

PLANNING COMMITTEE Regulatory Committee Agenda

Date Wednesday 9 March 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, 4 March 2022.
 4. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council’s website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti social behaviour will always be filmed.

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

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

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:

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

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 16 February 2022 are attached for Members' approval.
- 6 PA/337710/15 Land off Hale Lane/Hughes Close, Failsworth (Pages 5 - 16)
- 7 LBC/348091/21 Morley Bunkers, Tunstead Lane, Greenfield, Oldham, OL3 7NY (Pages 17 - 22)
- 8 VAR/348019/21 Running Hill Cottage, Running Hill Lane, Dobcross, Oldham, OL3 5JS (Pages 23 - 28)
- 9 FUL/347787/21 Former High Barn Resource Centre, High Barn Street, Royton (Pages 29 - 44)



PLANNING COMMITTEE
16/02/2022 at 6.00 pm

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

Also in Attendance:

Peter Richards – Head of Planning

Alan Evans - Group Solicitor

Wendy Moorhouse - Principal Transport Officer

Martyn Leigh - Development Management Team Leader

Matthew Taylor – Senior Planning Officer

Stephen Gill – Planning Officer

Peter Thompson – Constitutional Services

Councillor McLaren – Chadderton Central Ward Member

Councillor Murphy – Crompton Ward Member

15 members of the public

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Al-Hamdani.

2 URGENT BUSINESS

There were no items of urgent business received.

3 DECLARATIONS OF INTEREST

Councillor Woodvine declared a personal interest at agenda item 9.

4 PUBLIC QUESTION TIME

There were no questions from members of the public for this meeting of the Committee to consider.

5 MINUTES OF PREVIOUS MEETING

Resolved:

That the minutes of the meeting of the Planning Committee, held on 19th January 2022 be approved as a correct record.

**6 OUT/346784/21 - LAND AT BROADWAY GREEN
BUSINESS PARK, FOXDENTON LANE, CHADDERTON**

APPLICATION NUMBER: OUT/346784/21

APPLICANT: Aldi Stores Ltd

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.

It was MOVED by Councillor Brownridge and SECONDED by Councillor Surjan that the application be REFUSED (against Officer recommendations).

On being put to the vote 8 VOTES were cast IN FAVOUR OF REFUSAL and 3 VOTES were cast AGAINST with 3 ABSTENTIONS.

DECISION: That the application be REFUSED, because the Committee considers that the application, if approved, would result in a loss of available employment land, which represents a departure from Policy 14 (Supporting Oldham's Economy) of the Oldham Joint Development Plan (Local Plan).

NOTES:

1. That an Objector, a representative of the Applicant and a Central Chadderton 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 10.

7 FUL/347589/21 - PLOT 3000, LYDIA BECKER WAY, OLDHAM

APPLICATION NUMBER: FUL/347589/21

APPLICANT: Chancerygate Ltd

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

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

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

DECISION: that the application be GRANTED, subject to the conditions as outlined in the report and the Late List attached at Item 10.

NOTES:

- 1.. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 10.

8 FUL/346529/21 - LAND TO THE SOUTH OF DENBIGH DRIVE, SHAW, OLDHAM

APPLICATION NUMBER: FUL/346529/21

APPLICANT: Miller Homes

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

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

On being put to the vote 9 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 and the Late List attached at Item 10, including a Unilateral Undertaking securing a financial contribution of £100,000.00 towards the enhancement of existing Open Space provision within the locality.

NOTES:

1. That an Objector, a representative of the Applicant and a Crompton 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 10.
3. Councillors Lancaster and Woodvine left the meeting prior to the vote being taken on this application.
4. Councillor Williamson left the meeting at the conclusion of the consideration of this planning application.

9 LBC/347521/21 - 1A LOWER TUNSTEAD, TUNSTEAD LANE, GREENFIELD, OL3 7NT

APPLICATION NUMBER: LBC/347521/21

APPLICANT: Mr David Sheldon

PROPOSAL: Single and two storey rear extensions

LOCATION: 1A Lower Tunstead, Tunstead Lane, Greenfield,
OL3 7NT

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

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

DECISION: That the application be REFUSED because of the
reasons that were outlined in the report.

NOTES:

In reaching its decision, the Committee took into consideration
the information as set out in the Late List attached at Item 10.

10

LATE LIST

Resolved:

That the information contained in the Late List be noted.

The meeting started at 6.00pm and ended at 8.40pm

APPLICATION REPORT - PA/337710/15 Planning Committee – 9 March 2022

Registration Date:	28th October 2015
Ward:	Failsworth West
Application Reference:	PA/337710/15
Type of Application:	Full Application
Proposal:	Erection of 18 no. new dwellings and associated external works
Location:	Land off Hale Lane/Hughes Close, Failsworth
Case Officer:	Graham Dickman
Applicant	Mr Mohammed Al-Saffar
Agent :	Lousie Leyland

RECOMMENDATION

Approve, subject to the applicant entering into a Section 106 Agreement for the provision of off-site public open space.

BACKGROUND

This application was considered by Planning Committee on 10 February 2016, at which meeting it was resolved to grant planning permission subject to a Section 106 agreement for the applicant to contribute £135,000 to be allocated to the following:

- Off-Site Public Open Space - £40,000; and,
- Off-Site Affordable Housing - £95,000.

The figure was reached following the submission of an economic viability statement, which was independently assessed and concluded that after taking into account development costs and a reasonable rate of return, a maximum contribution of £135,000 could be provided.

The applicant has recently negotiated an agreement with First Choice Homes to develop the site as a 100% affordable housing scheme. Consequently, it is recommended that the terms of the Section 106 agreement are amended to provide the total £135,000 towards public open space.

The latest agreement will allow development of this sustainable, brownfield site to be brought forward quickly.

The details of the proposed scheme, including house types and layout, will remain unaltered as previously determined by the Planning Committee.

The content of the original Committee report is included below. The recommended conditions are as previously determined, with the exception of conditions 4, 10 and 12 (now 11) relating to drainage and energy efficiency, which will require submission of up-to-date schemes given the passage of time since the original scheme was submitted.

Planning Committee report 10 February 2016

THE SITE

The application site located adjacent to Hale Lane/Hughes Close, Failsworth and comprises a vacant industrial unit measuring approximately 400 square metres set within an open parcel of land bound by a 2 metre high security fence.

To the north of the site is Moston Brook, which is allocated as Other Protected Open Land in the Local Development Framework. The southern side of the site is flanked by an elevated railway, which is enhanced as part of the Metrolink connecting Oldham to Manchester City Centre. The embankment falling outside of the application site rises sharply to the Metrolink line and is separated by a 1.8 metre high palisade fence. The area to the west is a small cul-de-sac with associated parking provision and garden space.

Abutting the south westerly boundary and intersecting part of the site is a Public Right of Way (No. 14) which connects Grimshaw Street, Hughes Close / Hale Lane and the wider Moston Brook area.

THE PROPOSAL

This proposal is for the erection of 18 dwellings and associated external works.

The proposed access to the development utilises an existing access arrangement leading from an intersection with Hughes Close. The proposed access road then turns into the central section of the site where a turning area is created towards the rear of the site.

The proposed dwellings comprise 14 four bedroom and 4 three bedroom properties with parking provision and private garden space. The proposed dwellings all set on three floors measure 5 metres in width (three bedroom) and 6 metres (four bedroom) in width, 9.2 metres in depth and 9.8 metres in height to the roof ridge. The dwellings are a traditional build using facing brick, masonry lintels and triple glazed timber sliding sash windows. The proposed dwellings have been designed with brick corbelling, side roof parapets and chimneys. The roof is to be constructed with slate grey tiles and where facing in a southerly direction roof flat plate kingspan panels.

The existing PROW which cuts through the site is to be slightly realigned to the front of plots 16-18.

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING OPINION

In accordance with The Environmental Impact Assessment Regulations 2011, the Council has conducted a Screening Opinion in order to establish whether the proposed development was likely to have significant effects on the environment to warrant the carrying out an Environmental Impact Assessment and the submission of an Environmental Statement by the developer. It has been concluded that it was not necessary to submit an Environmental Impact Assessment with this planning application.

RELEVANT HISTORY OF THE SITE

PA/056846/09 – Granted 23 September 2009 Outline application for the erection of a two storey building accommodating 4 no. apartments with associated parking. Layout and access to be considered, all other matters reserved.

PA/053924/07 – Granted subject to S.106, 22 October 2007 Resubmission of PA/53233/07 for outline application for residential development comprising of 2 no. blocks of two, three and part

four storeys providing a total of 38 no. apartments. Layout, scale and access to be considered. Appearance and landscaping to be reserved.

PA/051890/06 – October 2006 Outline application for the erection of two storey building accommodating 4 no. apartments with associated parking. Layout and access to be considered, all other matters including scale, appearance and landscaping reserved.

PA/040006/00 – Granted subject to S.106, 1 March 2001 Residential development comprising 18 no. dwellings, 10 no. houses - 8 flats

PA/23206/88 – March 1990, granted. Proposed Housing Development Land off Stanhope Way Hale Lane, Failsworth.

22863 – Granted September 1988 Residential Development (43 Dwellings) Stanhope Way Hale Lane, Failsworth.

26222 – July 1990, granted. Residential Development - 17 Dwellings

RELEVANT PLANNING POLICIES

Policy 1 - Climate change and sustainable development;
Policy 3 - An address of choice; and,
Policy 5 - Promoting accessibility and public transport choices;
Policy 6 - Green Infrastructure Development Management policies;
Policy 9 - Local environment;
Policy 10 - Affordable housing;
Policy 11 - Housing;
Policy 14 - Supporting Oldham's Economy
Policy 18 - Energy;
Policy 19 – Water and Flooding;
Policy 20 - Design;
Policy 21 - Protecting Natural Environmental Assets
Policy 23 - Open spaces and sports; and,
Policy 25 - Developer Contributions

Saved Unitary Development Plan Policies

Policy D1.5 – Protection of trees on development site

CONSULTATIONS

Highways Officer - No objection. Recommend condition for the parking to be provided in accordance with amended site plan and for details of road construction to be submitted and approved by the LPA.

Environmental Health - No objection, subject to the submission of a landfill gas and ground contamination report.

Trees Officer - No objection.

Drainage - No objection in principle subject to the submission of a drainage plan.

TfGM - No objection subject to condition requiring a construction management plan and the submission of boundary treatments between the application site and Metrolink land.

United Utilities - No objection subject to condition requiring foul and surface water to be drained on a separate system and the control of surface water runoff.

GM Ecology Unit - No objection in principle subject to the attachment of conditions to secure:

lighting of the site, designed to avoid unnecessary illumination of trees affecting potential bat foraging; no removal of vegetation in bird nesting season; inclusion of biodiversity enhancements; submission of method statement for control of Japanese Knotweed.

Ramblers Association – No objection to the amended site layout subject to a 2 metre width along the whole length of the public footpath.

Manchester City Council - No comment.

REPRESENTATIONS

The proposed development has been advertised as a major development by means of a press notice, individual consultation letters sent to the occupiers of the neighbouring properties and a site notice erected adjacent to the site in accordance with the Regulations. As a result of the publicity no representations have been received.

PLANNING CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.

This is reinforced by Paragraph 11 of the National Planning Policy Framework (NPPF) that states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands on this and states that the NPPF does not change the statutory status of the development plan as a starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicate otherwise. The guidance in the NPPF is taken as a material planning consideration and, of the twelve core planning principles listed under Paragraph 17, it includes that planning should be genuinely plan led.

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

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

Principle of land use

Loss of employment siteIn terms of the site allocation the provisions of Policy 13 and Policy 14 of the Oldham LDF Joint DPD apply. These policies provide a list of acceptable uses within BEAs which comprise employment-generating uses. The proposed scheme includes the erection of 18 no. dwellings which do not comply with Policy 13 and Policy 14 given that they are not employment-generating uses. However, Policy 14 states that an exception to this policy is where the applicant can demonstrate that the site is no longer viable as an employment-generating uses through either a marketing statement or a viability appraisal.

A material consideration in this application is planning permission approved under PA/053924/07 where the principle of the loss of the employment generating use was assessed against the provisions of the now superseded Unitary Development Plan. That application found that the discontinuation of the commercial use would protect the future amenity of local residents and it was considered that the demonstration through a marketing/viability exercise of the loss of an employment site was not necessary.

Nevertheless, with the change in Development Plan in mind, Officers consider the planning history and the merits of the current application would outweigh the loss of an employment generating use at the site and the requirement to demonstrate an exception to Policy 14. Therefore, it is considered the application achieves the principle in respect of the loss of the employment opportunities for the site.

Release of land for housing

Notwithstanding the loss of the employment generating use, a key objective of Policies 1, 3, 5 & 11 within the Development Plan is the effective and efficient use of land by promoting development on previously developed sites in accessible and sustainable locations, above greenfield sites. This echoes the advice offered in the National Planning Policy Framework (NPPF) which (in Paragraph 17) states that the core planning principles include encouraging the effective use of land by reusing land which has been previously developed. The site is currently occupied by associated hardstanding, however, the planning history shows occupation by a brick and steel clad industrial building. It is therefore considered to fall within the definition of 'previously developed land' as defined by the NPPF.

In addition the Council seeks to make the borough an 'address of choice'. To achieve this, a range of attractive accommodation must be provided to suit all requirements by providing high quality, choice and diversity in new residential developments. In addition, Policy 3 requires major residential development should have access to at least three key services. As a guide, 'access' is currently defined as being within approximately 480 metres or approximately ten minutes' walk time to a key service. With regard to transportation matters, Policy 5 'Promoting Accessibility and Sustainable Transport Choices' provides the backdrop by stating that development should be focused in the most accessible locations and that use of public transport, walking and cycling should be encouraged.

The application site is located on the fringe of an established residential area in close proximity to public open space. It is considered the site is in a sustainable location in close proximity to Failsworth Centre offering a range of key services and public transport options such as the Failsworth Metrolink station and the A62 key bus corridor. Officers are therefore satisfied that the scheme is acceptable in land use terms.

Public Open Space and Affordable Housing

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

Following an assessment of the proposal and needs of the local area it is recommended that all of the planning contribution is to be put forward to provision of off-site open space rather than providing on site provision. The proposed housing will put additional pressure on the existing open space which is both deficient in quality and quantity. On the basis of the development a cost has been calculated for off-site public open space provision and equates to £139,931.

Policy 10 'Affordable Housing of the Oldham LDF Joint DPD states that all residential developments of 15 dwellings and above will be required to provide an appropriate level of affordable housing. The current target is for 7.5% of the total sales value to go towards the delivery of affordable housing, unless it can be demonstrated to the Council's satisfaction that is not viable. On the basis of the proposed development the figure for affordable housing provision would be £322,744.

The applicant has provided justification on why it is not desirable in providing on site provision for Affordable Housing. The justification centres around the design ethos of the development and to enable new houses on a small estate to use a shared surface rather than a layout with standards which would be formally adopted by the LPA through a s.38 Agreement. In doing so the future maintenance would be undertaken by occupiers of the development and it is considered a RSL would be reluctant to own a property with this additional maintenance factor. As such it is considered the applicant has demonstrated that it is not desirable to provide onsite provision.

In respect of the total off site provision (£462,675) the applicant has provided an economic viability statement purporting the scheme cannot sustain a full contribution towards off site Public Open Space and Affordable Housing. However, the viability report taking into account development costs and a reasonable rate of return, offers a maximum contribution of £135,000. The report and its findings have been assessed by the PDI Section of the Council and agree with the maximum offer is reasonable without jeopardising the development.

Officers therefore consider the scheme is unviable if the full amount of contribution is required to address Policy 10 and 23. The applicant has offered a figure based on an appraisal of the viability of the development which is considered to be acceptable in addressing the policy requirements for Public Open Space and Affordable housing.

It is therefore recommended to Members that the Council enter into a s.106 Agreement for the applicant to contribute £135,000 and allocated to the following:

Off-Site Public Open Space - £40,000

Off-Site Affordable Housing - £95,000

Energy

The Council, through Policy 18 'Energy', must have regard to measures that reduce energy consumption, increase energy conservation through construction techniques, technologies and low carbon energy, unless it can be clearly demonstrated by the developer that it is not financially viable and would prejudice the proposed development.

The applicant fully supports the need to reduce energy consumption and has submitted a report outlining how the scheme has been designed to achieve Level 5 under the Code for Sustainable Homes. Although the code for sustainable homes has been withdrawn the applicant maintains its aim to construct the proposed dwellings to reflect a 100% improvement to CO2 emissions over 2010 building regulations. This is proposed to be through a combination of a sensitive fabric first approach, low air permeability values, mechanical ventilation and heat recovery, integrated southeast and southwest solar panels and rainwater harvesting.

The applicant's approach is found to be acceptable, achieving the aims of Policy 18. It is considered expedient to attach a condition to ensure the development is completed in accordance with the submitted details.

Appearance and design

In terms of design, Policy 20 'Design' of Oldham's Joint DPD recognises the contribution that high quality design can make to regeneration and sustainable development. It states that high quality design brings economic, social and environmental benefits, adding to quality of life, attracting new business and investments and reinforcing civic pride. High quality design is as much about the way buildings and environments function as with their appearance. Design principles apply equally to urban and rural situations, and to the built and natural environment.

They need to be expressed in ways which reflect the character of the area in which the development is taking place, reinforcing local identity. The Council will therefore promote high quality design and sustainable construction of developments that reflect the character and distinctiveness of local areas, communities and site across Oldham.

It is considered the proposed layout is reflective of the character and appearance of the surrounding area. The dwellings satisfactorily address the street frontage whilst providing a degree of separation by the inclusion of front gardens, landscaping and curtilage parking. The arrangement of the dwellings within the site provides rear garden space reflective of the surrounding area and each dwelling would sit comfortably within each plot. The appearance of the dwellings is appropriate in terms of their scale and massing in relation to the surrounding built form. Providing that materials complementing the residential area are used in the construction of the proposed dwellings it is considered that they will readily integrate with the surrounding area.

The proposed landscaping scheme is considered to be acceptable and shows all gardens are enclosed to the rear by close boarded fencing, grass seeded with a combination of Indian sandstone paving, secure cycle storage and 51 new trees comprising Crab Apples, Bird Cherrys, Native Rowans and Silver Birches (to the front and rear of dwellings). To the front of the dwellings the streetscene is made up with tarmacadam roads, GrassCel (75% grass 25% concrete) and driveways with dividing cleft post and rail fencing. The landscaping scheme can be secured by condition.

Residential Amenity

Policy 9 within the DPD states that consideration must be given to the impact of a proposal on the local environment. It seeks to ensure that development, amongst other matters, is not located where it would be adversely affected by neighbouring land uses, does not cause significant harm to the amenities of the occupants of the development or to existing and future neighbouring occupants or users through impacts including safety and security and noise. Furthermore, development should minimise traffic levels and not harm the safety of road users.

In regards to neighbour amenity, whilst it is acknowledged that the proposal would have a tight relationship with 22 Hughes Close and within the site, on balance, Officers are satisfied that the overall separation distances are sufficient to ensure an acceptable level of amenity and privacy for both existing and future residents.

Insofar as residential amenity is concerned for the future occupiers it is noted the close proximity of the proposed dwellings to the elevated Metrolink. The applicant has provided an acoustics report which identifies there is no evidence to suggest significant levels of ground-borne vibration and that the noise from passing trams can be mitigated through appropriate glazing and ventilation techniques. Therefore, taking into account the principle of development, the acoustic report (received 22 October 2015) and Environmental Health's comments I consider in planning terms the scheme is acceptable.

Access and parking

The Council's Highway Engineer has been consulted regarding the provision made for access, parking and servicing to meet the operational needs of the development. The Engineer has no objection to the scheme and has recommended a condition securing the layout and requiring details of construction to be submitted and approved in writing. With the sustainable location credentials and the Highway Engineers comments in mind it is considered the scheme is acceptable in this respect.

Natural Environment

Habitat and wildlife issues are dealt under the provisions laid out in Policy 21 'Protecting Natural Environmental Assets'. The Council requires new developments proposals, where appropriate, to protect, conserve and enhance biodiversity, legally protected species and their habitats. It has been reported by the applicant's Ecological Surveyor and supported by the Greater Manchester Ecological Unit that there are no features on site with any significant potential for roosting bats and therefore the proposed development will not significantly affect the level of wildlife, especially bats, in the area.

The application site does not contain any significant trees and the current vegetation is relative small scale and does not promote significant biodiversity.

The applicant has submitted a survey of the extent of Japanese Knotweed identifying three principle areas of formation. This has been assessed by the GM Ecology Unit who have recommended a condition requiring a method statement to be submitted to explain in detail the control and clearance of this invasive plant.

Conclusion

Officers consider the site is previously developed land and suitable for residential development. The proposed development, in terms of design, siting and scale, is acceptable whilst respecting the level of amenity of surrounding properties.

In respect of the comments from TfGM, Officers do not consider a condition requiring the submission of a Construction Management Plan would meet the tests as set out in Planning Practice Guidance. It is considered ultra vires as this matter would be more appropriately dealt with by other health and safety legislation. However, an informative note can be attached to the approval advising the applicant of this matter.

Subject to the applicant entering a Section 106 Agreement for the contribution of off-site public open space and affordable housing, it is considered that the proposal is acceptable.

RECOMMENDATION

Approve, subject to the applicant entering into a Section 106 Agreement for the provision of off-site public open space and affordable housing contribution and the following conditions:

RECOMMENDED CONDITIONS

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

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

2. The development hereby approved shall be fully implemented in accordance with the Approved 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 until a site investigation and assessment into landfill gas risk and ground contamination has been carried out and the consultant's written report and recommendation 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 as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.

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

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and

- (iii) A timetable for its implementation.

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

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

REASON - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution having regard to Policy 19 of the Oldham Local Plan.

5. 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.

6. No dwellings shall be first occupied until a lighting scheme has been implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority detailing the position, height and design of the lighting columns and its level of illumination across the site.

REASON - To ensure the protection of foraging bats having regard to Policy 6, 9 and 21 of the Oldham Local Plan.

7. No development shall take place until details of the boundary treatment between the application site and the Metrolink line have been submitted to and approved in writing by the Local Planning Authority. All such works shall then be implemented in accordance with the approved scheme and maintained thereafter.

REASON - To ensure the protection of future occupiers and the adjacent Metrolink site having regard to Policy 9 the Oldham Local Plan.

8. No development shall take place unless and until a scheme for the treatment and removal of Japanese knotweed from the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the commencement of development on the site.

REASON - In the interest of enhancing the amenity and ecology of the area having regard to Policies 6, 9 and 21 of the Oldham Local Plan.

9. No dwelling shall be brought into use unless and until the access and car parking space for that dwelling has been provided in accordance with the approved plan received on 26th January 2016 (Ref: Dwg No.1340/2/0201/Rev A). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

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

REASON - To ensure the protection of species protected under the Wildlife and Countryside Act 1981 and having regard to Policies 9 and 21 of the Oldham Local Plan.

11. 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:

- 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.

12. The proposed dwellings shall be constructed with the glazing and ventilation specifications as detailed in the acoustic report dated October 2015 produced by AB Acoustics, or in accordance with an alternative scheme which has previously been submitted to and approved in writing by the Local Planning Authority.

REASON - To protect future occupiers from excessive noise from the Metrolink in accordance with Policy 9 of the Oldham Local Plan.

13. The landscaping works shown on the approved plans [Ref: Drg Nos. 1340/2/1001/Rev A 'Hard Landscaping' (received 9 February 2016), 1340/2/1101/Rev A 'Soft Landscaping' (received 27 January 2016) and 1340/2/1201 'Planting Scheme' (received 22 October 2015)] shall be carried out in accordance with the approved details and within the first planting season following final occupation of the development hereby permitted,

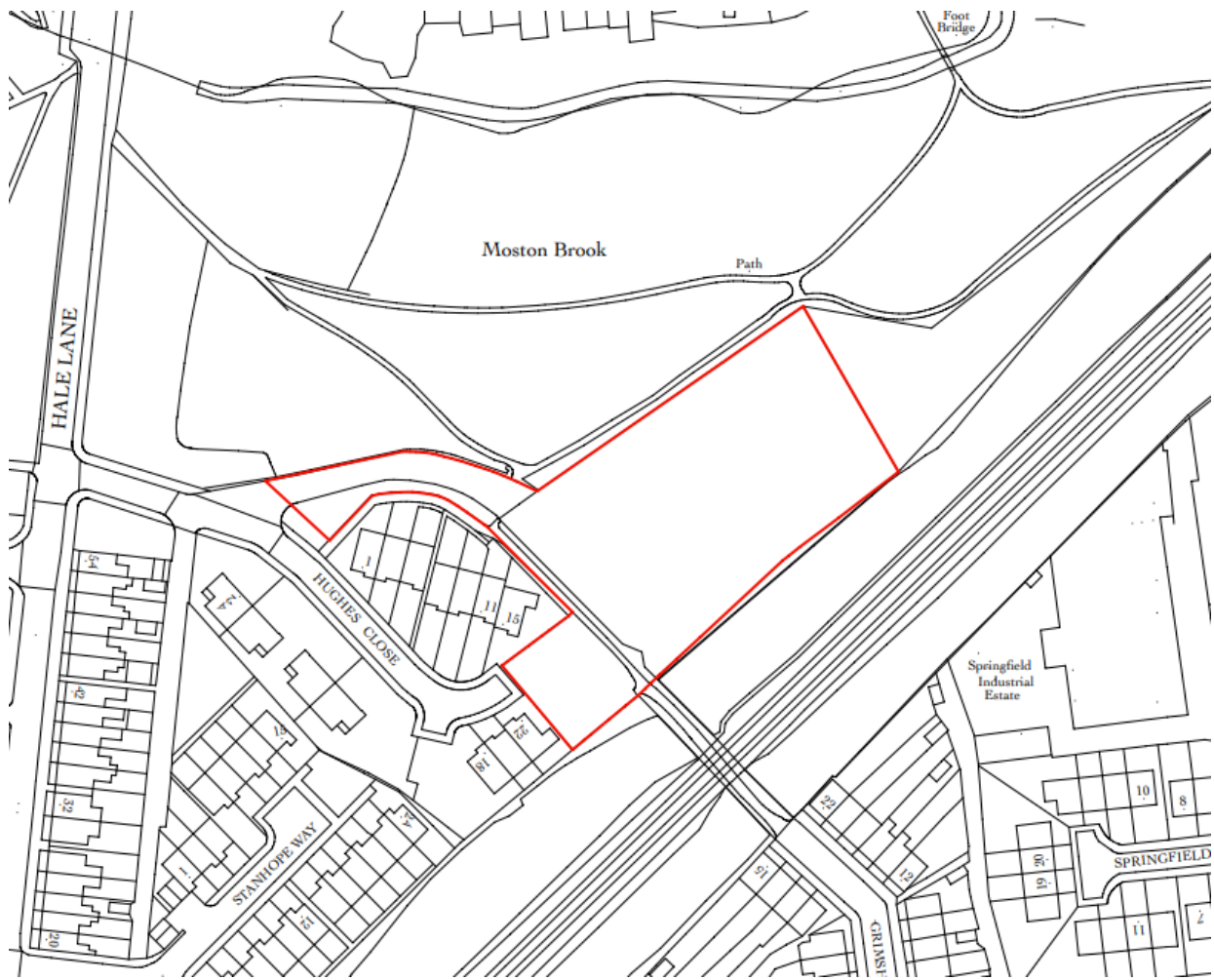
whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

REASON - To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and having regard to Policies 9 and 20 of the Oldham Local Plan.

14. The development hereby permitted shall not be brought into use unless and until measures to minimise the risk of crime and disorder to meet the specific security needs of the application site has been submitted to and approved in writing by the Local Planning Authority. The design features and equipment that comprise the scheme shall be fully implemented in accordance with the approved plans and particulars prior to the development first being brought into use, or alternatively in accordance with a phasing scheme which has been agreed in writing by the Local Planning Authority, and shall thereafter be retained in place at all times.

REASON - To ensure that the development is in compliance with Policy 20 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)



APPLICATION REPORT - LBC/348091/21 Planning Committee 9 March 2022

Registration Date: 30th November 2021
Ward: Saddleworth South

Application Reference: LBC/348091/21
Type of Application: Listed Building Consent

Proposal: Proposed side extension to existing property and internal alterations.

Location: Morley Bunkers, Tunstead Lane, Greenfield, Oldham, OL3 7NY,

Case Officer: Brian Smith
Applicant: Mr Graham Sheldon
Agent: Mr Kenneth Waddington

INTRODUCTION

In accordance with the Council's scheme of delegation, in the interests of transparency, it is necessary that this application be determined at planning committee since the applicant is an Elected Member of the Council.

RECOMMENDATION

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

THE SITE

This application concerns a grade II listed three storey former weavers cottage dating from the late 18th century, namely Morley Bunkers, which, together with the neighbouring Morley Cottage, was afforded listed status in July 1986. The building has been subject of numerous alterations and additions over the years comprising:

- Early 19th century two storey addition at its northern end, which now forms the neighbouring cottage;
- Early 20th century two storey extension at its southern end featuring a lean-to roof, understood to be built prior to 1933; and,
- More recent addition of single storey extension forming hall and kitchen at the eastern end of the building together with alteration to existing openings.

THE PROPOSAL

Following the approval of earlier applications concerning a further extension and associated alterations at the meeting of the Planning Committee in June 2021 (see history section of this report) this latest application seeks a further grant of listed building consent for amendments to the prior approved scheme.

The proposed changes simply comprise the repositioning of structural openings, totalling three, within the south facing elevation of the proposed side extension in the interests of facilitating an alternative internal arrangement. In all other respects, the proposed extension reflects that prior approved.

RELEVANT PLANNING HISTORY

NMA/348092/21 - Alterations to arrangement of structural openings and interior, including part removal of the existing gable wall - Decision pending

HOU/346471/21 - Single storey side extension and alterations - Approved 10/06/21

LBC/346472/21 - Single storey side extension and alterations - Approved 10/06/21

HH/344437/20 - Single storey side extension and alterations - Refused 20/03/20 and subsequently dismissed at appeal on the 17/12/20.

LB/344436/20 - Single storey side extension and alterations - Refused 20/03/20 and subsequently dismissed at appeal on the 17/12/20.

PA/034110/96 - Listed Building Consent in respect of single storey extension forming wc, hall and kitchen together with alterations to existing openings - Approved 23/05/96

PA/034109/96 - Householder application in respect of a single storey extension forming wc, hall and kitchen together with alterations to existing openings - Approved 23/05/96

RELEVANT PLANNING POLICIES

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Plan for Oldham.

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

Joint Development Plan Document

Policy 20 - Design

Policy 24 - Historic Environment

National Policy

National Planning Policy Framework - Part 16 (Conserving and enhancing the historic environment)

CONSULTATIONS

Saddleworth Approval recommended
Parish Council

Conservation & No comments received
Design Advice

PLANNING ASSESSMENT

Owing to the minor nature of the proposed changes to the exterior of the proposed extension and considering no features/fabric associated with the historic element of the building would be directly affected by the alternative interior arrangement, the resultant build would continue to be compliant with both local and national policies which concern the historic environment. Such policies include Sections 16 & 66 of the Planning (Listed Building and Conservation Areas) Act 1990, Chapter 16 of the National Planning Policy Framework and Development Management Policies 20 & 24 of the Council's Local Plan.

Accordingly, it is recommended that members approve this latest application.

RECOMMENDATION:

Granted, 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details. REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan.
4. The mullions, sills and heads to the windows and external doors of the development shall be in natural stone of a colour and texture to match the proposed stonework. REASON - To protect both the character and appearance of the building and the area having regard to Policies 20 and 24 of the Oldham Local Plan.
5. All new window and doorframes to the building shall be recessed a minimum of 75mm behind the external face of the stonework. REASON - To protect both the character and appearance of the building and the area having regard to Policies 20 and 24 of the Oldham Local Plan.

6. All rainwater gutters shall be in square section and coloured black and all rainwater pipes shall be in round section also coloured black. All such items to be kept so coloured unless otherwise approved in writing by the Local Planning Authority. REASON - To protect both the character and appearance of the building and the area having regard to Policies 20 and 24 of the Oldham Local Plan.
7. The development hereby approved shall be erected without bargeboards to verges and fascia boards to eaves. All roof to wall joints shall be in a cement fillet and gutters shall be supported by means of either stone corbels or cast-iron brackets, painted black and kept so coloured unless otherwise approved in writing by the Local Planning Authority. REASON - To protect both the character and appearance of the building and the area having regard to Policies 20 and 24 of the Oldham Local Plan.

LOCATION PLAN (NOT TO SCALE):



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APPLICATION REPORT - VAR/348019/21 Planning Committee 9 March 2022

Registration Date: 22 November 2021
Ward: Saddleworth North

Application Reference: VAR/348019/21
Type of Application: Variation/Removal of condition

Proposal: Removal of condition no 4 relating to HH/343092/19 (restrictions of permitted development rights)

Location: Running Hill Cottage, Running Hill Lane, Dobcross, Oldham, OL3 5JS,

Case Officer: Brian Smith
Applicant: Clay
Agent: Mr Martin Gaine

INTRODUCTION

The application is referred to Planning Committee for determination on the basis that it seeks to remove a condition attached to a planning permission approved by the Committee. The condition was specifically added by the Committee given the approval of the application was against the advice and recommendations of officers at the time. As such, and in accordance with the Council's Constitution, a committee decision is required for this application.

RECOMMENDATION

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

THE SITE

Running Hill Cottage comprises a former Grade II listed building (now de-listed) dating from the mid-late 18th century which forms part of a small nucleus of farms and cottages forming the wider hamlet of Running Hill Head. The site curtilage, which features a wooded area extending an appreciable distance in a westerly direction, is designated as Green Belt within the Local Plan.

When a planning application (HH/343092/19), proposing a two-storey side/rear extension and a single storey side extension was approved by the planning committee in May 2020, a condition was attached restricting 'permitted development rights'. Condition 4 states:

"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, B, D and E of Part 1 of Schedule 2 shall be carried out unless permission is granted by the Local Planning Authority.

Reason – The excluded types of development would not be appropriate due to the additional impact on the purposes of the Green Belt having regard to Policy 22 of the Oldham Local Plan.”

This condition was attached on the basis that the excluded types of development would not be appropriate in this setting due to the additional impact on the purposes of the Green Belt having regard to Policy 22 of the Local Plan.

THE PROPOSAL

This application proposes the removal of condition 4 in its entirety which would have the effect of restoring the provisions made by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The application is made on the basis that there was no justification for its imposition simply based on the Green Belt designation of the site.

RELEVANT HISTORY OF SITE

HH/343092/19 – Erection of a two-storey side and rear extension and a single storey side extension – Approved 22nd May 2020

PREX/342132/18 - Single storey rear extension - Length: 8.0m maximum height: 4.0m Height to eaves: 2.5m' Prior Approval Required and Granted 05 Sep 2018. This permission expired on 30th May 2019.

CL/342211/18 - Certificate of lawfulness for a proposed detached garage and a single storey garden building forming gymnasium/games room. Granted 09th October 2018.

CL/342121/18 - Certificate of Lawfulness for 1) Reduce width of existing side / rear cat slide roof 2) demolish existing single storey side extension 3) erection of single storey side extension 3) Two storey rear extension. Granted 13th September 2018

RELEVANT PLANNING POLICIES

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Plan for Oldham. Of particular relevance to this application

Joint Development Plan Document:

Policy 22 - Protecting Open Land

National Planning Policy Framework and Planning Practice Guidance Notes

CONSULTATIONS

Saddleworth Parish Council	Recommend refusal on the grounds that additional buildings would be inappropriate owing to the additional impact insofar as the openness of the Green Belt is concerned in this location.
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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, given the absence of any immediate neighbours the application has been publicised solely by means of a site notice. In response, no representations have been received in response to such publicity.

PLANNING CONSIDERATIONS

The main issue in this instance is whether the condition in question was necessary and reasonable to make the prior approved development subject of HH/343092/19 acceptable in planning terms, having regard to the site's location in the Green Belt and the effect on the character and appearance of the area.

Policy and Legislative Framework:

Paragraph 56 of the National Planning Policy Framework (hereinafter referred to as the NPPF) states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The Planning Practice Guidance (PPG) provides further advice in this respect, confirming that these six tests must all be satisfied each time a decision to grant planning permission subject to conditions is made.

Paragraph 54 of the NPPF further states that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. In fact, the PPG adds that conditions restricting the future use of PD rights may not pass the test of reasonableness or necessity.

Schedule 2, Part 1 of the GDPO sets out the permitted development rights for development within the curtilage of a dwelling, which, with specific exception of some classes insofar as Article 2(3) land is concerned, apply generally to all dwellings. Interestingly, such exceptions do not include land falling within the Green Belt such as that subject of this application.

Whether disputed condition is necessary:

Of particular interest is an earlier appeal concerning the same subject matter at Edge End Farm, White Brook Lane, Greenfield, which was allowed in September last year (reference APP/W4223/W/21/3271910).

The appointed Inspector remarked that it could be surmised that the omission of land within the Green Belt from the specific areas of land included under Article 2(3) was intentional on the Government's part, and as a result, should be regarded as no different in terms of the application of PD rights as land outside of it. Furthermore, it was emphasised that the requirement of the NPPF is that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Therefore, the starting point is that PD rights should remain in place, even in the Green Belt, unless clear justification is advanced which is precisely defined and specific to the site.

In the absence of such justification, insofar as the officer's report is concerned, it is assumed that the condition in question was imposed owing to the size and scale of the permitted scheme over and above the size of the original building. The concern being that extensions under PD would result in further disproportionate additions to the dwelling and consequent adverse effect on the openness of the Green Belt and its purposes.

However, in the absence of any policy or guidance which stipulates a maximum permissible size of extension within the Green Belt, notwithstanding the fact that disproportionate extensions are in themselves inappropriate development, the reasoning that development has reached a maximum in this instance is unclear. Further, most dwellings within the Green Belt retain and may exercise PD rights without reference to the effect on openness, even where extensions are proposed which, under a planning application, may be regarded as disproportionate. Many will also have been subject to previous extensions such as in this instance. It therefore follows that such circumstances are not unique to the application site.

Moreover, an earlier appeal decision, referenced APP/W4223/W/15/3100603, suggests that the fact that PD rights have not been removed for land in the Green Belt means that the Government's fundamental Green Belt aims of preventing urban sprawl by keeping land permanently open do not extend to preventing permitted development within a domestic curtilage. Given this position, and bearing in mind the limitations of the GDPO in terms of size and position of development permitted, the circumstances of the site are not exceptional in this instance. It therefore follows that further extensions to the dwelling and addition of outbuildings would not have such an effect on the openness of the Green Belt or its purposes that removal of PD rights is justified in this instance.

To conclude, for the reasons set out, and with reference to the NPPF and the guidance of the PPG, the condition in question is not considered to be reasonable and necessary to make the development acceptable in the context of the site's location within the Green Belt or in terms of protecting the character and appearance of the area. As such, the removal of the condition is supported.

RECOMMENDATION:

Approve, subject to the following conditions:

1. The development must be begun not later than 22 May 2023 representing the expiry of THREE years from the date in which the original planning permission was approved.

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

2. The development hereby approved shall be fully implemented in accordance with the approved amended plans and specifications, received on 6th March 2020 which are referenced as:

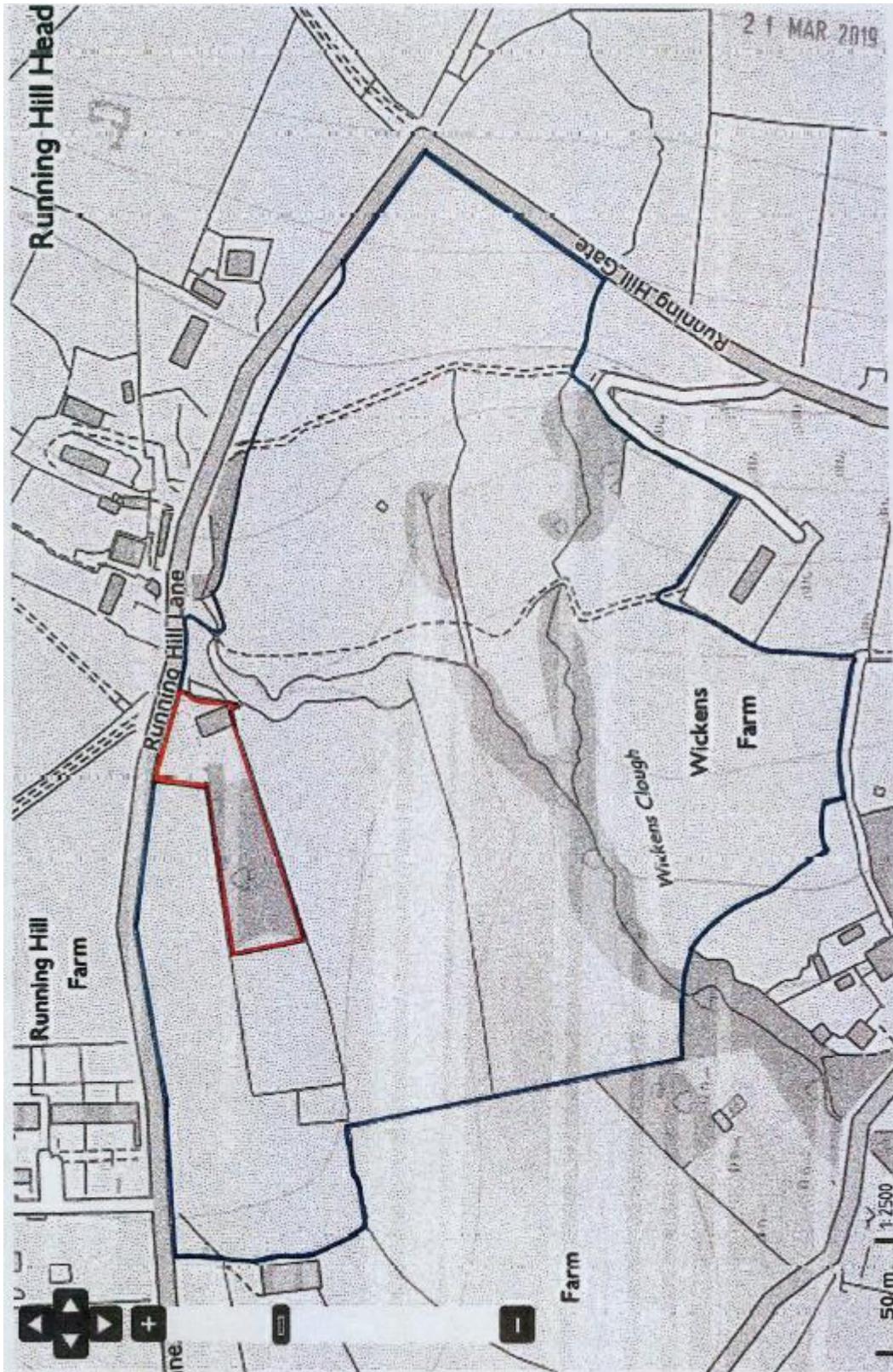
- 1693/3c - Proposed Floor Plans;
- 1693/4b - Proposed Elevations; and,
- 1693/5b - Site and Roof Plan

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

3. 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.

LOCATION PLAN (NOT TO SCALE):



APPLICATION REPORT - FUL/347787/21 Planning Committee 9 March 2022

Registration Date: 26 October 2021
Ward: Royton South

Application Reference: FUL/347787/21
Type of Application: Full Planning Application

Proposal: Full planning permission for the development of a three storey apartment block comprising 30 residential apartments (Use Class C3) with associated landscaping, access/egress, car parking, drainage and necessary supporting infrastructure.

Location: Former High Barn Resource Centre, High Barn Street, Royton

Case Officer: Matthew Taylor
Applicant: Lancett Homes
Agent: Barton Willmore

INTRODUCTION

The application is being reported to Planning Committee given the application comprises major development for 30no. residential apartments 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 Unilateral Undertaking legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £85,000.00 towards the enhancement of existing Open Space provision within the locality (further details to be reported on the Late List) and to secure 100% on-site affordable housing.

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

THE SITE

The application site comprises approximately 0.3ha of previously developed land at the junction of High Barn Street and Shaw Street, on the edge of Royton Town Centre.

Following the demolition of High Barn Resource Centre in 2018 (Ref: DM/342292/18) the vacant site now comprises areas of hardstanding (associated with the demolished building) and areas of grass and mature trees/hedges along the south-western boundary.

The site is unallocated by the Proposals Map associated with the existing adopted Local Plan (the Joint Development Plan Document) and is in Flood Zone 1 (the lowest risk of flooding) on the Environment Agency's flood risk maps.

THE PROPOSAL

The application seeks full planning permission for the erection of a three-storey apartment block, comprising 30no. residential apartments (Use Class C3). The accommodation is to be 100% affordable developed and managed by local Registered Provider (RP) First Choice Homes Oldham (FCHO).

The originally proposed layout included vehicular access obtained directly from High Barn Street. However, following the consideration of the application, amendments were made to address objections raised by the Council's Highway Engineer and local residents. Essentially, the vehicular access was relocated to be taken from Shaw Street, whilst a pedestrian access is maintained off High Barn Street, through a landscaped area.

RELEVANT HISTORY OF SITE

PA/049958/05 - New external lift shaft and single storey lounge extension. – Approved, 27/09/2005.

PA/057554/09 - Replacement of refreshment and toilet building – Approved, 15/02/2010

DM/342292/18 - Demolition of existing daycare and resource centre – Prior Approval Required and Granted, 11/10/2018.

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 23 - Open space and sports; and,
Policy 25 – Developer Contributions.

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

National Policy

National Planning Policy Framework and Planning Practice Guidance Notes

CONSULTATIONS

Environmental Health	Recommended conditions relating to a watching brief and soil sampling.
Highways	Recommended both conditions requiring the car parking and cycle storage be provided prior to occupation and informative notes.
Greater Manchester Ecology Unit	Recommended both conditions regarding bat roosting boxes and bird nesting protection.
Lead Local Flood Authority / Drainage	Comments to be provided on the late list.
Arboricultural Officer	No objection, subject to condition requiring the implantations of the tree protection measures proposed and planting of replacement trees.
Environment Agency	Recommended conditions and informative notes relating to the strategy to address the medium risk of contamination of controlled waters.
Greater Manchester Archaeological Advisory Service	Are satisfied that the current application has no archaeological implications and there is no reason to seek to impose archaeological requirements upon the applicant.
Greater Manchester Police Architectural Liaison Unit	Awaiting updated comments following the submission of amended plans, these will be provided on the late list.

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:

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

Summary of objections:

- The height and size of the proposed building would seriously impact on and restrict the amount of daylight received by the properties on Spindle Court.
- The orientation of the building as proposed would cause a serious and significant infringement of the privacy of the neighbouring properties in Spindle Court.
- The proposed entrance/exit would cause a massive disruption in traffic as locate close to a bus stop and the traffic lights leading onto Rochdale Road near to the Railway pub.
- Result in an increase to air pollution due to slower moving/standing traffic.
- Result in an increase to noise pollution, which would have huge negative impact on health due to interruption of sleep patterns.

- Concerns raised over the impact redeveloping small site will have on the surrounding properties.
- The Residents of Spindle Court are aged above 75 years of age and up to late 80's. With almost all have a health issues to one degree or another including decreased mobility, difficulty breathing etc which automatically lead to more vulnerability to both physical and mental states. The size, type, location and orientation of your proposal will have a serious negative impact on the standard of living and therefore on the health and wellbeing of these residents.
- The development is out of keeping with the style and deign of surrounding properties.
- Insufficient car parking prospered.
- Too much development already around High barn St. With new properties on Edge Lane Street and on former Fir Mill site.
- All the additional residents will case a potential traffic increase.
- Infrastructure not adequate for more housing.
- Lack of local facilities for more housing, such as Schools, doctors and dentist.

PLANNING CONSIDERATIONS

The main planning issues for consideration are as follows:

- Principle of Development;
- Developer Contributions;
- Energy;
- Highway safety;
- Design
- Residential Amenity;
- Trees;
- Ecology;
- Drainage;
- Environment Agency;
- Contamination and Landfill Gas:
- Archaeological records; and
- Crime.

Principle of Development

The site is unallocated on the Proposals Map associated with the Local Plan for Oldham.

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

Housing

The application site is identified within the Council's Strategic Housing Land Availability Assessment (SHLAA) as at 1st April 2021 as a potential future housing site (SHA2019), with an indicative capacity for 11 homes.

Policy 3 of the Local Plan sets out the council's approach for managing the release of housing land.

It states that planning applications for residential development, in whole or as part of a mixed-use scheme, will be permitted where:

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

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

These three criteria are considered in turn below.

Housing land supply position:

The SHLAA (as at 1 April 2021) 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 683 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 proposed development site is included within the SHLAA and therefore has been assessed as being suitable, available and achievable for residential development in principle.

Delivery of the borough's regeneration priorities:

The application site is in a highly accessible and sustainable location, within 480m of 6 local services and is served by public transport, give nit is located adjacent to Royton Town Centre.

Policy 3 also states that the use of previously developed land and vacant or underused buildings is the council's first preference for residential development.

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.

As the proposed development is for a 100% affordable housing (apartments for affordable rent) in total to be provided through a registered provider, it is considered Policy 10 is satisfied since the scheme would make a meaningful contribution to meeting affordable housing needs in the borough subject to securing this through a Unilateral Undertaking.

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.

Due to the development being amended, the scheme now makes some provision of on-site open space in the form of amenity green space. However, since this on-site provision is not a sufficient contribution having regard to the scale of the development, a financial contribution of £85,000.00 towards the enhancement of existing off-site open space provision within the locality (further details to be reported on the Late List) has been agreed and accepted. This contribution will be secured by way of a Unilateral Undertaking which the applicant has agreed to provide. Therefore, the development complies with Policy 23.

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.

The submitted energy assessment confirms that the proposed scheme will achieve the 15% reduction in CO₂ over Part L 2013, as required by Policy 18.

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.

Originally the development was to be served by a vehicular access off High Barn Street. However, following concerns being raised by the Council's Highway Engineer and occupiers of some neighbouring properties, amended plans were sought which now show a vehicular access being obtained from Shaw Street. In addition, a pedestrian access is maintained off High Barn Street, through a landscaped area.

Having considered this amended scheme, the Council's Highway Engineer has noted the proposed development will not result in any significant additional traffic generation on the local highway network. The site is in a sustainable location with good links to public transport and a wide range of local amenities with opportunities for walking and cycling.

In addition, a Construction Management Plan has been provided in support of the application, to address access and site layout during the construction phase. This has been considered by the Council and is acceptable. As such, an appropriately worded condition is attached to the recommendation.

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

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.

Following concerns being raised regarding layout and highway matters the layout was amended to provide vehicular access to the development from Shaw Street. This amendment enabled the applicant to move the proposed building to the north further away from Arden House. It also enabled a set back from both High Barn Street and Shaw Street resulting in the proposed buildings front and side elevations being set within landscaped areas of grass verges, shrubs, tree planting and railing boundary treatments.

The proposed three storey design also now includes a front elevation which is broken up visual with colour contrasts in the brickwork and steps in the building line. Overall, whilst the proposed building would be larger in form and scale than surrounding buildings, its position on a corner plot and would form a robust building line on the street.

Finally, it is considered that the car parking to the rear of the apartments provides an appropriate solution to the parking demands of future occupiers, whilst opportunities for natural surveillance would exist from the upper floor windows.

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 1, 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 of the apartments on existing dwellings within Arden House:

The side elevation of the proposed building would be located between approximately 19.2m and 24.1m from 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 of the apartments on existing dwellings within Spindle Court:

It is noted these neighbouring residential units are located on the opposite side of High Barn Street and are single storey in scale. However, given the separation distances, it is considered the development will not unduly impact on the amenity currently enjoyed by these residents.

Impact of the commercial uses to the north:

The submitted layout the design includes a sufficient separation distances to the adjoining commercial uses.

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, and is supported by on site provision of landscaped open space, 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.”

The Council's Arboricultural Officer considers that the amended scheme addresses concerns raised and represents an improvement in tree retention/protection terms. As such, the amended Arboricultural Impact assessment and Method statement are acceptable.

Therefore, the Council's Arboricultural Officer has raised no objection subject to conditions that require the implementation of the submitted tree protection measures and planting of replacement trees in accordance with BS 8545:2014 Trees from nursery to the landscape recommendations.

Ecology

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

The Greater Manchester Ecology Unit were consulted on the scheme and raised concerns about bat roosts since the High Barn Resource Centre which once occupied the site supported a known bat roost and bats are still active in the area. Prior to the demolition of the building, as part of the Prior Approval notification for such works, the developer was required to provide mitigation and compensation for the loss of bat habitat including the installation of artificial bat roosting boxes on nearby trees. It is understood a license was required to be obtained from Natural England to secure this.

As such, an appropriately worded condition is attached to the recommendation requiring that before any trees scheduled for removal to facilitate the development are felled, they should be checked to see if any bat boxes are present. If there are, these boxes will be moved to other nearby trees.

Moreover, it is recommended that 3no additional bat boxes are required to be installed onto the new building following completion.

Finally, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act and, as such, an appropriately worded condition is attached to address the removal of the trees.

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.

The Lead Local Flood Authority / Drainage section have considered the scheme and raised no objection in principle to the proposals. However, any further comments will be provided on the late list including any requested conditions.

Environment Agency:

Having been consulted and considered the submitted details the Environment Agency has no objection in principle to the proposed development noting that the previous use of the site presents a medium risk of contamination that could be mobilised during construction to pollute

controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary A aquifer.

The EA note the application's combined phase 1 & 2 Geo-Environmental Investigation report demonstrates that it will be possible to manage the risk posed to controlled waters by this development. However, further detailed information will be required to be submitted to the EA before built development is undertaken, in line with paragraph 178 of the National Planning Policy Framework. This can be secured via the imposition of a condition attached to 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 originally recommended intrusive site investigations for contaminated land and landfill gas risks are required and the submission of a remediation strategy before any development takes place. However, following the applicant providing additional supporting information, it had been agreed that the submitted phase 1 & 2 Geo-Environmental Investigation report are sufficient. Having regard to the distance between the locations it is recommend that a watching brief is carried out for any unexpected contamination. Moreover, in regards the soft landscaping it is recommended the applicant submit a strategy to detail the depth of clean cover and how this will be validated (chemical and depth validation).

These matters have been addressed 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.

GMASS noted that the proposed development site is located at the former terminus of the Royton Branch of the Lancashire and Yorkshire Railway, north-west of Royton Junction. Royton Station is recorded on the HER (683.1.0) as opening in 1863 and operational through until 1966. The station buildings are located outside of the boundary of the proposed site, though historic maps show several sidings to the north of the station which fall within the site. Remains of these tracks are not considered likely to have survived later redevelopment of the area, and even if they had they could offer little towards our understanding of the area.

On this basis GMAAS are satisfied that the current application has no archaeological implications and there is no reason to seek to impose archaeological requirements upon the applicant.

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 within the recommendation.

Following the submission of amended plans, the updated Greater Manchester Police (Architectural Liaison Unit) comments remain outstanding. As such, any further comments will be reported on the late list.

CONCLUSION

It is considered that the proposed 100% affordable housing scheme, to be provided on a previously developed vacant site, fully complies with the Council's Local Plan policies. Together with the mitigation to be secured through the imposition of conditions and a Section 106 agreement to secure off-site open space improvements the application is 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 Unilateral Undertaking legal agreement under Section 106 of the Town and Country Planning Act 1990 securing the provision of the following:

- A £85,000.00 financial contribution of towards the enhancement of existing Open Space provision within the locality (further details to be reported on the Late List); and
- The provision of 100% on site affordable housing.

Conditions:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. The development hereby approved, shall be carried out in accordance with the submitted Energy Assessment Report, Ref: 06-21-88154 ES1, and/or any other future improvements in Building Regulations. REASON - To accord with policy 18 (Energy) of the Joint DPD and to future proof any of the new dwellings that will be subject to future changes in Building Regulations.
4. 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.

5. No trees scheduled for removal to facilitate the development, shall be felled until they have been checked for any bat boxes. If any bat boxes are found to be present on the trees to be removed, these boxes will be moved to other nearby trees. Before they are moved, they will need to be checked by a suitably qualified person for the possible presence of bats. REASON - In order to ensure the protection and enhancement of features and species of ecological interest having regard to Policy 21 of the Oldham Local Plan.
6. A scheme for the Biodiversity Enhancement Measures, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the construction of any buildings hereby approved. This shall include details of:
 - The installation of 3no. Bat roosting boxes onto the new building.

The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the Local Planning Authority) and shall be retained thereafter.

REASON - To ensure positive enhancement and conservation of local bat populations having regard to Policy 21 of the Oldham Local Plan.

7. In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by Oldham Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this. REASON – To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, having regard to requirements of the paragraph 183 of National Planning Policy Framework.
8. Any soils imported for use in the landscaped area shall be validated as suitable for use and a minimum of 300mm subsoil and topsoil over a no dig marker layer shall be placed. A post completion report shall be submitted to the LPA for approval to evidence this. REASON – To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, having regard to requirements of the paragraph 183 of National Planning Policy Framework.
9. 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 plans. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles. Reason - To ensure adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.
10. The use of the building hereby approved shall not commence until a scheme for the provision of secure cycle parking has been implemented in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The approved facility shall remain available for users of the development thereafter. Reason – In order to promote sustainable means of travel

having regard to Policies 5 and 9 of the Oldham Local Plan.

11. Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved. REASON - To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework. To protect the underlying Secondary A aquifer.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved. REASON - To protect the underlying Secondary A aquifer. To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

13. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. REASON - To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

14. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details. REASON - To ensure that the proposed Piling does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.
15. 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 Method Statement, Report No: LTM0276.MS.04, dated 17/01/2022. 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 - Such details are necessary to protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.

16. The development hereby approved, shall be carried out in accordance with the submitted Construction Environmental Management Plan, dated 31st August 2021, Document Title: 9805/CEMP/001.

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

17. Prior to the planning of the 15no replacement trees identified on drawing number 6682.01 (Rev G) a Planting Scheme shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include a detailed planting plan, specification, and method statement. The approved scheme shall be implemented in the first planting season following the first occupation of any of the dwellings.

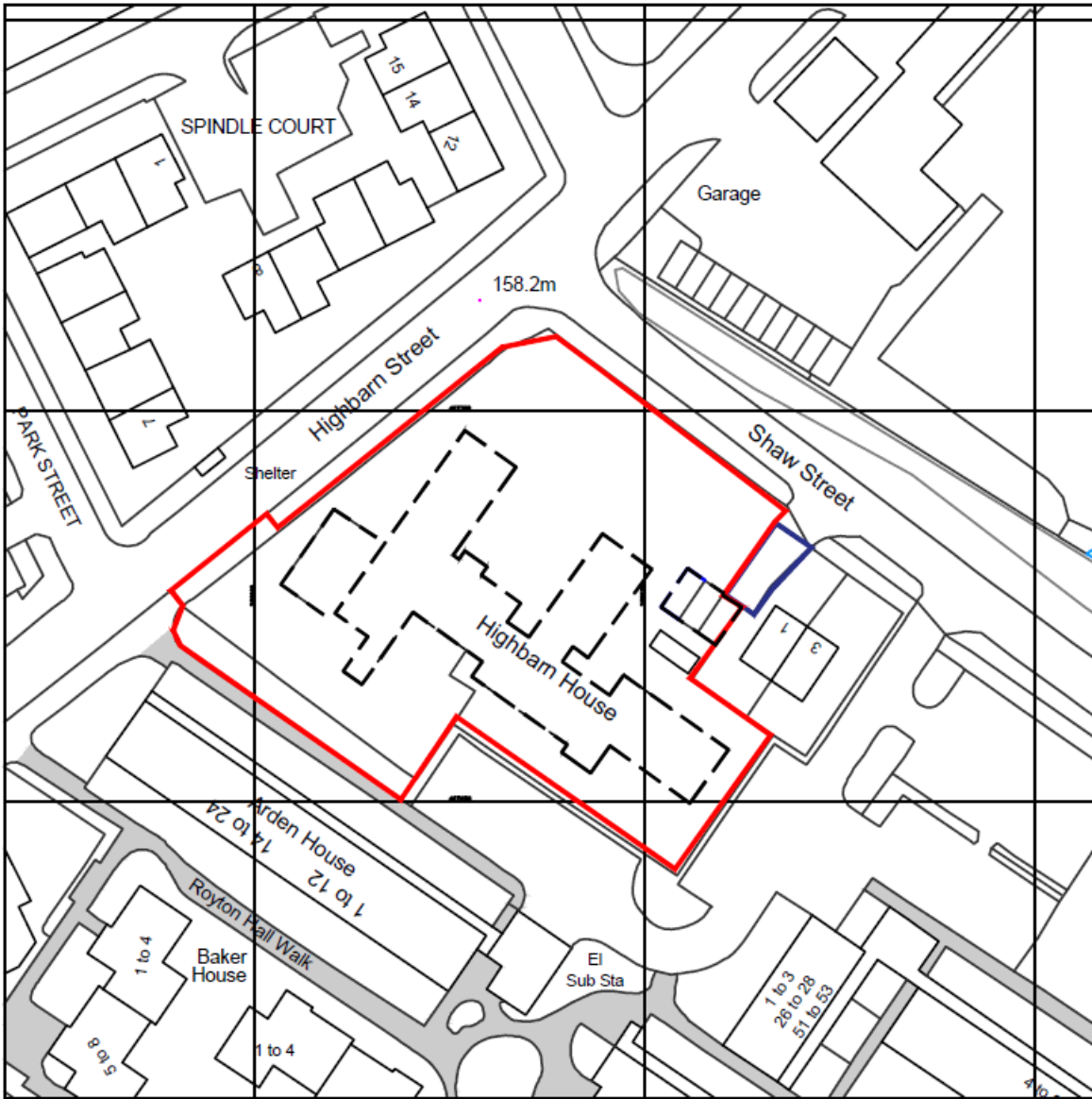
Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless, the Local Planning Authority gives written consent to any variation.

Reason: To adequately mitigate and prepare for the establishment of new trees and their long-term retention in accordance with BS 8545:2014 and having regard to saved Policy D1.5 of the Unitary Development Plan.

18. With the exception of replacement trees addressed in condition 17, all other planting, seeding or turfing comprised in the approved landscaping detail Dwg no. 6682.01 (Rev G) shall be carried out in the first planting and seeding seasons following the first occupation of any dwelling. 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.

LOCATION PLAN (NOT TO SCALE):



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