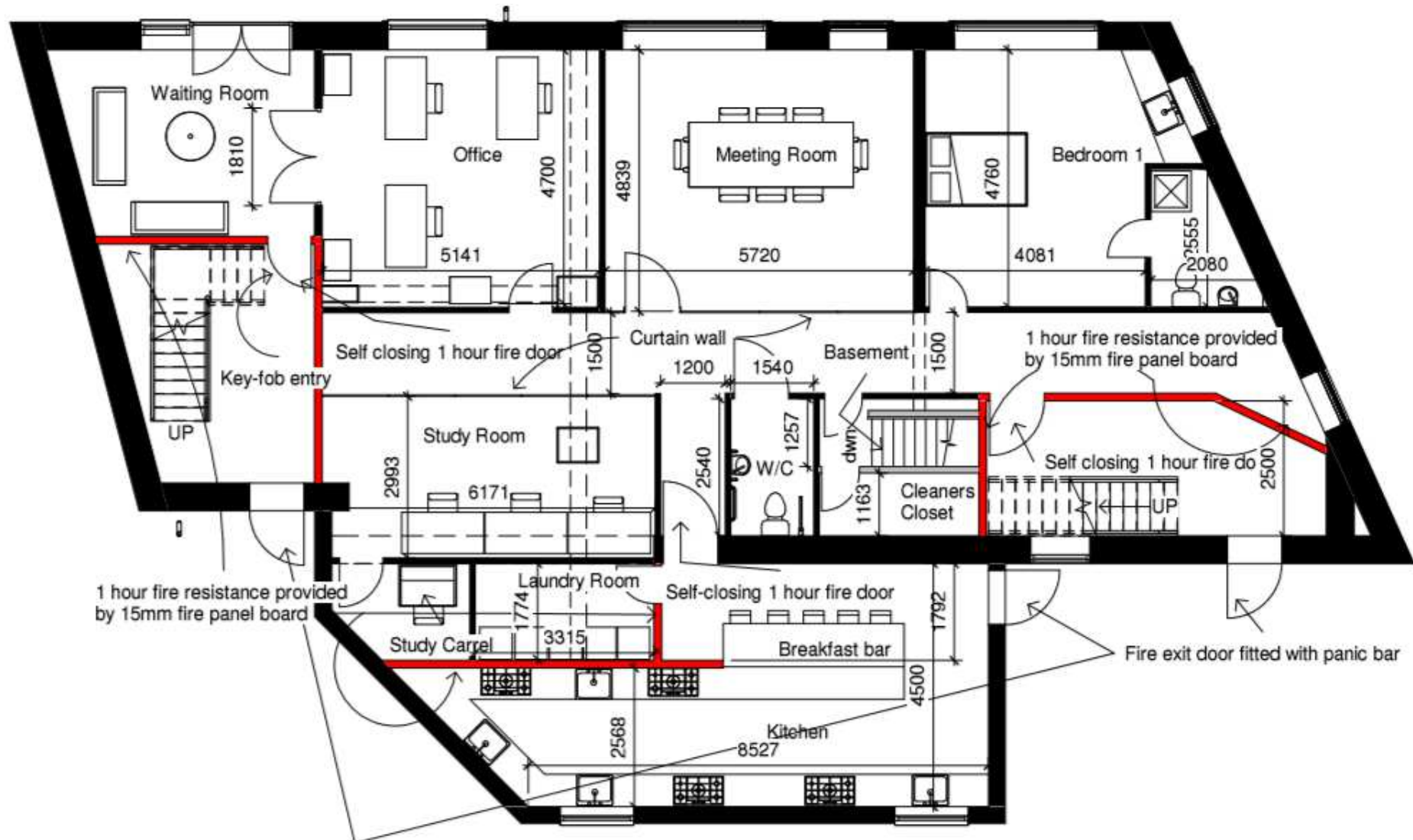
Aerial view



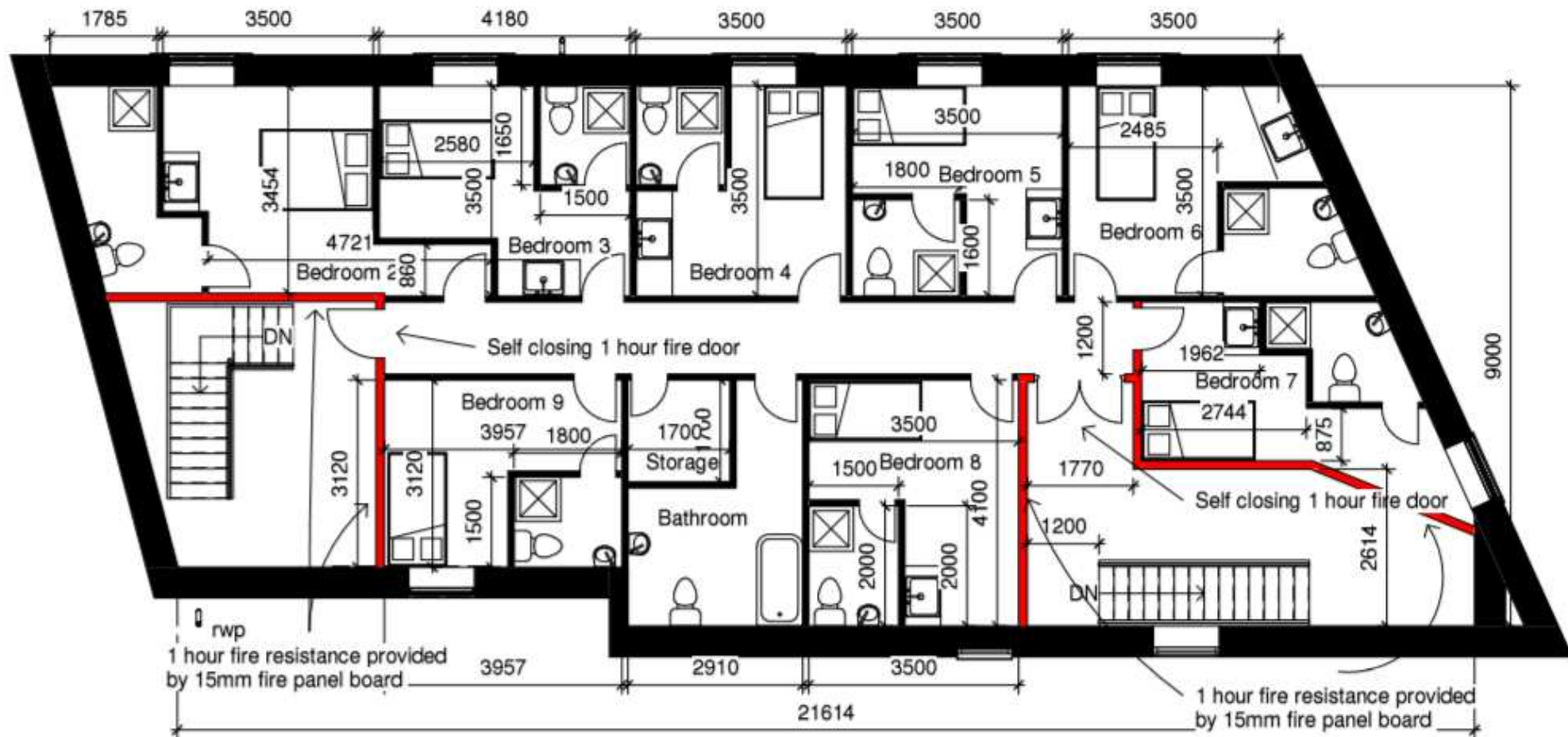
Rear elevation as existing



Proposed ground floor plan

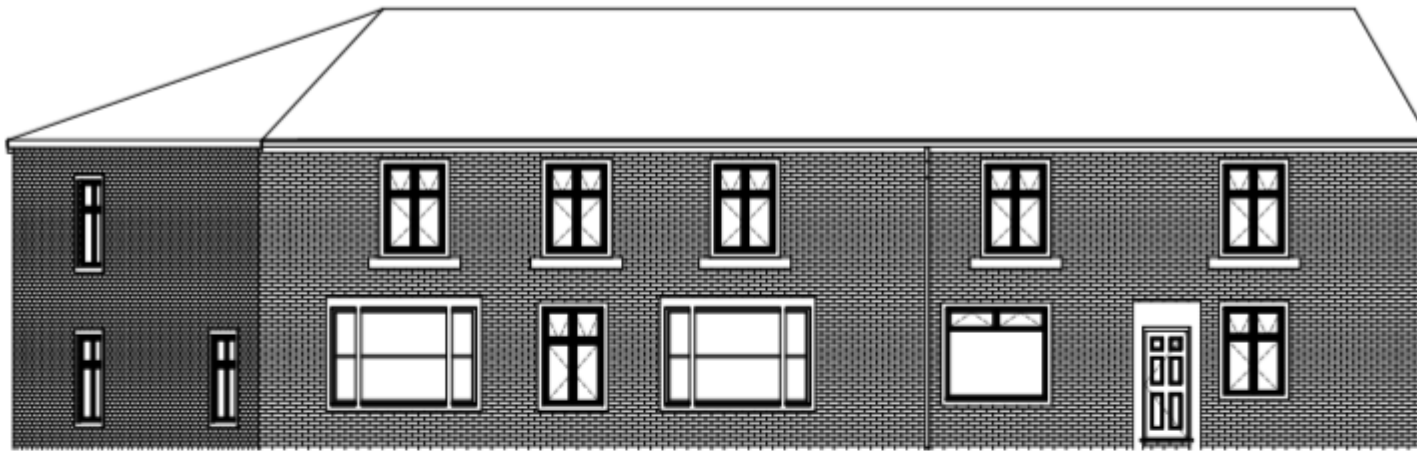


Proposed first floor plan

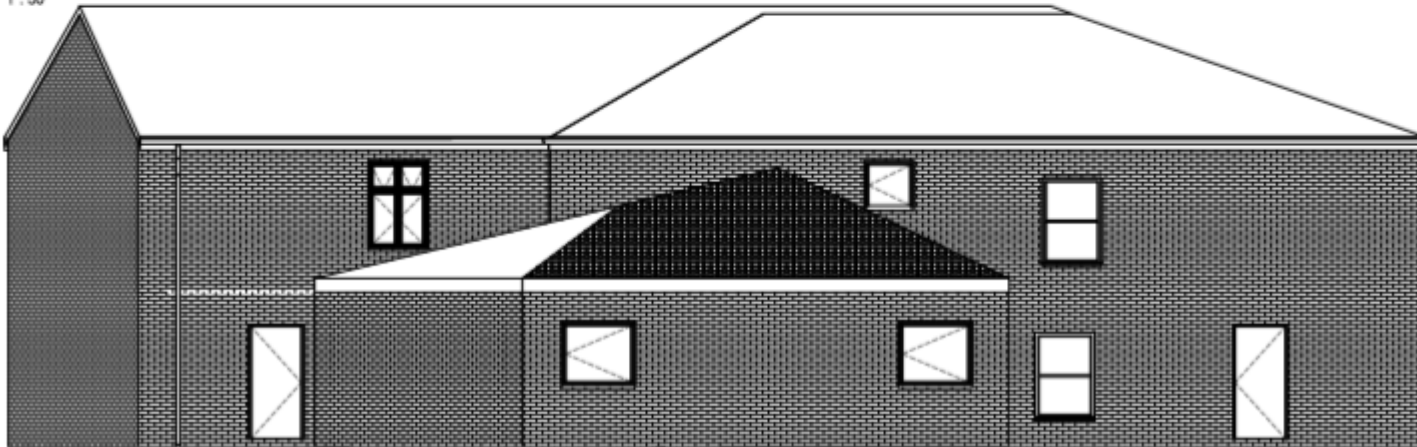


Proposed front and rear elevation

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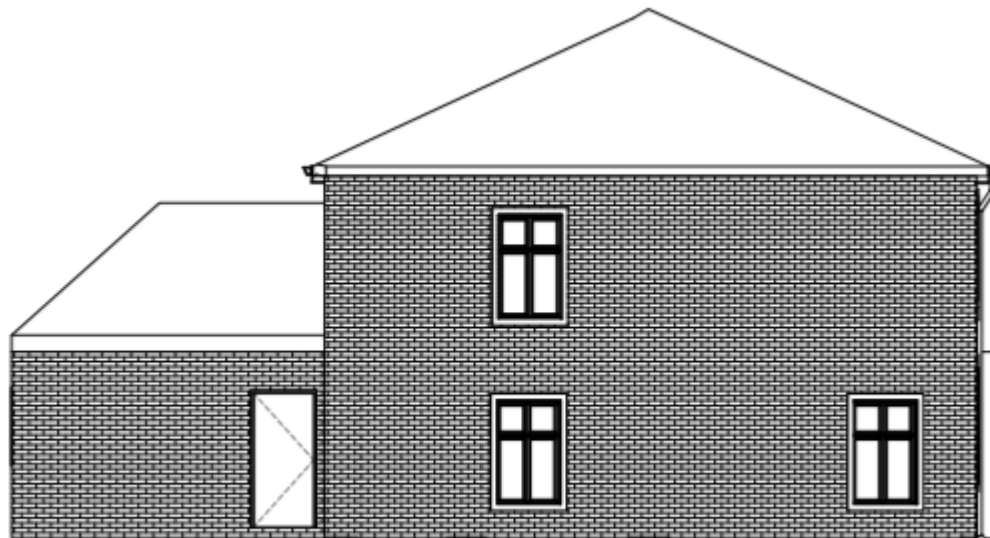


Proposed Front
1 : 50

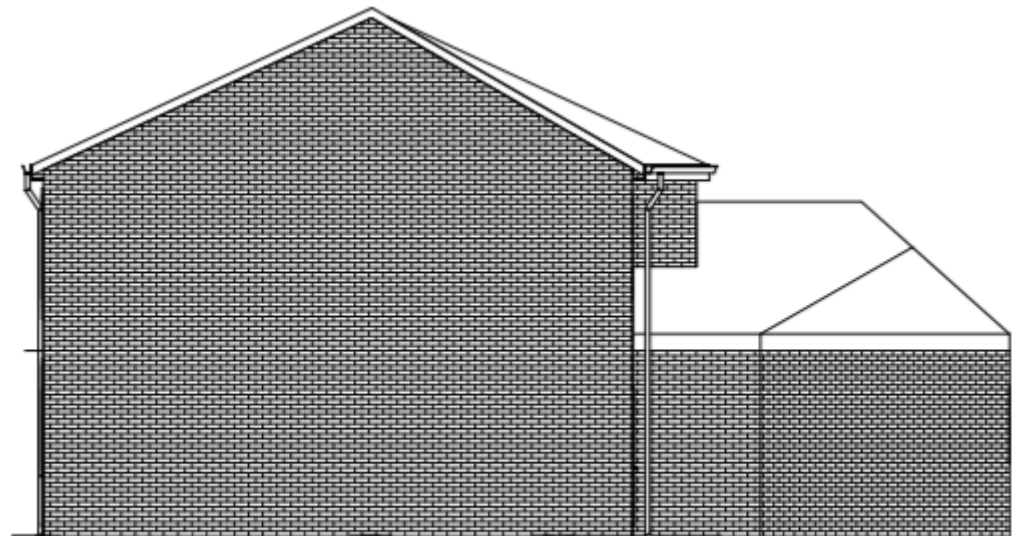


Proposed Rear
1 : 50

Proposed side elevations



Proposed Side
Chancery Lane



Proposed Side (68 Milnrow Rd)

APPLICATION REPORT - PA/344187/19

Planning Committee 21st April 2021

Registration Date: 19/11/2019
Ward: Royton North

Application Reference: PA/344187/19
Type of Application: Full Planning Permission

Proposal: Residential Development to form 14 no Residential Apartments (Use Class C3) following demolition of existing public house.
Location: 148 Middleton Road, Royton, OL2 5LL
Case Officer: Abiola Labisi

Applicant Samrum Investments Ltd
Agent : Dawson Williamson Ltd

RECOMMENDATION

It is recommended that Committee resolves to grant planning permission subject to the conditions set out below.

At its meeting on 13th May 2020, Planning Committee resolved to grant planning permission for this development subject to completion of a Section 106 obligation to provide a financial contribution of £37,169.31 for the improvement and maintenance of off-site open space and affordable housing.

The applicant has subsequently submitted a Viability Appraisal which seeks to demonstrate that the continued imposition of the financial contribution would impact adversely on the deliverability of the development. The Appraisal has been assessed by the Council's officers and it is concurred that the requirement would prevent the development from progressing.

The site has been the subject of recent concerns regarding its on-going condition which are resulting in amenity problems in the local area. Ensuring that the development is implemented is therefore an important consideration.

The earlier report is set out below.

THE SITE

The site is located at the junction of Holden Fold Lane and Middleton Road. To the west of the site, on the other side of Holden Fold Lane, are some commercial units which are occupied by various businesses, along with Vine Mill, a four-storey brick mill building located to the south of the site. To the north, on the opposite side of Middleton Road, are some dwellings.

THE PROPOSAL

The proposal relates to a residential development of 14 apartments, comprising 9 single bed units and 5 two-bed units, in a replacement building following the demolition of a former public house, which will be connected to a three-storey extension which is presently under

construction approved under planning ref. PA/339829/17 and linked by a communal entrance/circulation area off Middleton Road.

The new building would be constructed of Forterra Farmstead Antique facing brick with blue slate roof over and a combination of uPVC and aluminium windows.

RELEVANT HISTORY OF THE SITE

PA/339829/17 - Three/four storey extension to side and rear of building and conversion of public house to provide a mixed use development comprising four offices and 9 apartments. Approved 12 March 2018

RELEVANT PLANNING POLICIES & GUIDANCE

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 within the Proposals Map associated with the DPD.

Policy 1 - Climate Change and Sustainable Development

Policy 3 - An Address of Choice

Policy 9 – Local Environment

Policy 10 - Affordable Housing

Policy 11 - Housing

Policy 18 - Energy

Policy 20 – Design

Policy 23 - Open Spaces and Sports

CONSULTATIONS

Highway Engineer	No objection subject to condition relating to the car parking spaces having been provided in accordance with the approved plan (Ref.R1060-101 Rev 1).
Environmental Health	No objection subject to conditions relating to details of landfill gas and contaminated land investigation.
LLFA	No comments received.
Greater Manchester Ecology Unit	No objection subject to condition relating to submission of a scheme for biodiversity enhancement.
Greater Manchester Police	A Crime Impact Statement was requested.
United Utilities	No objection subject to condition relating to details of surface water drainage scheme and different systems for draining foul and surface water.

REPRESENTATIONS

No representations have been received.

PLANNING CONSIDERATIONS

The main planning issues to consider are:

- Principle of the development
- Design and Impact on the character of the area;
- Impact on Amenity; and
- Highway issues.

Principle of the development

The principle of redevelopment of the site with a primarily residential scheme has previously been approved, along with the loss of the former community facility, and part of that redevelopment has already commenced.

The Council cannot currently demonstrate a five-year supply of deliverable housing land. Paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

Given the present Housing Land Supply position, the most important policies for determining housing applications are afforded “less weight” in the tilted balance.

Those detailed considerations are assessed below.

In accordance with DPD Policies 10 and 23, the development will be required to contribute towards off-site public open space and affordable, and approval of the application will be subject to the completion of a legal agreement to secure that contribution.

The development will also be required to ensure it achieves it secures carbon reduction targets in line with DPD Policy 18, and this will be subject to a condition of approval.

Design and Impact on the character of the area

NPPF p-Paragraph 127 as well as DPD Policies 9 and 20 require that developments are visually attractive as a result of good architecture, layout and are sympathetic to local character and history, including the surrounding built environment.

Apart from the commercial buildings to the west of the site, the area is characterised by mainly brick buildings oft two to four storeys and of various designs. The proposed development would be in keeping with the general pattern of development in the area, having regard to its scale and design.

In relation to the proposed use, it is also considered that this would be in keeping with the general character of the area as there are residential properties nearby.

Impact on Amenity

NPPF paragraph 127 requires that new development should ensure a high standard of amenity for existing and future users, whilst DPD Policy provides that development should 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, security, noise, visual appearance of an area and access to daylight amongst others.

Having regard to its separation distance from neighbouring properties, its design and the use of the surrounding properties, it is considered that the proposal would not lead to unacceptable adverse impacts on the amenities of the occupiers of neighbouring properties.

The development is in close proximity to some commercial premises. However, it is not considered that the neighbouring commercial uses would impact on the amenities of the

occupiers of the development to an unacceptable degree given the nature of the surrounding commercial uses. The Environmental Health Officer has no objection to the proposal on residential amenity grounds.

Further on amenity, the units would comply with the space standards set out within the Technical housing standards – nationally described space standard, March 2015.

Highway Issues

NPPF Paragraph 108 provides that proposals should ensure that safe and suitable access to the site can be achieved for all users while paragraph 109 provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposal includes provision of nine car parking spaces as well as eight cycle storage racks which can be safely accessed. In addition, the site is within walking distance of Royton Town Centre where a range of facilities is available. Given the size of the development, and the proximity to community facilities, it is considered that the number of vehicle parking and cycle storage facilities to be provided would not lead to any severe highway issues and would therefore be acceptable.

CONCLUSION

Given the above, there would be no adverse impact of approving the development that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole and there are no specific policies that indicate that the development should be restricted. In these terms, the NPPF advises that permission should be approved.

RECOMMENDATION

It is recommended that Committee resolves to grant planning permission subject to the conditions set out below.:

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 Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications received on 19/02/2020, which are referenced as:

Drawing No. R1060-101 Rev 2 (Proposed Site Plan)
Drawing No. R1060-102 Rev 1 (Site Elevations as Proposed)
Drawing No. R1060-110 Rev 4 (Proposed Ground Floor Plan)
Drawing No. R1060-111 Rev 4 (Proposed First Floor Plan)
Drawing No. R1060-112 Rev 4 (Proposed Second Floor Plan)
Drawing No. R1060-113 Rev 3 (Proposed Third Floor/Roof Plan)
Drawing No. R1060-114 Rev 1 (Proposed Roof Plan)
Drawing No. R1060-201 Rev 3 (Proposed Front Elevation Plan)
Drawing No. R1060-202 Rev 3 (Proposed Side Elevation Plan)
Drawing No. R1060-203 Rev 3 (Proposed Rear Elevation Plan)
Drawing No. R1060-204 Rev 3 (Proposed Side Elevation Plan)

Reason - For the avoidance of doubt and to ensure that the development is carried

out in accordance with the approved plans and specifications.

3. Notwithstanding the details shown on the planning application documents, no development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.

Reason - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan.

4. 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 19/02/2020 (Ref. R1060-110 Rev 4) and thereafter the parking spaces shall not be used for any purpose other than for 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 having regard to Policies 5 and 9 of the Oldham Local Plan.

5. The landscaping works shown on the approved Site Plan and Ground Floor Plan shall be carried out in accordance with the approved details within the first planting season following first occupation of the development hereby permitted. Any shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by shrubs of similar size and species to those originally required to be planted.

Reason - To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in order to enhance the site's biodiversity having regard to Policy 20 of the Oldham Local Plan.

6. Prior to any part of the development hereby approved being occupied, a verification report demonstrating the completion of remediation works set out in the Phase 2 Site Investigation Report prepared by Build Vision Limited (Consulting Engineers) and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason - To ensure that the site does not pose any further risk to human health or the water environment having regard to Policy 9 of the Oldham Local Plan.

7. 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 during the demolition and construction phases of the development. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the construction works.

Reason - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.

8. The development shall be implemented in accordance with the physical security measures set out in Crime Impact Statement report prepared by the Greater Manchester Police (Reference. 2017/0238/CIS/01) submitted with the application.

Reason - To create safe and accessible environments in accordance with Policy 20 of the Oldham Local Plan.

9. Prior to the commencement of the development, details of separate proposals for the disposal of surface and foul water shall be submitted to the Local Planning Authority for written approval. The surface water drainage scheme shall be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 6 l/s.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

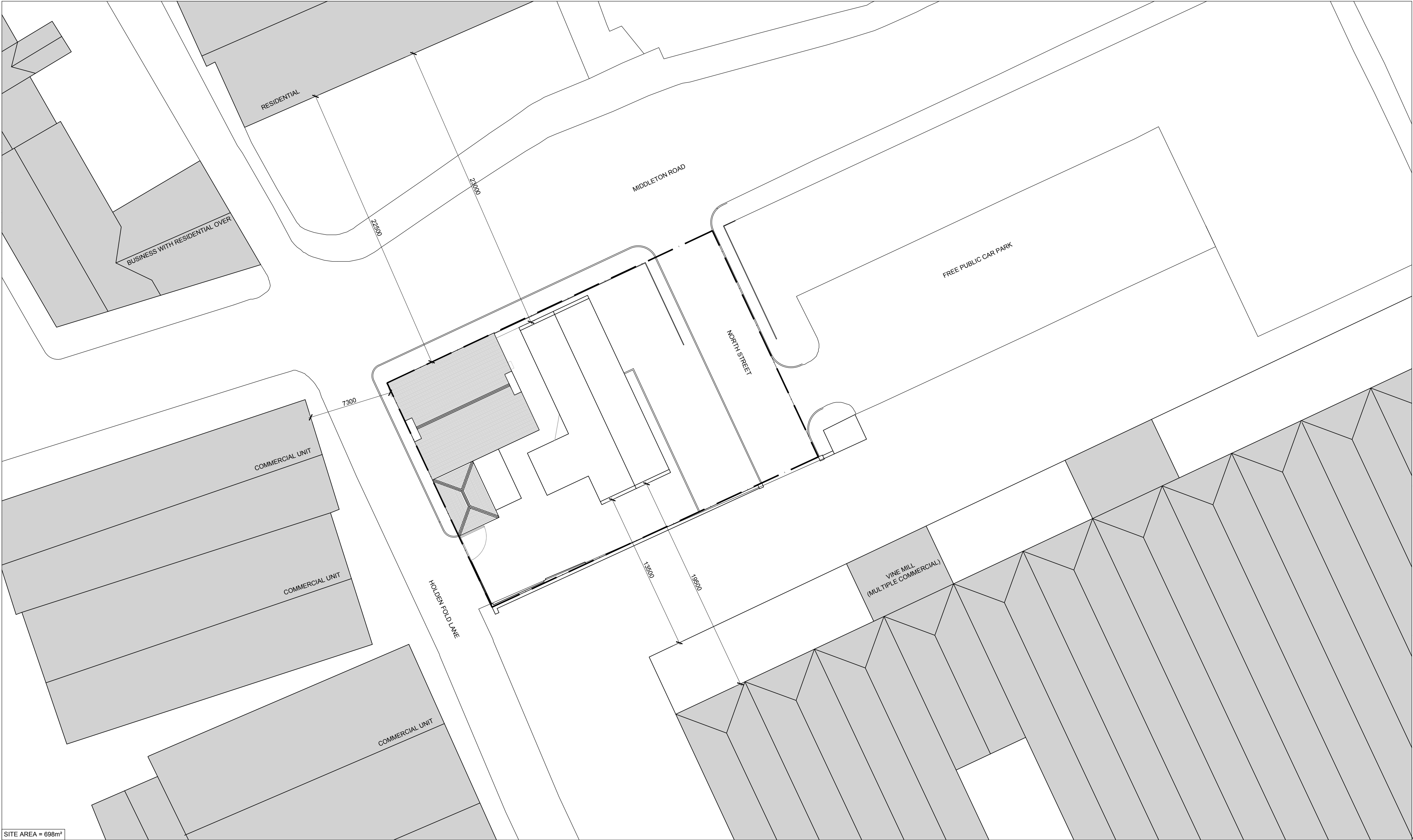
Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

10. The demolition of the Dog and Partridge public house building shall not commence 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 Oldham Local plan Policy 18 and shall detail how a target area has been determined; and how the development will meet this target.

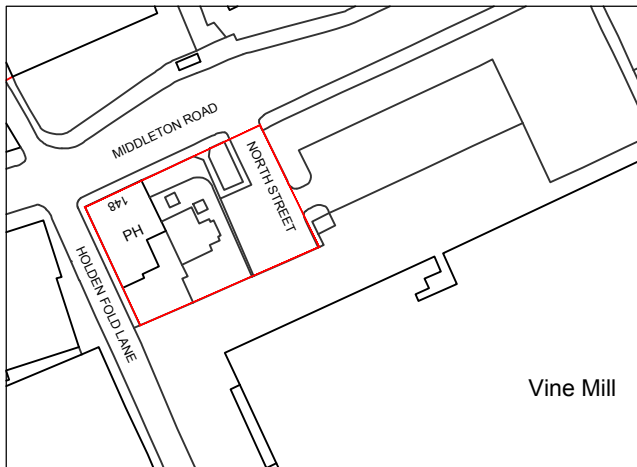
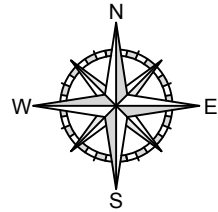
The development shall be carried out in accordance with the approved scheme phasing arrangements and retained as operational thereafter.

Reason – To ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.

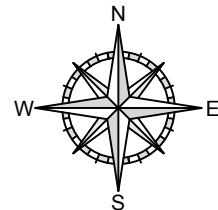
NOTE: DRAWING TO BE READ IN CONJUNCTION WITH EXISTING SITE ELEVATIONS DRAWING (R1060 002)



SITE PLAN
AS EXISTING
1:200 @ A1



SITE LOCATION PLAN
AS EXISTING
1:1250 @ A1



GENERAL NOTES

WRITTEN DIMENSIONS TO TAKE PRECEDENCE OVER SCALED DIMENSIONS

MAIN CONTRACTOR TO CONFIRM ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION OR MANUFACTURE TO ENSURE ACCURACY

ALTHOUGH WE ENDEAVOUR TO COMPREHENSIVELY ANNOTATE DRAWING REVISIONS, WE CANNOT NEGATE NONE-DESCRIPTIVE CHANGES TO ALL DRAWINGS

DRAWING ISSUE

- | | |
|---|---|
| <input type="checkbox"/> PRELIMINARY | <input type="checkbox"/> PRE-CONSTRUCTION |
| <input type="checkbox"/> FEASIBILITY | <input type="checkbox"/> TENDER |
| <input checked="" type="checkbox"/> PLANNING | <input type="checkbox"/> CONSTRUCTION |
| <input type="checkbox"/> BUILDING REGULATIONS | <input type="checkbox"/> RECORD |

NOTE ONLY 'CONSTRUCTION ISSUE' DRAWINGS ARE TO BE USED ON SITE

REV 1
30.10.19

PLANNING ISSUE

R1060-001 Rev 1

TITLE SITE PLAN
AS EXISTING
WITH SITE LOCATION PLAN
SCALE 1:200 / 1:1250 @ A1

PROJECT PROPOSED RESIDENTIAL DEVELOPMENT OF SITE
TO SOUTH EAST OF JUNCTION BETWEEN
MIDDLETON ROAD & HOLDEN FOLD LANE
FORMER DOG & PARTRIDGE PUBLIC HOUSE
OLDHAM
OL2 5LL

CLIENT SAMRUM INVESTMENTS LTD

DAWSON WILLIAMSON
ARCHITECTS

Bradford Edinburgh
01274 551 300

info@dawsonwilliamson.co.uk

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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 Committee Meeting

21st April 2021

Residential development to form 14 apartments
following demolition of existing public house

148 Middleton Road, Royton OL2 5LL

Application No. PA/344187/19

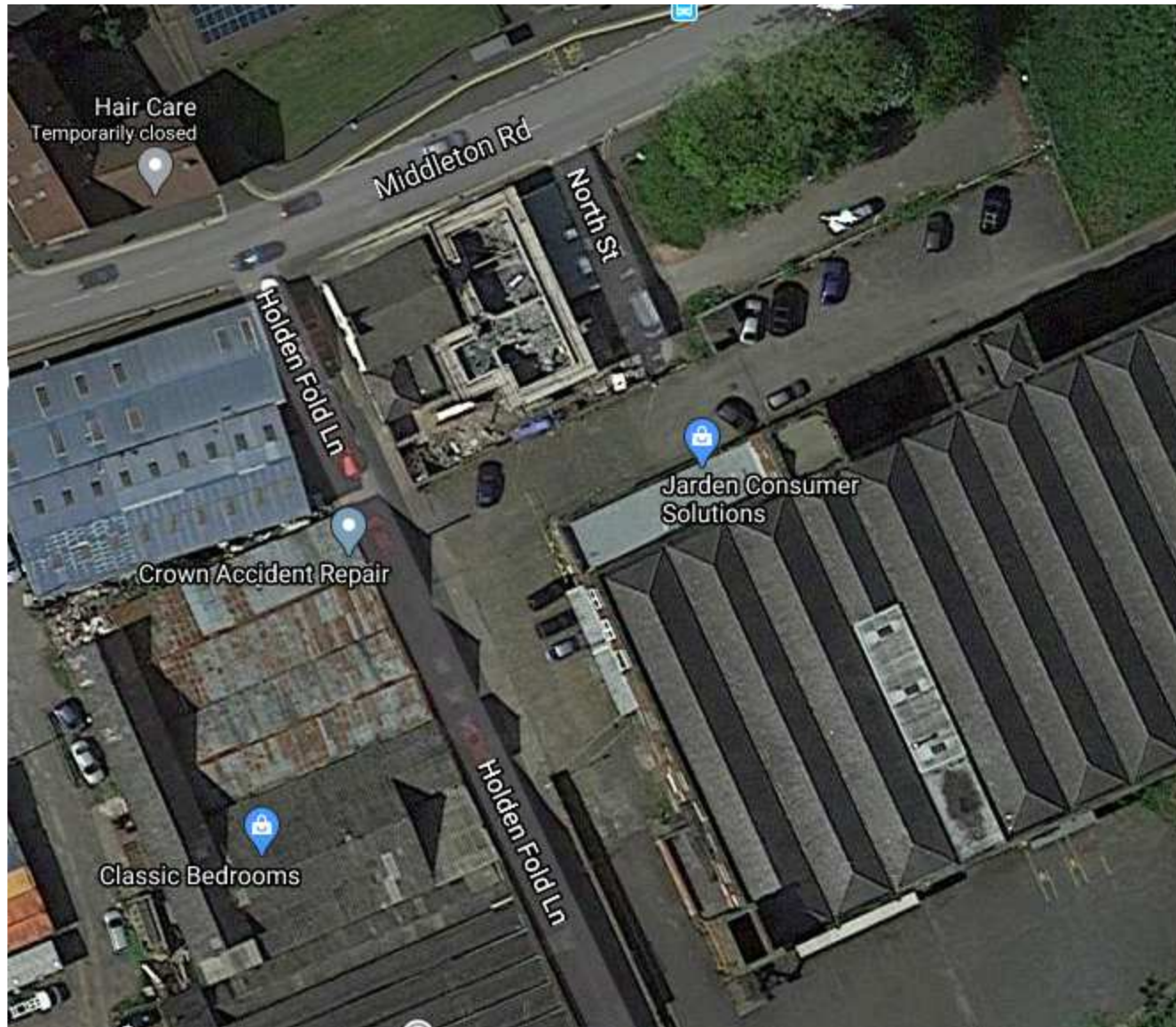
Former public house building



Front and side elevations



Aerial view



Proposed site plan



Elevations

Proposed front elevation



Proposed side elevation from Holden Fold Lane



Elevations

Side elevation from North Street

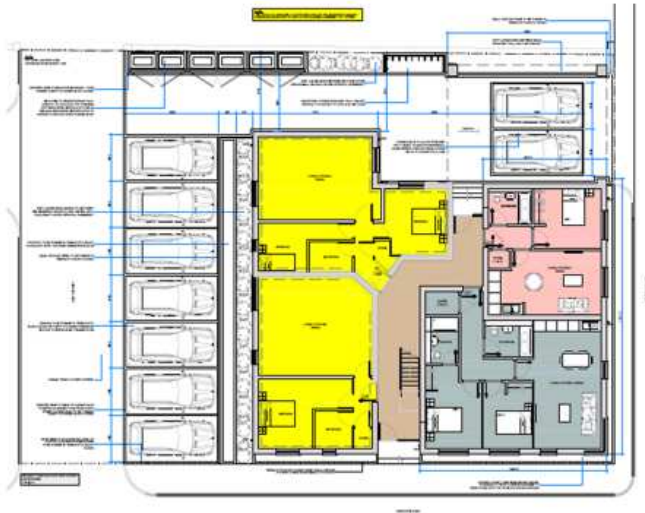


Proposed rear elevation



Floor plans

Proposed ground floor plan



10

Proposed first floor plan



11

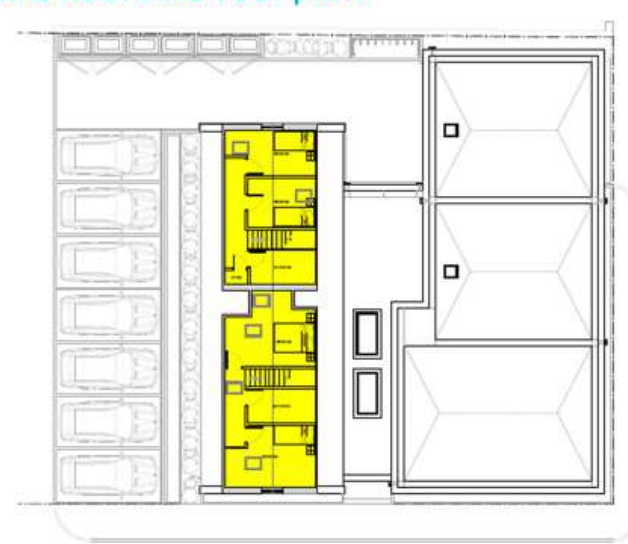
Floor plans

Proposed second floor plan



12

Third floor and roof plan



13

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DATE OF COMMITTEE - 21st April 2021

Report on amendment to legal agreement - PA/343870/19 – Mayfield Primary School, Mayfield Road, Oldham OL1 4LG

Report of Interim Head of Planning and Development

At the Planning Committee meeting on 28th January 2020, Members resolved to grant planning permission for extensions and alterations to Mayfield Primary School, including a new all-weather playing surface to the south-east, and new/extended car parking facility.

The approval was subject to a financial contribution of £13050 for the provision of replacement tree planting at Stoneleigh Park. This was in accordance with saved Policy D1.5 of the Oldham Unitary Development Plan which requires replacement planting for loss of trees on a 3 for 1 basis.

The development is now nearing completion.

The Council's Trees Officer has undertaken a site visit to determine precisely how many trees have been removed, retained or transplanted. It has been confirmed that there has been a total of 19 trees removed with one still requiring removal which when complete, will equate to a total loss of 20 trees.

The original calculation was that there was going to be the removal of 29 trees. This would have required the replanting of, at a ratio of 3:1, 87 trees. Each replant would cost £150 which equated to a total of £13 050 which has already been received.

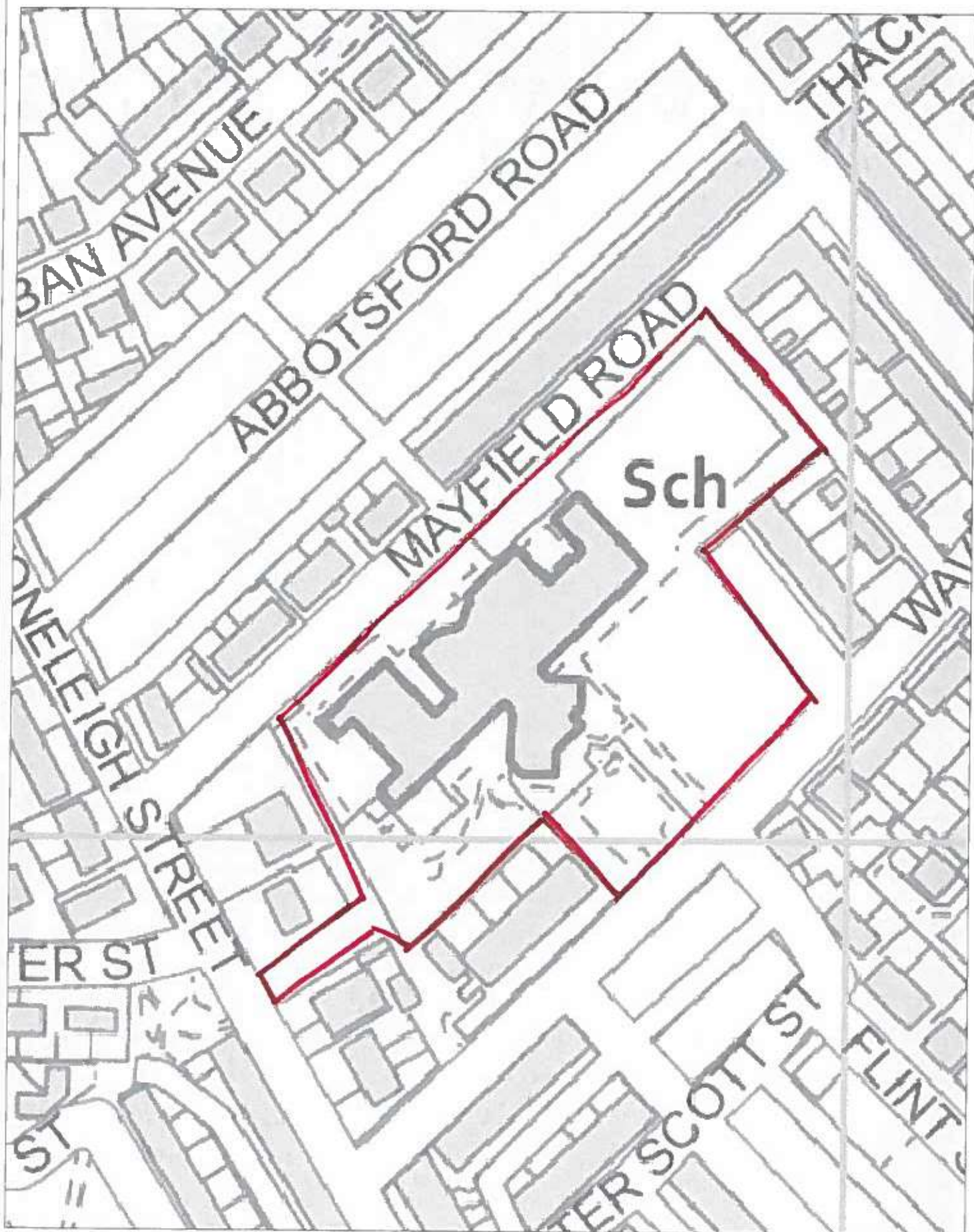
The final number of 20 tree removals requires the replanting of 60 trees, a reduction in the total number of 27. $£150 \times 60 = £9000$.

Therefore, there should be a refund to the school of $(£13\ 050 - £9000 =) £4\ 050$.

RECOMMENDATION

It is recommended that Committee accepts the finding of the Trees Officer, and that in accordance with the requirements of adopted Policy D1.5, the required financial contribution is revised to £9000 and an appropriate refund issued.

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Planning Appeals Update

Planning Committee

Report of Head of Planning and Infrastructure

DATE OF COMMITTEE

April 2021

PLANNING APPEALS

WRITTEN REPRESENTATION

HEARINGS

HOUSE HOLDER

ADVERTISEMENTS

ADV/345360/20 - Junction Of Knott Lanes/Ashton Road, Oldham

ADV/345361/20 - 173 Higginshaw Lane, Royton, Oldham, OL2 6HQ

APPEAL DECISIONS

PA/344668/20	298 Moston Lane East, Chadderton, Oldham, M40 3HZ
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



Appeal Decision

Site visit made on 8 March 2021

by Alison Partington BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2021

Appeal Ref: APP/W4223/W/20/3264993

298 Moston Lane East, MANCHESTER, M40 3HZ

- 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 Billy Naheem (A2Z Estates) against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/344668/20, dated 16 March 2020, was refused by notice dated 25 November 2020.
 - The development proposed is single storey rear extensions, rear first-floor extension and change of use from dwelling to institution.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Work on some of the proposed extensions has commenced but is not completed and at the time of my site visit the work appeared to be halted. I have determined the appeal on this basis.
3. Local residents have raised concerns about the way the Council notified them of the proposal. This is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

Main Issues

4. The main issues in the appeal are the effect of the proposed development on:
 - the living conditions of the occupiers of No 300 Moston Lane East with particular regard to outlook and light; and
 - nearby residents with particular regard to noise and disturbance.

Reasons

Living Conditions – No 300 – outlook and light

5. The appeal property is a semi-detached house on a predominantly residential road. The property has previously had significant extensions to the rear including a long single storey extension close to the common boundary with No 296. The appeal scheme would see further extensions to the front, side and rear of this, as well as a single storey rear extension close to the boundary with No 300 and a first floor extension, set in from either common boundary.
6. No 300 has patio doors that are close to the common boundary. These serve a habitable room and are the only windows serving the room. To the other side

of these is a single storey outrigger. At present a high fence is located along the common boundary between the No 300 and No 298.

7. The extension would project over 6m from the rear elevation of the house, and although called a conservatory, would have a solid brick side elevation facing the adjoining dwelling. Although the extension would have a flat roof, it would still be clearly visible above the boundary fence. Given the depth and the solid nature of the extension it would have an overbearing impact and would dominate the outlook from the patio doors on the adjacent property.
8. The extension would lie to the south east of the patio doors and so would result in a loss of light to them, particularly in the early part of the day. In combination with the existing outrigger on No 300, the proposed extension would create a tunnelling effect and would make this rear room very dark.
9. Consequently, I consider that the proposed development would unacceptably harm the living conditions of the occupiers of No 300 Moston Lane East with particular regard to outlook and light. It would therefore conflict with Policy 9 of the *Joint Core Strategy and Development Management Policies Development Plan Document (adopted November 2011)* (DPD) which, amongst other things, seeks to ensure that new developments do not cause significant harm to the amenity of existing and future neighbouring occupiers.

Living Conditions – nearby residents – noise and disturbance

10. The appellant has stated that currently the property comprises a 3 bedroom dwelling and a separate 1 bedroom flat, although the Council has stated that planning permission has not been granted for any sub-division of the property. Irrespective of this, the property is currently a 4 bedroom dwelling. The proposal would create a 9 bedroom property, 8 for residents and 1 for staff. At any one time there would be at least 2 staff present. This means that generally at least 10 people would be on the site.
11. I note the appellant's comments that the current property could be used by a large multi-generational family, which could result in a similar number of people living on the site. However, it is not possible to be categorical about how many people might occupy the house if used as a single dwelling. Nonetheless, I consider an increase from 4 bedrooms to 9 represents a significant intensification in the use of the house.
12. It is proposed that the property would be used as a transitional social care residential institution, providing care and support for adults with mental health and /or learning difficulties such as autism. The aim is that they can be re-integrated into society and live independently and so it would be an appropriate use within a residential area. Each resident would have a care plan tailored to their individual needs.
13. It is stated that staff will work 12 hour shifts with a change over at 8am and 8pm each day, with part-time staff being present during the afternoon and early evening. However, it is not unreasonable to suppose that the residents would receive visits from other professionals, as well as from friends and family. As such, movements to and from the proposal are likely to be greater than if used as a family dwelling, with the consequence that the proposal would be likely to create more noise and disturbance from these comings and goings.

14. Notwithstanding this, such movements are likely to largely be during the daytime rather than in the evening or late at night. Given the appeal property is located on a relatively busy through road, and there are a variety of commercial uses that attract customers in the vicinity, during the day at least noise and disturbance from traffic is significant. As a result, whilst the proposal may create more noise and disturbance than if the property were used as a dwelling, I am not persuaded that this would adversely affect the living conditions of nearby residents.
15. Furthermore, the appellant has suggested a condition preventing staff change overs, and the coming and goings of visitors and residents, between 8pm and 8am. Whilst the Council has suggested this would be unreasonable and unenforceable, conditions restricting hours are commonplace to address potential noise and disturbance issues, and are considered enforceable. Even if it was considered unreasonable for this condition to apply to residents, as they would not have cars, their comings and goings would be unlikely to create significant levels of noise.
16. In addition, although there would be up to 8 residents in the property, I am satisfied that the use of the garden would not create significantly more noise than if the property were to be occupied as a family home.
17. Therefore, I consider that the proposed development would not have a detrimental impact on the living conditions of nearby residents with regard to noise and disturbance. In this respect, there is no conflict with Policy 9 of the DPD outlined above.

Other Matters

18. The property is currently vacant and the appellant has stated that as it is difficult to let it is often vacant for lengthy periods and prone to vandalism. His evidence also shows that there is a high demand for supported accommodation such as this. The proposal would therefore make a small contribution towards meeting this need and would bring a vacant building back into use. Moreover, it is not disputed that the property is in an accessible location, with good access to public transport and a range of services and facilities. These are all matters which favour the proposal.
19. In coming to my decision, I have had regard to concerns raised by interested parties, many of which are covered in the main issues. Given my conclusion it has not been necessary for me to consider these matters in detail. However, the Council did not identify any significant harm in respect of overlooking, light pollution, parking and highway safety, drainage and flooding or the storage of bins, and none of the evidence before me leads me to a different conclusion. In addition, there is no firm evidence to indicate the proposal would lead to significant increases in anti-social behaviour, that the residents will pose any risk to local residents or that it would lead to a loss of property values. None of the other matters raised alters or outweighs my overall conclusion below.

Planning Balance and Conclusion

20. Whilst I have found that the proposal would not unacceptably harm the living conditions of nearby residents with regard to noise and disturbance, it would have a detrimental impact on the living conditions of the occupiers of No 300 with regard to outlook and light. Whilst I have given weight to the benefits of

the proposal, taken together, I consider that they would not outweigh the harm I have identified it would cause.

21. For the reasons set out above, I therefore conclude the appeal should be dismissed.

Alison Partington

INSPECTOR



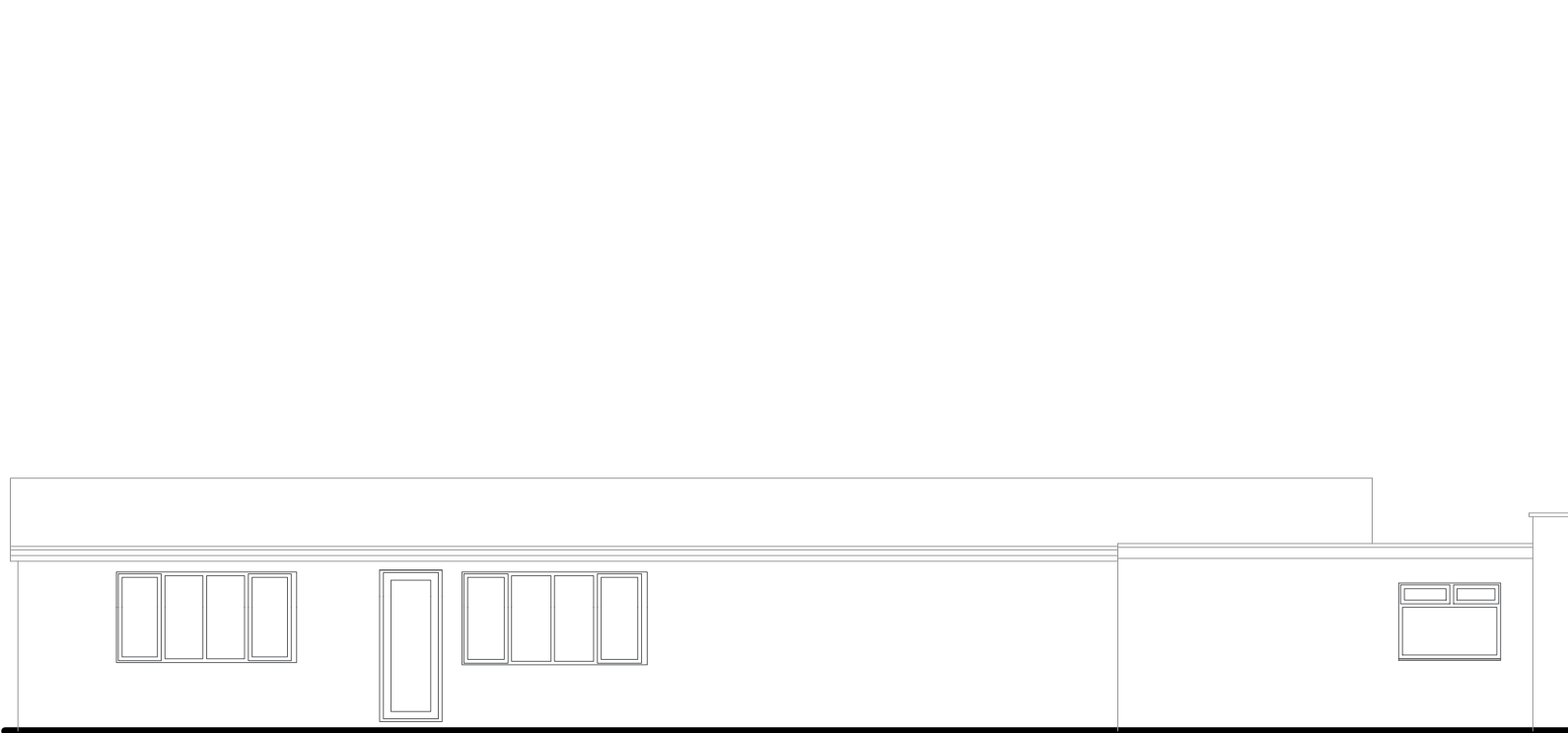
Front Elevation



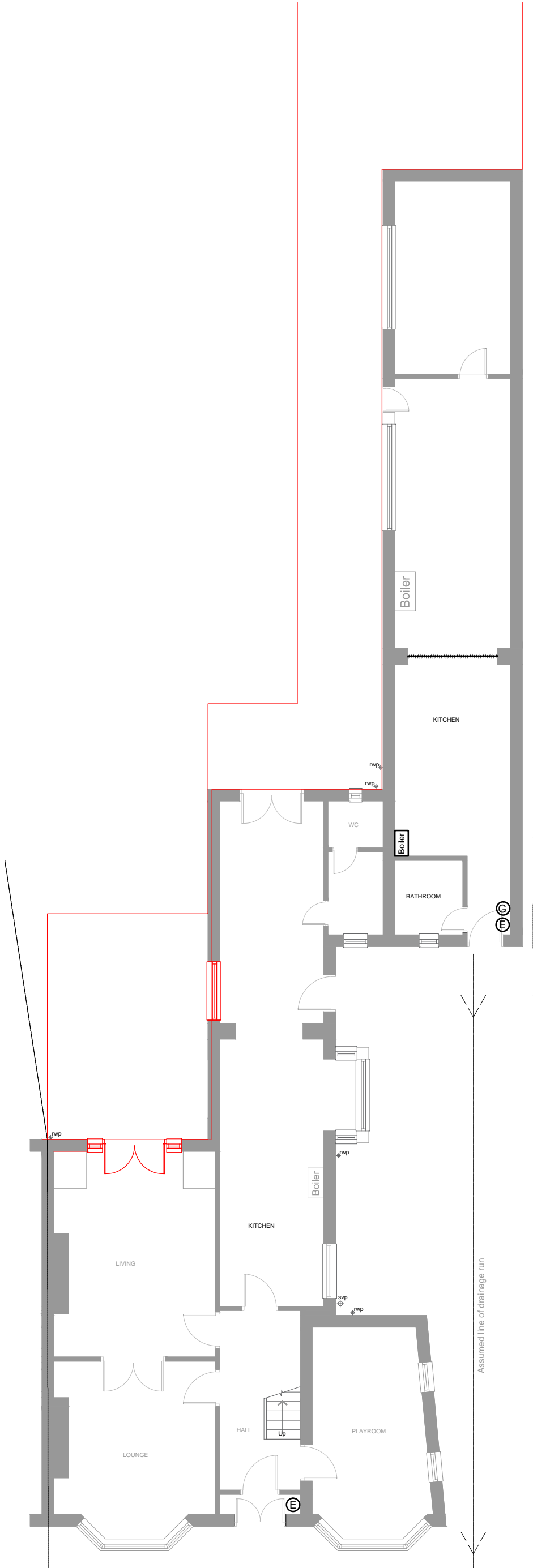
Side Elevation



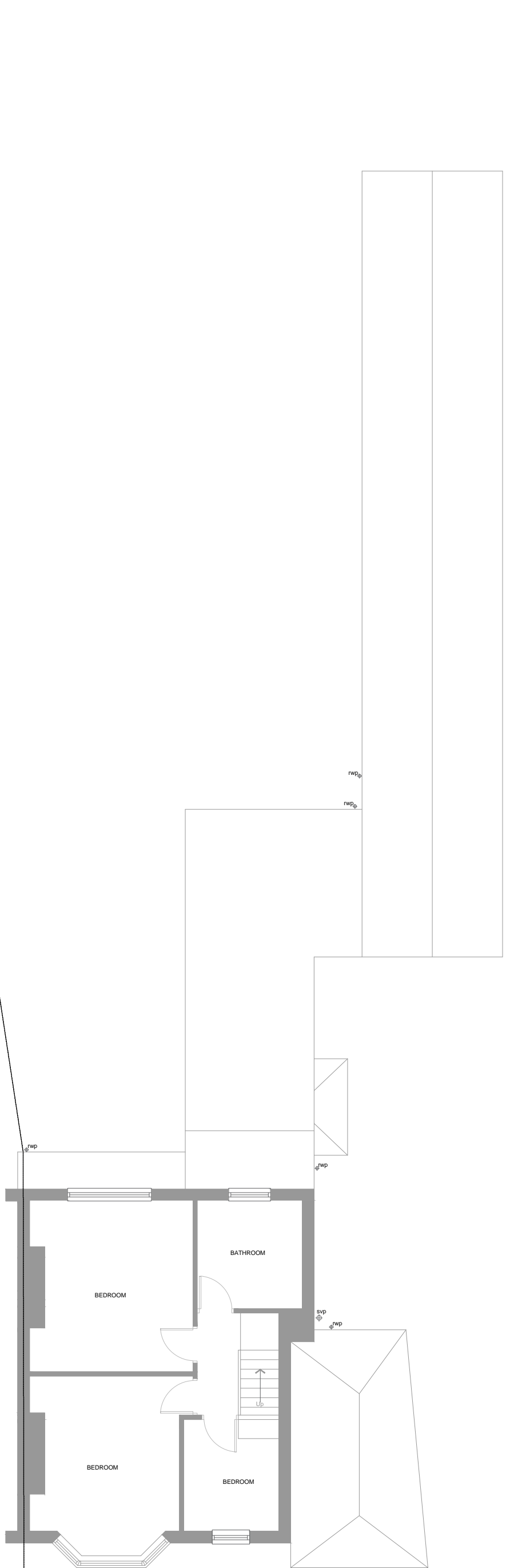
Rear Elevation



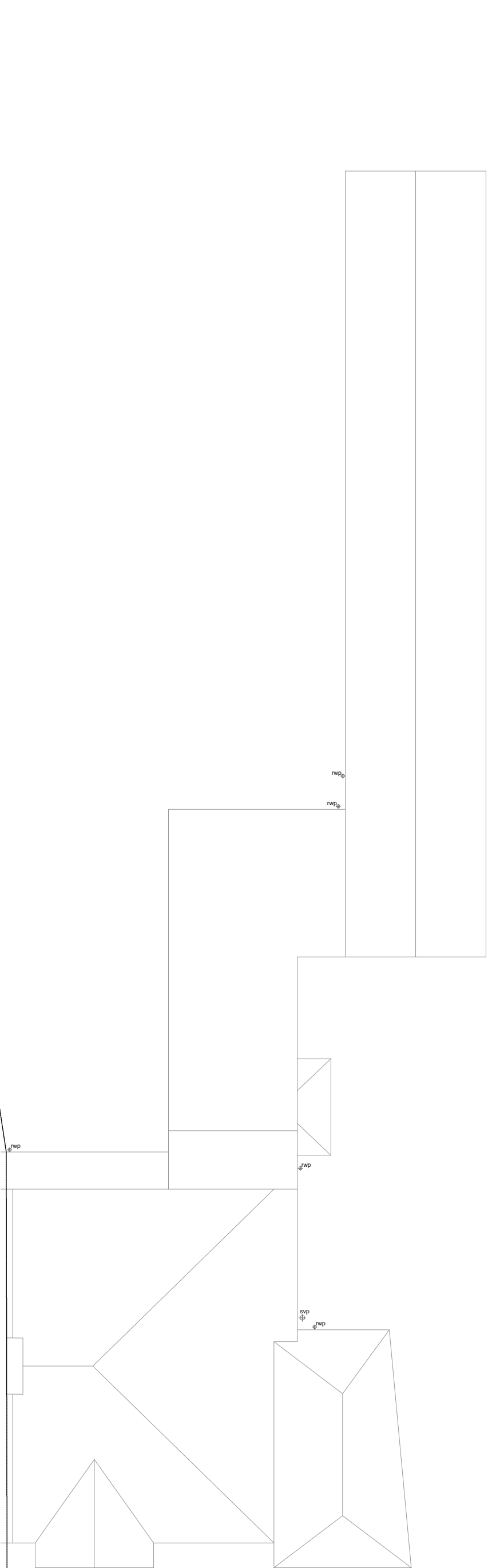
Side elevation viewed from neighbour



Ground Floor Plan 1:100



First Floor Plan 1:100



Roof Plan 1:100



Site Plan 1:500



Location Plan 1:1250

Additional notes



256 Finney Lane SK8 3QD
www.a2zestates.co.uk
0161 232 9307

Phase: Existing Scale: Varies

Project Number: 2002

Site Address:
298 and 298a Moston Ln E
Chadderton
Manchester
M40 3HZ

A1.01