

PLANNING COMMITTEE Regulatory Committee Agenda

Date Wednesday 19 January 2022

Time 6.00 pm

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

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

2. CONTACT OFFICER for this Agenda is Constitutional Services Tel. 0161 770 5151 or email Constitutional.Services@oldham.gov.uk

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, 14 January 2022.

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

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MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:

Councillors Al-Hamdani, Brownridge, Davis (Vice-Chair), Dean (Chair), H. Gloster, Hobin, F Hussain, Ibrahim, Iqbal, Lancaster, K Phythian, Surjan, Toor and Woodvine

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 8 December 2021 are attached for Members' approval.
- 6 RES/346720/21 - Cowlshaw Abattoir, Shaw (Pages 5 - 20)
- 7 FUL/347664/21 - Land off Cocker Mill Lane, Shaw (Pages 21 - 24)
- 8 FUL/345630/20 - Land to the east of Huddersfield Road, Diggle (Pages 25 - 46)
- 9 FUL/346821/21 - Land at Oldham Road and Hardman Street, Failsworth (Pages 47 - 56)
- 10 FUL/346744/21 - Former Royton Health Centre, Royton (Pages 57 - 68)



Present: Councillor Dean (Chair)
Councillors Al-Hamdani, Brownridge, Davis (Vice-Chair),
H. Gloster, Hobin, F Hussain, Ibrahim, Iqbal, Lancaster,
K Phythian, Surjan and Woodvine

Also in Attendance:

Peter Richards	Head of Planning
Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Transport Officer
Kaidy McCann	Constitutional Services
Martyn Leigh	Interim Development Management Team Leader

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Toor.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Planning Committee held on
10th November 2021 be approved as a correct record.

6 **FUL/347331/21 - 228 ASHTON ROAD WEST, FAILSWORTH**

APPLICATION NUMBER: FUL/327331/21

APPLICANT: Riverside Solutions NW Ltd

PROPOSAL: Change of use from residential (Class C3) to an 8
bedroom/10 person HMO (sui generis), including external
alterations.

LOCATION: 228 Ashton Road West, Failsworth, Oldham, M35
9QB

It was **MOVED** by Councillor Dean and **SECONDED** by
Councillor F Hussain that the application be **APPROVED**.

On being put to the vote 9 **VOTES** were cast **IN FAVOUR OF**
and 4 **VOTES** were cast **AGAINST** with 0 **ABSTENTIONS**.

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

NOTES:

1. That an Objector, the Applicant, and a Ward Councillor attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 9.

7 FUL/344623/21 - WRIGLEY HEAD, FAILSWORTH

APPLICATION NUMBER: PA/344623/20

APPLICANT: Mr Andrew Hunt (Oldham Council)

PROPOSAL: Proposed development of a 0.89 MWp solar farm comprising ground-mounted solar PV Array and all associated works and necessary infrastructure.

LOCATION: Land at Wrigley Head, Failsworth.

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

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

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

NOTES:

In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 9.

8 FUL/347717/21 - SALMON FIELDS, ROYTON

APPLICATION NUMBER: FUL/347717/21

APPLICANT: n/a

PROPOSAL: The erection of a Community Diagnostic Hub consisting of a single storey hub building with three associated scanning units with associated access, car parking and landscape for a temporary period of up to five years.

LOCATION: Vacant land to the north of Salmon Fields, Royton, Oldham.

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



Oldham
Council

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

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

NOTES:

1. That the Applicant attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 9.

9

LATE LIST

RESOLVED that the information contained in the Late List be noted.

The meeting started at 6.00 pm and ended at 7.27 pm

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APPLICATION REPORT – RES/346720/21 Planning Committee 19th January 2022

Registration Date: 21ST April 2021
Ward: Shaw

Application Reference: RES/346720/21
Type of Application: Reserved Matters

Proposal: Reserved matters of Appearance, Landscaping, Layout and Scale for 201 dwellings with associated open space pursuant to outline approval PA/344179/19

Location: Cowlshaw Abattoir, Cowlshaw, Shaw, Oldham

Case Officer: Stephen Gill
Applicant: Mr Anthony Blackwell
Agent: Mrs Samantha Ryan

INTRODUCTION

The application is being reported to Planning Committee as a Major application.

RECOMMENDATION

It is recommended that the Committee resolves to grant planning permission, subject to the conditions set out in this report.

THE SITE

The application relates to the Cowlshaw Abattoir, a 10.2 hectare site including abattoir buildings and adjacent open fields. The current developed extent is approximately 1.69 hectares, which includes some large abattoir buildings.

The site abuts residential properties, including those on Cowlshaw, Longfield Park, Higham Close, Springvale Way, Hey Hill Close, Broadbent Close, Cocker Mill Lane and Greencroft Meadow. The main access to the site is from Cocker Mill Lane. To the west of the site is the Crompton and Royton Golf Club. The land slopes upwards from the A663 Shaw Road, but is somewhat screened by existing residential properties from this major route into Oldham.

Three Public Rights of Way (PRoWs) cross the site (PRoW 83, 84 and 88). These travel within the site and then connect with other PRoW's in the wider area to the north and south. The PRoWs enter the southern and eastern boundaries of the site at the same locations as the main vehicular access points into the site; and a large part of the route of PRoW 88 coincides with the metalled drive to the abattoir.

THE PROPOSAL

An application for outline planning permission (all matters reserved except for access) for a residential development was submitted and approved under (PA/344179/19) for the site. No specific number of dwellings was specified on the Decision Notice, however, Condition 3 of the outline planning permission states that the vehicular access from Cocker Mill Lane shall serve no more than 250 residential units, so on that basis, this provides a maximum capacity of 250 units based on the approved access point.

The current application follows the above outline planning application approval and is a reserved matters application for 201 units, which considers all the matters reserved as part of the outline planning application, including appearance, landscaping, layout and scale. It should be noted that the original application proposed 205 units, however, some units have been removed for the reasons set out in this report.

Procedural Matter

During the process of the application, it has become clear that a small section of the proposal sits on land outside the red line boundary approved under outline application ref: PA/344179/19, meaning this element cannot be considered as part of this reserved matters application. The land in question, which is still in the ownership of the applicant, is situated at the north east section of the site. Encroachment beyond the approved red line includes part of a turning head and the curtilage of plot 122. Given that this small section cannot be considered as part of this application, the applicant has instead submitted a full planning application ref: FUL/347664/21 to consider this, and this application will also be presented to Planning Committee for consideration. It is necessary for the applicant to undertake this process from a procedural standpoint.

RELEVANT PLANNING HISTORY

PA/344179/19 - Outline planning application with all matters reserved except for the principal means of access from Cocker Mill Lane for a residential development following demolition of existing buildings – Approved subject to conditions 1st October 2020.

RELEVANT PLANNING POLICIES

The 'Development Plan' is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is designated in the Local Plan as being in a Business Employment Area.

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 9 - Local Environment;
Policy 10 - Affordable Housing;
Policy 11 – Housing;
Policy 18 – Energy;
Policy 19 - Water and Flooding;
Policy 20 – Design; and,
Policy 21 - Protecting Natural Environmental Assets

CONSULTATIONS

Highways Engineer:	No objection subject to conditions
Environmental Health:	No objection
United Utilities:	No objection
LLFA:	No response received
G. M. Police:	No objection subject to condition
G. M. Ecology Unit:	No objection to conditions
Trees Officer:	Concerns raised in respect of tree removal
Transport for Greater Manchester:	No objection raised subject to condition

REPRESENTATIONS

The application was publicised by way of neighbour notification letters, 3no site notices were posted expiring on the 26th June 2021, and a press notice was published in the Manchester Evening News which expired on the 9th June 2021. In response, 55no comments were received in total objecting to the proposal. Initially, 37 comments were received raising the following (summarised) concerns:

- Cocker Mill Lane and Shaw Road are not suitable or safe for another 300-400 cars.
- The Highways Improvement works proposed are not enough to protect road users at the junction between Shaw Road and Cocker Mill Lane, and this is likely to increase the level of accidents.
- There have been a number of accidents at the junction of Shaw Road and Cocker Mill Lane due to poor visibility from parked cars and the proposal will increase the risks.
- As a result of the development Greencroft Meadow will become a parking zone.
- The lack of sufficient parking on Shaw Road means that residents from Shaw Road already park their cars & sometimes double park, along Cocker Mill Lane. This effectively turns Cocker Mill Lane into a single-track road, with no opportunity for vehicles to pass side by side.
- Not enough planning put forward by the applicant, to improve the surrounding 'green' areas.
- The drawings do not appear to illustrate the right of way (Crompton Circuit walking route), which is a popular walking route in the area.
- The services in the area are already stretched (doctors and schools), 205 houses will make this situation worse.
- Concerns on what guarantees are in place that a Management Company will be formed to maintain the landscaping proposed within the development.
- The development proposals present significant long-term disruption to both the existing local residents and the local infrastructure.
- The development will permanently damage wildlife currently present in the area.
- Concerns in relation to how traffic will be managed during the build phase.
- No Buffer Zone between Greencroft Meadow properties and new development as detailed in the original application.
- Lack of public open space proposed.
- The proposal will negatively impact and remove the last remaining green space in the area.

- This proposal will have a negative impact on property prices and will destroy views and privacy.
- The plans appear to attempt to get the maximum number of houses possible, rather than producing a quality environment.
- Impact on the wildlife that currently reside in the area has not be thoroughly addressed.
- Inadequate drainage already exists at the site and the proposed scheme will worsen that situation.
- The site is prone to flooding in wet conditions.
- The paths are a source of amenity to local people and to remove them could cause mental health issues.
- Existing properties will be overlooked by the proposal, at the entrance to the site and these plots will be particularly overbearing, due to their proximity to the boundary and also their increased height in comparison.
- There is only one access point from Cockermill Lane, designed to serve all of the properties on the proposed development
- The proposal is an overdevelopment of the area, which will impact mental and physical health.
- There are many alternative brownfield sites and land with existing planning permission in the Borough and these should be considered.

Following further consultation on amended plans, a further 18 representations were received, which raised the following points (in summary):

- The withdrawal of S73 application VAR/346719/21 is a disappointment. This application was a perfect solution to the junction of Greencroft meadow onto Cockermill lane and provided much needed safety benefits, and now this is no longer proposed, this is likely to cause unnecessary congestion.
- The sewer that currently runs through this site and goes down through Low Crompton Farm is already inadequate and stops working regularly, which causes pollution of the River Irk and the environment. If this sewer is to be further inundated with new large, combined foul and surface water drainage then these issues will be exacerbated.
- The Highways Improvement works are not adequate for the size of the development and the number of units proposed. There have been a number of car crashes at the junction between Cocker Mill Lane and Shaw Road. The Council have a duty of care and this needs to be considered.
- The proposed access road into the site is adjacent to residents' gardens, however, no acoustic treatments are proposed to mitigate the increase in noise generated by the increased traffic.
- The 7-day re-consultation period given was not enough time to comment on the application amendments.
- The plans are not clear in relation to the number of trees being removed and then replaced

PLANNING CONSIDERATIONS

Principle of development

In terms of the principle of development, including site access details and any impacts on local services, this has been established by the outline permission (PA/344179/19). Therefore, the main considerations in determining this reserved matters application relate to whether the proposed Appearance, Landscaping, Layout and Scale of the development are acceptable, and each of these subject matters is discussed in this report.

Conditions

As part of the outline planning permission, a number of conditions were attached, which set out a requirement for information to be submitted and assessed as part of any reserved matters application and this report will set out whether the requirements for each condition have been met. The following conditions are relevant:

- Condition 4 – Details of emergency access;
- Condition 5 – Details of off-site highways improvement scheme in the vicinity of Cocker Mill Lane and Shaw Road;
- Condition 6 – Scheme for the protection or diversion of the PRow including landscaping and construction;
- Condition 7 – Details of access to individual buildings, site lines and highways drainage;
- Condition 8 – Details of levels and cross sections;
- Condition 9 – Submission of an Arboricultural Impact Assessment and Arboricultural Method Statement;
- Condition 10 – Details of energy performance;
- Condition 11 – Details of public open space and landscaping;
- Condition 12 – Details of ecology surveys and schemes;
- Condition 13 – Scheme for affordable housing; and,
- Condition 14 – Drainage.

In addition, there are also some pre-commencement conditions that need to be addressed. A separate Discharge of Condition application has been submitted (Ref CND/347632/21) and the relevant conditions are as follows:

- Condition 16 – Construction Environment Management Plan & Demolition Management Plan;
- Condition 17 – Bat Survey;
- Condition 18 – Contaminated land & landfill gas details; and,
- Condition 19 – Archaeology details.

Scale

The reserved matters application proposes 201 dwellings. Whilst the approved Parameters Plan refers to development of dwellings up to 2.5 storeys in height, all the properties will be 2 storey and, therefore, the scale of development sits inside that approved in principle as part of the outline planning permission. The proposed properties are very similar in size, height, and scale to those in the immediate surroundings and therefore would not look out of character in the area.

In addition, the number of properties proposed does not exceed the 250 capacity identified as being acceptable from an access standpoint as part of the outline planning permission.

Therefore, in terms of scale, the application is considered acceptable.

Appearance

In relation to appearance, the applicant has selected a range of different house types, which will create visual interest in the development. There are 15 different house types proposed in this application, with a mix of roof designs comprising either gable or hipped. The majority of the house types are detached ranging from 3 to 5 bed with either integral or detached garages. Some 2 and 3 bed short terraces of up to 6 dwellings will be provided at the north east and centre of the site and these represent affordable housing units.

Considering materials, the applicant has submitted a materials plan, which demonstrates variation right across the site. The brick types will range from red, orange and buff sandstone, with some properties finished in monocouche render. There is also symmetrical brick detailing demonstrated in the house types around the sills, lintels and openings, which add interest. The proposed roofing materials would be predominately grampian grey slate and highland cottage red, both colours are acceptable together and again add variation to the appearance of the development. The window casings will be PVC, which is fairly standard for houses of this type.

The areas that surround the site are characterised by different types of properties. For example, on the south east side running north, is a housing estate incorporating semi-detached and detached properties, which are contemporary in appearance, with a mixture of materials similar to those proposed in this development. Further north out from the site (Cowlshaw Lane & Scowcroft Lane) the dwellings have more of a traditional appearance, with a mixture of sizes, materials and styles. Directly to the south are properties on Greencroft Meadow, which back directly on to the site. These are relatively contemporary in appearance and the development will not look out of character with these properties, given the style and scale.

Overall, considering the above, the development will be a positive addition, and the appearance and materials used are welcomed, as they will add positively to the area. Therefore, I conclude that the development meets the tests of policy 20 and NPPF Section 12.

Layout

In terms of the overall layout proposed, the number of units have been reduced from 205 to 201 to take account of the requirements to divert the PRow routes within the site and also to accommodate the requirements of the Highways Engineer. The layout provides strong linkages to the open space situated north of the site and then on to the wider countryside. The layout also demonstrates a clear street hierarchy (arranged as primary, secondary and tertiary roads), and dwellings across the site.

Condition 6 of the outline planning permission sets out a requirement for a scheme to protect or divert the PRow's that run through the site. In this case, the application proposes to divert the PRow's on site. This work will include the diversion of Footpath no.88 up the western boundary of the site and this will then link in with Footpath 84 at the north end of the site. Footpath 88 will also be diverted through the site and will then link into Footpath 54, which runs along the eastern boundary. The nature of the diversions has been agreed in principle with the Public Rights of Way Officer and Highways Engineer to ensure highway safety and to also help create pleasant alternative walking routes through and around the site.

In terms of proposed site levels, condition 8 of the outline planning permission states that any approval of reserved matters for landscaping, layout or scale shall be accompanied by a scheme detailing levels and cross sections, which the applicant has submitted. The levels indicate the uphill gradient of the site from south to north, with the biggest difference being approximately a 7.5m level difference, between the properties on the southern boundary and those at the very north eastern part of the site. However, considering the spot levels for the properties across the site, and given the gentle incline, the layout does not propose properties in close proximity to one another with major level differences and this is evident on the site section drawings. The layout demonstrates separation distances of 19m or more habitable room to habitable room and 10.5m or more from gable to habitable room across the site and given the gentle incline, the biggest difference in levels (1.3m) is demonstrated in the north east of the site between plots 92 & 102, and the separation between the properties at this point is approximately 20m, which is considered acceptable.

Considering the relationship between the development and the existing properties that surround the site, the cross sections illustrate the relationship of the development to the existing properties. Section 3-3 shows the relationship between plot 4 and 22 Greencroft Meadow. Plot 4 has a finished floor level of 171.00 and 22 Greencroft Meadow sits has a finished floor level of approximately 170.4, meaning the proposed development on the southern boundary sits slightly higher (0.6m). However, the separation distances between the proposed properties (plots 3, 4, 5 & 6) on the southern boundary and those on Greencroft Meadow range between 18m-20m and considering the distance and minor level difference, this is considered to be acceptable. Plots 1 & 8 are gable facing on to the rear of properties on Greencroft Meadow and these demonstrate separation distances of 12m & 10.5m respectively and given the minor level change and distance this is also considered to be acceptable.

Properties will also face the existing properties on the eastern side of the site. Section 1-1 demonstrates the relationship between the levels of the development, specifically between plot 135 (175.95 FFL) and 16 Cowlshaw (175.50 FFL), which sit at a similar level gable to gable and would be over 12m in distance. The relationship between plot 123 (rear facing) on to 34 Longfield Park (side facing) would be acceptable at distance of approximately 16m.

Overall, the layout is considered to be acceptable, and takes into account the levels and constraints and will offer an acceptable standard of amenity for future residents of the scheme and will also maintain the amenity for existing residents that surround the site. Therefore, the development complies with policies 9 & 20.

Landscaping

In relation to soft landscaping, the scheme proposes extensive tree planting throughout the site, specifically on the streets fronting the properties. Extensive tree planting is also proposed around the SUDs pond to the south of the site and around the SBI pond to the north. A mixture of shrub and hedge planting is proposed to line the secondary roads, private driveways and open space. As discussed earlier in this report, the diversion of Footpath 88 will see a new route introduced up the western boundary of the site, which will be defined by retained trees on the eastern boundary and new tree and shrub planting on the other side within the site, which makes for a very pleasant outlook for people walking through the site.

Condition 11 of the outline planning permission sets out a requirement to include a scheme for the provision of public open space. Public open space is concentrated to the north of the site in which, the Public Rights of Way ("PRoW") link together from different sections within the development site and then head north beyond the site boundary. An orchard is proposed in the north east section of the open space and extensive planting is proposed in the area, which will make for a pleasant amenity space for residents of the local area and the development itself and this is welcomed. In accordance with condition 12, the applicant has submitted a Landscape Environment Management Plan (LEMP), which clearly sets out how the open space will managed, now and in the future, which they have confirmed will be through a management company. GMEU have reviewed the LEMP details, in relation to how the open space will be managed, and no objections have been raised, and the requirements of the LEMP will be conditioned appropriately.

The Arboricultural Officer has raised concerns in respect of the tree loss proposed within the site, specifically in relation to a group trees identified as G11, which are sycamore trees. These are not protected trees and the level of tree re-planting surpasses the 3:1 ratio requirement required as set out in retained UDP Policy D1.5. The trees lost equates to between 58-68 and the tree replanting amounts to 279 new trees. GMEU are satisfied with the species proposed as part of the mitigation. Whilst the Arboricultural Officers comments

are noted, considering the level of mitigation proposed, this is not matter would be pursued further given that the trees are not protected. The Arboricultural Officer is satisfied with the level of protection the applicant is offering to the trees that are being retained, which will be protective fencing, and this will be conditioned appropriately.

In terms of hard landscaping and boundary treatments, the scheme proposes a mixture of treatments. Boundary treatments include 1.8m close boarded timber fencing, which will be used to divide the rear gardens and define rear boundaries. In the more visible locations, such as corner plots, a 1.8m high brick wall is proposed, and this treatment is welcomed in the more visible parts of the site. In relation to the hard surfacing, the adopted roads, footways and crossings, these will be a mixture of dark grey and grey bituminous surfacing and concrete surfacing, which is standard for this type of development. The PRow diversion up the western boundary will be surfaced with a self-binding gravel, which helps distinguish the area for walking. No objections are raised to the hard landscaping and boundary treatments that are proposed with the application.

Therefore, the development complies with policies 20, 21 and UDP policy D1.5.

OTHER CONSIDERATIONS

Affordable Housing

Condition 13 of the outline planning permission states that an affordable housing scheme should be submitted with the reserved matters application, and this has been received. The condition sets out a requirement for the following:

- a) The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% of total units;
- b) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- c) The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no RSL involved);
- d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and,
- e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The development proposes 21 affordable units from a total of 201 dwellings, which represents a 10% total, with a tenure split of 50:50 between social rented and intermediate housing, which will be a mixture of 2 & 3 bed properties. These property types are listed in the Housing Needs Survey 2019 as those most needed in the borough. The affordable units are clustered in the centre and north east of the site, as demonstrated on plan reference 490-AHL-001 Rev D.

In relation to providing details of a Registered Provider ("RP"), in accordance with condition 13, discussions with RP's are ongoing and the applicant fully anticipates entering into a contractual arrangement with a selected partner, shortly after approval of Reserved Matters. This is a common approach that will enable the RPs to finalise their bids based upon an approved scheme. In the absence of a formal agreement with an RP partner, it is acknowledged that the applicant cannot meet the requirements of condition 13. However, it is recognised that in order to fully engage RPs, the applicant needs to be in receipt of a

reserved matter approval. As such, it is recommended that the affordable housing details is re-reserved by way of condition, and a condition is attached to the recommendation reflecting this. This will enable the applicant to fully engage a suitable RP and will also allow the Council to review and agree the final affordable housing scheme.

Energy

Condition 10 of the outline planning permission sets out a requirement for the submission of energy details as part of the reserved matters application. The applicant has submitted an Energy and Sustainability Statement with the application. Policy 18 is relevant in relation to energy and requires a 15% reduction in CO₂ emissions per plot as set out in Part L 2013 Building Regulations. The Energy and Sustainability Statement concludes that through the use of better insulation and design specifications on the properties, a saving of 1.72% on CO₂ emissions can be made and a further 13.28% can be saved through the use of solar PV. The Energy Statement has been reviewed and no objections are raised to the conclusions and the recommendations set out in the report will be conditioned to ensure they are implemented.

Therefore, no objections are raised to the discharge of condition 10 and the development meets the tests of policy 18.

Drainage

Condition 14 of the outline planning permission sets out a requirement for the submission of a drainage scheme with the reserved matters application. The proposed drainage strategy has been developed through close working between the Applicant and United Utilities. The surface water drainage scheme will follow the principles agreed in the Flood Risk Assessment submitted with the outline planning application, and in terms of flow rates a 5l/sec figure was proposed. The surface water will be discharged at a rate of 5l/sec into a combination of a new SUDs pond at the south edge of the site and existing sewers. A hydro-brake will be fitted to a manhole downstream, to ensure that the agreed flow rate is maintained. New oversized pipes will be installed and will provide attenuation for a 1 in 30-year storm event, while the attenuation pond will accommodate flows from a 1 in 100 plus 40% climate change event.

Considering foul water, the scheme will have two foul water discharges. 108 plots will connect south into the existing sewer located on Cocker Mill Lane using standard pipe sizes under the roads. The remaining 93 plots will discharge into an existing adopted sewer on the northern boundary. Both will drain by gravity and there is no requirement for any new foul pumping facilities.

There are existing United Utilities assets that run through the site. The existing attenuation tank will remain in situ. Sewers within the site will need to be diverted through the site to accommodate the development, and this can be done under a s185 agreement with United Utilities.

United Utilities have reviewed the information submitted and, following extensive discussions, have raised no objections to the current scheme.

Therefore, the development complies with policy 19 and the information also satisfies the requirements of condition 14 on the outline permission.

Ecology

Condition 12 of the outline planning permission sets out a requirement for a number of ecology surveys to be submitted with the reserved matters application, including the following:

- Breeding Bird Survey Report;
- Badger Method Statement;
- Construction Environment Management Plan;
- Landscape and Ecological Management Plan; and
- Biodiversity Net Gain Report

GMEU have reviewed the information submitted and have concluded that the above reports are considered acceptable. In summary, the information identifies mitigation required for bats and barn owls as a result of the development, and this will be secured by way of condition. The information set out in the LEMP as discussed above, demonstrates how the open space will be managed for the lifetime and this will also be secured by way of condition.

GMEU did reference the requirements of Condition 22 of the outline planning permission, which is a prior to first occupation condition relating to a detailed scheme for street lighting. The applicant is aware of this; however, this information is not required as part of the reserved matters application. The applicant has stated that these details will be submitted prior to first occupation as required and GMEU will be consulted on any information submitted.

Highways

Condition 4 of the outline planning permission requires details of the emergency access. The position of the emergency access point was agreed as part of the outline planning permission. The specification includes a 4m wide strip, situated north east of the site and will lead on to Cowlshaw. Bollards are also included in the specification to prevent car users from using access in a non-emergency. Details of the emergency access can be found on the proposed site plan ref:4490-DSL-001 Rev D and Proposed Emergency Access Plan 3353-FO3. The details have been reviewed by the Highways Engineer and are considered acceptable.

Condition 5 of the outline planning permission requires details of off-site highways improvement scheme in the vicinity of Cocker Mill Lane and Shaw Road to be submitted with the reserved matters application. The applicant has submitted a plan, which proposes the following improvement works:

- Right turn arrow and additional lane marking to guide south-west through-traffic past the right turn pocket.
- Removal of the existing tapers with short lateral deviation and replaced them with longer/more standard tapers with red surfacing.
- Added in "SLOW" markings with red surfacing on each approach on Shaw Road.

A number of representations have been received in relation to the improvement works, to raise concerns that the proposals are not at the level required to mitigate for traffic increase, that would result from the development. However, the proposals have been considered by the Highways Engineer and the improvements are considered acceptable.

Condition 7 requires the submission of access to individual buildings, site lines and highways drainage with the reserved matters application. These details have been submitted with the application and are considered to be acceptable.

CONCLUSION

The details submitted for reserved matters are considered to be acceptable and will ensure the development is delivered in an appropriate way. The proposals' proximity and siting means neighbouring amenity would not be impacted to unacceptable levels and highway and pedestrian safety will be maintained. Therefore, the proposal meets the criteria in NPPF Sections 5, 9 and 12 and Local Plan policies 1, 3, 5, 9, 15 & 20.

RECOMMENDATION:

It is recommended that the Planning Committee resolves to grant permission, subject to the following conditions:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of 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. The affordable housing units shown on plan 4490-AHL-001(d) shall comprise 10 rented and 11 intermediate units that will be delivered in accordance with an affordable housing scheme to be submitted and approved in writing by the LPA. The affordable housing scheme shall be submitted and approved prior to the occupation of any market dwellings on the site and will comprise the following details:
 - a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - b) The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no RSL involved);
 - c) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - d) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON - To ensure an appropriate mix of dwellings is provided having regard to Policies 10 and 11 of the Oldham Local Plan.

4. The open space and landscaped areas of the development shall be managed, implemented and maintained in accordance with the details set out in the Landscape and Environment Management Plan Revision 04 March 2021 for the lifetime of the development. REASON - To ensure that the open space is managed effectively, in accordance with Policy 21 of the Oldham Local Plan.
5. All hard and soft landscape works shall be carried out in accordance with the approved plans (Refs: UG_198_LAN_GA_DRW_01 Rev P05, UG_198_LAN_SL_DRW_04 Rev P05, UG_198_LAN_SL_DRW_05 Rev P05, UG_198_LAN_SL_DRW_02 Rev 05 and UG_198_LAN_SL_DRW_03 Rev P05) prior to the occupation of any part of the development or in accordance with a programme to be approved in writing by the local

planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

6. Prior to the commencement of any part of the development hereby approved, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, all existing retained trees and hedges on and adjacent to the site, other than those indicated for removal on the approved plans, shall be physically protected from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause. This shall be achieved by the erection of 2.3 m high fencing using vertical and horizontal scaffolding poles, or other stout fencing to Local Authority approval with the uprights driven well into the ground, erected in accordance with BS5837:2005, outside the canopy. The fencing shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas. REASON - Prior approval of such details is necessary to protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.
7. The development hereby approved shall be carried out in accordance with the details set out in Section 4 and 5 of the submitted Construction Environment Management Plan Revision 02 - March 2021. REASON - To ensure a safe form of development that considers impacts to ecological value, in accordance with Policy 9 and 21 of the Oldham Local Plan.
8. 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 received Ref (4490-DSL-001 Rev D) 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.
9. The development hereby approved shall be carried out in accordance with the physical security specifications set out in Section 4 of the submitted Crime Impact Statement Version 1.0, September 2021. REASON - To ensure a safe form of development in accordance with Policy 9 of the Oldham Local Plan.
10. The development hereby approved shall be carried out in accordance with the bat mitigation set out in Section 5 of the submitted Bat Method Statement (March 2021 Rev 03 Urban Green). REASON - To ensure the protection and enhancement of features and species of ecological interest having regard to Policy 21 of the Oldham Local Plan, and to the Wildlife and Countryside Act 1981.
11. No development shall take place unless and until, either of the following has been provided to the Local Planning Authority:

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

b) a statement in writing from the relevant licensing body to the Local Planning Authority to the effect that it does not consider that the specified development will require a license.

REASON - To safeguard any protected species which may either live or forage within the site in accordance with Policy 21 of the Local Development Framework and the National Planning Policy Framework.

12. The development hereby approved shall be carried out in accordance with the mitigation set out in Section 5 of the submitted Breeding Bird Survey (March 2021 Rev 04 Urban Green). REASON - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981, having regard to Policy 21 of the Oldham Local Plan.

13. The development hereby approved shall be carried out in accordance with sections 8 & 9 of the Energy and Sustainability Statement (AES Consultants Ltd April 2021). REASON - To ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.

14. No demolition or development groundworks shall take place until the applicant or their agents or successors in title has implemented a programme of Archaeological Building Recording and Archaeological Evaluation in accordance with the approved Written Scheme of Investigation prepared by Wardell Armstrong in April 2021 and submitted as part of the planning application. The WSI covers the following:

1. A phased programme and methodology of investigation and recording to include:

- i) historic building survey (Historic England Level 2)
- ii) archaeological evaluation
- iii) informed by the above, targeted open area excavation and recording (subject of a new WSI)

2. A programme for post-investigation assessment to include:

- analysis of the site investigation records and finds
- production of a final report on the significance of the archaeological and historical interest represented.

3. Deposition of the final report with the Greater Manchester Historic Environment Record.

4. Dissemination of the results commensurate with their significance.

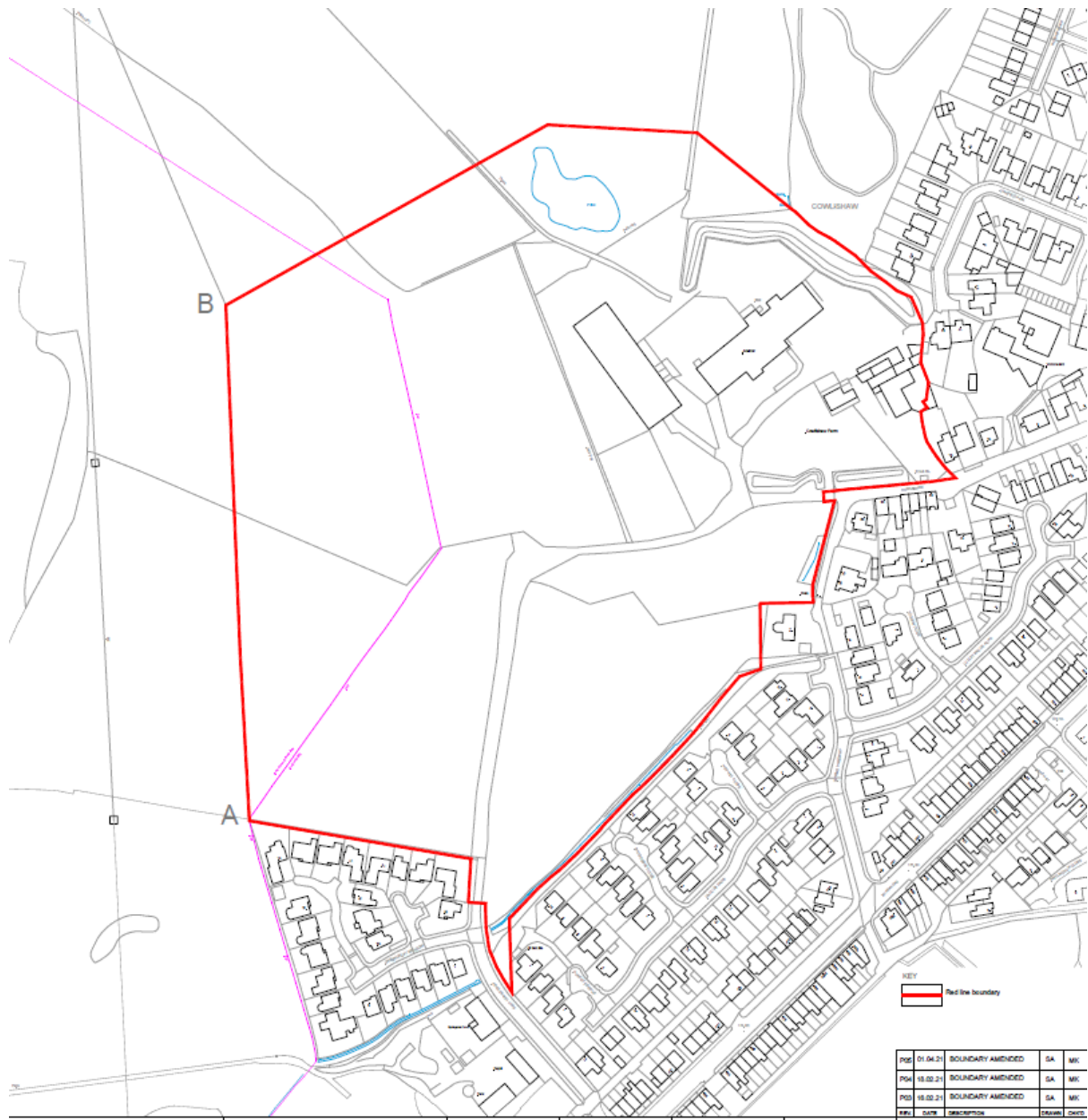
5. Provision for archive deposition of the report and records of the site investigation.

6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

REASON: In accordance with NPPF Section 16, Paragraph 205 - to record and advance understanding of the significance of any heritage assets to be lost (wholly or

in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

LOCATION PLAN (NOT TO SCALE)



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APPLICATION REPORT – FUL/347664/21 Planning Committee 19th January 2022

Registration Date: 5th October 2021
Ward: Shaw

Application Reference: FUL/347664/21
Type of Application: Full Application

Proposal: Construction of a footway and two car parking spaces to serve dwellings associated with reserved matters application RES/346720/21 for 201 dwellings.

Location: Land off Cocker Mill Lane, Shaw, Oldham

Case Officer: Stephen Gill
Applicant: Mr Anthony Blackwell
Agent: Mrs Samantha Ryan

INTRODUCTION

The application is being reported to Planning Committee as it is linked to application RES/346720/21, also being presented to the Committee.

RECOMMENDATION

It is recommended that the application should be approved subject to the conditions as set out in this report.

THE SITE AND BACKGROUND INFORMATION

The site is a small section of land that falls just outside the red line boundary of the residential development approved at Cowlshaw Abattoir, under application PA/344179/19.

After the outline application approval, a reserved matters application has now been received for 201 units (RES/346720/21), to develop out the site. It became clear during the process of considering the reserved matters application, that the small section of land (232 m²) subject of this application, was not included in the red line boundary of the outline planning approval PA/344179/19.

However, the small piece of land is needed to help accommodate the scheme for 201 units and given that the land was not included in the outline planning application, it is necessary to make a standalone application to consider the minor work required to accommodate the wider scheme. It should be noted that the land in question is still in the ownership of the applicant.

THE PROPOSAL

The proposal is to include some minor work within the land, that is associated with the reserved matters application RES/346720/21. The work in this case, includes the laying out of a small section of a turning head and two car parking spaces to serve a residential

development, specifically plot 122 associated with reserved matters application RES/346720/21.

RELEVANT PLANNING HISTORY

PA/344179/19 - Outline planning application with all matters reserved except for the principal means of access from Cocker Mill Lane for a residential development following demolition of existing buildings – Approved subject to conditions 1st October 2020.

RES/346720/21 - Reserved matters of Appearance, Landscaping, Layout and Scale for 201 dwellings with associated open space pursuant to outline approval PA/344179/19

RELEVANT PLANNING POLICIES

The 'Development Plan' is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is designated in the Local Plan as being in a Business Employment Area.

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

- Policy 9 - Local Environment; and,
- Policy 20 - Design

CONSULTATIONS

Highways Engineer: No objection

Shaw and Crompton
Parish Council: Recommend refusal

REPRESENTATIONS

The application was publicised by way of neighbour notification letters, but no representations have been received in response.

PLANNING CONSIDERATIONS

In terms of the principle of utilising the land to help accommodate a very small element of the scheme proposed for 201 dwellings under RES/346270/21, no objections are raised. The work involves a slight encroachment of a turning head and the provision for two parking spaces associated with plot 122, situated north east of the site, and these changes to the land are considered to have a negligible overall impact. As stated above, the land in question is still in the ownership of the applicant, and the works proposed are considered to be more of an engineering operation.

The work will not have any adverse impacts on residential amenity, including noise or air quality, and will not have unacceptable impacts in design terms. In addition, the Highways Engineer has not raised any objections to the scheme.

Overall, it is considered that the work proposed complies with both policy 9 & 20.

CONCLUSION

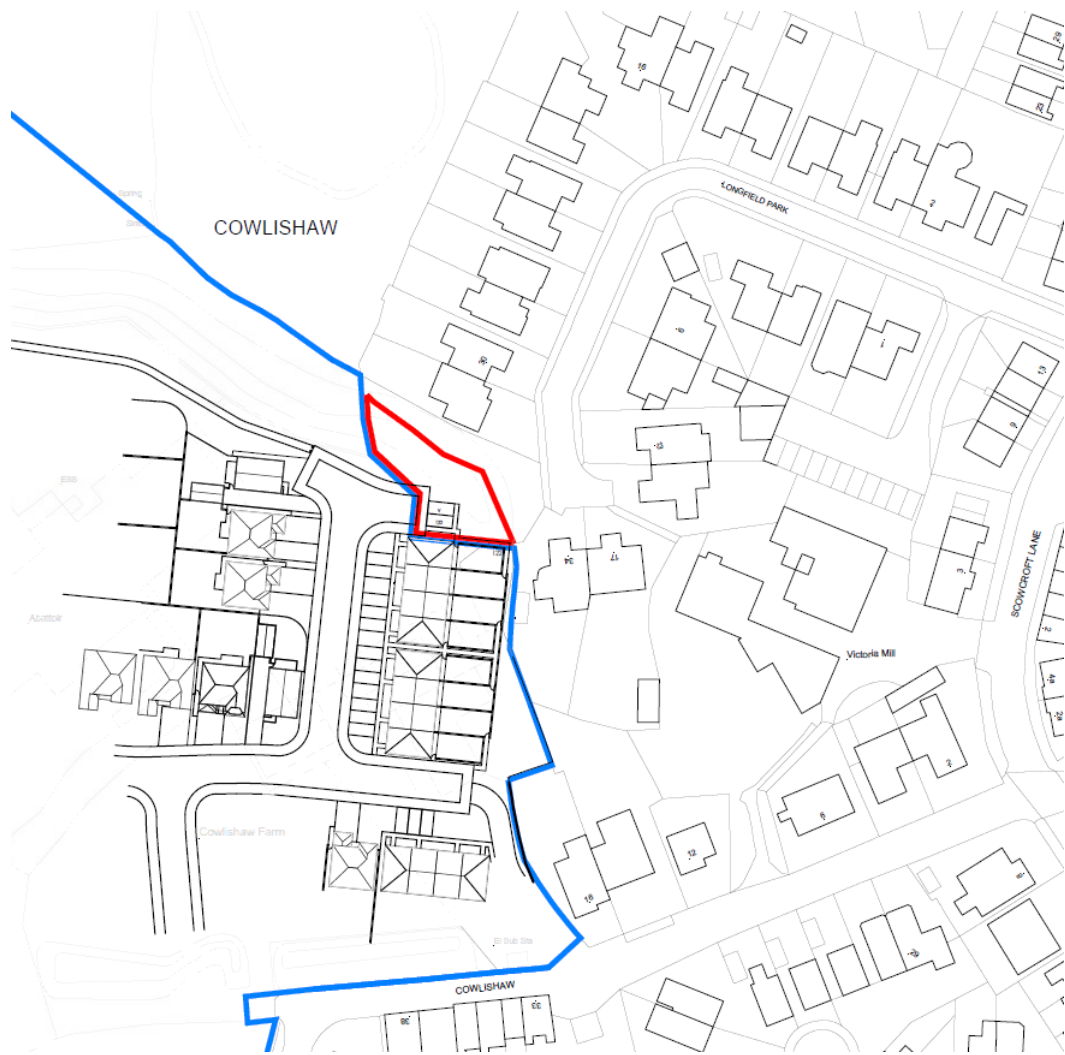
In conclusion, the proposed development is acceptable. The proposal would not be an undue addition to the site. The proposals proximity and siting mean neighbours amenity would not be impacted to unacceptable levels and highway safety will be maintained. Therefore, proposal meets the criteria in policies 9 & 20, along with NPPF Section 12.

RECOMMENDATION

It is recommended that the Planning Committee resolves to grant permission, subject to the following conditions:

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

LOCATION PLAN (NOT TO SCALE):



APPLICATION REPORT - FUL/345630/20 Planning Committee 19th January 2022

Registration Date: 25th November 2020
Ward: Saddleworth West And Lees

Application Reference: FUL/345630/20
Type of Application: Full Application

Proposal: Construction of 77 residential properties with associated access, landscaping and ancillary works

Location: Land to the east of Huddersfield Road, Diggle, OL3 5NU

Case Officer: Matthew Taylor
Applicant: Mr Mark Sexton

INTRODUCTION

The application is being reported to Planning Committee for determination given it is a major development, in accordance with the Council's Scheme of Delegation.

RECOMMENDATION

It is recommended that the application should be approved subject to:

1. The conditions as set out in this report; and,
2. The completion of a Section 106 Agreement to secure:
 - The provision of 10% on site Affordable Housing (at transfer values of 80% OMV or as Discount Market Sale);
 - A financial contribution of £378,747.20 towards the enhancement of existing Open Space provision within the locality; and,
 - A financial contribution towards the provision of compensation for the loss of suitable ground nesting bird habitat by off-site habitat enhancement.

The Head of Planning shall be authorised to issue the decision upon satisfactory completion of the legal agreement.

THE SITE

The application site is land to the east of Huddersfield Road, Diggle, which is split into two parcels of land by the access road (off Huddersfield Road) which serves the new Saddleworth School site (which previously served Shaws Pallet Works). The applicant refers to these sites as Site A and B.

Site A is to the north of the Pallet Works original access road and measures approximately 1.389 ha. Site B, is to the south of the Pallet Works original access road and measures 1.099 ha. Both sites slope down gently towards Diggle Brook, with residential properties to the west and north, open fields to the south and the former Shaw Pallets office building (a listed building) to the east. The Huddersfield Narrow Canal lies beyond the school development site.

Part of the former Shaw Pallet Works to the east is the Grade II listed Dobcross Works Office which falls within the development limit of the school site. There are a further two Grade II listed buildings to the south east of the site along Huddersfield Road approximately 150m from the southern boundary. The site does not fall within a conservation area.

The site is located within a Business Employment Area (BEA) and the majority of the site falls within Flood Zone 1. However, the area to the north east of the site lies in Flood Zone 2 and 3a, reflecting its proximity to Diggle Brook.

THE PROPOSAL

Full planning permission is sought for the redevelopment of the site for a residential scheme comprising the erection of 77no. dwellings (Site A proposes 45 units, and 32 units are proposed on Site B), associated infrastructure, landscaping, and access to each site. Site A is proposed to be accessed from the road serving the new Saddleworth School site, whilst access to Site B is proposed directly from Huddersfield Road.

Proposed unit breakdown is as follows:

- 2 bed/3 person dwellings - 17no. plots;
- 3 bed/4 person dwellings - 8no. plots;
- 3 bed/5person dwellings - 14no. plots;
- 4 bed/6 person dwellings - 28no. plots;
- 4 bed/7 person dwellings - no. plots; and
- 5 bed/7perosn dwellings - 4 plots.

Each dwelling will benefit from front and rear gardens and off-street car parking provision as indicated on the Proposed Site Plan.

RELEVANT PLANNING HISTORY

PA/337301/15 - Construction of a new Saddleworth School with associated sports fields and pitches, external recreation and teaching space together with parking and landscaping and associated works - Approved 17/06/2019

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:

Joint Development Plan Document:

Policy 1 - Climate change and sustainable development;
Policy 3 - An address of choice;
Policy 5 - Promoting Accessibility and Sustainable Transport Choices';
Policy 9 - Local environment;
Policy 11 - Housing;
Policy 14 – Supporting Oldham's Economy;
Policy 18 – Energy;
Policy 20 – Design;
Policy 21 - Protecting Natural Environmental Assets;
Policy 23 - Open space and sports; and,
Policy 25 – Developer Contributions.

National Planning Policy Framework (NPPF)

CONSULTATIONS

Environmental Health:	Recommended both landfill gas and contaminated land conditions and informative notes.
Highways:	Recommended both conditions and informative notes.
Greater Manchester Ecology Unit:	Recommended both conditions and that compensation for the loss of suitable ground nesting bird habitat by off-site habitat enhancement.
United Utilities:	Recommended conditions and informative notes to address both drainage and the management and maintenance of Sustainable Drainage Systems.
Greater Manchester Police Architectural Liaison Unit:	Raised no objection.
LLFA/Drainage	Comments to be reported on the late list.
Trees	No objection, Subject to condition.
Historic England	Raised no objection
Environment Agency	Recommended conditions and informative notes.
Canal and River Trust	Raised concerns regarding the discharge into Diggle Brook.
Housing Strategy	Raised no objection.

REPRESENTATIONS

The application has been advertised by means of neighbour notification letters, site notice, and press notice. In response, the following representations have been received:

- 0 **support** comments have been received.
- 0 **neutral** comments have been received
- 79 **objection** comments have been received

SUMMARY OF OBJECTIONS:

- Affect local ecology;
- Inadequate access for the additional dwellings within the village;
- Inadequate parking provision within the development for future occupiers;
- Increase danger of flooding as a result of the additional urbanisation;
- Increase in traffic and pollution;
- More open space needed on development, the additional residents will put a strain on existing provision;
- Green spaces need to be retained not developed;
- Noise nuisance from the development will impact existing residents;
- Development is out of keeping with character of area;
- Scheme represents over development of the village;
- Strain on existing community facilities, existing lack of doctors, dentist, shops and school places;
- Wool Road and Huddersfield Road Junction already suffers from severe traffic congestion during peak times, this problem is soon to be further aggravated once the construction of the school is complete;
- The village has narrow pavements on Wool Road and Huddersfield Road junction, which pose a risk to pedestrians and this will be further exacerbated with increased footfall;
- Application does not provide enough affordable home;
- There is insufficient public transport in Saddleworth to get people to work/shopping; and,
- The impact of the extra traffic due to the opening the school in Diggle has yet to be ascertained and the official predictions are both out of date and underestimated. The addition of 78 houses with potential for an extra 156+ Vehicles would create more misery for the people both in Diggle and Dobcross.

Saddleworth Parish Council: Recommended refusal for the following reasons:

- Poor vehicular access, resulting in congestion issues.
- Infrastructure concerns, e.g., availability regarding number of school places, overdevelopment.
- Errors in traffic report.
- Heightened levels of noise and vibration from vehicles.
- Deemed a premature submission as school not built.
- Application of this type should only be considered once school is completed and an impact assessment carried out.

- Whilst land allocated for business and employment purposes, has been so since 2006 with no development having come forward indicating lack of demand. Updated NPPF advises that Planning policies and decisions need to reflect changes in demand for land and where Local Planning Authority considers there to be no reasonable prospect of application coming forward for use allocated in plan, applications for alternative uses on land should be supported in interim, prior to updating plan, where proposed use would contribute to meeting unmet need for development in area. In circumstances and taking into account sustainable location of site and Oldham's shortfall in housing land supply, arguably unmet need, likely that very difficult to resist principle of residential development even when balanced against loss of employment land. Will clearly impact on open outlook from Huddersfield Road towards east, more so than school development, and obscure views of Listed office building but would also have been case if employment allocation implemented.

PLANNING CONSIDERATIONS

The main planning issues for consideration are as follows:

1. Principle of Development;
2. Developer Contributions;
3. Energy;
4. Highway safety;
5. Design
6. Heritage;
7. Residential Amenity;
8. Trees;
9. Ecology;
10. Drainage;
11. Environment Agency; and,
12. Contamination and Landfill Gas.

Principle of development

Loss of Employment:

Policy 14 of the Local Plan sets out that uses other than those listed in the policy (list numbered i to xiii) will be permitted on sites currently or most recently used for employment purposes. This list does not include residential. However, provided the applicant can clearly demonstrate that it is no longer appropriate or viable to continue the existing use, the policy does allow other uses (which would include residential) by exception. This can be demonstrated by the developer:

- a) through a marketing exercise that there is no market for the uses listed in the policy. The marketing exercise should be agreed with the Council before commencing and be of a professional standard; or,
- b) through a viability exercise that the continued use/development of the site for the uses listed in the policy is unviable; or,

- c) that the development of the site for alternative uses would benefit the regeneration areas identified by the Council as being in need of investment or would benefit the community of an area.

The Planning Statement Addendum (May 2021) submitted by the applicant draws reference to the requirements of Policy 14 and an Employment Land Report (February 2021) has been submitted by Avison Young and Grasscroft Development Solutions. This report considers the suitability of the site for employment generating development and the current market conditions. The conclusion of this report confirms the site is unsuitable for modern industrial uses given it is in a tertiary industrial location with the closest motorway junction being a distant 13 miles away. As a result, no logistics businesses would typically be attracted to the site due to the long distance required to travel to access the motorway network. Preference tends to be for the M62/M6 corridor.

Moreover, the impact of industrial / logistics development on the site would be have a significant impact on both the adjacent residential properties and the and new Saddleworth school site, highway safety (HGV movements), potential noise and light pollution. It is considered that employment development would be detrimental both the residential and visual amenity of the area and the open aspect/nature of the surrounding Green Belt.

Furthermore, given the eastern part of the BEA allocation has already been lost from employment use to create the new secondary school, and that the presence of a school in this location significantly reduces the suitability of the western part of the allocation for employment uses, it is considered that the BEA allocation, as a whole, is no longer viable or achievable and development of the site for alternative uses would benefit the community of the area.

With the above in mind, it is considered the applicant has provided sufficient evidence to satisfy Policy 14, as it has been clearly demonstrated, in this instance, that the use of the site for employment purposes would be inappropriate.

Development for Housing:

DPD Policy 1 seeks to ensure the effective and efficient use of land and buildings by promoting the re-use and conversion of existing buildings prior to the use of greenfield sites. It also aims to meet Oldham's housing needs by focusing residential development in sustainable locations and to ensure that development respects Oldham's natural, built and historic environments.

Policy 3 of the Local Plan sets out the council's approach for managing the release of housing land. It states that planning applications for residential development, in whole or as part of a mixed-use scheme, will be permitted where:

- (a) The site is allocated for residential development or mixed-use and has come forward in line with the council's approach to phasing, reflecting the residential distribution described within the policy; or,
- (b) The site is allocated for residential development or mixed-use and has come forward prematurely from the phasing set out in the Site Allocations DPD and does not undermine other national and local guidance and policies: and
 - i. A deliverable five-year supply of housing land cannot be demonstrated; or,
 - ii. It contributes to the delivery of the borough's regeneration priorities; or,

- iii. It contributes to the delivery of affordable housing that meets the local affordable housing needs.

Proposals on a non-allocated site for residential development will be considered favourably where it meets the three criteria listed under b) above or it is for a small development, comprising a change of use or conversion or not identified in the Council's Strategic Housing Land Availability Assessment (SHLAA).

These three criteria are considered in turn below.

Housing land supply position:

The SHLAA (as at 1 April 2020) identifies a baseline housing land supply of 10,706 dwellings increasing to 11,263 when considering the small sites and clearance allowances. The Government has introduced a standardised methodology for assessing local housing need (LHN), based on household projections with an adjustment to take account of affordability. For Oldham, Local Housing Need (LHN) has recently changed to 693 homes per year. Based on the five-year supply identified within the SHLAA, the council is unable to meet the borough's housing need over the next five years at this time under the adopted Development Plan for the borough.

As such, delivering housing on suitable sites is imperative to meeting local needs. The proposed development site is included within the SHLAA and has been assessed as being suitable, available and achievable for residential development in principle.

Delivery of the borough's regeneration priorities:

Paragraph 5.47 of the Local Plan outlines that residential development need to be in suitable locations, which offer a range of community facilities and with good access to jobs, key services and infrastructure in order to create sustainable communities. Whilst housing will be focused on regeneration areas, areas within and accessible to the borough's other centres and rural settlements will also be considered suitable locations.

This approach ensures that the delivery of housing development reflects the Council's aspirations and principles and addresses the needs and demands of all communities, recognising that the focus for housing development generally will be in regeneration areas and other suitable (and sustainable) locations, whilst acknowledging the contribution that non-allocated sites may make to the housing market.

Whilst the site is not within a regeneration area, it is clear the policy does not expect all housing to be in those areas. Moreover, as the application site is within 480m of two local services and is served by satisfactory public transport (as required by Policy 11 of the Local Plan), owing to its village location, it is considered the scheme would reflect the aspirations and principles of Policy 3 of the Local Plan.

Delivery of affordable housing to meet local affordable housing needs:

The capacity of the proposed site qualifies for the Affordable Housing threshold, which applies to developments of 10 dwellings or above, as set out within NPPF. Following negotiations with the developer, 10% on-site affordable housing has been agreed and this matter is fully addressed in more detail in the next section of this report.

As such, for the reasons given above, it is considered that the principle of the proposal is acceptable.

Affordable Housing

Paragraph 65 of the NPPF sets out that where major development involving the provision of housing, planning decisions should expect at least 10% of the total number of homes to, be available for affordable home ownership.

Following negotiations, it has been agreed that the development will include 10% on-site Affordable Housing units (at transfer values of 80% OMV or as Discount Market Sale) via a Section 106 agreement. This would wholly satisfy the requirements of the NPPF and Policy 11 providing much needed affordable housing in a sustainable location.

Open Space

Policy 23 of the Local Plan states that major residential development should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable. It continues to state that regard will be given to the proposed development and the open space surpluses and deficiencies in the area (identified through the Council's Open Space Study) to determine where appropriate whether on-site or off-site new provision or enhanced existing provision or a financial contribution will be required.

As the scheme does not provide public open space on-site, in order to be compliant with Policy 23, the applicant must make contributions towards new provision or enhancing existing provision off-site. Following an assessment of the proposal and needs of the local area, a cost has been calculated for off-site public open space provision and provided to the applicant during negotiations.

Financial viability

In respect of the total developer contributions generated by the development, the applicant has provided economic viability information purporting the scheme cannot sustain a full contribution towards off site Public Open Space and Affordable Housing.

This information and its findings have been independently appraised on behalf of the Council and, in light of that independent appraisal, officers consider the scheme is viable to make the full amount of contribution required to address Policy 11, 23 and 25 of the Local Plan. To this end, it is recommended to Members that the Council enters into a Section 106 Agreement for the applicant to contribute:

- 10% On Site Affordable Housing (at transfer values of 80% OMV or as Discount Market Sale);
- A contribution of £378,747.20 towards the enhancement of existing Open Space provision within the locality to be compliant with Policy 23 of the Local Plan (further details to be confirmed in the Late List prior to the committee meeting); and,
- A financial contribution towards the provision of compensation for the loss of suitable ground nesting bird habitat by off-site habitat enhancement (refer to ecology section of

report below and note that further details will be confirmed in the Late List prior to the committee meeting).

Energy

Policy 18 of the Local Plan states that all developments over 1,000m² or 10 dwellings and above are required to reduce energy emissions in line with set targets.

To address the requirements of this policy the applicant has provided a 'Energy Statement by Lancaster Maloney', dated September 2020 Ref: 2009-00, which notes the development will achieve a 16.3% reduction in CO₂ over Part L 2013, as required.

Highway Safety

Policy 5 of the Local Plan requires that developments do not compromise pedestrian or highway safety and Policy 9 of the Local Plan states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users. Crucially, NPPF paragraph 111 requires that, in considering planning applications, "*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.*" This therefore provides the key test for considering this (and other) proposal in relation to highway safety.

Having considered the submitted Transport Assessment, the Council's Highway Engineer does not consider that there will be any additional significant amount of traffic generated which would have a severe impact on the network (which is the necessary test having regard to the NPPF). The mitigation measures being implemented as a result of the construction of the new school will also serve to mitigate the impacts of the proposed residential development whilst improving the highway safety in the area and for future residents.

Furthermore, the proposed parking provision is considered to be of a sufficient level that there will not be an increase in the demand for on-street parking on the local highway network.

Therefore, as the amended highway layout is acceptable and will be considered for adoption by the local Highway Authority, it is considered the scheme complies with the highway safety aspects of Policies 5 and 9 of the Local Plan.

Design

Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment. Policy 9 requires that development does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape, nor should it cause significant harm to the amenity of neighbouring occupants. Policy 20 is also relevant, as it seeks to promote high quality design.

The supporting Design and Access Statement and Planning Statement explains that the proposed layout has been amended to respond to the existing street scene and address the view of the listed building within the school site to the rear.

Following an assessment of the character of the surrounding area, it is observed that the existing development along Huddersfield Road is characterised as predominantly terraced

houses which create a solid character route through Diggle. This design principle has been incorporated into the amended scheme by way of terraced properties against the main road, with semi-detached and detached properties behind the main road frontage. This results in a strong main road building line and winding cul-de-sacs to the rear inside the site, which reflect the opposite side of Huddersfield Road.

The overall amended layout is considered to follow the overarching built form of Diggle, and has been designed so as to avoid any adverse impacts on the street scene and integrate with the existing built surroundings.

Having regard to the design and finish of the proposed house types it is considered that the traditional Saddleworth character is promoted through the proposals incorporating an appropriate pallet of materials since the development proposes the use of both slate and stone flag roof finishes as well as a mix of clean and weathered stone finishes. Natural stone heads on sills and stone mullions are also proposed and the scale and massing associated with each house type is considered to be in keeping with the surrounding area. Furthermore, the proposed hard and soft landscaping works are considered to be acceptable, which incorporate landscaping forward of the front elevation of the proposed dwellings.

Overall, it is considered that the high-quality design of the proposed development would have a positive impact on the character of the area, in accordance with Policies 9 and 20 of the Local Plan.

Heritage

The Planning (Listed Buildings and Conservation Areas) Act 1990, states that the primary duty of the Local Planning Authority in relation to listed buildings is to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' and Policy 24 of the Oldham Joint DPD reflects this duty in stating that alterations to listed buildings and structures must serve to preserve or enhance its special interest and its setting.

Impact on Grade II listed buildings on Huddersfield Road (No's 45, 47 and 49):

The updated Statement of Heritage Significance confirms that the sites contribution to the setting of these listed buildings is low given that it is located on the opposite side of a busy main road. As a result, the sensitivity of these listed buildings to further changes to their setting also considered to be low through the development of this site.

Therefore, the development site is considered to make, at most, a minor impact on the setting of these designated assets, and therefore any harm should be considered 'less the substantial'.

Impact on the listed buildings that form part of the Huddersfield Narrow Canal:

These are Huddersfield Narrow Canal No.69 Bridge, which is 100m east of the site, the Huddersfield Narrow Canal Subway under Canal after Lock 30, 180m north-east of the site and the Huddersfield Narrow Canal Milestone, which located 225m south of the site.

Setting makes a significant contribution to the significance of these designated assets. From the supporting information provided these assets are set some distance from the application site

and to the rear of the new Saddleworth School site. Therefore, it is considered that the development will have a negligible impact on the setting of these designated assets.

Impact on the Grade II listed Dobcross Works Office Building:

Planning consent for the construction of a new Saddleworth School with associated sports fields and pitches, external recreation and teaching space together with parking landscaping and associated works (Planning Ref: PA/337301/15) was granted with conditions in June 2019 on land at the former W H Shaw Pallet Works site on the eastern side of the brook that forms a boundary to the application site. These works are nearing completion and have significantly impacted the setting of this heritage asset. As the site is forward of this asset it is considered that the site contributes positively to the significance of the setting by providing a rural setting.

Overall, the introduction of housing would inhibit views of the listed Dobcross Works Office Building resulting in harm which is considered to be 'less than substantial harm' to this heritage asset.

NPPF Paragraph 202 NPPF states that '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*'

In terms of public benefits, the development will bring forward new homes in the borough that will have both economic and social benefits. Residential developments have a lasting economic impact as the future occupiers of the development, some of whom will move into the area from outside the borough, are likely to bolster the viability of existing and new local businesses through spend in the local community. There may also be potential for employment opportunities through the construction work on the site.

In terms of the social benefits, given the scale of the development requires contributions towards both public open space improvements/maintenance and affordable housing provision within the locality, these are afforded weight as a material planning consideration when considering public benefits.

Finally, given a continued business use of the site has been demonstrated to be inappropriate for this site, it is considered that the development will secure its optimum viable use. Therefore, the scheme accords with the requirements of Policy 24 of the Local Plan and NPPF Paragraph 202 NPPF.

Residential Amenity

Policy 9 of the Local Plan requires that new development does not result in a significant, adverse impact on the visual amenity of the surrounding area or significantly harm the amenities of occupiers of existing or future neighbouring properties, whilst Policy 20 includes the requirement that development proposals should reflect local character.

Impact on the dwellings on existing dwellings on opposite side of Huddersfield Road:

The front elevation of the proposed units facing onto Huddersfield Road are located over 21m from the front elevations of these neighbouring properties and the side elevation of the proposed units on Huddersfield Road are over 18m away. As such, it is considered the

development would not appear overly oppressive and not result in any significant loss of light to the habitable rooms of these neighbouring properties.

Impact on No's 104 and 106 Huddersfield Road:

When considering the separation distances from rear of proposed unit No's 56 to 58 to the rear gardens of the existing neighbouring dwellings at 104 and 106 Huddersfield Road, a key consideration was the relationship between the existing dwellings within the locality. Dwellings on Ambrose Crescent and Huddersfield Road are orientated at oblique angles to one another resulting in limited direct visibility between windows. Therefore, as the new units would also be orientated at oblique angles to the existing dwellings, it is considered the separation distances are acceptable. As such, the development is not considered to appear overly oppressive to the occupiers of the existing dwellings.

Impact on the future occupiers:

Policy 9 of the Oldham LDF states that the Council will ensure development does not cause significant harm to the amenity of the occupants and future occupants of the development. The development has been assessed against the 'Technical housing standard - nationally described space standards', March 2015. Given that the scheme complies with these national standards, it is concluded that the development will provide appropriate living space for the future occupants of the development.

Trees

Having considered the originally submitted information no justification had been provided for the loss of trees as a result of the proposed development. Saved UDP Policy D1.5 'Protection of Trees on Development Sites', states:

"In determining a planning application for development of a site containing existing trees, or adjoining a site containing trees, the Council will only permit a proposal where:

the development is designed, insofar as is reasonably practicable, to maximise the retention and continued health of the trees in question; and

development comprising residential accommodation is positioned in relation to retained trees so as to avoid an unacceptable degree of overshadowing of both internal accommodation and garden areas.

In those cases where it is agreed that trees will be lost to accommodate the development, adequate replacement planting will be required as a condition of planning permission for the development.

Where trees are to be lost to development, the Council will require, as a minimum, replacement at a ratio of three new native trees for each mature or semi-mature tree lost. Where possible the replacement trees should be accommodated on or immediately adjoining the development site. In exceptional circumstances (e.g. certain small infill sites), where it is agreed that on-site replacement planting is not practicable, arrangements must be made for the planting of replacement trees on a suitable site in the wider locality through a section 106 planning obligation."

Existing trees across the site are to be removed. However, the majority of the trees located on the riverbank boundary are to be retained. Given that the scheme includes mitigation planting, as indicated on the submitted landscaping proposal plans, it is considered that the overall loss will be adequately addressed. Moreover, the Council's Arboricultural Officer has been consulted and raised no objection, subject to conditions that require the implementation of the submitted tree protection measures and the provision of proposed replacements.

Therefore, the loss has been mitigated for and the scheme accords with the requirements of saved UDP Policy D1.5.

Ecology

Policy 6 and Policy 21 of the Oldham LDF Joint DPD are concerned with protecting, conserving and enhancing our local natural environments.

Designated Sites:

The application site is within 1.5km of the South Pennine Moors Special Area of Conservation and Site of Special Scientific Interest, although it lies outside the identified risk zones for impacts on the SPA/SSSI as prepared by Natural England. The site is separated from the designated sites by the new school site currently under construction and by the Huddersfield Narrow Canal. While it may be used by bird species associated with the SPA (e.g. Lapwing, Skylark) it is very unlikely to be considered to be functionally linked to the SPA because of the small numbers of birds involved and because the application site is subject to significant levels of human disturbance and probable predation pressures. The value of the site for breeding and foraging birds is further discussed below.

There is an issue as to whether the development of the site for housing could have an indirect effect on the SPA by increasing public recreational use of the SPA, which could in turn lead to increased disturbance to habitats and species within the SPA. However, given the lack of direct connectivity between the application site and the SPA, the relative size of the development and the very large area of the SPA it is not expected that there would be significant effects on the SPA to arise from this source.

The application site is also within 100m of the Huddersfield Narrow Canal Site of Biological Importance, a Local Wildlife Site. The Canal has been designated because it supports important populations of aquatic plant species. The proposed development will not have any direct impacts on the Canal although there may be indirect hydrological connectivity via the watercourse which runs along the eastern boundary of the site. To avoid any indirect impacts from surface water pollution on the Canal, a Construction Environmental Method Statement condition has been attached to the recommendation requiring the details of measures to be taken to prevent water pollution during the construction and operation of the development.

Notable Habitats:

The site generally supports unremarkable habitats, although the areas of broadleaved woodland and trees and the small watercourse at the eastern boundary are of local nature conservation value. These habitats are to be retained and protected as they are outside the gardens of the proposed dwellings that back on to the Diggle Brook.

Protected and Notable Species:

The site is considered to have only low potential to support any specially protected species, although the tree-lined watercourse is likely to be of value for foraging bats, these are to be retained within the 8 metre buffer from them the river.

Fields in the wider area are known to be of value for ground nesting birds, including Lapwing. Lapwing are a Red list species in the UK because they have suffered from significant declines, probably as a result of agricultural intensification. The fields which are the subject of this application are relatively small, subject to public disturbance and likely predation pressures, but nevertheless they remain suitable for use by the species.

Under the Wildlife and Countryside Act 1981 it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. However, given that the proposed development includes both site clearance and the removal of existing trees, a condition to address the protection of birds has been attached to the recommendation.

Moreover, it is clear following negotiations that the scheme can support a contribution to mitigate the loss of suitable ground nesting bird habitat, this will be commuted sum towards off-site habitat enhancement. There is extensive land nearby which could be enhanced for Lapwings and other ground nesting birds. On the site, bird nesting boxes and bat roosting boxes can be placed close to the Diggle Brook within the buffer, and this is required by a condition attached to the recommendation.

Invasive Plant Species:

There are extensive areas of invasive plants on the application site, including Himalayan balsam and Japanese knotweed. Under the terms of the Wildlife and Countryside Act 1981 (as amended) it would be an offence to spread these plants in the wild.

The Method Statement for the control of invasive species, combining herbicide control and mechanical control, is considered to be acceptable by the Officers at GMEU.

Enhancement for Nature conservation and Biodiversity Net Gain:

Para. 170(d) and 175(d) of the NPPF strongly encourage development to achieve a net gain for Biodiversity, and government will soon make the achievement of Biodiversity Net Gain mandatory within the planning system.

This development will result in the loss of open grassland of use to nesting and foraging birds, habitats which cannot be recreated on site if the development goes ahead. As noted above, compensation for the loss of habitat, and as a way of achieving net gain, a contribution is to be made towards off-site habitat enhancement of grassland habitats nearby, particularly for Lapwing.

Drainage

Policy 19 of the Oldham LDF Joint DPD is concerned with ensuring that new developments do not result in an unacceptable flood risk or increased drainage problems by directing developments away from flood risk areas.

United Utilities:

United Utilities have reviewed the submitted details and have raised no objection to the application in principle. On this basis, they have recommended the imposition of a condition requiring a drainage scheme to be submitted for surface water and a requirement that foul and surface water are discharged to separate systems.

Environment Agency:

Following the review of the plans showing estimated flood level for the proposed development scenario for Saddleworth school. The EA consider that the proposed buffer from Diggle Brook, as outlined on the amended proposed site layout (Drawing no. 1309/006 rev B dated 14/12/21) is acceptable.

However, given the scheme is based on a rear facing amenity garden design along Diggle Brook waterbody, which is generally their less environmentally preferred design approach, as this can sometimes lead to formal amenity gardens extending into wildlife corridor or tipping of material or garden waste into river and key ecological receptor. Therefore, the EA have recommended this riparian buffer is protected, with private householders clearly stipulated that extending existing garden boundaries or tipping into corridor is prohibited, and element of any scheme landscape management plan adopted for site which ensures such poor practice is avoided and ensure processes are in place to rectify any such poor environmental practice, where identified.

To this end, a site-specific method statement is to be agreed to put appropriate control measures in place regarding the invasive species Japanese Knotweed, Himalayan Balsam, Variegated Yellow Archangel & Rhododendron present on the site. The submitted report for Invasive Species Methodologies for the development site does not currently specify which of the varied control methodologies will be adopted for the Huddersfield Road development site and the specific timing of these. This is particularly relevant regarding Japanese knotweed, which will likely need varied techniques to control to ensure this is not spread as part of scheme's construction.

Moreover, the proposed landscape enhancements that have been proposed will require a conservation management plan to be in place once the existing resident invasive non-natives species have been appropriately managed. This will ensure the retained semi-natural areas will be restored and positively managed in the long-term and provide the maximum benefit to people and the environment.

This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on, and providing net gains for, biodiversity. As such, it is considered that, in this instance, an appropriately worded planning condition is required to address these concerns and ensure that the development will not result in significant harm to Diggle Brook key ecological network and green infrastructure asset.

Contamination and Landfill Gas

Paragraph 183 of the NPPF states that the planning decisions should ensure that a site is suitable for its proposed use taking account of ground contamination and risk.

The Council's Environmental Health section have recommended intrusive site investigations for contaminated land and landfill gas risks are required and the submission of a remediation strategy before any development takes place. This is secured through the imposition of a condition attached to the recommendation to ensure that the development does not conflict with the requirements of the paragraph 183 of NPPF.

CONCLUSION

For the reasons set out above it is considered that the submitted scheme complies with all relevant planning policies and material planning considerations. It will provide a significant and positive contribution towards the Council's identified housing needs in a sustainable location and, together with the mitigation to be secured through the imposition of conditions and a Section 106 agreement to secure on site affordable housing, off site open space improvements and provision of compensation for the loss of suitable ground nesting bird habitat off-site, comprises sustainable development and is therefore recommended for approval.

RECOMMENDATION

It is recommended that the Planning Committee resolves to grant permission, subject to the inclusion of the conditions listed below, and a Section 106 Agreement securing the provision of the following:

- The provision of 10% on site Affordable Housing (at transfer values of 80% OMV or as Discount Market Sale);
- A financial contribution of £378,747.20 towards the enhancement of existing Open Space provision within the locality; and,
- A financial contribution towards the provision of compensation for the loss of suitable ground nesting bird habitat by off-site habitat enhancement (details to be clarified on the Late List).

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. A scheme for the Biodiversity Enhancement Measures, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the construction of any buildings hereby approved. This shall include details of:
 - Additional landscaping plan within the onsite Diggle Brook buffer zone, to ensure the retention and enhancement of the habitats along the Brook corridor; and,
 - Bird nesting boxes and bat roosting boxes onsite Diggle Brook buffer zone. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the Local Planning Authority) and shall be retained thereafter.

REASON - To ensure positive enhancement of the site having regard to Policy 21 of the Oldham Local Plan.

4. No development shall take place until a detailed method statement for removing or the long-term management / control of Japanese knotweed, Himalayan Balsam, Variegated Yellow Archangel & 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 Japanese knotweed, Himalayan Balsam, Variegated Yellow Archangel & Rhododendron during any operations e.g. mowing, strimming, bank regrading or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

REASON - To prevent the spread of Japanese knotweed, Himalayan Balsam, Variegated Yellow Archangel & Rhododendron which are invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in the National Planning Policy Framework paragraph 170, where planning decisions should contribute to and enhance the natural and local environment & 174, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

5. No works to trees or shrubs shall occur or site clearance commence 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 - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981 having regard to Policy 21 of the Oldham Local Plan.

6. The development hereby approved, shall be carried out in accordance with the submitted Sustainability Statement by Award Energy Consultants, dated April 2021, and/or any other future improvements in Building Regulations.

REASON - To accord with policy 18 (Energy) of the Joint DPD and to future proof any of the new dwellings that will be subject to future changes in Building Regulations.

7. Prior to the commencement of any part of the development hereby approved, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, all existing retained trees and hedges on and adjacent to the site, other than those indicated for removal on the approved plans, shall be physically protected from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause on accordance with the hereby approved tree protection plan Dwg no.6250.04. The protective measures shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas.

REASON - Prior approval of such details is necessary to protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.

8. All planting, seeding or turfing comprised in the approved landscaping detail Dwg No's: 6250.03 sheets 1 and 2 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless, the Local Planning Authority gives written consent to any variation.

REASON - In order to avoid damage to trees/shrubs within the site, which are of important amenity value to the area having regard to saved UDP Policy D1.5 and Policy 20 of the Oldham Plan.

9. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

REASON - In order to protect public safety, because the site is located within 250m of a former landfill site and having regard to requirements of the paragraph 183 of National Planning Policy Framework.

10. No development shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

REASON - In order to protect public safety and the environment, having regard to requirements of the paragraph 183 of National Planning Policy Framework.

11. 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: 1309/001 Rev G

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.

12. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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.

13. Foul and surface water shall be drained on separate systems.

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

14. Prior to commencement of any phase of development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of:

- Wheel wash facilities for construction vehicles;
- Any arrangements for temporary construction access;
- Contractor and construction worker car parking;
- Details of measures to be taken to prevent water pollution during the construction and operation of the development; and,
- Details of on-site storage facilities.

The development shall be carried out in accordance with the approved construction management plan.

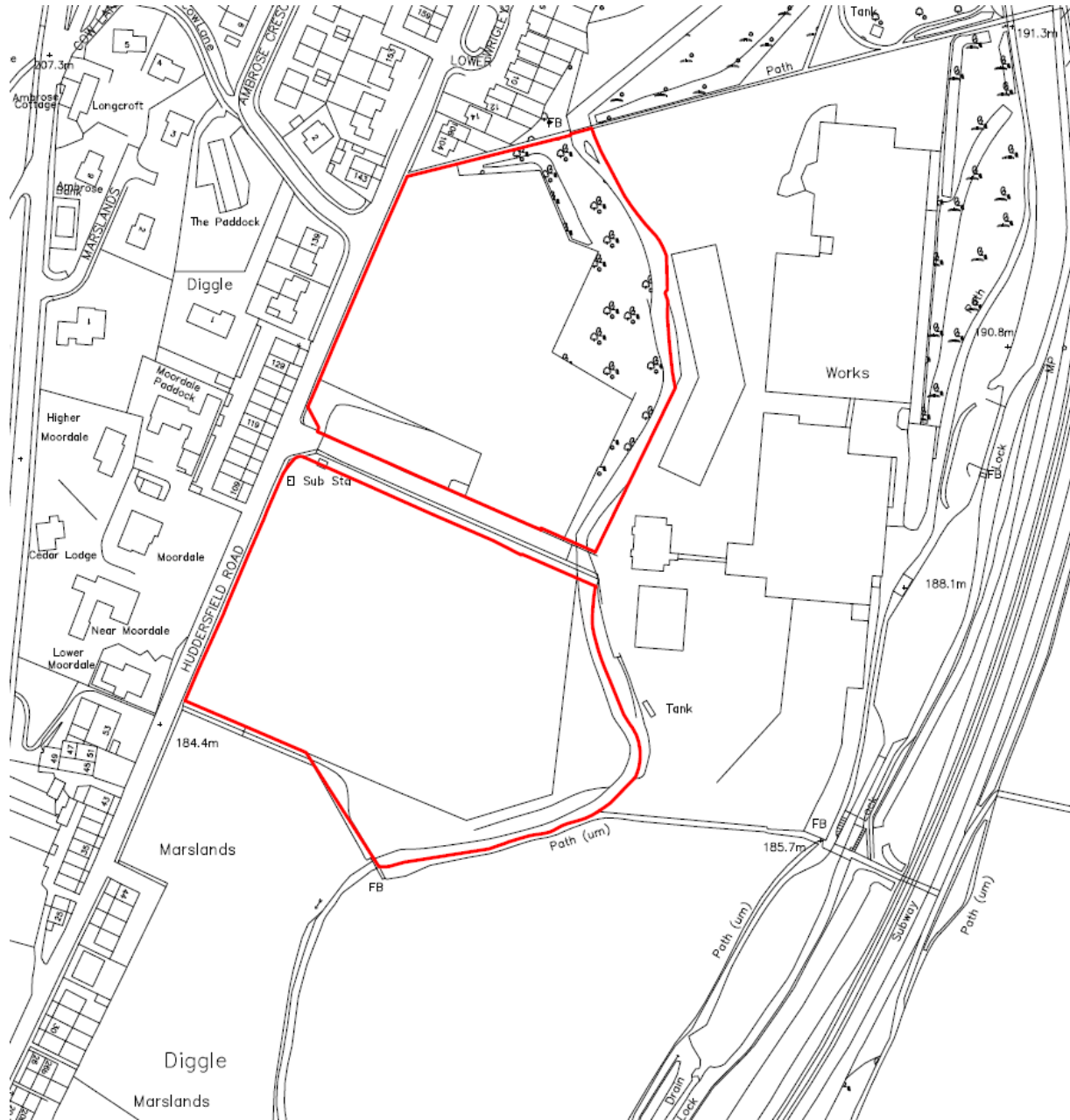
REASON - In the interest of highway safety, in accordance with Policies 5 and 9 of the Local Plan.

15. A landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas; post invasive non-native species management/control programme (except privately owned domestic gardens), shall be submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- details of maintenance regimes;
- details of all newly introduced soft landscaping including planting schedule;
- predominantly based on native species;
- details of any new habitat created on site;
- details of treatment of site boundaries and/or buffers around water bodies;
- details of invasive non-native monitoring regime; and,
- details of how semi-natural habitats will be sensitively managed over the longer term including adequate financial provision and named body responsible for management.

REASON - To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted policy 6, 19 & 21 of the Local Development Framework Core Strategy.

SITE LOCATION PLAN (NOT TO SCALE):



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APPLICATION REPORT – FUL/346821/21 Planning Committee 19th January 2022

Registration Date: 4th May 2021
Ward: Failsworth West

Application Reference: FUL/346821/21
Type of Application: Full Application

Proposal: Erection of 14 residential dwellings with associated landscaping, access, and parking.

Location: Land at The Junction of Oldham Road and Hardman Street, Failsworth, M35 0BB

Case Officer: Stephen Gill
Applicant: Lancet Homes Ltd
Agent: Miss Rebecca Dennis

INTRODUCTION

The application is being reported to Planning Committee given the application comprises major development and the Council is the landowner. A committee decision is therefore required in accordance with the Council's Scheme of Delegation.

RECOMMENDATION

It is recommended that the application be approved subject to:

- The conditions as set out in this report; and,
- The completion of a Section 106 agreement in respect of an open space contribution of £25,544.20 towards maintenance and improvements at Moston Brook Green Corridor.

The Head of Planning shall be authorised to issue the decision upon satisfactory completion of the legal agreement.

THE SITE

The site is located at the junction of Oldham Road and Hardman Street and measures 0.25 hectares in area. The site is bound by Hardman Street to the east, Oldham Road to the south, Heywood Street to the west and existing residential dwellings and commercial buildings to the north. The site is currently vacant and is listed on the Council's Brownfield Land Register and in the 2020 SHLAA (ref: HLA2090). Hardman Street provides vehicular access to the development site via a priority junction.

The Proposals Map shows the site as lying within a mixed-use allocation (M3). Saved Policy B1.3 Mixed Use Allocations permits residential use within the allocation at Hardman Street.

THE PROPOSAL

The application seeks full planning permission for the erection of 14no. residential dwellings, with associated landscaping, access, and parking. The development will incorporate seven 2 bed, 2-storey homes, and seven 3 bed, 2.5-storey homes.

RELEVANT PLANNING HISTORY

There is no planning history relevant to this application.

RELEVANT PLANNING POLICIES

The following policies in the Council's Joint Core Strategy and Development Management Policies DPD are relevant to the determination of this application.

Policy 1 - Climate Change and Sustainable Development;
Policy 3 – An Address of Choice;
Policy 5 - Promoting Accessibility and Sustainable Transport;
Policy 7 - Sustainable Use of Resources – Waste Management;
Policy 9 - Local Environment;
Policy 11 – Housing;
Policy 19 – Water and Flooding;
Policy 20 – Design; and,
Policy 23 – Open Spaces and Sports

The following “saved” UDP Policies are also relevant:

Policy D1.5 – Protection of Trees on Development Sites; and,
Policy B1.3 – Mixed Use Allocations

CONSULTATIONS

Highways Engineer:	No objection
Environmental Health:	No objection
Greater Manchester Ecology	No objection
Advisory Service:	No objection
Arboricultural Officer:	No objection
Lead Local Flood Authority:	No objection
United Utilities:	No objection

REPRESENTATIONS

The application has been publicised by way of neighbour notification letters, a site notice which expired on the 25th June 2021, and a press notice published in the Manchester Evening News which expired on the 17th June 2021. No representations have been received as a result of the publicity carried out.

PLANNING CONSIDERATIONS

Principle of development

The Council cannot presently demonstrate a 5-year housing land supply position. In any case, the site forms part of a retained allocation for mixed use development for both employment and residential uses, with the latter limited to Hardman Street.

The majority of the allocated site is already developed with existing employment uses, and so the development of housing on this application site will not undermine the provision of an overall mix of uses within the allocation. The site which is the subject matter of this application forms a rectangular strip of land fronting Oldham Road and Hardman Street. It is noted that the proposal for the most part fronts onto Oldham Road (not Hardman Street, where the saved UDP policy indicates the residential development should be focused) and the level of housing is more than the allocation set out (originally for 10 units), however, following a careful assessment of the application, it is considered clear that the frontage of the development needs to appropriately address the primary frontage of Oldham Road, rather than allowing this key frontage to be dominated by parking areas. The layout also needs to consider an appropriate access point to the development, which is considered better from Hardman Street. Ultimately, the development does not result in the loss of any of the existing employment uses, and it is considered that the principle of the amount and position of the dwellings is acceptable.

The proposal represents the redevelopment of a previously developed site and will provide a modest contribution to the housing land supply position. The site sits in a highly accessible location, with bus stops close to the site, which travel to both Manchester and Oldham. The site sits approximately 250m from a Morrisons supermarket and also just over 700m from both an Aldi and Tesco stores. This complies with the aims and objectives of UDP Policies 3, 5 and 11.

Therefore, the principle of residential development is accepted for the reasons given above.

Affordable Housing

Changes to the National Planning Policy Framework in July 2021 now require that planning obligations should be applied to developments of 10 dwellings or more on the basis that obligations should only be required for 'major' developments. Currently, Policy 10 of the Joint DPD refers to the trigger being 15 dwellings. This proposed change forms part of an Interim Planning Position Paper which will be presented to Cabinet in January 2022. However, since this planning application was submitted prior to the change to the NPPF and subsequent proposals to amend the threshold for affordable housing provision, it has been agreed that we would consider this application in the context of thresholds set out in Policy 10 (i.e., 15 units). On this basis, it is not considered reasonable to seek provision for a proportion of affordable housing on this site.

Housing Tenure

Policy 11 states that the council will promote the delivery of a mixed housing stock, based on the findings of local evidence. The Local Housing Needs Survey 2019 concludes that there is a need in the borough for 2 and 3 bed properties and given the scheme proposes a mixture of 2 and 3 bed properties, the development complies with policy 11.

Design, Appearance & Layout

Guidance within Section 12 (Achieving well-designed places') of the NPPF (2019) is relevant, together with DPD Policies 1, 9, and 20, which provide guidance on the design of new development.

In terms of scale and massing, the proposal includes two different house types, including a 2.5 storey house type (H1) and a standard two storey house type (H2). The surrounding area is characterised by many different uses, which are accommodated in buildings of varying heights and sizes. The nearest residential properties are situated on Hardman street. These are two storey properties, and in terms of the relationship of these to the development, it is plots 13 & 14 that will face these properties on Hardman Street. These will also be two storeys which will respect the immediate context.

To the immediate west and south of the site are three storey commercial office type buildings and to the east on Oldham Road appears to be residential. The mixture of 2 and 2.5 storey houses along Oldham Road, facing these larger buildings, will not be out of character and will not dominant the street scene to an unacceptable extent. The properties would front close to Oldham Road and this is not uncommon given that existing residential properties (60m east) also front close to the highway.

Considering occupier amenity, all the relevant rooms, including bathrooms and bedrooms, will meet the criteria set out in the National Described Space Standards (NDSS). Giving future residents sufficient space to achieve a good standard of living, which is a positive of the scheme and is supported. Considering separation distances, it is generally accepted that the standard to achieve is 21m distance between facing habitable room windows and 12m between habitable room windows to non-habitable room windows / blank gable.

In this case, the development is front facing for the most part onto Oldham Road. Only 2no units are proposed at the rear of the site and these will be gable facing. The distance between the properties fronting the site and those at the rear will be slightly more than 20m which is acceptable, given that the units at the rear of the site will be gable facing against the rear elevations of those properties fronting the site. Plots 13 & 14 face directly on to nos. 2, 4 & 6 Hardman Street, at a distance of 14m to nos. 2 & 4 and 15.8m to no 6. Plots 13 & 14 follow the existing building line of the row of properties adjacent, and therefore these distances are already evident in the immediate area and so are considered acceptable. In terms of outdoor amenity spacing, the garden depths are approximately 9m, which is considered acceptable for properties of this size and is expected to meet the needs of future occupiers.

The appearance of the house types is contemporary. Both house types would use a red facing brick (Ibstock Red), grey anthracite windows (profile 22) and GRP composite doors, grey interlocking smooth tiles for the roof, and projecting brickwork above the windows to add interest to the design. The contemporary appearance, which will address the frontage of Oldham Road and parts of Hardman Street, is welcomed and is a considerable improvement on the aesthetic appearance of the land. The design, and appearance is in character with the surrounding area and an improvement to the existing situation. The applicant has submitted an external materials schedule, listing an image and product type of each material and these are considered acceptable.

The application contains a detailed submission of boundary treatments. These include a mixture of 1m high low brick walls and 1m high low walls with railings, which will front on to Oldham Road. These are attractive boundary features fronting the properties and are supported. A 0.5m railing type fence will divide the properties at the frontage, which will give an open appearance across the development on Oldham Road. Around the sides of the

overall development will be a mixture of a 1.5m high brick wall and 1.5m high railings, and this mixture of boundary treatments are welcomed and adds interest to the scheme.

The rear gardens of the properties will be divided by 1.5m high close boarded timber fencing, which is common in these types of developments. The boundary treatments at the rear boundary of the properties, will be 1.5m high close boarded timber fencing with trellis, and the car park to the rear will also be surrounded by a 1.5m high close boarded timber fence without trellis to replace the existing. Overall, it is considered, that the boundary treatments are acceptable. They have been carefully chosen, and in the most visible parts of the site, the treatments add positively to the development.

Therefore, based on the above, the development is considered to comply with policy 20 and section 12 of the NPPF.

Open Space

Policy 23 is relevant to Open Space and states that all residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable. It goes on to state that regard should be had to the proposed development and the open space surpluses and deficiencies in the area (identified through the Council's Open Space Study) to determine where appropriate whether on-site or off-site new provision or enhanced existing provision or a financial contribution will be required.

The development makes no provision for on-site open space provision. However, following discussions with the applicant, a contribution of £25,544.20 towards maintenance and improvements at Moston Brook Green Corridor has been agreed. This contribution will be secured by way of a Section 106 Agreement which the applicant has agreed to. Therefore, the development complies with the requirements of Policy 23.

Noise & Air Quality

NPPF Paragraph 185 seeks to mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life. NPPF Paragraph 186 considers air quality and states that decision should consider any individual and cumulative impacts on air quality from development. In addition, Policy 9 seeks to ensure that development does not have an unacceptable impact on the environment or human health caused by air quality, odour, noise, vibration or light pollution.

The submitted noise assessment concludes that appropriate internal noise levels can be achieved through facade treatments, such as appropriate acoustic glazing and ventilators. For those units that have habitable rooms directly overlooking Oldham Road and Hardman Street, suitable internal sound levels may not be achievable with open windows. As such a ventilation strategy will need to be incorporated, so appropriate noise levels can be achieved with closed windows (although windows can still be open at the discretion of the occupant).

The Noise Assessment recommends the following for plots 1-12: enhanced glazing, a mechanical extract fan to the kitchen, bathroom and wet room of the properties and trickle ventilators to each habitable room, to enhance amenity and minimise noise from Oldham Road. For plots 13-14 standard glazing is recommended, with the same extract fan and trickle ventilators required for plots 1-12. Environmental Health have reviewed the assessment and have no objection on noise grounds subject to the mitigation being implemented, which is a requirement of a condition attached to the recommendation.

In terms of air quality, the submitted Air Quality Assessment (AQA) concludes that, during the construction phase of the development, and subject to good practice dust control measures being implemented, the residual potential air quality impacts from dust generated by construction, earthworks and trackout activities is predicted to be not significant.

Dispersion modelling was undertaken to assess the suitability of the proposed use for the site, and this concluded that the site was suitable for the end use, without the implementation of protective mitigation. It is not anticipated that the trip generation from the proposed development will affect local air quality, and based on the assessment undertaken, the development will not cause adverse implications, and this complies with Policy 9.

Highways

Guidance within Section 9 ('Promoting sustainable transport') of the NPPF (2019) is relevant, together with DPD Policies 5, 9, 13, and 20.

The Highways Engineer has reviewed the application and has no objection to the application. The proposal demonstrates an acceptable level of parking provision within the site and will not generate any significant additional traffic or demand for on street parking to the detriment of highway safety. In any case, the development is located within an established mixed-use area, with access to public transport options and a wide range of local amenities.

On the basis of the above, the development complies with Policies 5 & 9.

Ecology, Trees & Landscaping

The applicant has submitted an Arboricultural Impact Assessment and a Landscaping Scheme with the application. The application proposes the removal of 4no trees, which are of low quality. These will be replaced by 12no trees spread across the site complimented by a mixture of shrub planting and ornamental hedging on the north, east and western boundaries, and also within the site and around the proposed properties. The Arboricultural Officer has reviewed the information submitted in relation to trees and landscaping and has no objection. Therefore, the development is considered to comply with 'saved' UDP Policy D1.5.

Greater Manchester Ecology Unit have been consulted and have confirmed that the site has little or no ecological value and raise no objection to the application.

Flood Risk & Drainage

NPPF Section 14, the NPPF technical guidance document and Policy 19 are relevant.

The site is not within an area identified as being at risk from flooding within the Environment Agency's Indicative Flood Maps and sits in Flood Zone 1. Given the site is less than 1ha in area, a Flood Risk Assessment is not required in this instance.

The Council expects that proposals for all new development will use Sustainable Urban Drainage Systems in accordance with the Surface Water Drainage Hierarchy. Proposals for all new development should implement sustainable drainage systems, alternatives will only be permitted where it has been demonstrated to be inappropriate or impracticable.

The applicant has submitted a Flood Risk Assessment and Drainage Strategy to consider surface water and overland flow. This has been assessed in line with the Surface Water Hierarchy and concludes that infiltration and discharge to an existing waterbody are not possible due to site conditions and, therefore, the proposal is to discharge to the surface water

sewer. Both United Utilities (UU) and the Lead Local Flood Authority (LLFA) have reviewed the details submitted and confirmed they have no objection to the application on drainage grounds.

UU and LLFA did request conditions relating to drainage, however, the applicant submitted further information, which has been reviewed by both UU and the LLFA, and it has been confirmed that planning conditions are no longer required. Therefore, the development complies with Policy 19

Landfill Assessment & Contaminated Land

Policies 7, 8 and 9 are relevant, which seek to ensure that a site is suitable for its use, taking account of ground conditions, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation. Environmental Heath have reviewed the Geo Environmental Investigation Report and Remediation Strategy submitted with the application and they have concluded that the information is acceptable and no pre commencement conditions are required, and therefore, the development complies with policies 7, 8 & 9.

CONCLUSION

The proposed development is acceptable having been assessed against all relevant planning policies, guidance contained within the National Planning Policy Framework and having regard to all material planning considerations. The proposal represents an acceptable use of the site which would be compatible with local identify and character. The proposed layout means that the amenity of occupiers of surrounding properties would not be impacted to unacceptable levels and highway and pedestrian safety will be maintained. Therefore, proposal meets the criteria in NPPF Sections 5, 12, 14 & 15, Local Plan policies 1, 3, 5, 7, 8, 9, 11 15, 19, 20 & 23, and 'saved' Unitary Development Plan Policies D1.5 and B1.3.

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. The development hereby approved shall be carried out in accordance with recommendations set out in Section 7 (Acoustic Design Statement) of the submitted Noise Impact Assessment Report (Ref: 10221579-00/R1 - 20th April 2021). REASON - To ensure acceptable living standards and amenity levels for future residents in accordance with Policy 9 of the Oldham Local Plan.
4. The development hereby approved shall be carried out in accordance with the physical security specifications set out in Section 4 of the submitted Crime Impact Statement Version A: 27th April 2021 - Ref: 2021/0077/CIS/01. REASON - To ensure a safe form of development in accordance with Policy 9 of the Oldham Local Plan.

5. The development hereby approved shall be carried out in accordance with the External Materials Schedule received on 04/05/2021. REASON - To ensure a satisfactory appearance in accordance with Policy 20 of the Oldham Local Plan.
6. The development hereby approved shall be remediated in accordance with the REFA Remediation Strategy reference 21021/REM/003 dated September 2021. REASON - To protect the environment and prevent harm to human health having regard to Policy 9 of the Oldham Local Plan.
7. The development hereby approved shall be carried out in accordance with the conclusions in section 6.0 of the Energy Assessment Report carried out by Stroma Built Environment dated 23/05/21 REASON: To ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.

LOCATION PLAN (NOT TO SCALE):



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APPLICATION REPORT - FUL/346744/21 Planning Committee 19th January 2022

Registration Date: 26th April 2021
Ward: Royton South

Application Reference: FUL/346744/21
Type of Application: Full Application

Proposal: The erection of 14 residential dwellings (Use Class C3) with associated landscaping, access and parking.

Location: Former Royton Health Centre, Land at the junction of Rochdale Road and Radcliffe Street, Royton, Oldham, OL2 5QB.

Case Officer: Matthew Taylor
Applicant: Mr Tom Whitehead
Agent: Miss Rebecca Dennis

INTRODUCTION

The application is being reported to Planning Committee given the application comprises major development and the Council is the landowner. A committee decision is therefore required in accordance with the Council's Scheme of Delegation.

RECOMMENDATION

It is recommended that the application should be approved subject to:

- The conditions as set out in this report; and,
- The completion of a Section 106 agreement of a contribution of £27,140.16 towards the improvement of existing public open space in the vicinity of the Site, specifically a multi-use games area tennis/basketball and skate park improvement plus infrastructure improvements at Royton Park Bleasdale Street Royton.

The Head of Planning shall be authorised to issue the decision upon satisfactory completion of the legal agreement.

THE SITE

The application site is located at the junction of Rochdale Road and Radcliffe Street and comprises vacant land that was last occupied by the former Royton Health Centre, which was demolished (in late 2013) and the site cleared.

Currently the site is grassed over with some ornamental planting beds at the front of the site and five trees. The site is enclosed by a knee height rail fence and there is a small area of hardstanding used for car parking with access taken from Spring Garden Street.

The site is located within Flood Zone 1 (the lowest risk category) and there are no heritage assets located within the site boundary or near the site.

The site is located within Royton Town Centre as identified by the Proposals Map which forms part of the Council's Local Plan.

THE PROPOSAL

Full planning permission is sought for the redevelopment of the site to provide 14no. residential dwellings (Use Class C3) with associated landscaping, access, and parking.

The development will comprise 8no. 2-storey homes each with two bedrooms and 6no. 3-storey homes each with three bedrooms. The dwellings are proposed to be laid out in two terraced blocks fronting onto Rochdale Road with a communal parking area located to the rear providing 22no. spaces with access from Spring Garden Street (which includes 2no. visitor spaces). In addition, provision is made for two cycle spaces within the curtilage of each proposed dwelling.

Each proposed dwelling would benefit from a small, landscaped garden to the front and a private rear garden. In addition, the larger 3-bed properties will also benefit from a roof terrace on the second floor to provide additional outdoor amenity space. The proposed layout also provides sufficient space for the storage of bins.

RELEVANT PLANNING HISTORY:

There is no planning history relevant to this application.

RELEVANT PLANNING POLICIES

The following policies of the Joint Core Strategy and Development Management Policies Development Plan Document are relevant to the determination of this application:

Policy 1 - Climate Change and Sustainable Development;
Policy 3 – An Address of Choice;
Policy 5 - Promoting Accessibility and Sustainable Transport;
Policy 7 - Sustainable Use of Resources – Waste Management;
Policy 9 - Local Environment;
Policy 11 – Housing;
Policy 15 – Centres;
Policy 18 – Energy;
Policy 19 – Water and Flooding;
Policy 20 – Design; and,
Policy 23 – Open Spaces and Sports

Saved UDP Policy D1.5 - Protection of Trees on Development Sites

CONSULTATIONS

Environmental Health:	Recommended conditions and informative notes.
Highways:	Recommended a condition.
United Utilities:	Recommended conditions and informative notes to

address both drainage and the management and maintenance of Sustainable Drainage Systems.

Greater Manchester Police
Architectural Liaison Unit:

Recommended that a condition to reflect the physical security specifications set out in Section 4 of the Submitted Crime Impact Statement be attached.

LLFA/Drainage:

Raised no objection.

REPRESENTATIONS

The application has been advertised by means of neighbour notification letters, site notice, and press notice. In response, the following representations have been received:

- 0 support comments have been received;
- 0 neutral comments have been received; and,
- 2 objection comments have been received:

Summary of objections:

- This density does not permit the development to comply with the requirements of the Residential Planning Guide which is the Supplementary Planning Document setting out the criteria for proposed new developments in Oldham and Rochdale.
- The previous building that occupied the site was single story building with a great deal of space around it including substantial parking for its use. The proposal represents a far more intensive use of the site.
- Concerns over levels used in the designs.
- Loss of parking in the district centre.
- Lack of room for the storage and collection of bins.
- Lack of cycle storage.
- Private amenity areas proposed are insufficient.
- On site open space/landscaping is shoe-horned into the scheme.
- Spring Garden Street has become merely the entrance to the main car park in Royton on a one-way basis only. The street needs to be reconstituted as a street in order to fulfil the needs of the development.
- There is no footpath to the shopping centre via Spring Garden Street.
- The proposed just over two parking spaces per dwelling is not satisfactory as on street parking is limited within the area.

PLANNING CONSIDERATIONS

The main planning issues are as follows:

1. Principle of Development;
2. Developer Contributions;
3. Energy;
4. Design;
5. Residential Amenity
6. Trees;
7. Crime;
8. Highway Safety;
9. Drainage;

- 10. Contamination and Landfill Gas; and
- 11. Ecology.

Principle of Development

The site is located within a designated 'Centre' by the Proposals Map associated with the Local Plan for Oldham.

Policy 1 seeks to ensure the effective and efficient use of land by promoting the re-use of previously developed sites prior to the use of greenfield sites. It also aims to meet Oldham's housing needs by focusing residential development in sustainable locations and to ensure that development respects Oldham's natural, built and historic environments. Since the proposal is for the re-use of previously developed land within Royton Centre it is considered that the requirements of this policy have been met.

Policy 15 is engaged because the site is located in a designated 'Centre' which outlines that Primary Shopping Frontages within Centres will be protected from development and changes of use, so that at least 70% of the frontage remains in retail use. Having regard to Appendix 6 of the Local Plan the application site is not within a Primary Shopping Frontage. Moreover, the previous Royton Health Care Centre, which was cleared from the site, has been replaced with new facilities (namely Royton Health & Wellbeing Centre on Park Street and Royton Medical Centre on Chapel Street).

With the above in mind, whilst the proposal does not include any retail uses or other uses commonly found in designated Centres, the provision of housing in this location is considered to support the vitality and viability of Royton centre since the development will provide economic benefits both in the short and long term. In the short term the works will create construction jobs and in the long term the new residents will likely make use of the shops and services found in Royton centre. As such, it is considered the key aim for the Policy 15, which is to promote and enhance the vitality and viability of all the borough's centres, is not undermined.

Housing land supply

The Council cannot currently demonstrate a five-year supply of deliverable housing land. The Housing Delivery Test indicates that the delivery of housing in Oldham has been substantially below the housing requirement for the past 3 years.

Therefore, in relation to the proposed dwellings, 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.

Therefore, in this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives: the 'economic objective', the 'social objective' and the 'environmental objective'. The tilted balance favouring sustainable development applies. In this instance the benefits are considered to include the following:

- The significant social benefit of the provision of 14 much needed residential units and the contribution this would make towards Oldham's 5-year housing land supply and towards the affordable housing requirements of the area;
- The social and environmental benefit of the re-use of a previously developed site that has good access to public transport, goods, services and facilities;
- The economic benefit of creation of short-term construction jobs and development of a vacant site and the additional vitality of occupancy of a new residential development to the community; and,
- No significant assets of particular importance exist, nor would there be any harm to the landscape or biodiversity.

Having regard to the above benefits of the scheme, and in applying the tilted balance given the housing land supply position, it is considered that there are no adverse impacts of such significance that would demonstrably outweigh these benefits when assessed against the National Planning Policy Framework policies as a whole.

Affordable Housing

Changes to the National Planning Policy Framework in July 2021 now require that planning obligations should be applied to developments of 10 dwellings or more on the basis that obligations should only be required for 'major' developments. Currently, Policy 10 of the Joint DPD refers to the trigger being 15 dwellings. This proposed change forms part of an Interim Planning Position Paper which will be presented to Cabinet in January 2022. However, since this planning application was submitted prior to the change to the NPPF and subsequent proposals to amend the threshold for affordable housing provision, it has been agreed that we would consider this application in the context of thresholds set out in Policy 10 (i.e., 15 units). On this basis, it is not considered reasonable to seek provision for a proportion of affordable housing on this site.

Open Space

Policy 23 is relevant to Open Space and states that all residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable. It goes on to state that regard should be had to the proposed development and the open space surpluses and deficiencies in the area (identified through the Council's Open Space Study) to determine where appropriate whether on-site or off-site new provision or enhanced existing provision or a financial contribution will be required.

The development makes no provision for on-site open space provision. However, following discussions with the applicant, a contribution of £27,140.16 towards the improvement of existing public open space in the vicinity of the site, specifically a multi-use games area tennis/basketball and skate park improvement plus infrastructure improvements at Royton Park Bleasdale Street Royton, has been agreed and accepted. This contribution will be

secured by way of a Section 106 Agreement which the applicant has agreed to. Therefore, the development complies with Policy 23.

Energy

Policy 18 of the Local Plan states that all developments over 1,000m² square metres or 10 dwellings and above are required to reduce energy emissions in line with set targets.

It is clear from the submitted energy statement that the proposed scheme will achieve the 15% reduction in CO₂ over Part L 2013, as required by Policy 18.

Design

Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment. Policy 9 requires that development does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape, nor should it cause significant harm to the amenity of neighbouring occupants. Policy 20 is also relevant, as it seeks to promote high quality design.

The supporting Design and Assess Statement provides an account of the evolution of the site and scheme as a whole, from its constraints and opportunities through to the initial consultation layout. It is considered that the layout creates a strong response to the principle streetscene of Rochdale Road since it reflects the strong character of terrace properties on the opposite side of the road which is prevalent in Royton. Moreover, whilst the design of the dwellings would be traditional in form and material, they still display contemporary design cues with a variation in the brickwork, and large window openings and roof terraces adding character.

Finally, it is considered that the car parking to the rear of the dwellings provides an appropriate solution to the parking demands of future occupiers, and responds to its adjoining land use (i.e., the district centre main car park). Opportunities for natural surveillance would exist from the upper floor windows of the proposed dwellings and from the roof terraces and gardens.

Overall, it is considered that the high-quality design of the proposed development would have a positive impact on the character of the area, in accordance with Policies 9 and 20 Local Plan.

Residential Amenity

Policy 9 of the Local Plan requires that new development does not result in a significant, adverse impact on the visual amenity of the surrounding area or significantly harm the amenities of occupiers of existing or future neighbouring properties. Policy 20 includes the requirement that development proposals should reflect local character.

Impact on the Future Occupiers:

Policy 9 of the Oldham LDF requires that the development provides suitable accommodation for the future occupiers. As such, the development has been assessed against the "Technical housing standards - nationally described space standards" (March 2015). Given that the scheme complies with these Standards it is concluded that the development will provide appropriate living accommodation for the future occupants of the development.

In support of the application an Air Quality Assessment has been submitted which outlines that during the construction phase of the Proposed Development there is the potential for air quality impacts as a result of fugitive dust emissions from the site. Assuming good practice dust control measures are implemented, the residual potential air quality impacts from dust

generated by construction, earthworks and track out activities was predicted to be not significant. In addition, it noted that the anticipated the developments traffic flows are below the relevant thresholds. To this end, based on the assessment results, air quality is not considered a constraint to planning consent and the proposed development is considered suitable for the location. These findings have not been challenged by the Council Environmental Health Section who raise no objection to the scheme.

In support of the application the applicant has also provided a Noise Impact Assessment, which states that the results of the sound propagation modelling indicate that during the daytime and night-time periods the site is predominately of medium to negligible noise risk.

It has been demonstrated that there are no significant acoustic constraints for habitable rooms within the development that face southwest. However, for habitable rooms that will directly overlook the A671 Rochdale Road, the assessment notes that suitable internal sound levels may not be achievable with open windows. As such the ventilation strategy should ensure that the requirements of Part F of the Buildings Regulations are achieved with closed windows (although windows can still be open at the discretion of the occupant). A glazing and ventilation strategy has therefore been proposed which provides suitable internal sound levels.

The findings of both the Air Quality and Noise Assessments have not been challenged by the Council's Environmental Health Section, who have raised no objection to the scheme. However, it is clear the proposed sound mitigation on the Rochdale Road frontage should be secured by an appropriately worded planning condition and this is attached to the recommendation.

Impact of the commercial uses to the north, south and west:

The submitted layout the design includes a sufficient separation distances the surrounding commercial uses. As such the scheme accordance s with DPD Policies 9 and 20 of the Local Plan.

Impact on the dwellings on existing dwellings on Rochdale Road:

It is noted these neighbouring residential units are located on the opposite side of Rochdale Road and are similar in scale to the proposed scheme. Given the separation distances it is considered the development will not unduly impact on the amenity currently enjoyed by these residents.

Trees

Having considered the originally submitted information it is noted that no justification had been provided for the loss of trees as a result of the proposed development. Saved UDP Policy D1.5 'Protection of Trees on Development Sites', states:

'In determining a planning application for development of a site containing existing trees, or adjoining a site containing trees, the Council will only permit a proposal where:

the development is designed, insofar as is reasonably practicable, to maximise the retention and continued health of the trees in question; and

development comprising residential accommodation is positioned in relation to retained trees so as to avoid an unacceptable degree of overshadowing of both internal accommodation and garden areas.

In those cases where it is agreed that trees will be lost to accommodate the development, adequate replacement planting will be required as a condition of planning permission for the development.

Where trees are to be lost to development, the Council will require, as a minimum, replacement at a ratio of three new native trees for each mature or semi-mature tree lost. Where possible the replacement trees should be accommodated on or immediately adjoining the development site. In exceptional circumstances (e.g. certain small infill sites), where it is agreed that on-site replacement planting is not practicable, arrangements must be made for the planting of replacement trees on a suitable site in the wider locality through a section 106 planning obligation.'

The Arboricultural Impact Assessment Overview, produced by Bowland dated March 2021, outlines that five existing trees are proposed to be removed. These are all either category 'C' or 'U' in quality and it is noted the landscaping plan includes the planting of 12no. trees across the site. The Arboricultural Method Statement & Tree Protection Plan (by Bowland Tree Consultancy Ltd, dated August 2021) provides additional detail in regard to the protection of T3 during the construction phase of the development. Both these documents have been considered by the Council's Arboricultural Officer who considers them to be acceptable.

Therefore, subject to subject to conditions to reflect these matters being included in the recommendation, it is considered the scheme accords with the requirements of saved UDP Policy D1.5.

Crime

The Crime Impact Statement submitted with the application has been considered by the Greater Manchester Police (Architectural Liaison Unit). They have recommended a condition is required to reflect the physical security specifications set out in Section 4 statement be attached and therefore this is included with in the recommendation.

Highway Safety

Policy 5 of the Local Plan requires that developments do not compromise pedestrian or highway safety and Policy 9 of the Local Plan states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users.

The Highway Officer notes the proposed development will not result in any significant additional traffic generation on the local highway network. The site is in a sustainable location with good links to public transport and a wide range of local amenities with opportunities for walking and cycling.

To this end, it is not anticipated that there will be any adverse or significant increase in traffic generation or any additional demand for on street parking to the detriment of highway safety.

Drainage

Policy 19 of the Local Plan is concerned with ensuring that new developments do not result in an unacceptable flood risk or increased drainage problems by directing developments away from flood risk areas.

Therefore, in order to ensure the development complies with the above policy, United Utilities have requested a condition requiring the development is carried out in accordance with principles set out in the submitted Drainage Strategy Report. This is attached to the recommendation.

Contamination and Landfill Gas

Paragraph 183 of the National Planning Policy Framework states that the planning decisions should ensure that a site is suitable for its proposed use taking account of ground contamination and risk.

Given the above, and following the submission of Phase 1 and 2 site investigations, the Council's Environmental Health section have recommended conditions for a watching brief and soil validation. This is considered necessary to ensure that the development does not conflict with the requirements of the paragraph 183 of NPPF and these conditions are attached to the recommendation.

Ecology

Policy 6 and Policy 21 of the Oldham LDF Joint DPD are concerned with protecting, conserving and enhancing our local natural environments.

The site has little ecological value given it is a previously cleared site that has been grassed over and wildflower seeded. The proposals include an area of on site landscaping and off-site open space improvements and therefore it is considered these policies have been complied with.

CONCLUSION

With the above in mind, it is felt that the that this housing scheme, on a previously developed site, fully complies with the Council's Local Plan policies and is recommended accordingly.

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. In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this. REASON - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, having regard to Paragraph 183 of the NPPF.
4. Any soils imported for use in the landscaped area shall be validated as suitable for use and a minimum of 300mm subsoil and topsoil over a no dig marker layer shall be

placed. A post completion report shall be submitted to the LPA for approval to evidence this. REASON - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, having regard to Paragraph 183 of the NPPF.

5. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy Report, Ref: 9208/DRA/001, Dated: April 2021 which was prepared by Tempus Chartered Building Consultancy. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 5l/s. The development shall be completed in accordance with the approved details. REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding, having regard to Policy 19 of the Local Plan.
6. Foul and surface water shall be drained on separate systems. REASON -To ensure a satisfactory form of development, having regard to Policy 19 of the Local Plan.
7. No dwelling shall be occupied unless and until the noise mitigation measures, outlined in the Noise Impact Assessment Report 10221597/R1 – 2nd February 2021, have been installed. These measures shall be retained at all times thereafter. REASON - To protect the future occupiers of the properties, having regard to Policies 9 and 20 of the Local Plan.
8. No dwelling shall be occupied until the access to the site including the provision of a footway along the boundary of the site alongside the car park and car parking space for that dwelling has been provided in accordance with the approved plans. 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.
9. The use of the building hereby approved shall not commence until a scheme for the provision of secure cycle parking has been implemented in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The approved facility shall remain available for users of the development thereafter. REASON - In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.
10. The development hereby approved, shall be carried out in accordance with the submitted Sustainability Statement by Stroma Built Environment, Ref: 2-21-86514 ES1, and/or any other future improvements in Building Regulations. REASON - To accord with policy 18 (Energy) of the Joint DPD and to future proof any of the new dwellings that will be subject to future changes in Building Regulations.
11. Prior to the commencement of any part of the development hereby approved, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, all existing retained trees and hedges on and adjacent to the site, other than those indicated for removal on the approved plans, shall be physically protected from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause on accordance with the hereby approved Arboicultural Method Statement & Tree Protection Plan, produced by Bowland Tree Consultancy Ltd, dated August 2021. The protective measures shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place

within the fenced protection areas. REASON - Prior approval of such details is necessary to protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.

12. All planting, seeding or turfing comprised in the approved landscaping detail Drawing No: DRWG: P21-0052_001 REV: C shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless, the Local Planning Authority gives written consent to any variation. REASON - In order to avoid damage to trees/shrubs within the site, which are of important amenity value to the area having regard to saved UDP Policy D1.5 and Policy 20 of the Oldham Plan.
13. The development hereby approved shall be carried out in accordance with the physical security specifications set out in Section 4 of the submitted Crime Impact Statement Version A: 19th April 2021 - Ref: 2021/0078/CIS/01. REASON - To ensure a safe form of development in accordance with Policy 9 of the Oldham Local Plan.

LOCATION PLAN (NOT TO SCALE):

