

PLANNING COMMITTEE

Agenda

Date Wednesday 16 February 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, 11 February 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 19th January 2022 are attached for Members' approval.
- 6 OUT/346784/21 - Land at Broadway Green Business Park, Foxdenton Lane, Chadderton (Pages 5 - 36)
- 7 FUL/347589/21 - Plot 3000, Lydia Becker Way, Oldham (Pages 37 - 48)
- 8 FUL/346529/21 - Land to the south of Denbigh Drive, Shaw, Oldham (Pages 49 - 68)
- 9 LBC/347521/21 - 1A Lower Tunstead, Tunstead Lane, Greenfield, OL3 7NT (Pages 69 - 74)



PLANNING COMMITTEE
19/01/2022 at 6.00 pm

Present: Councillor Dean (Chair)
Councillors Brownridge, Davis (Vice-Chair), H. Gloster, Hobin,
Ibrahim, Iqbal, Lancaster, Surjan, Toor, Woodvine and
Williamson (Substitute)

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
Matthew Taylor	Development Control
Stephen Gill	Planning

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Al-Hamdani, Councillor F Hussain and Councillor K Phythian.

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 meeting held on 8th December 2021 be approved as a correct record.

6 **RES/346720/21 - COWLISHAW ABATTOIR, SHAW**

APPLICATION NUMBER: RES/346720/21

APPLICANT: Mr Anthony Blackwell

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.

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

On being put to the vote 7 VOTES were cast IN FAVOUR OF APPROVAL and 4 VOTES were cast AGAINST with 1 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 11.

7 FUL/347664/21 - LAND OFF COCKER MILL LANE, SHAW

Councillor Woodvine left the meeting for part of the discussion and took no part in the vote thereon.

APPLICATION NUMBER: FUL/347664/21

APPLICANT: Mr Anthony Blackwell

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.

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

On being put to the vote 9 VOTES were cast IN FAVOUR OF APPROVAL and 0 VOTES were cast AGAINST with 2 ABSTENTIONS.

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

NOTES:

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

8 FUL/345630/20 - LAND TO THE EAST OF HUDDERSFIELD ROAD, DIGGLE

Councillors H Gloster, Surjan and Williamson left the meeting for part of the discussion and took no part in the vote thereon.

APPLICATION NUMBER: FUL/345630/20

APPLICANT: Mr Mark Sexton

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

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

It was MOVED by Councillor Lancaster and SECONDED by Councillor Woodvine that the application be REFUSED against Officer recommendations.

On being put to the vote 3 VOTES were cast IN FAVOUR OF REFUSAL and 6 VOTES were cast AGAINST with 0 ABSTENTIONS.

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

On being put to the vote 6 VOTES were cast IN FAVOUR OF APPROVAL and 3 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 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 11.

9

FUL/346821/21 - LAND AT OLDHAM ROAD AND HARDMAN STREET, FAILSWORTH

APPLICATION NUMBER: FUL/346821/21

APPLICANT: Lancet Homes Ltd

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.

It was MOVED by Councillor Dean and SECONDED by Councillor Iqbal 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:

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

10 **FUL/346744/21 - FORMER ROYTON HEALTH CENTRE, ROYTON**

APPLICATION NUMBER: FUL/346744/21

APPLICANT: Mr Tom Whitehead

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.

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

On being put to the vote 11 VOTES were cast IN FAVOUR OF APPROVAL and 1 VOTES were cast AGAINST with 0 ABSTENTIONS.

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

NOTES:

1. That an Objector and 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 11.

11 **LATE LIST**

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

The meeting started at 6.00 pm and ended at 8.47 pm

APPLICATION REPORT – OUT/346784/21 Planning Committee 16th February 2022

Registration Date: 29.04.2021
Ward: Chadderton Central

Application Reference: OUT/346784/21
Type of Application: Hybrid Application

Proposal: Hybrid planning application for mixed-use development comprising:
(1) Detailed planning permission sought for the erection of a Use Class E foodstore with internal vehicular access road, car parking, servicing area, and hard and soft landscaping; and (2) Outline planning permission (with all matters reserved) sought for a flexible-use commercial unit capable of operating within Use Classes E(a) and / or E(b).

Location: Land at Broadway Green Business Park, Foxdenton Lane,
Chadderton

Case Officer: Stephen Gill
Applicant: Aldi Stores Ltd
Agent: Mr Dan Brown

INTRODUCTION

The application is being referred to Planning Committee as a Major application which would involve a departure from the provisions of the Development Plan.

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 in respect of a contribution of £12,800 towards off site highway works.

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

THE SITE

The application site is broadly triangular in shape and extends to approximately 1.1ha in size. Vehicular access / egress will be taken from the newly constructed roundabout junction at the north-west corner. This roundabout junction forms part of Broadway Green Business Park's vehicular access road. The site is flat and level after being cleared as part of the initial works to prepare the site for redevelopment.

In terms of surroundings, the immediate north, east and west of the site is characterised by undeveloped land that has been levelled in preparation for redevelopment, as part of the approved Foxdenton strategic site proposals. To the immediate south is a residential development, currently under construction by Redrow Homes, which was approved in outline under PA/334355/13 and again under a s73 application PA/337091/15. The associated reserved matters were approved under PA/336917/15. The site is characterised by a mixture of semi-detached and detached properties and in terms of levels, sits lower than the application site.

THE PROPOSAL

This hybrid planning application seeks:

1. Full planning permission for the erection of a single storey Use Class E foodstore of 1,804m² GIA and 1,315m² net, with internal vehicular access road, car parking (120 spaces, 4 with electric vehicle charging points), 5 motorcycle parking spaces, a servicing area, and hard and soft landscaping;

and,

2. Outline planning permission (with all matters reserved) for a flexible-use commercial unit capable of operating within Use Class E(a), which covers the retail sale of goods and/or Use Class E(b), and the sale of food and drink for consumption (mostly) on the premises. The building would have a maximum height of 6m AOD and would occupy no more than 1,245m², with a maximum gross area of no more than 300m².

RELEVANT PLANNING HISTORY:

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

PA/337091/15 Variation of conditions 29, 30, 31 (Part A), and 41, 42 and 43 (Part B) of permission PA/334355/13 Hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General

Industrial (B2 use) and Storage and Distribution (B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park, to allow phased development and occupation of floorspace and dwellings specified within the 'trip generation threshold' (as defined within Curtins note ref. TPMA1328/STRAT001) prior to the completion of the highway link road ('Interim Trip Generation Threshold') and offsite junction works at A663/Foxdenton Lane/Eaves Lane and M60 Junction 21 ('Trip Generation Threshold') - **Granted 28 September 2021.**

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 4 - Promoting Sustainable Regeneration and Prosperity
Policy 5 - Promoting Accessibility and Sustainable Transport
Policy 9 - Local Environment
Policy 14 - Supporting Oldham's Economy
Policy 15 – Centres
Policy 16 – Local Services and Facilities
Policy 18 - Energy
Policy 19 - Water and Flooding
Policy 20 - Design
Policy 21 - Protecting Natural Environmental Assets
Policy 25 - Developer Contributions

CONSULTATIONS

Highways Engineer	No objection subject to condition
The Coal Authority	No objection to the application.
TfGM	TfGM have requested a contribution of £12,800 to implement SCOOT at traffic signals from Lydia Becket Way to help mitigate the impact of the development on the highway network.
Environmental Health	No objection subject to conditions
United Utilities	No objection subject to conditions.
LLFA	No comments received.
G. M. Ecology Unit	No objection subject to conditions.
Trees Officer	No objections
Highways England	No objection to the application

REPRESENTATIONS

The application was publicised by neighbour notification, site notices and press notice. In response, 127no. letters in support and 55no. letters objecting to the proposal have been received raising the following (summarised) comments:

Support

- The application will bring much needed employment to the area
- There are no convenience stores within a reasonable walking distance of South Chadderton other than Lidl, and an Aldi would be a welcome.
- The store would be great for those on a low budget
- The store in Middleton is too busy and this store would provide a welcome relief
- The proposal is useful proposition for the land.
- The supermarket will create jobs.
- Local residents will not need to travel as far to shop.
- There is a need for an of development in the area.
- A supermarket is far more neighbourly than a large warehouse proposal.
- The proposal provides an opportunity for local people to shop at discount stores who do not own a car.
- A new Aldi store in Chadderton, will be much more accessible to the elderly and residents in the surrounding area.
- The new Aldi store will allow people on a budget, access to high quality and low-priced groceries.
- It will bring a much-needed addition to the new properties in the area.
- it would reduce the carbon footprint by reducing the miles we travel to shop
- Given the amount of development being approved across Oldham, it is clear that the community also need shopping facilities, schools and GP services.
- There are no convenience stores within a reasonable walking distance of South Chadderton other than Lidl, so an Aldi would be a welcome addition.
- There is a Lidl, Morrisons and an Asda in the area, so an Aldi would be very welcome. Good food excellent prices.

Concerns

- The development is too close to properties in the neighbouring phase of development.
- The development will result in a loss of privacy to residents, given the difference in levels between the site subject of the application and the adjacent land containing residential properties.
- A proposal for a fast-food shop would not be supported and would result in adverse smells and litter.
- Noise from deliveries and traffic will cause unacceptable noise implications.
- The development will cause anti-social behaviour.
- The development is not needed, as other supermarkets are in close proximity to the site.
- Proposed lighting will impact the amenity of residents close to the scheme.
- The car park provision needs to be reduced and the building reconfigured.
- The security and wellbeing of residents on the adjacent will be greatly reduced.
- An increase in air pollution.
- The surrounding site already suffers from drainage issues and the development is likely to increase the problem.

- No discussion has been undertaken with residents on the adjacent site regarding the proposal.
- An improved landscaping scheme should be proposed.
- Concern is raised in respect of who would manage the landscaping post development
- The proposal will devalue properties in close proximity.
- Potential infestation of rodents as a result of the proposal.
- Erosion of ecology in and around the site as a result of the development.
- The proposal is not in keeping with the immediate area. .
- Lydia Becket Way, Broadgate, Foxdenton Lane and Grimshaw Lane will be unable to cope with the additional traffic demand.
- No hours of operation have been stipulated on the application.
- Concerns that the development is too high.
- A proposed supermarket is out of character with the area.
- Concerns raised, given that retail is proposed for the site as oppose to commercial as originally intended.

PLANNING CONSIDERATIONS

Principle of development

Procedural Matter

Martin Robeson Planning Practice (“MRRP”) has submitted an objection to the application on behalf of Tesco Stores. The representation refers to recent caselaw, specifically the Hillside Parks vs National Park Authority [2020] EWCA Civ 1440 case. It is argued by MRRP that this judgement means that the introduction of an Aldi foodstore and secondary commercial unit via a so-called ‘drop in’ application on land already benefiting from an outline permission under PA/337091/15 would render any development of the original planning permission unlawful.

The Hillside Parks case itself involves a 50+ year old planning permission for housing, with an unclear and complex planning history. The scheme was built out slowly and under various amendments. By 2011, at least 14 subsequent planning permissions had been granted for departures from the original masterplan. In 2017, the local planning authority in that case indicated that, because the developments carried out in accordance with the later planning permissions rendered it impossible to implement the original master plan, further development could no longer continue under the 1967 permission. In considering the case’s relevance to OUT/346784/21, the following points should be considered:

- The application at Foxdenton is entirely different. In contrast it involves a fairly recent planning permission, and the planning history is not complex. Although the original planning permission has been the subject of a s.73 application to vary conditions relating to highway infrastructure, it did not seek to alter the delivery of the approved Master Plan. The approval of the s73 application did not render it impossible for the remainder of the site to be implemented in accordance with the Master Plan and Phasing Plan. Parcels of the site have already been developed, including Phases R1 & R2 (Residential schemes by Countryside Properties and Redrow respectively, and Phase C1 (otherwise known as Plot 1000) is also commencing; and,

- Despite the Court of Appeals' conclusions on 'drop in' applications in the Hillside Parks vs National Park Authority [2020] EWCA Civ 1440 case, at this stage, it appears it was considered on its own merits. A debate on the widespread implications of taking a blanket approach to 'drop in' applications has not been debated. Until further clarity is provided by the courts about how 'drop in' applications should be treated, it is entirely reasonable to treat each case on its own merits.

In conclusion, this application does not prevent the remainder of the site from being redeveloped in accordance with the original hybrid planning permission (PA/334355/13), and the phasing plan agreed as part of Discharge of Condition application (CD/336583/15). The link road has been delivered and is operational in accordance with the full application element of the hybrid planning permission. In relation to the outline element, this current application will not prevent the delivery of 500 dwellings on the site on Phases R1, R2, R3, R4, R5 & R6. Furthermore, Condition 5 of the outline planning permission also granted 66,460sqm of commercial floor space. Whilst this site will take 2,104sqm of that floor space, the remaining 64,356sqm can be delivered on parcels C1A and C2 as agreed in the approved phasing plan.

This appears to be completely different to the Hillside Parks case, in which it is argued that because there has been so many departures to the original masterplan (14) the original masterplan cannot be implemented. In this case, it is one departure, on one parcel of the site, and the remainder of the original masterplan for residential and commercial development can still be implemented as intended for the site.

In assessing the principle of both planning applications, it is necessary to consider the relevant aspects of each application and weight is attached to each aspect using the following indicators: substantial, significant, moderate and low.

Loss of employment land (Local Plan Policy 14)

In relation to the principle of development, both the full application for an Aldi foodstore and the outline application for a commercial unit will be considered together in this section of the report.

The site forms part of a Business Employment Area (BEA) and Policy 14 is relevant, which states that acceptable uses in the Foxdenton Business Employment Area ('BEA') are B1, B2 & B8 uses, with up to 25% residential. It does not specify any exceptions for other uses as is the case for other BEA's. Given that both parts of the application are a departure from Policy 14 and the acceptable uses, this needs to be considered carefully.

In relation to Employment Land Supply, Policy 4 states that the council will allocate approximately 82 hectares of employment land in the Site Allocations DPD, for the period 2008 to 2026. Approximately half of this land will be provided at Foxdenton, which is a Business Employment Area. Referring to the Committee Report undertaken as part of the original hybrid planning permission PA/344355/13, it states that the Foxdenton site is approximately 47 hectares in size, with an additional 2 hectares that sits outside the Business Employment Area, which was proposed for housing, giving a total of 49 hectares. Policy 14

recognises that residential development is an essential component to delivering employment uses at Foxdenton and therefore up to 25% of the site was considered acceptable for residential under Policy 14. 10.88 hectares of land was approved for residential development, which equated to 23% of the 47-hectare Business Employment Area. As stated, earlier Condition 5 of the outline planning permission also gave permission for 66,460 sq.m of employment floor space at the site. The remainder of the site has been or is to be used for site infrastructure such as the link road and Linear Park.

The proposal for a foodstore and commercial unit has a collective floor space creation of 2,104 sqm, and this represents a take of 3.1% of the approved 66,460 sq.m of employment floor space granted for the site. The latest Annual Monitoring Report 2021/2022 ("AMR") summarises the current position at Foxdenton and states that 30 acres (12.1ha) of employment land has been sold, which will deliver approximately 500,000 sq.ft (46,451sqm) of employment floor space. This demonstrates that Foxdenton is moving forward as the Local Plan intended and will still deliver high quality employment floor space. It is not considered that a 3.1% take from the approved employment floor space figure will have a severe adverse impact on the delivery of employment at the site as a whole.

The site size required to accommodate the proposals floorspace is approximately 1.1 hectares, and this represents a 1.3% take of the overall 82 hectares of employment land allocated under Policy 4 for the Borough. The latest AMR states that the total amount of employment land available for industrial and commercial use (Use Classes Order B1, B2 and B8) as of 31st March 2021 was 67ha. The total consists of 36.45 ha of saved UDP Business and Industry allocations and 30.55 ha of sites that are not allocations, but which have planning permission for employment uses and are either unimplemented or under construction. What this demonstrates is that there is employment land availability across the Borough. Furthermore, whilst the development does result in the loss of employment floor space for the purpose of Policy 14, it is considered to be minimal in this case.

Policy 14 does list some exceptions, in which proposals may depart from the policy, including: (a.) through a marketing exercise which proves that there is no demand, (b.) through submission of a viability appraisal to show that the acceptable uses listed in the policy are unviable, or (c.) by demonstrating that an alternative use would benefit the regeneration areas in need of investment, as identified by the Council and the community.

The applicant has considered the requirements of Policy 14 and asserts in the Retail and Planning Statement that both applications meet exception c of policy 14, on the basis (in summary) that the Foxdenton BEA could be regarded as an area in need of investment and should be considered as a major local regeneration project of borough wide significance.

The explanatory text for policy 14 at paragraph 6.64 states that applicants may wish to demonstrate 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. In order to do this, it will need to be agreed by the council in advance that the site is within an area in need of investment and that the proposal will benefit the community. Regeneration and community schemes and benefits will include, among others, Oldham Rochdale Housing Market Renewal, Private Finance Initiative, local masterplans and action plans.

It is not disputed that Foxdenton is a key strategic site and has a crucial role in delivering both commercial and residential development in Oldham. However, for the purposes of meeting policy 14 exception c and the case for proposing alternative uses, other than those accepted in principle in the policy, it is not considered that either application meets the criteria for exception c in Policy 14.

The explanatory text in policy 14 is clear that to meet exception c it would need to be agreed with the Council in advance that the site is within an area in need of investment and that the proposal will benefit the community. The applicant has not agreed one or either of these points in advance with the Council. In addition, no marketing exercise or viability assessment has been submitted with the application. Therefore, in the context of meeting the exceptions set out in Policy 14, it is considered that the development does not comply with the policy and in fact both applications represent departures from Policy 14 and significant weight must be given to this.

In assessing the departure from Policy 14, the type of departure needs careful consideration. In this case, it does not involve, for example, a proposal for a residential development on employment land which would represent a loss of employment land to a completely unrelated use. In this case, whilst retail development and a commercial unit are not considered to be employment generating uses for the purposes of Policy 14, they do by their very nature provide employment opportunities. It is envisaged that the Aldi scheme alone will generate 40 – 50 new full and part time jobs. The Homes & Communities Agency Employment Density Guide (3rd edition, (2015)) provides a matrix for anticipated employment opportunities for different use classes based on floor space provided. Examples relevant to the site and this application include:

- B1 (now part of Class E) uses generate 1 FTE for every 8 – 13m² of floor space created;
- B2 (Industrial and Manufacturing) generates 1 FTE for every 36m² of floor space created;
- B8 (Regional Distribution Centre) generates 1 FTE for every 77m² of floor space created; and,
- A1 (a foodstore for the purposes of the guide, and now part of Class E) generates 1 FTE for every 15-20m² of floor space created.

This demonstrates that each business type has different employment needs and that foodstores have the potential to generate a greater level of employment than B2 and B8 uses per sqm and is not dissimilar to B1 uses. Therefore, whilst the proposed uses are not employment generating uses for the purposes of Policy 14, they do nevertheless generate comparable employment opportunities and this a material planning consideration.

In addition, it is necessary to assess the principle of both parts of the application holistically, taking into account any potential benefits of both schemes. These factors include:

1. The Aldi foodstore will create 40-50 full and part-time jobs and the commercial unit will also create further jobs (numbers still to be confirmed). Without prejudice to the

outcome of the application, Aldi have already approached the Council about working together to secure employment opportunities for local people.

2. The extant outline planning permission for a development for B1(a), B1(c), B2 & B8 uses (with a building of up to 16m in height) presents a fallback position and is therefore a material planning consideration. The B2 & B8 uses that could be provided could include heavy industrial 24-hour operations. In contrast, this current hybrid application proposes a single storey building restricted by condition limiting hours of operation and servicing, and a similar commercial type building subject to the same restrictions. Furthermore, the proposed foodstore building would be half the height of the already approved commercial building. It is therefore considered that the new proposal would likely have a lesser impact on nearby residents when compared with a B2 and/or B8 industrial type use.
3. The introduction of an Aldi foodstore and commercial unit in either use classes E(a) or E(b) will play a role in enhancing consumer choices in Chadderton, specifically on the Foxdenton site. The wider site has planning permission for 500 dwellings and a substantial amount of employment floor space, and the nearest foodstores are Lidl on Jardine Way and Asda in Chadderton, both approximately 1 mile away. The proposed foodstore will not only provide for weekly food shops but also convenience shopping throughout the week. The commercial unit could also provide for convenience food and drink uses for both residents and employees in the immediate area. This provides increased local facilities for those members of the local community who find it difficult to travel (some of the representations received in support make reference to this benefit).
4. The Retail Impact Assessment submitted with the application demonstrates that the Aldi foodstore will 'clawback' some £3.45m of convenience expenditure to the area from other Aldi's in Oldham, situated outside the Primary Catchment Area of this site.
5. Both the foodstore and commercial unit will deliver economic development into Chadderton. The proposed foodstore specifically will signal strong investment potential in the area and could help boost the local economy.

One of the main objectives of protecting employment land is to ensure that land is available to create employment opportunities for people. As stated above, the application represents a loss of a small amount of employment land, which does not favour the application in principle. However, on balance, the foodstore alone will create between 40-50 part and full-time jobs which is a significant positive. The, as yet undefined, commercial unit will add further jobs to this. In addition, the loss of this one site from will not substantially harm the Council's overall position in terms of the ability to deliver the quantum of employment land in the borough as set out in Policy 4 of the Joint DPD.

It is considered that a departure from policy in the right circumstances for the right use does not always result in adverse impacts to an area, providing the merits of the departure have been considered on balance and the benefits of any departure are considered to outweigh the harm. Whilst the loss of a small amount of employment land is noted, the type of departure is a key consideration, in that as part of this proposal, employment opportunities and commercial

investment in the area will still be created, and this, in conjunction with the benefits, means substantial weight is afforded to this.

Retail

In the case of both applications, retail matters are also crucial to assessing whether the principle of development is acceptable in this case. The applicant has voluntarily submitted both a retail sequential and impact assessment and this has been considered by Nexus Planning ('Nexus') on behalf of Oldham Council. Both parts of the application are discussed separately and together where appropriate.

Sequential Test

NPPF Paragraph 87 is clear that local planning authorities should apply a sequential test to planning applications for Main Town Centre Uses that are neither in an existing centre nor in accordance with an up-to-date plan. NPPF paragraph 88 states that such uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Policy 15 of the Joint DPD relates to retail and other main town centre uses and is broadly consistent with the requirements of the NPPF. The policy sets out a hierarchy for retail development (with Oldham town centre at the top, followed by the centres of Chadderton, Failsworth, Hill Stores, Lees, Royton, Shaw and Uppermill).

In relation to the Sequential Test, the submitted Planning and Retail Statement indicates that this should be approached on the basis that any alternative site should be able to accommodate both the full and outline elements of the proposed development together and that there is no requirement to consider disaggregation of the proposal in this instance, as there is no requirement to do so in the NPPF.

For the reasons set out in the response from Nexus, they do not believe that the applicant has demonstrated that the two separate parts of the proposal need to be (and would be) delivered in conjunction with one another, and therefore disaggregation of the proposal is justified in this instance. With that considered, Nexus approach the assessment of the sequential test on the basis that consideration should be given as to whether the sites are available to separately accommodate the foodstore and smaller commercial unit.

Full Application

The proposed foodstore is situated approximately 1 mile from Chadderton District Centre (which lies to the north-east). As such, the foodstore is clearly 'out of centre' for the application of retail and main town centre planning policy. The applicant suggests in the Retail and Planning Statement that this store will primarily serve residents living within a five-minute drivetime of the application site and provides an area of search at Appendix II of the document, and this represents Aldi's Primary Catchment Area.

Nexus accept the above and concur that the foodstore would principally serve needs that arise within a relatively localised catchment. Any sites located beyond the five-minute drivetime

would not serve the same residents' grocery needs in practice. Therefore, Chadderton town centre should be the focal point of the sequential exercise in relation to the foodstore and this is agreed by all parties.

With the above agreed, the sequential assessment focused on whether there were any available and suitable alternative sites for the foodstore (within the agreed catchment), which met the following characteristics:

- is at least 0.5 hectares in size, such that it offers potential to accommodate the foodstore element of the proposal; and,
- is within or well connected to Chadderton district centre in order to have access to a similar catchment area.

The applicant put forward five alternative sites within the agreed catchment for review and these are as follows:

Site 1: Units 14 and 16, Chadderton Mall:

Units 14 and 16 are now being occupied by Secret Burger and Card Factory respectively. As such, it is not considered that either unit is currently available and, in any case, both units are far too small to accommodate a foodstore use, even allowing for flexibility.

Site 2: Former Chadderton Sports Centre, Middleton Road:

The site extends to approximately 0.3 hectares and is therefore too small. In addition, the 'Palm Suite' facility opened in July 2021 on the site following a change of use from the sports hall and swimming pool. Therefore, the site can be discounted as a potential alternative.

Site 3: 1-5 Victoria Street:

1-5 Victoria Street is a Grade II Listed Building located immediately to the west of the former Chadderton Sports Centre. The building and site itself are of a limited scale and is considered too small to accommodate the application proposal. In addition, given the buildings' Listed status, it is considered likely to present a challenge to its redevelopment for the proposed use. Therefore, it is not considered that the proposals could be accommodated at the site.

Site 4: 513-515 Middleton Road:

The above site is a terraced retail unit that was identified in the Planning and Retail Statement as being available, but not suitable due to its limited floorspace. The site is now occupied by Bon Fleur florist, and, therefore, the premises are no longer available. In any case, the site is far too small to accommodate the proposed foodstore use.

Site 5: Peel Street Public Car Park, Peel Street:

The above site is a rectangular area of land extending to approximately 0.1 hectares. The site is not being actively marketed and has not been made available for redevelopment. In

addition, due to the site's limited size, it is not considered that it represents a suitable alternative to accommodate a foodstore.

Additional Sites

Nexus also highlighted two further vacant sites (as of August 2021), which included Unit 7-9 and Unit 10 in Chadderton Shopping Precinct. Unit 7-9 represents the largest of the units with a floorspace of 305m² and this is considerably smaller than what is required and therefore does not represent a viable alternative.

Outline Application

Considering the smaller commercial unit, this is presented in the Planning and Retail Planning Statement on the basis that it would meet day to day sustenance needs. Nexus agree that a sandwich shop, coffee shop or restaurant type facility in this locality would generally meet the local needs of adjacent employment uses, residential properties and those passing through the area.

Nexus do not believe that those same needs could be met in the same way in Chadderton District Centre (or at any site well connected to it) and this is because food and drink operators in the district centre largely serve a different market. In addition, no sites within or well connected to The Downs and Grimshaw Lane local centres are open or available that could serve the same day to day sustenance needs. Therefore, Nexus conclude that the smaller commercial unit meets the requirements of the sequential test and there is no reasonable basis to disagree with the applicant's findings.

On the basis of the above, it is considered that the requirements of the sequential test have been met for both the foodstore and commercial unit, as set out by paragraphs 87 and 88 of the NPPF and there is no reasonable basis to disagree with the assessment or the findings.

Impact Test

In terms of the impact test, both the applicant and Nexus have assessed retail impact on a cumulative basis, i.e. they assess the impact of delivering both the full and outline application together on the basis that they both propose a retail use. They combine the gross floorspace of both the retail foodstore (1,804m²) and commercial unit (300m²) to assess the potential impact of creating 2,104m² of retail floor space in an out of centre location. For that reason, the impacts of both the full and outline applications will be assessed together in this section.

Policy 15 of the Joint DPD states that the council will be guided by the thresholds in national guidance in assessing the impact of a retail proposal. Proposals of 2,500m² gross floorspace or above must be accompanied by an impact assessment to determine its likely effects on the borough's centres. Retail proposals of between 500m² and 2,499m² in gross floorspace may have to be accompanied by an impact assessment. The council will determine and agree the extent of this assessment on a case-by-case basis with the developer having regard to the nature, scale and location of the proposal. In this case, the applicant has submitted an Impact assessment to enable retail matters to be robustly assessed.

NPPF Paragraph 90 sets out the following criteria for what should be considered in a retail impact assessment as follows:

- the impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme)

Each of the criteria above will be considered in turn as follows:

- The impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres in the catchment area of the proposal

The response from Nexus states that the most significant recent investment at Chadderton relates to the redevelopment of the former Chadderton Sports Centre as the Palm Suite events venue and there is broad agreement on this point. Nexus are satisfied that the development of a foodstore and additional commercial unit would have no material impact on the operation of that venue.

Other potential investment proposals include the planned regeneration of Spindles Town Square Shopping Centre; however, Nexus are satisfied that this would serve a substantially different market and will not be impacted by a development.

Therefore, both the full and outline applications meet the first part of the impact test.

The second part of the impact test is as follows:

- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme)

Considering the second part of the test, Avison Young (“AY”) sets out the approach to trade diversion impact in the Retail and Planning Statement (Section 7 & Appendix IV). Nexus have appraised the inputs and assumptions relied upon by AY in assessing the impact.

Nexus Planning conclude that they are satisfied with the following inputs and assumptions made by AY in their retail assessment, including the following:

- The Assessment Period;
The Baseline Position; and
- The Turnover of Proposed Development

In relation to potential trade diversion, Nexus confirm in their assessment, that the principal impacts of both proposals would likely centre on the Lidl at Jardine Way, the Morrisons at

Tweedale Street, and Asda at Milne Street. Only Asda is in the defined centre, with the other two stores not benefitting from 'policy protection' due to their siting.

Nexus also confirm that some expenditure will be diverted from smaller retailers within Chadderton District Centre, but not at a level, which gives cause for concern (impact of 3% identified at Table 4.1 of Nexus response) and Nexus do not believe that the identified impacts for smaller stores would likely undermine their future viability. Therefore, the principal consideration is the potential level of trade diversion from Asda, which according to table 4.1 of Nexus's response equates to circa 7.6% of its turnover.

To consider the potential day to day impacts, Nexus carried out a site visit and observed that Chadderton District Centre supports a good number of service uses and also accommodates a relatively strong comparison goods offer. A total of four units were observed as being vacant, which were mostly concentrated around the retail precinct in the centre; however, the vacancy rate remains below the national average level. Nexus conclude that the centre is vital and viable and performs an important local function.

Nexus have considered how the Asda will trade when the Aldi foodstore is fully operational and it is apparent that the Asda store will continue to 'overtrade' very substantially, even when the Aldi foodstore and commercial unit are trading in full. Therefore, Nexus consider that potential impacts as a result of both the full and outline applications are below the 'significant adverse' level.

Whilst some food shopping trips would be diverted from Asda and other retailers at Chadderton District Centre, both proposals will have a relatively narrow offer and residents would still have need to visit the centre to access other goods and services. There will still be a need for residents to make trips to retailers and service providers within Chadderton at other times.

Based on the above, Nexus conclude that the in-centre impacts arising from the foodstore and commercial unit would be below the 'significant adverse' level and would not justify refusal of the planning application on these grounds.

In terms of the potential need for a foodstore, whilst the Oldham Retail and Leisure Study (September 2020) carried out by Stantec does not recognise an undersupply of foodstores in the Borough, it does not take into account future population increases and additional catchment expenditure, which may result in additional need. In the area subject of the application alone, there is an additional 500 dwellings and over 64,000 sqm of commercial floorspace approved (minus the potential foodstore & commercial unit). Furthermore, the very strong performance of the Asda superstore in Chadderton, and the fact the store is overtrading is suggestive of the capacity to support an additional foodstore in the Chadderton area, which will also secure some benefit in providing more customer choice. No objections have been received from either Lidl (Jardine Way) or the Asda at Chadderton, which further supports the theory that the Chadderton area has the capacity for an additional foodstore, and the site subject of the application is clearly the best location for this provision, as demonstrated through the sequential assessment.

Therefore, in conclusion, the full and outline applications are considered to meet the second part of the impact test set out in NPPF paragraph 90. The potential trade diversion impacts to the defined centres is considered acceptable and no centre will be subject to significant adverse impacts and on that basis, the proposal complies with Policy 15 and the NPPF.

Overall, the development meets the requirements of the sequential and impact tests and significant weight is therefore given in favour of the proposal.

Representations on retail grounds

Since the above retail assessment was carried out, two representations have been received from Hollis Vincent (“HV”) on behalf of a local resident’s group and as already discussed, MRRP on behalf of Tesco Stores in relation to retail matters, and they raised several concerns, including the following (in summary):

- the nature of the sequential assessment, which excludes defined centres on the basis of the commercial and locational preferences of the retail operator (identified at page 4 of the MRPP letter);
- the use of erroneous assumptions in the applicant’s retail impact assessment and the need to undertake a health check assessment of Middleton town centre (page 5 of the MRPP letter);
- the omission of a commitment from the submitted retail impact assessment (page 6 of the MRPP letter);
- the need for a condition (should planning permission be granted) to regulate the control and use of the proposed ‘flexible use’ unit (page 6 of the MRPP letter);
- whether the smaller commercial unit would meet a principally local need or whether, in practice, it could be located within Chadderton district centre (paragraph 4.28 of the HV report);
- the appropriate parameters to be applied in reviewing sequential alternative foodstore sites (paragraph 4.29 of the HV report);
- the potential to accommodate the proposed foodstore on two further sites within Chadderton district centre, these being Land to the Rear of Chadderton Reform Club and the Former Jubilee Works (paragraph 4.39 of the HV report); and
- the applicant’s overestimation of the expenditure that would be diverted from more distant foodstores as part of its retail impact assessment (paragraph 5.26 of the HV report).

Nexus were instructed by Oldham Council to review the representations raised by both MRRP and HV. The applicant has also responded to the representations raised. Referring to the response given by Nexus, the representations have been reviewed and they do not change the outcome of the initial advice given.

On concerns raised in relation to the sequential assessment, Nexus state that they are very familiar with the local geography and the provision of foodstores across the wider area. Nexus believe that, in practice, the town centres of Oldham and Middleton serve largely different markets and that any alternative site within these centres would not fulfil a broadly comparable role to a foodstore located at the application site. This judgement is reached with reference to

the location of competing provision and the distance between the application site and the higher order centres referred to by MRPP. Nexus's view is not reliant on Aldi's identification as the proposed operator. Nexus confirm that they remain of the view that the applicant's five-minute drivetime is appropriate in this case.

Nexus have also assessed Middleton Town Centre, and conclude that, in practice, the application proposal would attract a limited proportion of the turnover of the Tesco and Aldi stores in Middleton. The proposed foodstore would support a modest amount of comparison goods floorspace and does not replicate the wider role and function of Middleton town centre (or any other centre). Shoppers undertaking grocery shopping at the proposed foodstore would still have a need to visit Middleton (and other centres) to source other goods and services. In this context, Nexus believe it to be clear that the impact to Middleton town centre is limited and would not impact upon Middleton's general role and function.

MRRP made reference to that Lidl extension granted under reference FUL/346783/21. The proposal provides for an extension with a gross internal area of 391m². Of this, 177m² will be dedicated to sales and the back of house warehousing area will be extended by 208m². Nexus have assessed this on a worst-case scenario i.e., if the whole extension was a net sales area. Having assessed the worst-case scenario, Nexus remain of the view that the in-centre impacts arising from the application proposal coupled with the Lidl extension would be below the 'significant adverse' level which would merit the proposal's refusal. The Asda store would continue to trade exceptionally well and would continue to draw custom into Chadderton district centre. The Lidl extension is relatively distant from Middleton town centre and would not divert a material amount of trade from it.

MRRP stated that there is a need for a planning condition in order to regulate the use of the commercial unit. Nexus concur with the view that a restrictive condition is required for the proposed use and this would be applied to any decision notice. Nexus also reaffirm that the smaller unit (when subject to a restrictive condition that would limit its use to a café, sandwich shop or bakers), will meet localised need, and could not meet the same needs if it were located within (or in proximity to) a defined centre rather than at the application site.

HV introduced two further prospective sequential alternative sites, including:

- Land to the Rear of Chadderton Reform Club measuring 0.26 hectares; and
- the Former Jubilee Works measuring 0.31 hectares.

Nexus confirm that both sites are too small to offer realistic potential to accommodate the broad type of foodstore development proposed by the applicant. In addition, the attractiveness of both sites for grocery retail is further diminished as they do not benefit from a main road frontage and are only partially visible from Middleton Road. Nexus do not believe that either site would prove attractive to grocery operators in practice and believe that both can be discounted from the sequential assessment on the ground of suitability.

HV indicates that the sequential test should be applied without reference to specific operators' requirements and notes the metropolitan store format being developed by Lidl. Nexus acknowledge that operators are able to support different formats of store, dependent on the local circumstances. Nexus state that the metropolitan format is typically supported in larger

centres (in particular, within London) that benefit from a densely populated area and high local footfall. HV set out Lidl's requirements at Appendix 1. Lidl's requirements confirm that the metropolitan format is 'created for the urban city centre'. In addition, Lidl's website provides an updated summary of the locational requirements for the metropolitan format, which states that:

'The metropolitan store is perfect for city centres. Thanks to the smaller space requirements and the adaptability of the façade design, a metropolitan store can be ideally integrated into densely populated city centre areas. Together, we can find the right solution for your location.'

Nexus state that in their own experience discount foodstores will only occupy sites smaller than 0.5 hectares in particular local circumstances. HV refers to the scale of Aldi foodstore development in Sale and Stretford, and the planned occupation of the Altair development in Altrincham by Lidl. However, in this regard, it is important to recognise that these are not comparable to the situation in Chadderton because:

- Sale town centre is a higher order centre than Chadderton district centre, and the Aldi development incorporates residential development above (something that would not be appropriate in the context of the Foxdenton site);
- Altrincham town centre is also a higher order centre than Chadderton district centre, and the proposed Lidl store would be part of major regeneration scheme in the heart of Altrincham Town Centre that will include a mixture of residential, retail, leisure and public realm improvements, which is an entirely different type of development than the Foxdenton scheme; and,
- The Aldi store at Stretford benefits from a substantial existing surface car park area to the south, which directly serves the store (this area is not included within HV's consideration of the site occupied by the foodstore use, yet this provision was crucial to allowing a non-typical Aldi food store to be deliverable in that situation, and so this example is not comparable to the Foxdenton context).

Nexus do not consider that operators would likely be interested in pursuing a metropolitan model in Chadderton due to the size of the centre and its limited role. The housing market in Chadderton is also markedly different to that which is apparent in Altrincham and Sale, and the scope for a mixed-use development is diminished. Chadderton does not fit the profile of a 'densely populated city centre area' which is the stated target location for a metropolitan store model. Therefore, considering all of the above, Nexus believe that the sequential test should be applied to the proposed foodstore use on the basis of a minimum site size of 0.5 hectares.

With all matters considered in the representations, the outcome of the initial advice given from Nexus has not changed, and no objections are raised on retail grounds.

Conclusion

Justified weight has been given to the relevant material considerations for assessing the principle of development for both the full & outline planning proposals as follows:

- Significant weight is given to the fact that neither the full or outline applications comply with policy 14 and both applications together will result in the loss of a small amount of employment land and this is not in favour of the proposal;
- Substantial weight is given to the type of alternative uses proposed for the site, in that they will still create employment opportunities and commercial investment in the area, and this, along with the benefits of both the full and outline applications as set out above in this report, have been given due weight; and
- Significant weight is given to the fact that both the full and outline planning proposals have passed both the retail sequential and impact test, which is in favour of the proposal.

Significant weight has been given to Policy 14, however, considering the type of alternative uses proposed and the benefits of the scheme, these are considered to outweigh the loss of a relatively small amount of employment land in this case.

On balance it is considered for the reasons set out in this report that a departure from Policy 14 is justified and on that basis, the principle of development is considered acceptable.

Design

Given that the application is submitted in hybrid form, the design elements of the foodstore and proposed commercial building are considered separately as follows:

Full Application

The design and appearance of the Aldi foodstore is of a standard design for the Aldi brand. The building is of a modest scale, compared to some other supermarket chains owing to the type of business model Aldi operate. The height of the overall building is 8m and this is comparable to most two storey properties. The building will have a contemporary appearance, with extensive glazing to the north and west elevations, which breaks up the massing and adds interest to the most visible elevations from Lydia Becker Way. The building also incorporates a pressed metal canopy over the entrance and trolley bay in anthracite grey, which adds further interest to a fairly standard rectangular building.

A simple palette of materials is proposed to give the building a contemporary appearance, which include a combination of black brickwork, anthracite and silver cladding panels throughout, with fascia signage (signage subject to separate application ADV/346767/21). The use of black brickwork, anthracite and silver cladding panels compliments the recently approved reserved matters applications on Phase C1, for large industrial units under applications RES/346195/21 & RES/346295/21. These buildings have a modern industrial appearance and incorporate anthracite cladding panels throughout both proposals and it is a strong positive to have some continuity in the appearance of what is delivered at Foxdenton.

In terms of layout, the building is situated on the eastern side, this allows for good pedestrian linkages from the north, servicing to the south east and maintains a no build strip to the south,

for enhanced landscaping and a valuable gap to the residential properties to the rear of the site.

Internal customer car parking occupies the central area and includes provision for 120 car parking spaces in total, including 8 disabled bays, 8 parent and child spaces and 4 EV spaces and 5 motorcycle spaces. The disabled bays and parent and child spaces are sited at the front of the store and provide easy access to the entrance. A new vehicular access and egress junction to Lydia Becker Way is located on the north-western boundary of the application site (north-western corner) and this will provide access for servicing vehicles, customers and staff. The entrance to the foodstore will face west towards the new roundabout and this will tie in directly with a pedestrian link situated north of the site from Lydia Becker Way. The servicing area is positioned on the south east boundary of the site and Environmental Health have no objection to this.

The design and appearance of the Aldi foodstore will function well in an area previously designated for an employment use and will not have an adverse impact on the attractiveness of the area. A considerate approach has been taken in terms of appearance and this is demonstrated in the material palette selected. The scheme also proposes a generous landscaping scheme, which achieves biodiversity net gain. Therefore, on the basis of the above, the development accords with NPPF Section 12 and Policy 20.

Outline Application

The design, layout and appearance elements of the commercial unit are reserved for future consideration and no specific details have been submitted at this stage.

However, the Retail and Planning Statement does set out some fundamentals for the building, which include:

- The building will be situated in the south west corner of the site;
- The building will extend to a maximum height of 6m AOD, equivalent of 1 storey; and
- The maximum area of land for use of the commercial unit will extend no more than 1,245m² and the commercial unit itself will be no more than 300m²

The remaining elements of the proposal will be assessed as part of any future reserved matters application for the site.

Residential Amenity

In this section, I will assess the potential impacts on residential amenity of both the proposed food store and commercial unit, these will be considered separately.

NPPF Paragraph 185(a) 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. Local Plan 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.

Full Application

The nearest sensitive receptor to the foodstore is a residential development to the south of site. This has been constructed by Redrow Homes and was originally designated as Phase R2 under previous planning approvals. The proposed foodstore is closest to the properties that back on to the development site on Cavalier Square, and these are located over 20m from the delivery bay on the south elevation and 25m from the plant area.

A noise impact assessment has been submitted with the application. The assessment concludes that servicing procedures undertaken in the daytime on weekdays, would have a negligible impact, deliveries between 06.30 & 7am would have a 'low impact' and deliveries in the Sunday hours would also have a low impact and this is without proposing any mitigation. Potential impacts as a result of plant equipment have also been assessed and the noise impact assessment concludes that this will have a 'low impact' on the immediate surroundings. Environmental Health has reviewed the noise assessment and do not object to the findings.

Many representations have been received requesting that the proposed foodstore be reconfigured to limit potential amenity implications to the residential properties to the south of the site. However, given that Environmental Health do not object to the siting of the foodstore on amenity grounds, the applicant has instead considered further mitigation. This includes the installation of a 3m high acoustic fence on the southern boundary, which will provide screening and details of this will need to be submitted and approved by the Council prior to installation, to ensure residential amenity is maintained and the developer has voluntarily accepted this condition. The developer has also volunteered and accepted a condition in relation to a lighting scheme, to help minimise impacts to residential amenity. In addition, an enhanced landscaping scheme is also proposed on the southern boundary, which includes an additional 13 trees in the buffer area, ranging in height from 3m to 4.5m in combination. This will provide further screening between the development and the properties south, which is supported.

In terms of levels, the foodstore would sit higher than the properties directly to the south. The finished floor level (FFL) for the foodstore is proposed at +110.1. The FFL's of the properties to the south range from 108 to 106, with levels dropping as the housing development heads west of the proposed foodstore. It is clear from visiting Cavalier Square that there is an existing level change as the properties rise up to face the site and the proposal would sit between 2 – 4m higher than the properties to the south, depending on the position. The Aldi building itself has an overall height of 8m and whilst the level change is noticeable the overall balance in this case needs to be considered. As part of the hybrid planning permission granted previously, the approved Parameters Plan 05060_MP_02_002 Rev E specified that in principle a commercial building would be acceptable up to 16m in height, in the same locality as the foodstore, which is significantly higher. Whilst the level differences are noted in this application, the proposal is significantly lower in height than what was originally approved as part of the hybrid planning permission, and given the strong fallback position, this would not form the basis of a reasonable planning refusal in this instance.

Given the proximity of the proposed development to residential properties, a Construction Environment Management Plan (CEMP) will need to be submitted and agreed in writing prior to the commencement of development. This document will need to consider the following:

- Hours of operation
- The use of quiet working methods
- The use of most suitable plant
- Controlling noise and vibration at source

This will assist to help ensure that the amenity of residents close by is not adversely affected during the construction period.

Overall, based on the above and subject to conditions the development is acceptable and complies with the NPPF Section 15 and Local Plan Policy 9.

Outline Application

Given that the commercial unit is submitted in outline (all matters reserved), there are no specific details on what the end use will be, except that it would be a use in either Class E(a) or E(b).

In terms of amenity, for the purposes of the noise assessment, a coffee drive-thru facility has been used as an example to gauge potential amenity implications. The noise assessment concludes that potential noise from any plant equipment would be controlled to meet Oldham Council requirements and noise from customer vehicles using such a facility is expected to have a no worse than 'low impact', when assessed using the method described in BS 4142:2014. It is noted that the outcomes are speculative, and this is reasonable, given this element of the application has been submitted in outline. However, notwithstanding these conclusions, given that the end use has not been established, it is reasonable to attach a suitably worded planning condition for a noise assessment to be submitted, which considers the specific use when this is established.

Highways

Outline and Full application

In terms of highways, the submitted Transport Assessment (TA) assesses both the full and outline applications and therefore, they will be assessed together in this section. The TA assumes that the flexible use commercial unit will operate as a drive-thru coffee shop for the purposes of assessing the potential transport impacts.

TfGM observed that the traffic counts used in the TA are from 2013 and were considered too old for the purpose of the current assessment, and therefore concerns were raised about the data used to assess the impacts to surrounding junctions, as a result of the development: including.

TfGM concluded that a contribution of £12,800 should be made by the applicant to implement a SCOOT at traffic signals from Lydia Becker Way to Foxdenton Way to help mitigate the impact of the foodstore on the highway network.

The Transport Consultant for the applicant noted the age of the data, however, also stated that they would not be able to do the traffic counts in the school holidays and even if the additional counts were undertaken, the financial contribution set out above may still be required. Therefore, the applicant has accepted the request for a contribution of £12,800 in relation to the foodstore, in lieu of the requirement to undertake further traffic counts and TfGM and the Highways Engineer have accepted this proposal.

Whilst the TA does consider traffic generation as a result of both proposals, it does not consider the layout and how traffic would be managed within the site, if a drive-thru facility was to be built at the site. The Highways Engineer has raised some concerns at the prospect of a drive-thru facility at the site, and the conflict this may cause in the car park. However, the application is for a flexible commercial use and there is no guarantee that a drive-thru coffee shop would be built at the site and this can only be considered at reserved matters stage.

Overall, subject to conditions and a contribution of £12,800, the full application is considered acceptable and the outline application, specifically the principle of a flexible use commercial unit in Use Class E(a) and (b) meets the criteria of Policy 5 and section 9 of the NPPF.

Ecology and Landscaping

Full Application and Outline Application

A Preliminary Ecological Report has been submitted with the application, which assesses the whole site (covering both the full and outline applications). The site for both schemes has now been cleared in preparation and the habitats currently on the whole site are considered to be young.

The Ecological Report confirms that there are no implications for roosting bats or breeding birds as a result of either scheme. However, the report also concludes that there are habitats on site suitable for invertebrates, and that suitable habitats should be retained where possible. The report also recommends that the planting of a variety of additional habitats should be implemented into the design of both schemes to ensure that there is no net loss of biodiversity.

As part of mitigating any potential loss of biodiversity as a result of the development, a Landscaping Plan has been submitted with the application, which shows that 29 new trees will be provide across the site, along with native hedge mix planting, ornamental shrub planting, wildflower and other grassland, which is clearly a biodiversity net gain.

GMEU have reviewed the details submitted including the Ecological Report and have not raised any objections to the findings. GMEU have recommended conditions in relation to the provision for bird boxes across for the full application, which can be secured by way of condition.

In relation to the proposed commercial unit, it is noted that landscaping is a reserved matter and further details will need to be submitted for that section of the site when an end user is found. However, the landscaping proposed across the site, as part of the full application will help contribute strongly addressing this matter.

Therefore, the development complies with policy 21 and section 15 of the NPPF.

Flood Risk & Drainage

Full Application and Outline Application

A Flood Risk Assessment has been submitted with the application, which considers the site as a whole covering both the full and outline applications and therefore, both applications will be considered together.

Policy 19 states that the council will ensure development does not result in unacceptable flood risk or drainage problems by directing development away from areas at risk of flooding, and protecting and improving existing flood defences, water resources and quality, and that development proposals must carry out and pass the Sequential Test and, where necessary, the Exception Test, and be accompanied by a site-specific flood risk assessment.

According to the Environment Agency Flood Maps, the whole site is located in Flood Zone 1 and is at the lowest risk of flooding. Both the foodstore proposal and commercial unit would be considered in the 'less vulnerable' use within flood risk vulnerability classification. In respect of surface water drainage, the Flood Risk Assessment submitted with the application states that all post-development hard surfaced / drained areas will discharge to the diverted, culverted 'ordinary' watercourse located adjacent to the western / northern plot boundaries via the 225mm diameter stub pipe provided at the western side of the plot at a rate of 1.5m per second.

United Utilities (UU) have reviewed the submitted Flood Risk Assessment and have confirmed that the drainage proposals are acceptable in principle. However, UU do not have sufficient information on the detail of the drainage design. There is a wider drainage strategy that has been implemented as part of the overall Foxdenton Strategic Site, and UU would like to understand further how this phase of development will link into the wider drainage network.

Therefore, a suitably worded planning condition will need to be applied to the full and outline applications, relating to surface water and subject to conditions, both applications comply with NPPF Section 14 and Policy 19.

Ground Conditions

Full Application & Outline Application

As with flood risk, the applicant has submitted a Geotechnical and Geoenvironmental Desk Study, that covers the whole site and, on that basis, both the full and outline application will be considered together in relation to ground conditions.

National guidance within paragraphs 178 and 179 of the NPPF and Local Plan Policies 7, 8 and 9 are relevant, which seek to ensure that a site is suitable for its new 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.

The Environmental Health team has reviewed the submitted Geoenvironmental Site Assessment and Gas Addendum Report and has advised that there are no objections to the proposal. It is advised that condition relating to the requirement for a remediation strategy, and this will be applied should planning permission be granted.

Planning balance

There are a significant number of material planning considerations which must be weighed up in assessment of both the full and outline applications, both positives and adverse:

The major positives are set out in detail above and include:

1. The Aldi foodstore will create 40-50 full and part-time jobs and the commercial unit will also create further jobs (numbers still to be confirmed).
2. The extant outline planning permission for a development for B1(a), B1(c), B2 & B8 uses (with a building of up to 16m in height) presents a fallback position and is therefore a material planning consideration. The B2 & B8 uses that could be provided could include heavy industrial 24-hour operations and could provide fewer jobs. In contrast, this current hybrid application proposes a single storey building restricted by condition limiting hours of operation and servicing, and a similar commercial type building subject to the same restrictions. Furthermore, the proposed foodstore building would be half the height of the already approved commercial building. It is therefore considered that the new proposal would likely have a lesser impact on nearby residents when compared with a B2 and/or B8 industrial type use.
3. The introduction of an Aldi foodstore and commercial unit in either use classes E(a) or E(b) will play a role in enhancing consumer choices in Chadderton, specifically on the Foxdenton site. The wider site has planning permission for 500 dwellings and a substantial amount of employment floor space. The proposed foodstore will not only provide for weekly food shops but also convenience shopping. The commercial unit could also provide for convenience food and drink uses for both residents and employees in the immediate area. This provides increased local facilities for those members of the local community who find it difficult to travel (some of the representations received in support make reference to this benefit).
4. The Retail Impact Assessment submitted with the application demonstrates that the Aldi foodstore will 'clawback' some £3.45m of convenience expenditure to the area from other Aldi's in Oldham, situated outside the Primary Catchment Area.
5. Both the foodstore and commercial unit will deliver economic development into Chadderton. The proposed foodstore specifically will signal strong investment potential in the area and could help boost the local economy.

The adverse impacts include:

1. The development fails to comply with policy 14, which results in the loss of 3.1% of the approved Foxdenton employment floor space granted as part of planning permission and a loss of 1.3% of the 82 hectares of employment land set out in Policy 4.

Significant weight is given to the fact that both the full and outline applications do not comply with policy 14. However, for the reasons set out in this report substantial weight has been given to the collective benefits of both applications since these are considered to outweigh the adverse impacts. The retail assessment undertaken as part of the application indicates that both the foodstore and commercial unit will not have an adverse impact on the surrounding centres, and significant weight has been given to this.

On the basis of applicable national and local planning policy, and the various considerations set out above, on balance, it is recommended that both the full application and outline application should be approved subject to a legal agreement, which will secure £12,800 towards off site highway improvement works relating to the Aldi scheme (full application).

RECOMMENDED CONDITIONS

Grant planning permission subject to the following conditions:

Part A – Full Application

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 Class E foodstore hereby permitted shall have a maximum Gross Internal Area of 1,804 sq.m and a maximum net sales area of 1,315 sq.m. The sales area shall be used primarily for the sale of convenience goods, with a maximum of 300 sq.m used for the sale of comparison goods. REASON: To reflect the basis on which the application has been assessed and to protect the vitality and viability of nearby town centres, having regard to policy 16 of the Local Plan
4. No development comprising the erection of any external walls shall take place until specification of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details. REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan.

5. 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety having regard to Policy 9 of the Oldham Local Plan.
6. 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 written report and recommendation have been submitted to and approved 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan
7. Prior to the commencement of any phase of development hereby approved, a scheme in the form of a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts, along with adequate wheel wash facilities. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the demolition or construction works are commenced, which shall be maintained for the duration of the demolition or construction works. REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.
8. Prior to the commencement of any part of the development hereby approved, details of the method of surface water and foul water drainage from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first occupation of the approved development and shall be maintained thereafter. Reason - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to ensure that the site is satisfactorily drained having regard to Policy 19 of the Oldham Local Plan.
9. No development comprising the construction of a building shall take place until a detailed energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall set out how the development will accord with the Energy Infrastructure Target Framework set out in Oldham Local plan Policy 18 and shall detail how:
 - s
 - a target area has been determined; and,
 - how the development will meet this target.

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

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

10. Prior to the commencement of development above ground/slab level full details of mitigation for loss of nesting bird habitat will be submitted to and agreed in writing by the Local Planning Authority. Proposals shall include:

- a) A monitoring programme.
- b) Details of location of nesting opportunities

The works shall be carried out strictly in accordance with the approved details.

REASON - In order to mitigate the impact on nesting bird habitat having regard to Policy 21.

11. No development above ground/slab level shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the charging points have been installed and made operational in accordance with the approved details. Thereafter the charging points shall be retained and kept available for the use of electric vehicles. REASON: In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.

12. Prior to the first occupation of any part of the development hereby permitted full details of all soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of the development (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved. REASON: To ensure that the development site is landscaped to an acceptable standard having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

13. Notwithstanding the submitted plans, prior to its erection, details as to the exact location and design/ appearance of the acoustic fence shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be erected prior to the store first being occupied and shall be retained as such thereafter. REASON: To ensure acceptable levels of amenity for surrounding residents in accordance with Policy 9.

14. No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, height, type and direction of any light sources and the intensity and timing of their illumination. Any lighting, which is so installed, shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance that does not change its details. REASON: To ensure acceptable levels of amenity for surrounding residents in accordance with Policy 9.

15. The development hereby approved shall not be brought into use until the access to the site, car parking spaces and servicing areas have been provided in accordance with the approved plan Ref:2969 BOL-102 Rev B 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 and servicing 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.
16. The foodstore shall not be first occupied until a Travel Plan for staff/employees at the premises has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented from the date that the development is first brought into use in accordance with timescales set out in the plan and any subsequent revisions REASON: To ensure the development accords with sustainable transport policies having regard to Policy 5 of the Oldham Local Plan.
17. The development hereby approved shall not be brought into use until details of the boundary and surface treatment between the two parts of the site (Class E Foodstore and Class E (a) or (b) flexible use commercial unit) have been submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be retained until the development pertaining to the outline planning permission has been constructed. Reason – To ensure the safe and efficient operation of the car park and servicing areas of the Class E Foodstore
18. Before the foodstore opens a scheme for the provision of secure cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and 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.
19. All hard and soft landscape works shall be carried out in accordance with the approved plan (Ref:2969-VL L01 Rev C) prior to the occupation of any part of the development or in accordance with the programme approved in writing by the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan 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.
20. No works to trees or shrubs shall take place 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.

21. The foodstore here by permitted shall not be open to the public outside the hours of 08:00 – 22:00 Monday to Saturdays and 09:00 – 18:00 Sundays. REASON: To safeguard the amenity of the adjoining premises and the area generally. having regard to Policy 9 of the Oldham Local Plan.
22. No deliveries shall take place to the site outside of the hours of 06:30 – 23:00 Mondays to Saturdays and 08:00 to 17:00 Sundays. REASON: To safeguard the amenity of the adjoining premises and the area generally. having regard to Policy 9 of the Oldham Local Plan.

Part B - Outline Planning Permission

1. Application for approval of the reserved matters of 1) Access 2) Appearance 3) Landscape 4) Layout and 5) Scale shall be made to the Local Planning Authority before the expiration of six years from the date of this permission. The development hereby permitted shall be begun either before the expiration of six years from the date of this permission or two years from the date of approval of the last of the reserved matters whichever is the later. REASON - To comply with 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 premises shall be used for a café, sandwich shop or bakers and for no other purpose (including any other purpose in Class E of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). REASON: To ensure that the use of the commercial unit is acceptable having regard to Policies 15 and 16 of the Oldham Local Plan.
4. The flexible use commercial unit hereby permitted shall have a maximum Gross Net Sales Area of 240sq.m. The sales area shall be used primarily for the sale of convenience goods. REASON: To reflect the basis on which the application has been assessed and to protect the vitality and viability of nearby town centres, having regard to policy 16 of the Local Plan
5. No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details. REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan.
6. 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety having regard to Policy 9 of the Oldham Local Plan.

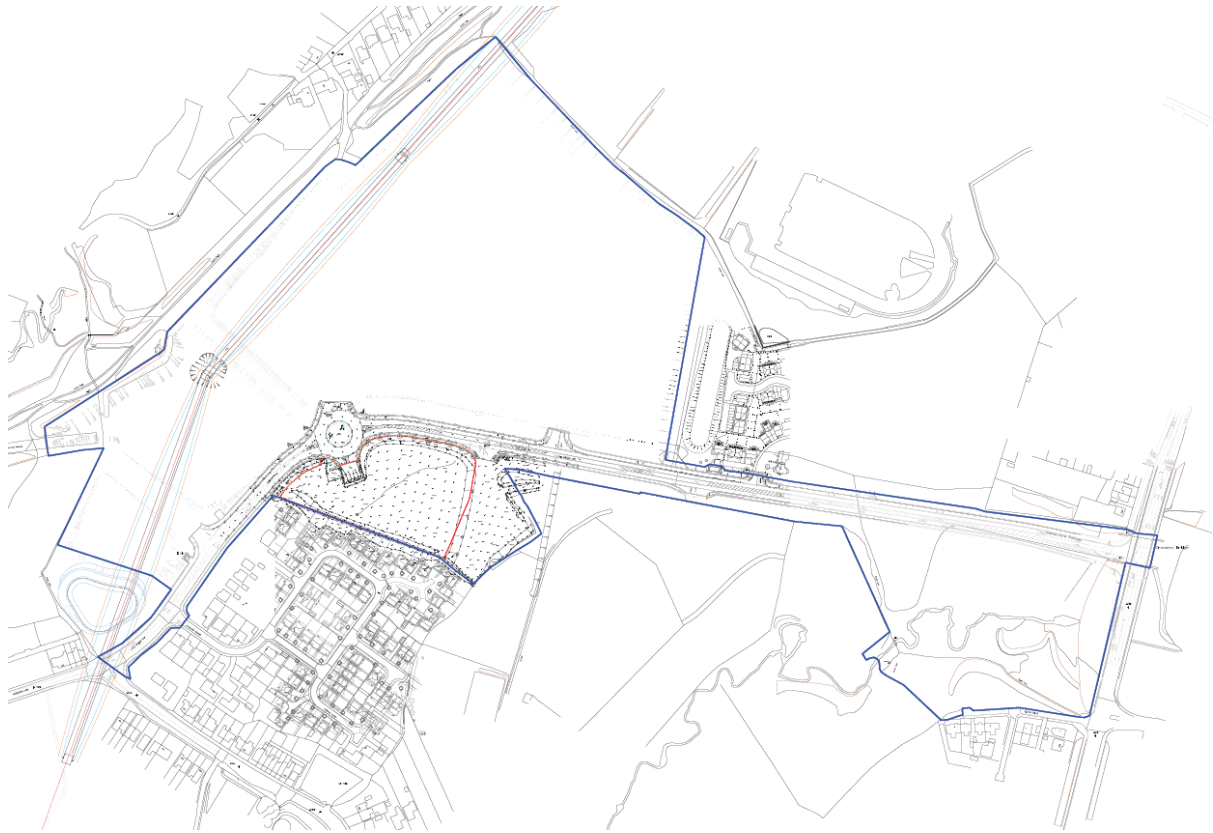
7. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's written report and recommendation have been submitted to and approved by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition. REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan
8. Prior to the commencement of any part of the development hereby approved, details of the method of surface water and foul water drainage from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first occupation of the approved development and shall be maintained thereafter. Reason - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to ensure that the site is satisfactorily drained having regard to Policy 19 of the Oldham Local Plan.
9. Prior to the commencement of development an assessment of the nature and extent of noise affecting the neighbouring residential properties shall be submitted to and approved in writing by the local planning authority. The assessment shall be carried out in accordance with a methodology which has been previously approved in writing by the local planning authority and shall identify mitigation measures required to protect the development. The approved mitigation measures shall be implemented in full before first occupation of the dwellings and shall be retained thereafter. Reason - To provide an acceptable level of noise both within the proposed dwellings and the residential area generally.
10. No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, height, type and direction of any light sources and the intensity and timing of their illumination. Any lighting, which is so installed, shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance that does not change its details. REASON: To ensure acceptable levels of amenity for surrounding residents in accordance with Policy 9
11. The submission of an application for an approval of reserved matters for the development shall show details of:
 1. the means of vehicular and pedestrian access to the site
 2. the means of servicing the buildings
 3. the provision made for car parking and maneuvering within the site
 4. secure cycle storage facilities

REASON - To ensure adequate off-street parking and servicing 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. The proposed end use shall not be open to the public outside the hours of 08:00 – 22:00 Monday to Saturdays and 09:00 – 18:00 Sundays. REASON: To safeguard the amenity of the adjoining premises and the area generally. having regard to Policy 9 of the Oldham Local Plan.
13. No deliveries shall take place to the site outside of the hours of 06:30 – 23:00 Mondays to Saturdays and 08:00 to 17:00 Sundays. REASON: To safeguard the amenity of the adjoining premises and the area generally. having regard to Policy 9 of the Oldham Local Plan.
14. No works to trees or shrubs shall take place 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.

LOCATION PLAN (NOT TO SCALE):



APPLICATION REPORT – FUL/347589/21 Planning Committee 16th February 2022

Registration Date: 16th February 2022
Ward: Chadderton Central

Application Reference: FUL/347589/21
Type of Application: Full Application

Proposal: Erection of commercial units within Use Classes B2, B8 and E(g)(iii) with associated parking, landscaping and infrastructure.

Location: Plot 3000, Lydia Becker Way, Oldham

Case Officer: Stephen Gill
Applicant: Chancerygate Ltd
Agent: Mr Niall Mellan

INTRODUCTION

The application is referred to Planning Committee for determination since it is a Major (commercial) planning application given the floorspace exceeds 1,000m².

RECOMMENDATION

It is recommended that the application should be approved subject to the conditions as set out in this report and that the Head of Planning shall be authorised to issue the decision

THE SITE

The application proposes development of land that forms part of the Foxdenton Strategic site. It measures approximately 2.77ha in area and consists of open land which is predominantly level following extensive enabling works with embankments to all sides. The site sits within Parcel C1 and is named Plot 3000 which is to the north west of the wider Foxdenton development scheme. The site will be accessed from the newly completed spine road – Lydia Becker Way.

The nearest residential properties to the site are the newly constructed houses situated to the south of the site on the other side of Lydia Becker Way, which also form part of the wider consented development.

A public footpath is located to the north of the site and there is a wooded area to the west and a recreational footpath separating the site from residential development beyond.

THE PROPOSAL

The application seeks full planning permission for a commercial and industrial development at Foxdenton Phase C1 (Plot 3000) involving the erection of eight commercial units of varying size accommodating uses falling within Classes B2 (General Industrial), B8 (Storage and Distribution) and E(g)iii (Industrial Processes). The total amount of floorspace proposed is 9,589m².

Three units (referenced as Units 2, 3 and 4) are located to the northern (rear) boundary of the site and four units (referenced as Units 5, 6, 7 and 8) are located fronting Lydia Becker Way. Unit 1, the largest of the units proposed, is proposed to the west of the access into the site and includes a dedicated turning area for HGVs. All of the units have dedicated car parking provision.

Hard landscaping is proposed within the site and soft landscaping is proposed on the perimeter and on the northern section of the site, along with the formation of attenuation ponds.

S106 Requirements

The original Section 106 agreement associated with the Foxdenton Strategic Site agreed alongside the original planning permission (PA/344355/13) secured a number of financial contributions to help facilitate the development by mitigating its impacts. The development in this case sits within the site identified as Phase C1 in PA/344355/13 and contributions previously agreed in relation to this phase amounted to £450,000 towards Sustainable Transportation. This has previously been paid in full by the developer.

Given that the development does not propose a different use to those uses previously granted for the site, and is not materially larger than what was agreed by the original planning permission, there is no requirement for further financial contributions to be secured. In effect, any additional financial contribution would amount to duplication, given the fact that the financial contribution has already been paid in full a separate Section 106 agreement.

RELEVANT PLANNING HISTORY:

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

PA/337091/15: Variation of conditions 29, 30, 31 (Part A), and 41, 42 and 43 (Part B) of

permission PA/334355/13 Hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution (B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park, to allow phased development and occupation of floorspace and dwellings specified within the 'trip generation threshold' (as defined within Curtins note ref. TPMA1328/STRAT001) prior to the completion of the highway link road ('Interim Trip Generation Threshold') and offsite junction works at A663/Foxdenton Lane/Eaves Lane and M60 Junction 21 ('Trip Generation Threshold') - **Granted 28 September 2021.**

RES/346194/21 Reserved matters application proposing details of the appearance, layout, scale and landscaping for B2, B8 and B1c development. – **Granted 13th April 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 (BEA).

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

Policy 1 - Climate Change and Sustainable Development;
Policy 2 – Communities;
Policy 5 - Promoting Accessibility and Sustainable Transport;
Policy 9 - Local Environment;
Policy 14 - Supporting Oldham's Economy;
Policy 18 – Energy;
Policy 19 - Water and Flooding;
Policy 20 – Design;
Policy 21 - Protecting Natural Environmental Assets; and,
Saved UDP Policy D1.5 – Protection of Trees on Development Sites

CONSULTATIONS

Highways Engineer - No objections
Transport for Greater Manchester – No objection
Environmental Health – No objection
Greater Manchester Archaeology Advisory Service – No objection
Greater Manchester Ecology Advisory Service – No objection

Arboricultural Officer – No objection
Lead Local Flood Authority – No response
United Utilities – No objection

REPRESENTATIONS

The application has been publicised by means of neighbour notification letters, site notice and press notice, in accordance with the Development Management Procedure Order and the Council's own Statement of Community Involvement. However, no representations have been received in response.

PLANNING CONSIDERATIONS

Principle of development

The site is located within the Foxdenton Business Employment Area as set out in Policies 13 & 14 of the Local Plan. Policy 14 states that development proposals for B1, B2 and B8 uses are acceptable in this location, together with up to 25% of residential development. As indicated, the proposal includes provision for B2, B8 and Class E(g)iii (industrial processes which can be carried out in a residential area without detriment to its amenity) (formerly B1(a)), which is considered entirely acceptable considering the site's designation. In addition, the site subject of the application was granted outline planning permission as part of the wider Foxdenton strategic site under planning reference PA/334355/13 for B1, B2 and B8 uses, and followed by a reserved matters application (RES/346194/21).

Therefore, based on the above, the principle of development is acceptable.

Design, Scale and Layout

In respect of the proposed site layout, it has been subdivided to accommodate 8no. separate units which vary in size with associated parking and servicing. Each building is arranged to include an assigned area of open car parking. Each service yard is assigned a refuse and recycling area.

The site layout is considered acceptable. Units 5-8 will front on to Lydia Becker Way and will address the frontage of the site and the main street scene without having an overwhelming effect. Unit 1 is the largest and is set back within the site to account for the large turning area and parking provision associated with that unit. No objections are raised to its position. Units 2-4 sit to the rear of units 5-8 at an angle to not only create enough space between the units for servicing and parking requirements but also to add interest to the overall layout.

Overall, the layout offers a staggered approach to 8 modestly sized industrial / commercial units, which will be compatible with the street scene, and in addition provides sufficient car parking and servicing requirements. As such, the proposals comply with the objectives of Policy 20.

Considering appearance, all the buildings proposed on the site will be co-ordinated in terms of materials, to include the same cladding finishes and colours, such that the units read together as one cohesive development. The main facing material comprises a mixture of gull grey and merlin grey cladding and the roof will be a goosewing grey adding interest to the large units. The windows will be large format, with a curtain wall system, which will add light, openings and further interest to the buildings. Silvers and grey neutral colours are predominant colours for these types of industrial buildings, and no objections are raised to the proposed appearance.

A large commercial building has also been granted (Plot 1000) under reserved matters application RES/346292/21 in close proximity to the east of this site. Therefore, it is appropriate to consider whether the schemes complement each other, given they both form part of the overall commercial development at Foxdenton. The Plot 1000 proposal is mainly profiled cladding with composite panels to the offices. This development uses a very similar colour palette, being mainly greys and silvers. Plot 1000 proposes 'Sirius' and 'Orion', which are shades of 'mid' grey in a metallic finish. This development uses merlin grey cladding and goosewing grey for the roof, and whilst the plots use slightly different shades of grey, they are in essence similar which is considered acceptable.

In terms of scale the buildings vary in massing and height across the site to reflect the applicants' commercial needs. Unit 1 has an overall ridge height of 13.1m, units 2-4 will be 11.2m in height, and units 5-8, have an overall ridge height of 11.7m. The total massing (Gross External Area) across the site from the units proposed is 10,046m².

This is a standalone planning application, however, when considering the scale and massing, the overall planning permission for the site PA/344355/13 should be acknowledged in this case. The approved Parameters Plan (Ref: 05060_MP_02_002) illustrated buildings in this location with heights of up to 16m. Furthermore, condition 5 of the planning permission also granted a combined total of 66,460m² of commercial floor space in B1(a), B2 & B8 use classes across the site. This is a material consideration in the assessment of this application.

Having regard to the commercial floor space as a guide, this scheme with a total floor space of 10,046m², and the scheme approved for phase C1A (Plot 1000) under reserved matters approval RES/346292/21 for 34,080m² gives a total floor space of 44,126m² across the overall site. This is below the figure approved previously. As such, the proposals sit within the massing and height principles previously agreed for the site, and this material planning consideration in favour of the proposals must be given significant weight.

The proposal includes a range of hard boundary treatments, and these include a 2.4m paladin style fencing in black, which will surround the boundary of the site and the proposed units. A 1.1m high timber post and rail fence is proposed around units 2-4 and electronic sliding gates are proposed to the entrance of units 1 and 5. In addition, 2.4m high personnel gates are proposed throughout the site for security. These are the types of hard boundary treatments that are expected for this type of industrial development and will provide the necessary security and safety.

Based on the above, the development is considered to comply with Policies 5, 9 & 20 and NPPF Section 12 given that the design, scale and layout does not have an adverse effect on the overall local character.

Residential Amenity

The nearest residential properties to the site are the newly constructed houses situated to the south of the site on the other side of Lydia Becker Way (Phase R2), constructed by Redrow. They are located approximately 40m away at the closest point to the proposed development.

A Noise Assessment has been submitted with the application which concludes that the predicted noise levels from HGV's to sensitive receptors (such as residential occupiers) is lower than the existing ambient noise levels (which mainly consists of vehicle movements) and meets the criteria for good living and resting conditions for dwellings. In respect of fixed plant noise, the Noise Assessment recommends they should either be housed within the units or situated facing away from residential properties, and the details on specific limits and siting can be agreed through planning condition. Overall, the development is not considered to have an adverse impact on amenity as a result of noise.

The applicant has also submitted an Air Quality Assessment (AQA) which concludes that the development will not have a significant adverse impact on the immediate area. The AQA recommends a series of mitigation measures to minimise dust during the construction phase of development. A Construction Environment Management Plan (CEMP) has been submitted setting out how the development will be managed by the contractor which has been reviewed by Environmental Health and found to be acceptable.

Therefore, based on the above, the development will not have an adverse impact on residential amenity subject to conditions and the development is considered to comply with Policy 9.

Highways

The development proposes 138 parking spaces, 10 disabled parking spaces, and 50 cycle spaces. The Highways Engineer has reviewed the application and has no objections to the level of parking provision proposed and circulation space within the service yards for large vehicles such as HGV's. Furthermore, the site sits in a sustainable location with strong links to public transport, a wide range of local amenities and opportunities for walking and cycling. On this basis, the Highways Engineer does not envisage any additional significant increase in traffic generation to the detriment of highway safety and therefore, the development is considered to comply with Policy 5.

A condition will be required for construction, levels and drainage to ensure water does not discharge onto the highway.

The application involves the diversion of a Public Right of Way ("PROW") path no.43 to accommodate the development. It is proposed to divert the PROW route along the western boundary, where it will then reconnect to the existing route to the north of the site. Not only is the PROW diversion required to accommodate the development, but this is also required to protect users of the path from walking through a site that will be operating a heavy industrial

type use (B2/B8 uses). A diversion will still allow users to reconnect with the existing path at the other side of site but enables users to do so safely. The PROW Officer has not raised any objections to the proposals given the need to divert to ensure the safety of the general public.

Ecology & Arboriculture

The applicant has submitted a soft landscaping scheme with the application. Soft landscaping works are proposed around the north, east, south and western boundaries of the site, with some also situated within the site. The boundary treatments include a mixture of trees, shrubs, native hedge mix, native shrub mix, large tree mix and wildflower seeds. The Arboriculture Officer has reviewed the proposals and the planting schedule and has no objections to the proposal subject to condition, which ensures the management and maintenance of the soft landscaping proposed.

Greater Manchester Ecology Unit (GMEU) have been consulted and have confirmed they have no objection to the updated Ecological Assessment. No evidence of badgers or nesting birds were found. However, GMEU have identified that Himalayan Balsam is evident along the western part of the site boundary and a method statement and eradication strategy will be required. GMEU are satisfied with the proposed layout, and the planting along the northern boundary as well as two SUDs features, with planting around other boundaries also shown. GMEU have recommended conditions to ensure no work will take place during bird breeding season, and a condition to control the Himalayan Balsam on the western boundary. These conditions are attached to the recommendation.

Therefore, the development is considered to comply with retained 'saved' UDP Policy D1.5 and Policy 21

Drainage

Policy 19 states that the council will ensure development does not result in unacceptable flood risk or drainage problems by directing development away from areas at risk of flooding, and protecting and improving existing flood defences, water resources and quality, and that development proposals must carry out and pass the Sequential Test and, where necessary, the Exception Test, and be accompanied by a site-specific flood risk assessment.

According to the Environment Agency Flood Maps, the whole site is in Flood Zone 1 (the lowest risk of flooding). The proposal would be considered in the 'less vulnerable' use within flood risk vulnerability classification. United Utilities (UU) have reviewed the submitted Flood Risk Assessment and have confirmed that the drainage proposals are acceptable in principle. The applicants have confirmed how the proposed drainage strategy will link into the original drainage strategy agreed for the overall Foxdenton development, and no objections are raised to this. A condition will be applied to ensure that the drainage strategy is implemented as proposed in this application. On that basis the development complies with Policy 19.

Ground Conditions

National guidance within paragraphs 178 and 179 of the NPPF and Local Plan Policies 7, 8 and 9 are relevant, which seek to ensure that a site is suitable for its new 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.

The Environmental Health team has reviewed the submitted Geo-environmental Site Assessment and Gas Addendum Report submitted and have advised that there are no objections to the proposal. Environmental Health have recommended a condition in relation to remediation, and this will be attached to the decision notice.

Therefore, subject to conditions, the development complies with Policies 7, 8 & 9 and the associated requirements of the National Planning Policy Framework.

Conclusion

It is considered that the proposed development is acceptable and would readily integrate within the context of the wider Foxdenton Strategic Site. The amenity of occupiers of neighbouring properties would not be impacted to unacceptable levels as a result of the development and highway and pedestrian safety will be maintained. Having regard to all planning and material considerations the proposal meets the criteria in the National Planning Policy Framework (Sections 5, 9 and 12), Local Plan policies 1, 3, 5, 9, 15, 20 & 21, and saved UDP Policy D1.5.

RECOMMENDED CONDITIONS

Grant planning 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. No development shall commence unless and until a remediation strategy 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 in accordance with Local Plan Policy 9.
4. Prior to the commencement of development, a scheme for protecting the nearby properties from noise and vibration from construction works shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented throughout the construction period of the development. REASON - To

protect the occupiers of nearby premises from unnecessary disturbance from noise and vibration in accordance with Local Plan Policy 9

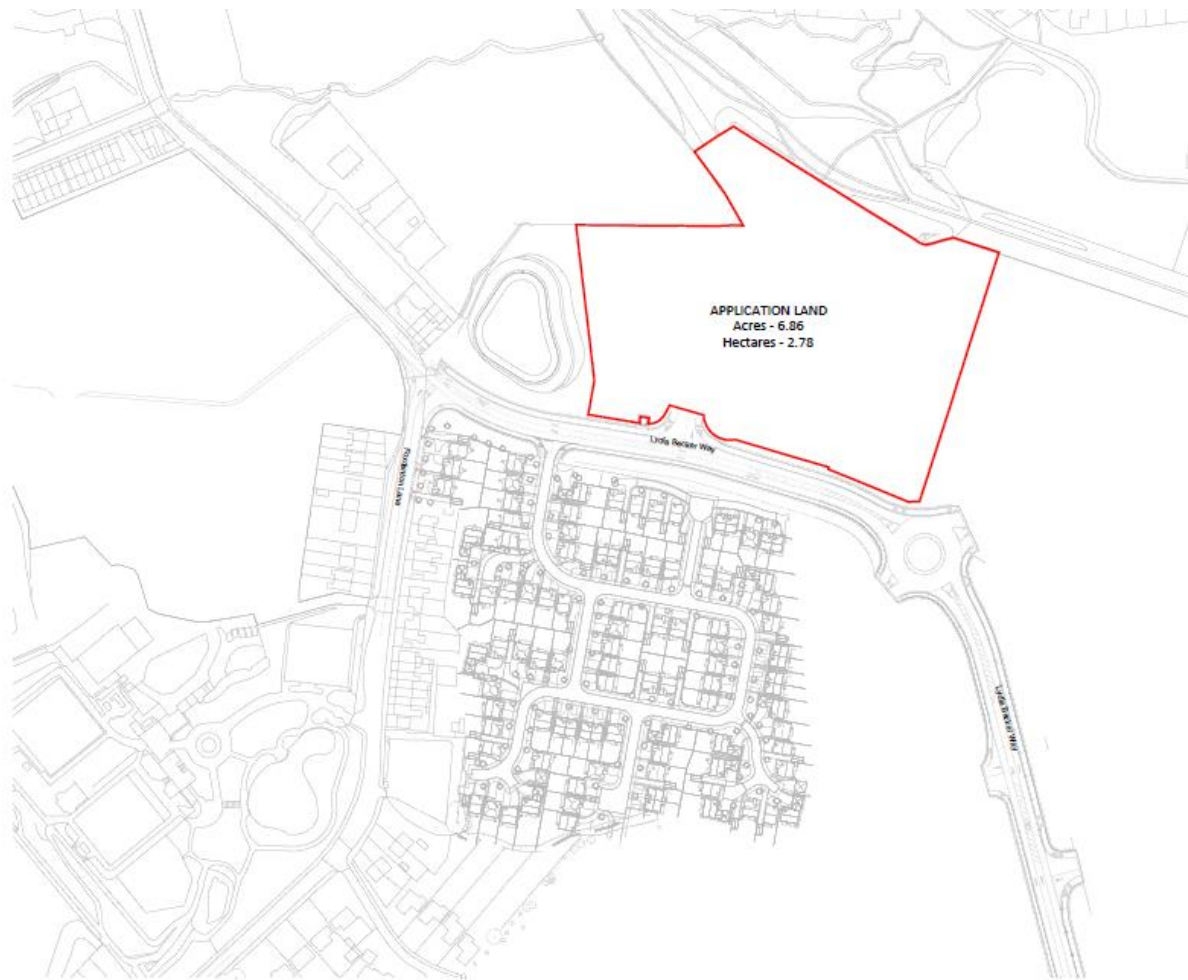
5. The development hereby approved shall not be brought into use until the access to the site, car parking spaces and service areas have been provided in accordance with the approved plan Ref:21095 P003 Rev E and with the details of construction, levels and drainage, which shall have been submitted to 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, servicing and turning areas 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.
6. No construction vehicle shall enter or leave the site, and no working shall take place on the site, on Sundays or Bank and Public Holidays at all or on Monday to Friday inclusive except between the hours of 07:30 to 18:00 or on Saturdays except between the hours of 09:00 to 13:00. REASON - to ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise in accordance with Local Plan Policy 9.
7. No crushing of stone, concrete or hardcore shall take place on the site at any time. REASON – To protect the amenity of the surrounding residents in accordance with Local Plan Policy 9.
8. The use of the buildings 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.
9. All hard and soft landscape works shall be carried out in accordance with the approved plans (Ref: 6697 Rev C, 6697.01 Rev C, 6697.02 Rev C, and 6697.03 Rev C) prior to the occupation of any part of the development or in accordance with the programme approved in writing by the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan 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.
10. The development hereby approved shall be carried out in accordance with the following drainage details:

- *Proposed Drainage Plan*, reference 21-023-CHA D01 P1, Dated 03.01.22; and
- *Culvert Diversion Overview* reference FDH-BWB-HDG-05-DR-D-0525 S4 Rev B1.

REASON - To ensure that a satisfactory system of drainage is installed having regard to Policies 9 and 19 of the Oldham Local Plan.

11. The development hereby approved shall be carried out in accordance with the mitigation measures set out in Section 6.0 of the submitted Air Quality Assessment September 2021 ref: 452498.0000.0000 REASON - To protect the amenity of surrounding residents in accordance with Policy 9 of the Oldham Local Plan.
12. The development hereby approved shall be carried out in accordance with the Energy and Sustainability Statement Version 2 undertaken by Cudd Bentley Consulting dated 06/09/2021 Version 2. REASON - To ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.
13. The development hereby approved shall be carried out in accordance with the External Lighting Assessment undertaken by Cudd Bentley Consulting dated 18/08/2021 Revision T01. REASON - To protect the amenity of surrounding residents in accordance with Policy 9 of the Oldham Local Plan.

LOCATION PLAN (NOT TO SCALE):



Location Plan
Scale 1:1250

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APPLICATION REPORT - FUL/346529/21 Planning Committee 16 February 2022

Registration Date: 24 March 2021
Ward: Shaw and Crompton

Application Reference: FUL/346529/21
Type of Application: Full Application

Proposal: Residential development of 42 dwellings, including the creation of a new access, ancillary landscaping, car parking, highway and drainage works and all other associated works.

Location: Land to the south of Denbigh Drive, Shaw, Oldham

Case Officer: Matthew Taylor
Applicant: Miller Homes
Agent: WSP

INTRODUCTION

The application is being reported to Planning Committee given the application comprises major development for 42no dwellings 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 to secure a financial contribution of £100,000.00 towards the enhancement of existing Open Space provision within the locality (further details to be reported on the Late List).

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

THE SITE

The application site comprises 3.19ha of agricultural grassland adjoined by an existing residential development to the north, agricultural land to west/south and a Site of Biological Importance (SBI) to the east.

It is irregular in shape and the topography undulates falling generally in a south-westerly direction. The site falls in height to the east towards the SBI and also to the south and south west towards the agricultural fields. Access to the site exists off Denbigh Drive.

In the bottom south western corner of the site, for approximately 55 meters, via a narrow, fenced grass track there is access to a public footpath. The source of the River Irk is located

just beyond the public footpath crossing point at the end of the grassed track in the south west corner of the site. Beyond this lies the golf course.

The site is located within an area designated as Other Protected Open Land (OPOL) by the Proposals Map associated with the existing adopted Local Plan (the Joint Development Plan Document), but would form part of an allocation for housing development under the proposed Places for Everyone Joint Plan due to be submitted for Examination this month. The site is also located in Flood Zone 1 (the lowest risk of flooding) on the Environment Agency's flood risk maps.

THE PROPOSAL

The planning application originally proposed the development of the site for 50no. dwellings on the site and associated works. Following the consideration of the application amendments were made to address objections raised by the Greater Manchester Ecology Unit which are explained in the following sections of this report. Essentially, the amendments reduced the number of dwellings to 42 and the increase a buffer zone between the proposed development and the adjacent SBI.

As such, and for the avoidance of doubt, the application now seeks full planning permission for the redevelopment of the site for the erection of 42no. dwellings, associated infrastructure, landscaping, and access. The proposed housing mix is as follows:

- 22 no. 3 bed dwellings; and
- 20 no. 4bed dwellings

Each of the proposed dwellings will benefit from front and rear gardens and off-street car parking provision as indicated.

RELEVANT PLANNING HISTORY:

There is no planning history relevant to this application.

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 16 - Local Services and Facilities;
- Policy 20 – Design;
- Policy 21 - Protecting Natural Environmental Assets;
- Policy 22 – Protecting Open Land;
- Policy 23 - Open space and sports; and,

Policy 25 – Developer Contributions.

National Planning Policy Framework (NPPF)

CONSULTATIONS

Environmental Health:	Recommended contaminated land conditions and informative notes.
Highways:	Recommended both conditions and informative notes relating to highway safety.
Greater Manchester Ecology Unit:	Recommended conditions in regards the protection of and future management of the SBI.
United Utilities:	Recommended conditions and informative notes to address both drainage and the management and maintenance of Sustainable Drainage Systems.
LLFA/Drainage	Raised no objection to the updated FRA and have recommended a sustainable drainage condition.
Trees	No objection, subject to condition requiring the implantations of the tree protection measures proposed.
Environment Agency	Recommended conditions and informative notes relating to drainage and biodiversity.
Greater Manchester Archaeological Advisory Service	Recommended a condition for the implementation of a programme of archaeological works.
Greater Manchester Police Architectural Liaison Unit:	Recommended that a condition to reflect that the physical security measures within Section 4 of the submitted Crime Impact Statement be attached.

REPRESENTATIONS

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) Order 2015 and the Council's own Statement of Community Involvement the application has been advertised by means of neighbour notification letters, site notice, and press notice. In response, the following representations have been received:

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

Summary of objections:

- Impact on local ecology;
- Scheme would disturb local wildlife;
- 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;
- 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;
- Strain on existing community facilities, existing lack of doctors, dentist, shops and school places;
- There is insufficient public transport provision;
- The estate already has issues at both exits, when traffic volumes that impedes the flow of traffic and causes bottlenecks, at Crompton House School and Edward Road. Attempting to exit the estate at peak times onto the main roads is unsafe due to illegal parking especially at Crompton House school.
- Access to the site is inadequate for both the development stage (heavy plant and delivery vehicles) plus the longer-term traffic volume which could result from the scheme. Green spaces should not be developed on while brown field sites are available;
- As a source of a spring that forms the River Irk a development could cause knock-on effects;
- Negative impact on residential amenity of adjoining neighbours;
- Scheme represents over-development;
- Application is supported by misleading information.

Shaw & Crompton Parish Council recommendation – Refusal on the grounds that the proposal does not include an environmental management plan or a transport impact assessment.

PLANNING CONSIDERATIONS

The main planning issues for consideration are as follows:

1. Principle of Development;
2. Developer Contributions;
3. Planning Balance;
4. Energy;
5. Highway safety;
6. Design
7. Residential Amenity;
8. Trees;
9. Ecology;
10. Drainage;
11. Environment Agency;
12. Contamination and Landfill Gas;
13. Archaeological records; and
14. Crime.

Principle of Development

5-year Housing Land supply:

NPPF paragraph 159 requires local authorities to prepare a Strategic Housing Land Availability Assessment (SHLAA) to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

Oldham's most recent SHLAA (as at 1st April 2020) sets out a baseline assessment of potential housing land within Oldham, and indicates when it may come forward for development, in line with NPPF requirements.

The findings of the SHLAA 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 at this time. As such, delivering housing on suitable sites is imperative to meeting local needs.

The Housing Delivery Test (HBT) result for 2021 was published 14 January 2022, Oldham has delivered 91% of its housing need over the past three years. This is a significant improvement on last year's results of 80%. As per the latest result we are only required to produce an Action Plan, identifying and analysing causes of under-delivery and setting out actions to address them, as per the HDT rulebook.

Therefore, according to the evidence, Oldham cannot meet its requirement over the remaining plan period and there is insufficient brownfield land to meet the Council's need.

As the Council cannot currently demonstrate a five-year supply of deliverable housing land, what is known as the 'tilted balance' applies to proposals for new housing development. Paragraph 11d) of the National Planning Policy Framework requires 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.

Whether Local Plan Policies 1 and 22 (in relation to 'Other Protected Open Land') are strictly policies relating to the provision of housing does not remove this requirement. The Supreme Court has clarified that where there is a 5-year housing land supply shortfall, "it matters not whether the failure is because of the inadequacies of the policies specifically concerned with housing provision, or because of the over-restrictive nature of other non-housing policies, this shortfall is enough to trigger the tilted balance".

Nevertheless, in implementing the 'tilted balance', consideration still needs to be given to adopted policies, and the weight given to policies is a matter for the decision-maker. However, in reaching an assessment of weight to be applied, consideration should also be given to the policy's compatibility to the wider aims of the NPPF, particularly as the Local Plan was adopted prior to the current version of the NPPF.

Other Protected Open Land (OPOL):

Policy 22 of the Local Plan sets out the council's approach to protecting certain areas of open land in and around the built-up areas of the borough and that is not within the Green Belt. It states that development on OPOL will be permitted where it is appropriate, small-scale or ancillary development located close to existing buildings within the OPOL, which does not affect the openness, local distinctiveness or visual amenity of the OPOL, taking into account its cumulative impact.

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

It is noted that this application site has been put forward as part of a strategic allocation in Places for Everyone. Furthermore, the southern most part of the proposed allocation has a recently permitted planning permission (Ref: PA/344179/19). Alongside the preparation of Places for Everyone and the Oldham Local Plan Review, all OPOL sites have also been assessed as to whether they meet the nationally-prescribed Local Green Space criteria.

For this Cowlshaw OPOL, whilst parts of the site are covered by priority habitats, it is considered that the OPOL as a whole would not meet the qualities required in order to qualify as a Local Green Space under the NPPF.

Nevertheless, the Council has not yet made a decision on whether to redesignate OPOL and Local Green Space under the Local Plan Review, and the OPOL designation remains the current policy designation for this land. As such, the development of 44 homes cannot be considered small scale or ancillary development, as permitted by Policy 22 of the existing, adopted Joint DPD.

Given the OPOL designation, it is considered that the development of the site would need to be robustly demonstrated as to how it meets the established policies of the Joint DPD and encourages sustainable development in accordance with the NPPF. The lack of a five-year Housing Land Supply (HLS) means that the amount of weight that can be given to designations which restrict the supply of housing is ultimately left to the decision-maker and will be addressed in the 'Planning Balance' section below.

Places for Everyone (PfE)/Greater Manchester Spatial Framework:

It is noted that the applicant has stated that the site has been identified in the previous versions of the Greater Manchester Spatial Framework (now Places for Everyone) as part of the proposed strategic allocation at Cowlshaw.

Whilst it is noted that the amount of weight that Places for Everyone can be given is limited at this time, given that it has not yet progressed to Regulation 19 status, the policies within it should be used as a guide for future development in the area, given the timescales involved.

It is considered that the proposal, in its current form, would conflict with the aims and requirements of Policy JP Allocation 16 within the Publication version of Places for Everyone (August 2021), which requires the allocation to be developed in accordance with a masterplan and design code, in that it is pre-empting the preparation of any such masterplan or design code for the wider allocation. Consideration therefore needs to be given as to how the site will relate to the wider area without prejudicing delivery of the key principles of the proposed strategic allocation.

Housing:

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). The site is not identified within the SHLAA as at 1st April 2020. These three criteria are considered in turn below:

Housing land supply position:

As noted above the Council cannot currently demonstrate a five-year supply of deliverable housing land.

Delivery of the borough's regeneration priorities:

The application site is within 10-minute walk of the required local services and is served by frequent public transport.

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. This matter will be fully addressed below.

Developer Contributions

Affordable Housing:

Policy 10 of the Local Plan sets the current target at 7.5% of the total development sales value to go towards the delivery of affordable housing, unless it can be clearly demonstrated to the Council's satisfaction that this is not viable. This must be provided on-site unless there are exceptional circumstances that would justify off-site provision within the locality or a financial contribution in lieu of provision.

Education:

Policy 25 of the Local Plan requires infrastructure contributions to be sought from developers to provide appropriate infrastructure to support it and / or to mitigate the impact of the development. It continues to outline that, whilst negotiating developer contributions, the council will have regard to the nature and scale of the proposed development and its financial viability.

The applicant is aware of the policy requirement for an education contribution having regard to the availability of school places at the time of determination. Contributions can only be used

by the Council towards the provision of school places to meet the need generated from the development and for no other purpose.

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.

Financial viability:

Following the reduction in the number of units, to address concerns raised by GMEU about the SBI buffer zone and impact of the proposed peat removal, the applicant has provided updated economic viability information which demonstrates that the scheme cannot sustain full contribution towards Affordable Housing, Public Open Space and Education.

According to the applicant's calculations, based on the original appraisal revenues, the amended development would generate a deficit of c. £200,000. However, the Council's independent review of the original viability appraisal revealed that higher revenues should be used which has been adopted by the applicant in an updated appraisal. With the updated revenues it is calculated that the amended development generates a surplus of c. £90,000 which could potentially be sought for S106 contributions.

Concerns were raised by the applicant on the basis that it is not reasonable to uplift the revenues without any increase in standard build costs to reflect cost inflation over the same period. However, the applicant has accepted a £100,000 s106 contribution towards mitigating the impacts of development.

Officers therefore consider the scheme is unviable if the full amount of contribution is required to address policies 10, 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 £100,000 towards the enhancement of existing Open Space provision within the locality. Further details will be provided in the Late List.

Planning Balance

The NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development and that achieving sustainable development means the planning system has three overarching objectives: the 'economic objective', the 'social objective', and the 'environmental objective'. The NPPF states the three overarching objectives are not criteria against which every decision can or should be judged. So that sustainable development is pursued in a positive way at the heart of the Framework, there is a presumption in favour of sustainable development.

In terms of Paragraph 11(d)(ii), there is a presumption in favour of sustainable development unless the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The status of the site as Other Protected Open Land (OPOL) was designated in 2011 in recognition of the need to preserve the local distinctiveness of the area. The development

would therefore result in harm to the OPOL comprising some loss of openness and views to the adjoining Greenbelt which would be detrimental to local distinctiveness.

Nevertheless, it is considered that the amended scheme incorporates measures to prevent harm to the SBI, and the proposed layout provides for outward views from the public domain over the adjoining Green Belt and OPOL.

In addition, it is considered that the environmental, economic and social benefits of the scheme outlined by the applicant, which include the creation of employment opportunities, additional £770,000 per annum net additional household expenditure, supply of needed homes, and securing the long-term management of the SBI, amounts to sustainable development in the context of the NPPF.

Therefore, in weighing these considerations in the context of the tilted balance given the absence of a five-year housing land supply, it is considered that the harm would not significantly and demonstrably outweigh the inherent benefits of the scheme. As such, the proposed residential development of the site is considered acceptable in principle.

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: 15% Carbon Reduction Study' by Energy & Design, Rev A 01/12/21, which notes the development will achieve a 15% reduction in CO₂, 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 highway safety.

The proposed development represents an extension to the well-established High Crompton residential estate. Therefore, it can only be considered that the scheme benefits from good access to a wide range of amenities and public transport links in accordance with Policies 3 and 5.

Some local residents have objected to the application on the basis of their concerns about the increase in vehicular movements through the existing estate (of which Denbigh Drive forms part), and would result in major impacts on highway safety and pollution. However, a robust Transport Assessment has been submitted with the application, contrary to the comments of the Shaw and Crompton Parish Council, which considered the existing conditions and the impact the proposed development on the local highway network. This assessment has been assessed by the Councils' Highway Engineer who does not anticipate any adverse or significant increase in traffic generation, or any additional demand for on street parking. As such, the Highway Engineer does not consider the proposed development would be detrimental to highway safety.

Moreover, the Council's Highways Section has worked proactively with the applicant to amend both the access and internal layout of the site so that it accords with the Local Highway Authority standards for adoption and ensures adequate parking provision.

Therefore, as the amended highway layout (Dwg no. DO-SL-01 Rev L) is acceptable and can 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.

During the consideration of this application, it has become increasingly clear that the site has key constraining factors, including not only the original access width but an SBI to the east and peat within the site to the south. As a direct result the number of units proposed has been reduced to provide a sufficient stand-off buffer zone from the SBI and removed development of the area of peat. Moreover, the supporting Design and Access Statement explains that the proposed layout has been amended to respond to not only the existing street scene but be outward facing, to create a strong, defensible edge to the site.

Whilst the scale/massing and materials proposed for the house types have been designed to be in keeping with the within the surrounding area they have modern fenestration details that will provide the estate with its own character and create a scene of place.

The proposed hard and soft landscaping, that will form part of the development, is considered to be acceptable which incorporates 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.

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 Denbigh Drive No's 27 to 49:

The rear elevations of the proposed units that back on to these neighbouring dwellings are located between 20m and 21m from the rear elevations of these neighbouring properties. As such, it is considered the development would not appear overly oppressive nor result in any significant loss of light to the habitable rooms of these neighbouring properties.

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

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."

Most of the existing trees that could be impacted by the development are outside of the site. The submitted Arboricultural Impact assessment and Method statement outlines no removals are required to facilitate the scheme. Moreover, the Council's Arboricultural Officer has been consulted on the application but has raised no objection subject to conditions that require the implementation of the submitted tree protection measures.

Therefore, 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.

As the application site includes an SBI the originally proposed layout proposed a 5m buffer zone given the change in levels/earth works that are required to facilitate the development., The Greater Manchester Ecology Unit raised concerns over the schemes' impact and to address this the applicant amended the scheme to provide a 10m buffer zone.

To help protect the SBI the proposal layout is outwardly designed so that the estate road and dwellings on the east side of the development provide natural surveillance and a sense of ownership/enjoyment of the SBI by the residents. Moreover, the buffer zone is enclosed with a knee-high railing. Moreover, it is noted the amended landscaping plans include the planting of trees, shrubs and wildflowers within the buffer, to further improve biodiversity.

It is considered that any permission includes the requirement of a Landscape Ecological Management Plan (LEMP) to include monthly litter/waste removal from the SBI and a quarterly review during the landscape establishment period of any anti-social activities/boundary effectiveness that may be damaging the SBI so that remediation can be considered during that first 5 years of landscape establishment and occupation of the homes.

In addition, it was also originally proposed that the development would require the removal of an area of peat within the southeast corner of the site. However, following concerns being raised regarding this removals impact on the SBI, it has been removed and the development reduced in this area of the site.

Protection from disturbance of the badger sett:

Within the site there is a need to consider the protection of a known badger sett. GMEU note this can be achieved with the landscape of this area with dense scrub in the first planting season following a material start on site.

Whilst this is unusual, as landscape treatments would usually be triggered by completion of plots/phases, this matter has been addressed with an appropriately worded Badger Method Statement/CEMP condition.

Construction Environmental Management Plan (CEMP):

Given the ecological value of the SBI and the clear concerns regarding the development impact (raised by GMEU, objectors, and the Shaw and Crompton Parish Council), it is considered, in this instance, to require a CEMP be agreed prior to works commencing on site. It should include robust protection with suitable fencing and signage to ensure that the SBI and buffer are not impacted by construction works. This has been addressed by way of condition.

External Lighting Scheme:

Given the position of the development adjoining an SBI it has been recommended by GMEU that the schemes for lighting are designed in line with the Institute of Lighting Professionals (ILP) guidance 01/2021 (obtrusive lighting) and 08/2018 (wildlife sensitive), which is in line with the NPPF (July 2021 para 185c). This has been addressed by way of condition.

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 have reviewed the submitted 'Adoptable Roads and Drainage Layout' and have raised no objection to the application in principle. On this basis, they have recommended the imposition of a condition requiring these details be carried out onsite and no surface water will be permitted to drain directly or indirectly into the public sewer.

In addition, the Council's Drainage section has reviewed both the updated Flood Risk Assessment (FRA) (Ref: 6484/R1 Rev D, dated January 2022) and the amended drainage plans (Dwg ref: 6484-01-02-K), and raised no objection to the application in principle. A planning condition attached to the recommendation requires details to be submitted for the provision of a sustainable drainage system on the site.

Environment Agency

Having been consulted and having considered the submitted details the Environment Agency has no objection in principle to the proposed development, but has made the following comments:

Biodiversity:

The ecological protection and enhancements (ERAP, May 2021 & Mar 2021) that have been proposed will require a long-term management plan to be in place. This will ensure the landscape provides a maximum benefit to people and the natural environment. However, it is clear this will only be acceptable if a planning condition requiring a landscape management scheme is included.

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. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in significant harm to, therefore, this is included with in the recommendation.

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 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.

Archaeological records

Paragraph 189 of the NPPF states:

Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

GMAAS originally noted the site warrants a scheme of archaeological works, in the form of trial trenching, to determine the archaeological potential of the site. To address these comments the applicant has liaised with GMAAS directly, and a Written Scheme of Investigation (WSI) has been submitted to and agreed by GMAAS. To this end, a condition to address the investigation works being undertaken has been attached to the recommendation.

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 measures within Section 4 of the submitted Crime Impact Statement be attached and therefore, this is included with in the recommendation.

CONCLUSION

For the reasons set out above, it is considered that the proposal represents sustainable development given it would provide a significant and positive contribution towards the Council's identified housing needs in a sustainable location. Together with the mitigation to be secured through the imposition of conditions and a Section 106 agreement to secure off-site open space improvements, it 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:

- A financial contribution of £100,000.00 towards the enhancement of existing Open Space provision within the locality.

Conditions:

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

REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

3. No 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 DOSL 01 Rev L 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.

4. Notwithstanding the above, no dwelling shall be occupied until a drawing has been submitted to and approved by the Local planning Authority with details of a highway improvement on Denbigh Drive at the entrance to the development site. This should include an additional surface treatment and additional lining and signing.

Reason – To ensure that the site can be accessed safely in accordance with Policies 5 and 9 of the Oldham Local Plan

5. No work shall commence above ground unless a scheme has been submitted to and approved in writing by the local Planning Authority showing details of the proposed

Public Right of Way to the south of the site and the connectivity with the overall development. No dwelling shall be occupied until all works that form part of the approved scheme are complete. Reason – To ensure that the site can be accessed safely in accordance with Policies 5 and 9 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 commencement of any phase of development a construction management plan (CMP) 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;
- Details of on-site storage facilities; and,

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

REASON - In the interest of highway safety and amenity, in accordance with Policies 5, 9 and 20 of the Local Plan.

8. 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. 6260.01, Rev B. 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 and all works on site shall be carried out having regard to the requirements of the Arboricultural Impact Assessment & Method Statement (Revision B) by tba landscape architect.

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.

9. 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 and having regard to requirements of the paragraph 183 of National Planning Policy Framework.

10. All planting, seeding or turfing comprised in the approved landscaping detail Dwg no. 101, Rev E 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.

11. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Preliminary Adoptable roads and Drainage Layout, ref: 6484-01-02 Revision K, dated 18/01/2022 produced by Lees Roxburgh Limited. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. 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.

12. No development shall be permitted until a detailed method statement for removing or the long-term management / control of Variegated Yellow Archangel 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 Variegated Yellow Archangel 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 Variegated Yellow Archangel which is an 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

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.

14. The archaeological investigation works and subsequent reports of their findings shall be undertaken in full in accordance with the approved Written Scheme of Investigation for Archaeological Evaluation prepared by Lanpro Service, dated December 2020.

REASON: In accordance with NPPF Section 16, Paragraph 199 - 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 fact, and to make this evidence (and any archive generated) publicly accessible.

15. No development shall take place until an Environmental Construction Method Statement (ECMS) setting out details of measures to protect the nature conservation interest of the SBI during construction has been submitted to and approved in writing by the Local Planning Authority. The ECMS shall include details of the following:

- the siting, height and design of any protective barrier to be erected between the site and the SBI proposed 10m buffer zone;
- any reasonable avoidance measures to limit the potential for harm to habitats and species associated with the SBI;
- measures to prevent local ground and surface water pollution; and,
- A timetable for implementation

Development shall thereafter be carried out in strict accordance with the details and timetable contained within the duly approved ECMS.

Reason: In order to ensure that appropriate mitigation measures are put in place to safeguard the nature conservation interest of the adjacent habitat during the construction period before any development takes place in accordance with the requirements of policies 6 and 21 of the Local Plan, and the National Planning Policy Framework.

16. No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to, and approved in writing by, the local planning authority. The landscape 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 of retained, protected and new semi-natural habitats as indicated on landscape plan Drwg. 101 Rev. E;
- details to protect the badger sett with dense scrub planting, to be planted in the first planting season following a material start on site;
- details of any new habitat created, including new multifunctional SUDs basin, and wildflower meadows on site;
- details of new soft landscaping including planting schedule predominantly based on appropriate native species and ecological guidance (ERAP, Mar 2021 & section 5.0 Ecological assessment May 2021);
- details of treatment of site boundaries and/or buffers around water bodies including springs, ditches and wetland SBI;
- details of management responsibilities;
- details of monitoring to check efficacy of maintenance and management prescriptions;
- details of monthly litter/waste removal from the SBI; and,
- details of quarterly review during the landscape establishment period of any antisocial activities/boundary effectiveness that may be damaging the SBI so that remediation can be considered during that first 5 years of landscape establishment and occupation of the homes.

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 19 & 21 of the Oldham Development Plan

17. Notwithstanding any details contained within the application, a scheme for the installation of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed. The scheme shall be designed in line with the Institute of Lighting Professionals (ILP) guidance 01/2021 (obtrusive lighting) and 08/2018 (wildlife sensitive), which is in line with the NPPF (July 2021 para 185c). This has been addressed by way of condition, and include details of the lighting's:

- position and height on the building(s) and/or site;
- spillage, luminance and angle of installation; and
- any hoods to be fixed to the lights. Any external lighting shall only be installed in accordance with the duly approved scheme.

REASON- To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers, detract from visual amenity or impact the SBI in the surrounding area as a result of light pollution in accordance with the requirements of Policies 5, 6, 9 and 21 of the Local Plan and the National Planning Policy Framework

18. No development shall commence until full details of a scheme for a sustainable drainage system to serve the site, and method of implementation including arrangements to secure funding and maintenance for the lifetime of the development through an appropriate legally binding agreement have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved scheme.

a) Details of a scheme for a sustainable drainage system should be based on sustainable drainage principles with the following further information to be provided:

Information about the lifetime of the development, and design of a sustainable drainage system including discharge rates and volumes, and appropriate measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;

b) Details of how any flood water, including depths, will be safely managed in exceedance routes;

c) Details of a scheme for the management of overland flow from surcharging of the site's surface water drainage system. This must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed ground levels, watercourse embankments levels and proposed building Finished Floor Levels set to a level stipulated by the NPPF and demonstrating that there is no increase in flood risk to the development or third party;

d) A plan illustrating means of secure access for maintenance (and easements where applicable) of all pipes, drains or sewers;

- e) Provide O&M manual for SUDS following best practice guidance;
- f) Confirmation of the owner and maintainer of assets;
- g) Completed North West SuDs Pro-Forma fees to be submitted and approved to the LPA prior to commencement of works;
- h) Completed land drainage consent application and associated fees to be submitted and approved to the LPA prior to commencement of and surface water works;
- i) Pre and Post development condition survey of the watercourse to the South West of the site where surface water outfall is proposed; and
- j) An As-Built record of the development.

Reason: To prevent the increased risk of flooding both on and off site and ensure satisfactory drainage facilities are provided to serve the site in accordance with the National Planning Policy Framework and Oldham Council Policy 19 Water and Flooding

APPLICATION REPORT – LBC/347521/21 Planning Committee 16th February 2022

Registration Date: 6th September 2021
Ward: Saddleworth South

Application Reference: LBC/347521/21
Type of Application: Listed Building Consent

Proposal: Single and two storey rear extensions
Location: 1A Lower Tunstead, Tunstead Lane, Greenfield, OL3 7NT

Case Officer: Sophie Leech
Applicant: Mr David Sheldon
Agent: Mr Kenneth Waddington

INTRODUCTION

This application is being reported to Planning Committee in accordance with the Scheme of Delegation as the applicant is related to an Elected Member of the Council.

RECOMMENDATION

To refuse for the reason set out at the end of this report.

THE SITE

The site relates to a Grade II listed building, built circa 1730 which is located on the northern side of Tunstead Lane in the small hamlet of Tunstead, approximately 600m north east of the village of Greenfield. There are a number of listed buildings in the Tunstead area and all buildings are characterised by traditional stone and slate. The site lies within the Green Belt and is close to the Peak District National Park.

BACKGROUND

Previous Applications (reference numbers HH/345153/20 and LB/345154/20) proposing single and two storey rear extensions to the property were refused by the Planning Committee at their meeting on 14 October 2020. Subsequently, the applicant lodged appeals with the Planning Inspectorate which were both dismissed by on 15 March 2021. The Inspector concluded that the proposals *“would fail to preserve the special interest of the listed building. The scheme would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and Policies 9, 20 and 24 of the Oldham Local Plan 2011”*

This was followed by amended application (reference numbers HOU/346670/21 and LBC/346671/21 which were also refused by the Planning Committee at their meeting on 7 July 2021. These applications remain the subject matters of ongoing appeals lodged with the Planning Inspectorate.

THE PROPOSAL

Listed building consent is now sought for a single and two storey rear extension. However, the associated household planning application has not yet been submitted.

The extension would measure approximately 3.35m in depth and 6.15m in width at ground floor level. At first floor level it would measure 3.35m in depth and 2.85m in width. The overall roof height would measure 5.15m with an eaves height of 3.35m. It is proposed to construct the extension in stonework to match the existing property.

RELEVANT PLANNING HISTORY

HOU/346670/21 – Single and two storey rear extension – Refused (07/07/21) – Appeal pending

LBC/346671/21 – Single and two storey rear extension – Refused (07/07/21) – Appeal pending

HH/345153/20 – Two storey rear extension – Refused (20/10/20) – Appeal Dismissed

LB/345154/20 – Two storey rear extension – Refused (20/10/20) – Appeal Dismissed

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 9 - Local Environment;
Policy 20 – Design;
Policy 22 – Protecting Open Land; and,
Policy 24 – Historic Environment.

National Planning Policy Framework (NPPF)

CONSULTATIONS

Conservation Officer:

Following consideration of the most recently amended plans received on 22 November 2021 these do not address concerns raised to previous applications which led to their refusal.

The proposed two storey element would still represent a visually incongruous addition to the historic building by reason of its appearance and scale therefore causing 'less than substantial harm' to the significance of the heritage asset. In line with paragraph 202 of the NPPF, when assessed against the public benefits of the scheme, the public benefits put forward would not outweigh the identified harm.

Overall, it is considered the proposal would not serve to preserve or enhance the special interest of the listed building, contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Oldham's Local Development Framework.

REPRESENTATIONS

The application has been advertised by means of neighbour notification letters, site notice, and press notice. No representations have been received in response.

PLANNING CONSIDERATIONS

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development that affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 194 of the National Planning Policy Framework (NPPF) requires the applicant to describe the significance of the heritage asset including any contribution made by its setting with the level of detail proportionate to the assets' importance.

Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance, great weight should be given to the asset's conservation and the more important the asset, the greater that weight should be.

A Design, Access and Heritage Statement has been submitted with the application and justifies the proposals in terms of the changes made in respect of the outcome of the appeal decision.

In relation to the current proposed plans, the first floor section is wider than the previous first floor section and the single storey section remains as previously refused in terms of its width, height, and design. The roof has been altered to create a continuous cat slide roof design, whereas previously there was a small flat roofed section and then a catslide roof. The amendments are therefore not considered significantly different to the previous refusals.

Extension:

Paragraph 13 of the Appeal Decision states that the previous two storey rear extension was *"sited in a position where it would obscure part of the historic fabric of the original 1730's house, in particular the quoin details and areas of smaller phasing and would fail to preserve its special interest"*.

The current proposal has now been increased in width at first floor level but it is now proposed to glaze the link between the extension and the property to reduce any harm on the historic fabric of the building. Whilst this alteration has been made the extension, by virtue of its siting, would still obscure parts of the original building dating back to 1730 and 1750 as indicated on the Building Progression plan submitted with the application.

The Heritage Statement suggests that the first-floor bathroom area would be accessed through the 1750s stone wall where previously it was proposed to access the bathroom via a window at the top of the staircase (the window was added in the 1960s) and the stonework below the window would be removed to form the doorway. It is now considered that the harm caused by removing 1750s stonework would be greater than the previous proposal to remove the more recently added window.

The recent appeal decisions are a material planning consideration in the assessment of this application for listed building consent. There is continued agreement with the Inspectors' view that the loss of the unsympathetic ground floor bay window would be a benefit to the scheme, but overall, this would not outweigh harm caused by the loss of original fabric in the oldest part of the building. The Inspector cited this as a fundamental issue in Paragraph 14 of the Appeal Decision and it is considered this has not been overcome by the new proposal.

Windows & Doors:

The previously refused applications included the enlargement of the side window opening to the kitchen extension and full-length timber patio doors. The Inspector stated that this would replace an existing uPVC window and would be a positive step in terms of using more appropriate materials (Paragraph 15). However, the scale and design of the patio doors would fail to respect the historic character of the dwelling.

The new proposal includes a timber door which would be acceptable. However, both side elevations of the extension would have glazed panelled windows which are not in keeping with the traditional character of the property or wider area, impacting on how the property is viewed from outside.

The Heritage Statement suggests that the extension has been designed to have no negative impact on the historic core and is designed to be reversable. It also states that the building elements (of the extension) take into account principles from the Saddleworth vernacular. The Council disagrees with this as glazed panels are not a traditional feature on any historic building.

Roof:

The proposed extension remains with a cat slide roof which is still considered to be at odds with the form of the existing roof. The Inspector agreed this was an issue and the differing roof pitch would result in a discordant addition to the dwelling. The cat slide roof now flows straight from the main roof; however, the bulk of the extension results in an incongruous addition by reason of the overall appearance and scale, causing harm to the building.

Summary

As the Inspector has previously stated, the listed status covers all architectural interest as a whole and is not just confined to the principal elevation. The rear of the building is as important to its special interest. The proposals are still considered to cause harm to the character of the listed building by virtue of the first floor section which would obscure views of the historic part of the building and would provide an untraditional glazed link to the building, causing harm to the design and appearance of the building.

It is concluded that the works subject of this application would result in 'less than substantial harm' in the context of NPPF Paragraph 202. In such circumstances, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The applicant has explained that *"the proposal is a very small addition to the building which can be fully appreciated and does not affect the reading of the buildings historic heritage. The design details relating to the reversibility of the proposal and minimises the physical affect to the removal of an extremely small area of historic stonework under the staircase window. The use of natural stone coursed to match the existing utility and stone roofs would reduce any impact when viewed from distant viewing points"*.

It is considered that the proposal could not be easily reversed and there are no public benefits demonstrated which clearly outweigh the extent of harm identified. Therefore, it must be concluded that the development will harm the historic significance of the heritage asset, contrary to the provisions of the Act, and both national and local planning policies.

CONCLUSION

Allowing for the conclusions in respect of the implications for the character and appearance of the listed building, and subsequent conflict with the aims of the aforementioned local and national policies concerning the historic environment, this application cannot be supported and is recommended for refusal for the following reason(s):

REASON FOR REFUSAL

1. The proposed extensions represent a visually incongruous additional to the historic building by reason of their appearance and scale. As such it would cause 'less than substantial harm' to the significance of a heritage asset, as assessed by Paragraph 202 within the National Planning Policy Framework. No public benefits have been demonstrated to outweigh the identified harm, and therefore, the proposal would be contrary to the requirement of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies 9, 20, and 24 of the Oldham Local Development Framework, and Part 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.

LOCATION PLAN (NOT TO SCALE):

1A Lower Tunstead Lane
Greenfield OL3 7NT

Location plan

Scale 1:1250 at A4

