

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

Date Thursday 22 July 2021

Time 6.00 pm

Venue Queen Elizabeth Hall, Civic Centre, Oldham, West Street, Oldham, OL1 1NL.

The meeting will also be streamed live on the Council's website at <https://www.oldham.gov.uk/livemeetings>.

- 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](mailto: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 Monday, 19 July 2021.
  4. ATTENDANCE DURING COVID-19 – due to current restrictions, a maximum of 24 members of the public are be able to attend the meeting, on a first come first served basis. Face coverings must be worn at all times and details for track and trace will be required on arrival. The meeting will be streamed live on the Council's website for the public to watch.
  5. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti social behaviour will always be filmed.

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

Members of the public and the press may also record / film / photograph or broadcast this meeting when the public and the press are not lawfully

excluded. Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

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

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:  
Councillors Al-Hamdani, Brownridge, Davis (Vice-Chair), Dean (Chair), H. Gloster, Hobin, F Hussain, Ibrahim, Iqbal, Lancaster, K Phythian, Surjan, Toor and Woodvine

Item No

- 1 Apologies For Absence
- 2 Urgent Business  
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest  
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time  
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 FUL/346561/21 - Land at Booth Street, Oldham OL9 6DE (Pages 1 - 14)  
Construction of a new academy (secondary level) school including multi-use game areas (MUGA), sports pitches, hard and soft landscaping, car/cycle parking, alterations to site access; and boundary treatments.
- 6 OUT/345898/20 - Shaw Distribution Centre, Linney Lane, Shaw, Oldham, OL2 8HF (Pages 15 - 44)  
Outline planning permission (with all matters reserved except for access) is sought for 'Residential development (use class C3) together with new publicly accessible open space; landscaping; de-culverting of the River Beal, surface water drainage infrastructure, car parking and other necessary works with access from Linney Lane and Beal Lane following the demolition of existing buildings and structures'

## APPLICATION REPORT – FUL/346561/21 Planning Committee 22nd July 2021

**Registration Date:** 22<sup>nd</sup> March 2021  
**Ward:** Coldhurst

**Application Reference:** FUL/346561/21  
**Type of Application:** Full Application

**Proposal:** Construction of a new academy (secondary level) school including multi-use game areas (MUGA), sports pitches, hard and soft landscaping, car/cycle parking, alterations to site access; and boundary treatments

**Location:** Land at Booth Street, Oldham OL9 6DE

**Case Officer:** Graham Dickman

**Applicant:** Mr Paul Davidson

**Agent :** Miss Clare Plant

### INTRODUCTION

The application is presented to Planning Committee as a Large-Scale Major application.

### RECOMMENDATION

It is recommended that the application should be approved subject to conditions.

### THE SITE

The development site covers approximately 1.85 hectares and is located on the western fringe of Oldham town centre to the east of Oldham Way; a slip road of which forms the western boundary. To the north is Middleton Road, which rises in a west to east direction with the application site elevated above the road in its north-western corner. Across this road is Oldham College.

Across Booth Street to the east is Oldham Leisure Centre and its associated car park. To the south the site extends to Manchester Street between its junctions with Booth Street and Bloom Street. A church and small mix of commercial and residential properties are located adjacent to the south-west corner.

The site itself has a relatively level profile, the northern section having been retained as a car park and the southern section containing the remnants of the former supermarket building.

### THE PROPOSAL

The proposal is for the construction of a secondary level school to meet an identified need for additional secondary school capacity in Oldham. It will cater for up to 1200 pupils employing a minimum of 72 full-time equivalent teaching staff and 37 full-time equivalent support staff.

The development primarily comprises a four-storey main building which will be located on the northern frontage of the site. Connected to the main building on the southern elevation are two single-storey elements intersected by an external courtyard area.

The primary pedestrian access into the building will be from the north-east corner, which connects to the entrance plaza at the eastern side of the building.

Vehicular access to the site is via Middleton Road onto Booth Street, which is to be narrowed to become a one-way system with drop off points and parking bays as shown on the submitted plans. This route will also provide access to the staff car park within the site, which will include 112 no. parking spaces (including 6 no. accessible spaces and 4 no. electrical vehicle bays).

The proposed external works will include a courtyard garden with an external dining area; an informal hard play area; a curriculum garden and two social areas. There will be a Multi-use game areas (MUGA) including a netball court (34.5m x 19.25m); a main pitch at 55m x 37m which can be split into two smaller pitches or 6 training areas; and an informal hard play area. A comprehensive landscaping scheme will be implemented.

The boundary of the site will be secured by a 2.4m high paladin weldmesh fencing with lockable gates. Within the site a 1.5m high paladin weldmesh fence is proposed to service areas and the car parking to ensure these areas are safe and secure for users.

## **RELEVANT PLANNING POLICIES**

The site is located within the Town Centre as identified on the Proposals Map associated with the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies document (Local Plan).

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

- Policy 1 - Climate Change and Sustainable Development
- Policy 2 - Communities
- Policy 5 – Promoting Accessibility and Sustainable Transport Choices
- Policy 9 - Local Environment
- Policy 15 – Centres
- Policy 18 - Energy
- Policy 19 - Water and Flooding
- Policy 20 - Design
- Policy 21 - Protecting Natural Environmental Assets

## **RELEVANT PLANNING HISTORY**

DM/340030/17 - Prior Approval for the demolition of the former Sainsbury's store. Approved 15 June 2017

PA/339744/17 - Outline application (all matters reserved except access) for the demolition of the existing building and construction of a mixed use development comprising: (1) a new retail unit

(use class A1) up to 8,300 square metres floorspace; (2) a detached pod unit to provide retail, restaurant or takeaway uses (use classes A1, A3 and A5) up to 185 square metres floorspace; (3) a twelve-level multi-storey car park providing up to 376 parking spaces; and (4) associated outdoor parking (up to 196 spaces), servicing areas and landscaping. Approved 6 November 2017

## **CONSULTATIONS**

|                      |  |
|----------------------|--|
| Highways Engineer    | No objections in principle. Detailed comments are set out in the Highways and Access section of the report.  |
| Environmental Health | No objections subject to conditions in respect of treatment of land contamination and noise mitigation.  |
| G Mr Ecology Unit    | No objections subject to conditions in respect of Biodiversity Net Gain, treatment of invasive species, and protection of birds.   |
| Trees Officer        | No objections subject to the revised scheme of replacement planting.   |
| United Utilities     | No objections subject to conditions requiring measures to protect existing drainage infrastructure on the site, and to secure satisfactory drainage scheme, along with future management arrangements. |
| Coal Authority       | No objection subject to conditions in relation to implementation of any remediation measures arising from coal mining legacy.  |
| Sport England        | No objections.   |

## **REPRESENTATIONS**

The application was publicised by way of neighbour notification, site notice and press notice.

One representation has been received from a neighbouring resident raising issues associated with increased noise, anti-social behaviour, traffic and parking.

## **PLANNING CONSIDERATIONS**

### **Principle of development**

In terms of the principle of development, the application site comprises a presently vacant parcel of land in a highly sustainable location on the fringe of the town centre.

Local Plan Policy 1 states that the Council will ensure the effective and efficient use of land and buildings by promoting the reuse and conversion of existing buildings and development on previously developed land (including through land reclamation, remediation of contaminated land and recycling derelict, vacant and underused land).

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

great weight on the need to create, expand or alter schools.

The application is for new teaching facilities in an accessible location within the urban area which will fully comply with the national and local planning objectives of enhancing education provision.

### **Highways and Access**

A Transport Assessment (TA) has been submitted with the application. It examines the existing conditions and the effects on the local highway network that the provision of the school will have along with the sustainable choices of travel available for staff, students and visitors.

The proposed development and TA have been assessed by the Highways Engineer who has provided the following comments.

Traffic generation will increase as a direct result of the proposed development during relatively short concentrated periods of time at the beginning and end of each school day. I had concerns that the amount of traffic could impact adversely on the local and strategic highway network in terms of volume and in the type of manoeuvres.

Discussions have taken place with the applicant, and mitigation measures have been agreed which should limit the impacts.

Parents choosing to drive their children to school are likely to park close to the pedestrian access points. Two are proposed – one close to the Middleton Road/ Booth Street junction and one from Bloom Street.

It would be detrimental to highway safety and traffic flow for parents to drop their children off on Middleton Road, and, although it is something that cannot be secured by a condition, I would strongly advise that the future operators of the proposed development and Oldham College work together to ensure that the main start and finish times for each are staggered so that the two sets of users do not conflict to minimise the amount of congestion.

I would expect a number of parents to use Booth Street as a safe and convenient place to drop off and collect their children. A bus layby will be provided for occasional use by coaches transporting school children. Short term kerbside parking will be available for parents, and footways and pedestrian crossing points will be provided so that children can cross to the school safely.

I strongly suggested that a parent drop off area be provided within the school grounds, but this was dismissed by the applicant as being unsafe.

I also had concerns about the intensification of the use of Bloom Street by parents as a drop off area. Bloom Street is situated between the existing signalised junction at the junction of Manchester Street and Booth Street and the signalised roundabout at Manchester Street. Any driver turning right into or out of Bloom Street would be required to cross up to three lanes of traffic.

I have recommended a condition which will ensure that drivers can only turn left into or left out of Bloom Street. This will allow the safe use of the junction without the prohibitive expense or additional delays which would have been caused by incorporating the Bloom Street junction into

the wider signalised junction at Bloom Street/ Manchester Street and the Manchester Street roundabout junction.

Generally, the proposed development is within a highly sustainable location. Oldham bus station with bus services to the surrounding areas of Oldham, Rochdale, Ashton and Manchester is within walking distance. There are also two nearby Metrolink stops – Westwood and Oldham King Street which provide services to surrounding areas of Oldham, Rochdale and Manchester.

The existing pedestrian and cycle infrastructure in the area is good and it is proposed that an additional controlled pedestrian crossing will be provided on Middleton Road to complement the existing facilities, provide links with Oldham College and safer access to the nearby Westwood Metrolink stop.

I am satisfied that any child, member of staff or visitor will have the choice of travelling to the school using more sustainable modes of transport and that they will be able to complete the final stage of their journey on foot safely.

The layout drawing doesn't show the existing layby at the bottom of Booth Street which is intended for use by coaches taking participants to events at the nearby Oldham Sports Centre. I have discussed this with the Applicant who has agreed that the redesign of this part of Booth Street can be incorporated into the Section 278 Agreement which will be required for the detailed design and construction of Booth Street, the highway improvement at Bloom Street/Manchester Street, and the controlled pedestrian crossing on Middleton Road.

The introduction of a school in this location will result in an increase in the amount of vehicular and pedestrian traffic in the immediate area. The Local Highway Authority have worked with the applicant to ensure that disruption is kept to a minimum and that the routes to the site are as safe as possible for all users of the proposed development.

### **Design and appearance**

The primary focus of the proposed development will be the four-storey building along Middleton Road, an important entrance route into the town centre. The building height reflects the existing Oldham College and Oasis Academy buildings on the opposite of the road. Sitting parallel to the road it will, however, have a greater presence.

The applicant's design seeks to reflect traditional Victorian mill buildings; and provide some contrast with the more contemporary design of the recent education buildings opposite. The building uses facing red brick with aluminium panels around the windows.

The remaining buildings to the south create a sheltered courtyard and have a plainer, more functional appearance utilising metal standing seam cladding.

These designs complement the existing scale and diversity of buildings in the locality; and will provide a feature frontage on a main route into the town centre. It will therefore conform to the objectives of Local Plan Policies 9 and 20.

### **Ecology**

The application is accompanied by an Ecological Assessment, which has been reviewed by the Greater Manchester Ecology Unit. No statutory or non-statutory designated sites or protected

species issues were identified, and the Unit is satisfied with the findings. Conditions are recommended for a scheme of biodiversity enhancement measures.

Stands of the invasive species, Japanese rose and wall cotoneaster (listed under Schedule 9 of the Wildlife and Countryside Act 1981), were observed. Therefore, an Invasive Species Method Statement will be required as a condition of any approval.

The site is largely cleared with minimal vegetation, although there are a number of trees and shrubs present around the fringes of the site. Adequate mitigation will be required for the loss of any existing specimens.

In respect of tree loss and re-planting, saved UDP Policy D1.5 requires that 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.

It is acknowledged that this is a very tight urban site in terms of the land available to meet the Department for Education requirements relating to education and play space. The existing trees within the site, which are largely to the perimeters have not been actively managed and are overcrowded, and none are subject to a Tree Preservation Order. The majority of the existing individual trees are classed as Tree Quality Category C (some B), there's limited evidence of management and they all relate to a former land use.

Not all of the trees to be lost are considered to constitute mature or semi-mature trees for the purposes of Policy D1.5, comprising 101 of the 128 trees that are proposed for removal.

The revised plans indicate plant / tree species and specification, including sizes and quantities of trees and the replacement trees can be specifically designed to ensure improved long-term benefit to the site.

It is proposed to plant a quantity of 94 individual selected specimens. In addition to the on-site trees, it is also proposed that a further 7 off-site trees will be planted within highway land, with locations taking account of visibility splays and topography to strengthen the green appearance of the site and also provide additional screening.

The total new individual trees proposed as part of this development is now 101, or 1 for 1. Therefore, in order to ensure compliance with saved Policy D1.5, the applicant will be required to agree arrangements to secure a scheme of new planting in an appropriate location in the vicinity of the site. This will be subject to a planning condition to satisfy the policy requirement of 3 for 1 replacement planting.

## **Drainage**

The site is designated within Flood Zone 1 and the proposals are accompanied by a Flood Risk Assessment and Drainage Strategy, which has been updated following representation from United Utilities.

The strategy recognises potential flood risk from surface water and sewer flooding and recommends mitigation in the form of designing external area gradients to fall away from buildings, raised building thresholds, and inclusion of linear interceptor drains. These will form part of a detailed site design.



Following discussions with the applicant, United Utilities has withdrawn its initial objection. An existing water main and public sewers cross the site, for which further investigation and agreement would be required. Negotiations with the applicant are continuing and therefore it is appropriate for a condition to be imposed to ensure satisfactory measures are put in place to protect the existing infrastructure before any built development commences, along with a scheme of satisfactory drainage and subsequent management.

### **Ground conditions**

The application is accompanied by a Phase II Geoenvironmental Site Investigation. The Environmental Health team has recommended conditions in respect of the need for a landfill gas and contamination site investigation.

Additional information has been submitted which is presently being reviewed and any updates will be reported on the Late List.

The Coal Authority have reviewed the submitted Coal Mining Risk Assessment and confirm that the application site falls within the defined Development High Risk Area; wherein there are coal mining features and hazards which need to be considered. Consequently, conditions are required to secure the completion of any necessary remediation works.

### **Amenity**

The application is accompanied by an Environmental Noise Survey.

Protection of neighbouring amenity will be controlled by means of a Construction Management Plan, details of which have been submitted with the application and deemed acceptable by the Environmental Health team.

The site is within a mixed-use area, although a small number of residential properties are situated to the south. Whilst the development will result in a significant increase in activity, it is recognised that the area is non-residential in character and the site was previously occupied by a supermarket.

Consequently, it is considered that the development can be accommodated on the site without significant harm to amenity.

### **CONCLUSION**

In conclusion, the proposed development will assist in ensuring an adequate supply of school places to meet the needs of the local community. It will allow for the comprehensive development of a presently vacant and prominent site assisting in the regeneration of the town centre. The site occupies a highly sustainable location providing options for use of transport other than the private car. The design will enhance the local environment along with the associated additional tree planting.

Consequently, the development will conform to relevant national and local planning policies and is recommended for approval accordingly.

### **RECOMMENDED CONDITIONS**

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

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

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

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

3. The development hereby approved shall not be brought into use until the access and car parking spaces have been provided in accordance with the approved plan Ref: FS0935-ONE-ZO-XX-DR-L-00002 P16, and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

- 4 Within six months of the occupation of the development, the submitted Framework Travel Plan shall be developed into a School Travel Plan and shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show measures to reduce the need to travel to and from the site by private transport and the timing of such measures. All measures contained within the Plan shall be implemented in accordance with the details as approved.

REASON - To ensure the development accords with sustainable transport policies having regard to Policies 5 and 9 of the Oldham Local Plan.

- 5 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 the cycle parking provision included on the approved plan FS0935-ONE-ZO-XX-DR-L-00002 P16 and with a specification for the facility 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.

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

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

- 7 The development hereby approved shall not be brought into use unless and until details of a highway improvement scheme on Manchester Street at the junction of Bloom Street has been submitted to and approved in writing by the Local Planning Authority, and the approved scheme has been implemented in accordance with the approved details.

REASON - To facilitate the safe movement of pedestrians, cyclists and other highway users in the vicinity of the development having regard to Policies 5 and 9 of the Oldham Local Plan.

- 8 The development hereby approved shall not be brought into use unless and until details of a highway improvement scheme along Booth Street has been submitted to and approved in writing by the Local Planning Authority, and the approved scheme has been implemented in accordance with the approved details.

The scheme of works shall include the following:

- Conversion of entire length of Booth Street to one-way (southbound) with associated amendments to the Booth Street/ Middleton Road junction to facilitate this change and reduce the width of the carriageway at the junction;
- New off-carriageway layby for exclusive use of buses and coaches;
- Widening of existing footways to a minimum width of 2m;
- A minimum carriageway width of 5m, widening locally where needed to accommodate the existing bus facility on Booth Street;
- Short-term parking at the kerbside adjacent to the eastern footway on Booth Street (and any associated signing and road markings);
- A raised table (uncontrolled) pedestrian crossing facility close to the main entrance of the school.

REASON - To facilitate the safe movement of pedestrians, cyclists and other highway users in the vicinity of the development having regard to Policies 5 and 9 of the Oldham Local Plan.

- 9 The development hereby approved shall not be brought into use unless and until details of a highway improvement scheme to include the introduction of a new Toucan Crossing on Middleton Road has been submitted to and approved in writing by the local planning authority, and the approved scheme has been implemented in accordance with the approved details.

REASON - To facilitate the safe movement of pedestrians, cyclists and other highway users in the vicinity of the development having regard to Policies 5 and 9 of the Oldham Local Plan.

- 10 No development hereby permitted, other than site clearance, demolition and regrading, shall commence until full details of the measures to be undertaken to either close and/or divert the on-site public sewers and associated apparatus, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON - In order to safeguard the public sewerage system having regard to Policy 9 of the Oldham Local Plan.

- 11 Prior to the commencement of any development, other than site clearance, demolition and regrading, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 10 l/s. Foul and surface water shall be drained on separate systems. 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 9 of the Oldham Local Plan.

- 12 Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a suitable management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

REASON - To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development having regard to Policy 9 of the Oldham Local Plan.

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

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

- 14 No works to trees or shrubs shall take place between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no

active bird nests are present which has been agreed in writing by the Local Planning Authority.

REASON - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981 having regard to Policy 21 of the Oldham Local Plan.

- 15 The development shall be implemented in accordance with the measures set out in the Blue Coat II School Energy Statement Ref: FS0935-RAM-ZZ-XX-RP-M-00001 Rev P01 dated March 2021.

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

- 16 Prior to the commencement of development (including demolition, regrading, ground works, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved in writing by the local planning authority, detailing the containment, control and removal of Japanese rose (*Rosa rugosa*) and wall cotoneaster (*Cotoneaster horizontalis*) on site. The measures shall be carried out strictly in accordance with the approved scheme.

REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and to ensure a safe development having regard to Policy 9 of the Oldham Local Plan.

- 17 A scheme for the Biodiversity Enhancement Measures, as set out in section 5 of the Ecological Assessment by TEP dated May 2021 (ref: 8684.002), shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the construction of any buildings hereby approved. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the Local Planning Authority) and shall be retained thereafter.

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

- 18 No development, other than site clearance, demolition and regrading, shall commence unless and 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.

- 19 No development, other than site clearance, demolition and regrading, shall commence until any remediation works and/or mitigation measures to address land instability arising

from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the proposed development. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and to ensure the safe development of the site having regard to Policy 9 of the Oldham Local Plan.

20. Notwithstanding the details indicated on the approved landscaping plans ref: FS0935-ONE-Z0-XX-DR-L-00202 P05 and FS0935-ONE-Z0-XX-DR-L-00203 P05, the development hereby approved shall not be first occupied until arrangements for the provision of on and off-site replacement tree planting at a ratio of 3 for 1 of each mature or semi-mature removed tree has been submitted to and approved in writing by the Local Planning Authority, along with an implementation timeframe. The development shall be implemented in full accordance with the approved details and timeframe. Thereafter any on-site trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan.

REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

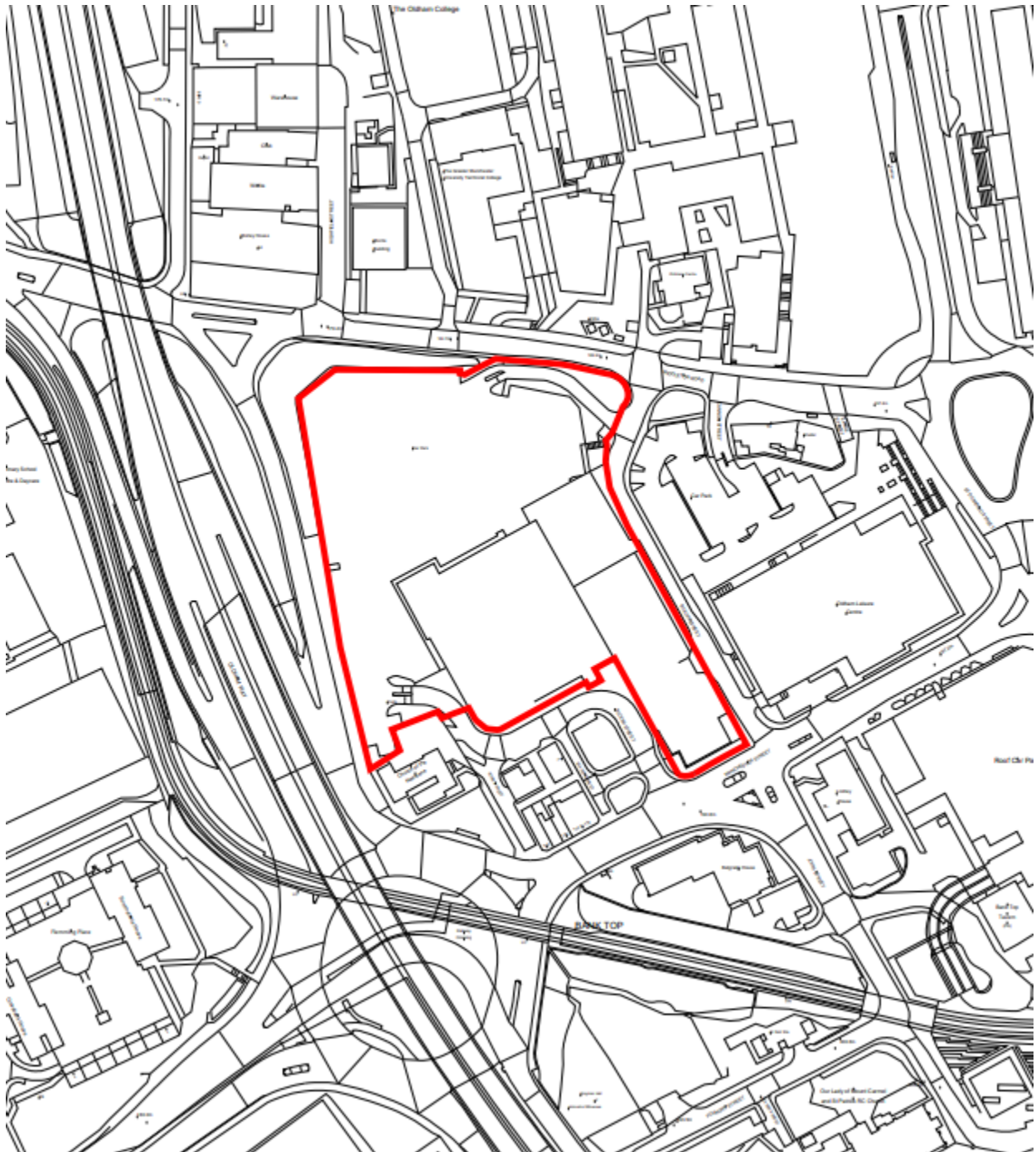
21. Prior to the commencement of any part of the development hereby approved, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, all existing retained trees and hedges on and adjacent to the site, other than those indicated for removal on the approved plans, shall be physically protected from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause. This shall be achieved by the erection of 2.3 m high fencing using vertical and horizontal scaffolding poles, or other stout fencing to Local Authority approval with the uprights driven well into the ground, erected in accordance with BS5837:2005, outside the canopy. The fencing shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas.

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

22. The development shall be implemented in accordance with the measures set out in the submitted Construction Phase Plan Version 3 Ref: RMS-PL-021 Rev F1 dated Jan 2020.

REASON – To ensure the safe development of the site and to protect the amenity of the area having regard to Policy 9 of the Oldham Local Plan.

# LOCATION PLAN



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## APPLICATION REPORT - OUT/345898/20 Planning Committee 22<sup>nd</sup> July 2021

**Registration Date:** 30th November 2020  
**Ward:** Shaw

**Application Reference:** OUT/345898/20  
**Type of Application:** Outline Application

**Proposal:** Outline planning permission (with all matters reserved except for access) is sought for 'Residential development (use class C3) together with new publicly accessible open space; landscaping; de-culverting of the River Beal, surface water drainage infrastructure, car parking and other necessary works with access from Linney Lane and Beal Lane following the demolition of existing buildings and structures'

**Location:** Shaw Distribution Centre, Linney Lane, Shaw, Oldham, OL2 8HF  
**Case Officer:** Stephen Gill  
**Applicant:** Mr R Maung  
**Agent :** Mr Chris Sinton

### INTRODUCTION

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

### RECOMMENDATION

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

1. The conditions as set out in this report.
2. The completion of a Section 106 agreement in respect of affordable housing, off-site highway works, public open space provision and management, education, and health contributions.

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

### THE SITE

The application site extends to approximately 12.3 hectares (30 acres) in area, is rectangular in shape and constitutes a major brownfield site situated in Shaw. The site has most recently been used for distribution and warehouse purposes (Use Class B8).

The site comprises five buildings, including three mills referred to as Elm Mill, Lily No 1 Mill and Lily No 2 Mill, all dating from the end of the 19th Century / early 20th Century and all considered to be Non-Designated Heritage Assets (NDHAs), and two large, purpose-built modern warehouse distribution facilities for the storage and sorting of goods. The mill buildings are constructed from mainly red brick, whereas the modern warehousing comprises light green/ grey corrugated metal.

The topography of the site is generally flat and low-lying, rising to the north west, north east, east, south east and south of the site. The River Beal also runs through the site and is

culverted along the eastern extent of the site within the application site boundary. The river flows in open channel in an easterly direction along the southern boundary of the site. It then turns north in the south-east corner of the site before entering a culvert through the site.

Vehicular access to the site is gained from Beal Lane, to the south, and from Linney Lane, to the north. The southern access into the site (currently utilised by Yodel) is via a mini roundabout off Beal Lane. The site access from Linney Lane to the north forms a priority junction. Both accesses are currently designed to accommodate the larger HGV vehicles associated with the historic/ existing operations. There are access points on to Cheetham Street and Penmore Close to the east that are currently not in use and secured by metal gates.

In terms of the surrounding area, this is predominantly residential in nature, with some commercial employment provision to the north and south. There are a wide range of commercial units. In addition, Shaw town centre, including shops, services, amenities and facilities, is situated approximately 200m to the west within easy walking distance.

## **THE PROPOSAL**

The proposal is an outline planning application with all matters reserved except for access for the erection of up to 400 dwellings and the demolition of all buildings and structures.

In terms of access, this will be gained from existing points off Beal Lane to the south and Linney Lane to the north. No amendments are proposed to the current arrangement. A new access point will also be created adjacent to Linney Lane Motors, to the north east of the site and a new emergency access will also be created to the north onto Linney Lane.

In accordance with Schedule 2, the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), the development falls within Class 10(b), and therefore has been subject to a screening and scoping assessment.

The application has consequently been accompanied by an Environmental Statement which addresses the matters identified in the selection criteria required by Schedule 3 of the Regulations.

## **RELEVANT PLANNING HISTORY :**

There is no planning history relevant to this application.

## **RELEVANT PLANNING POLICIES**

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

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

- Policy 1 - Climate Change and Sustainable Development
- Policy 2 - Communities
- Policy 3 - An Address of Choice
- Policy 5 - Promoting Accessibility and Sustainable Transport
- Policy 9 - Local Environment
- Policy 10 - Affordable Housing
- Policy 11 - Housing
- Policy 14 - Supporting Oldham's Economy
- Policy 18 - Energy

Policy 19 - Water and Flooding  
Policy 20 - Design  
Policy 21 - Protecting Natural Environmental Assets  
Policy 24 - Historic Environment  
Policy 25 - Developer Contributions

## CONSULTATIONS

|                                    |  |
|------------------------------------|--|
| Highways Engineer                  | No objection subject to conditions and a financial contribution of £13,420 + VAT towards the validation of a TfGM SCOOT loop.  |
| TfGM                               | Recommend conditions for protection of the adjacent tram line and for noise protection to future dwellings.  |
| Environmental Health               | No objection subject to conditions.  |
| Environment Agency                 | No objection subject to conditions.  |
| United Utilities                   | No objection subject to conditions.  |
| LLFA                               | Any drainage scheme should cater for a 1 in 100 year plus 40% climate change plus 10% urban creep event, and it should be confirmed that the entire existing area drains into the River Beal.  |
| G. M. Police                       | No objection subject to the recommendations of the Crime Impact Statement being taken into consideration.  |
| G. A. Archaeological Advisory Unit | Recommended a condition for a Written Scheme of Investigation to be carried out.   |
| Historic England                   | The proposal would result in the complete loss of the mills and their significance, and the decision maker should therefore form a balanced judgment on whether the high level of impact to the significance of these assets is appropriately justified within the applicant's supporting documentation. |
| G. M. Ecology Unit                 | No objection subject to conditions.  |
| Trees Officer                      | Comments that there is a lack of information in respect of the loss of trees (This is discussed in the Ecology and Trees section of the report)  |
| NHS                                | Request an estimated contribution of £1.2 million in relation to health provision.   |
| Education                          | Request a contribution of £2.472 million towards [primary and secondary school places.   |
| Parks                              | No objection on the basis that the opensSpace proposals will be managed by a management company and this will be agreed as part of the section 106 Agreement   |

## REPRESENTATIONS

The application was publicised by neighbour notification, site notices and press notice. 16 letters in support and 5 letters objecting to the proposal have been received. The following is a summary of the comments received:

### Support

- Welcome the use on the site and demolition of the more modern buildings, which do not contribute positively to Shaw, are too big and an eyesore.
- If the mills are left vacant, they will attract vandals.
- The road infrastructure in Shaw cannot cope with the large lorries that cause obstructions on local roads.
- The increase in residents, including new families when the proposed 400 new homes have been completed will be a boost to local businesses.

- The proposal will contribute to the regeneration of Shaw Town Centre.
- The use of the site will save the green belt.
- The development will deliver much needed new homes, including affordable housing and will allow young families to move on to the property ladder.

### Concerns

- Increased levels of residents will put additional pressures on health, schools, leisure facilities, and infrastructure which are already at capacity.
- The Parameters Plan indicates a new emergency access to the north of the site and the business adjacent states they will not be able to access their business if the bollards at this access point are not moved.
- Impacts the development would have on the heritage of Shaw. The mills provide heritage value and a strong employment source to local residents.
- The surrounding roads are at capacity with impacts on traffic, and the additional cars / traffic could make it more dangerous for pedestrians.
- No traffic calming measures are proposed in the immediate vicinity of the development.
- The public transport linkages are very poor, and trams are very overcrowded already.
- Shaw has limited entertainment / nightlife and no facilities for children and youths, and this could lead to anti-social behaviour.
- Demolition will take place close to local businesses, cause disruption, noise, dust and traffic problems, and the development will increase the risk of flooding on site.
- The developers have not engaged with local residents to discuss what could be proposed for the site.

## **PLANNING CONSIDERATIONS**

### **Principle of development**

The application seeks approval for the comprehensive re-development of an established employment site for alternative residential development.

### Loss of employment land (Local Plan Policy 14)

The site is designated as a Business Employment Area (BEA 9 – Shaw). Policy 14 is relevant and sets out that uses other than those listed as being acceptable in principle in the policy, such as residential as proposed here, will be permitted on sites currently or most recently used for employment purposes, provided the applicant can clearly demonstrate that it is no longer appropriate or viable to continue the existing use. This can be demonstrated through the submission of an effective marketing exercise.

As set out in the Policy, the applicants submitted a marketing assessment to address this Policy point. However, the marketing assessment only considered the northern portion of the site (6.64 ha), which is now vacant, comprising Elm Mill, Lily Mill No.1 and Lily Mill No. 2, and this was marketed for warehousing / distribution, between November 2019 and December 2020.

Five enquiries were made within the marketing period, however, none of these enquiries appeared to materialise into anything meaningful. Whilst the results of this marketing assessment were noted, the site was advertised for warehousing / distribution only, but was not advertised for the full range of uses listed in Policy 14 as required by Part c of the Policy. In

addition, the southern part of the site, currently occupied by Yodel, was not included in the marketing exercise, as it is not currently considered to be on the market and is occupied.

The applicants state in the Updated Marketing and Residential Viability Report March 2021 that Yodel announced in September 2020 that it intends to relocate to more modern facilities by 2024 and express the view that due to various constraints on site (flood risk, remediation etc), it is unlikely that there would be significant demand for continued employment use on the southern portion of the site.

However, given that the full site was not marketed, and the northern part of the site was not marketed for the full range uses set out in Policy 14, it is concluded that the marketing assessment overall cannot be accepted as fully addressing Policy 14.

Nevertheless, whilst the application would be a complete departure from Policy 14, which is an important material consideration in the determination of this application, it is also necessary to assess the application holistically and take into consideration any potential benefits of the scheme.

These factors include:

- The delivery of up to 400 dwellings, securing much needed family accommodation in the local area and providing a range of types and sizes of homes to meet a variety of different needs.
- The level of proposed housing will contribute strongly to addressing the Council's housing land supply position.
- The scheme will deliver 20% affordable homes, which equates to up to 80 units.
- The site represents a sustainable location for the delivery of large-scale housing, in the centre of Shaw, accessible by a range of sustainable transport modes, including the tram and the bus network.
- The development proposes significant environmental and flood risk benefits. Flood risk on site will be reduced on and off site through the de-culverting of the River Beal, opening up of the channel, and implementing new drainage measures. This has strong ecological benefits and will encourage new habitats to the area. This work will also see the site move out of Flood Zones 2 & 3a into Flood Zone 1.
- The scheme will deliver 3.3 ha of open space, 3.2ha of this space will be usable and will sit alongside the de-culverted River Beal. This will be managed by the applicant.
- A £2.2 million contribution towards healthcare, education and management of open space, which has been calculated based on the viability of delivering the scheme to be secured through a Section 106 agreement.
- The proposal will involve the complete remediation of a brownfield site
- The development will create a number of jobs for local people during the construction phase of the development.

### Housing land supply (Local Plan Policy 3, NPPF paragraph 11)

In terms of meeting local housing need, the adopted Local Plan set out a housing requirement of 289 dwellings to be delivered per year. However, since 2018/19 the housing requirement has been superseded by the standard methodology as introduced by the Government for calculating local housing need.

In relation to Oldham's current housing land supply, the latest Strategic Housing Land Availability Assessment (SHLAA) (1 April 2020) identifies a supply in Oldham of 10,706 dwellings; increasing to 11,263 when considering the small sites and clearance allowances. For Oldham, Local Housing Need (LHN) has changed to 683 homes per year, based on the Government's standard methodology.

In terms of the five-year housing land supply (2020/21 to 2024/25), the SHLAA identifies a 3-year supply (or 2,103 homes when taking into account projected clearance) of deliverable housing land. As such, the council cannot meet its local housing need at this time.

The Housing Delivery Test (HDT) result for 2020 was published 19 January 2021. As per the latest results, Oldham has delivered 80% of its housing need over the past three years. Oldham's HDT result requires a 20% buffer of deliverable housing land in addition to the existing sites identified in the 5-year housing land supply (as published in the SHLAA as at 1 April 2020) to be identified. There is also a need to produce an Action Plan identifying and analysing causes of under-delivery and setting out actions to address them.

Based on the HDT measurement, the consequences of 'presumption in favour of sustainable development' would no longer apply to Oldham as delivery has increased since the previous result. However, based on the identified five-year housing land supply and local housing need over the next five years, Oldham is unable to identify a five-year supply of housing.

Therefore, based on the above, Policy 3 is considered to out of date in terms of housing delivery for the purposes of assessing this application.

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

- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

In assessing whether the most important policies for determining the application are 'out of date', it is for the Local Planning Authority to decide how much weight should be afforded to the 'most important policies' in the determination of this application.

The site is for the most is now vacant (apart from the Yodel business, which vacates in 2024). The marketing assessment, although not acceptable for the purposes of Policy 14, noted that no serious interest came about for the northern portion of the site, including the three mills.

Meanwhile, when considering the benefits of the scheme, these are considered to be significant. The scheme would contribute strongly to addressing a chronic housing need in the Borough and would also deliver a substantial level of affordable housing in a very sustainable location. In addition, a vacant brownfield site would be redeveloped.

It would also be taken out of Flood Zones 2 & 3a, making the site safe from flood risk. The River Beal would be de-culverted through the site, opened up, which will create strong ecology benefits. This is supported by both the Environment Agency (EA) and Greater Manchester Ecology Unit (GMEU).

If a scheme for housing on this site is discounted on the basis of Policy 14 (loss of employment land), there is no guarantee that a suitable end user would be found for the existing buildings in the short term and this could result in further decay of the mills. This makes them less attractive for future employment uses and can also attract anti-social behaviour, if they remained vacant for a long period.

In addition, the site offers poor transport links to the M62 and M60 and the buildings also have high maintenance costs. Most large-scale warehouse and distribution operators have a strong preference for being very close to the motorway network in more modern, cost effective facilities.

Taking account of all the factors presented to the Council, the development will result in a loss of employment land and generally this should not be supported unless evidence is provided to demonstrate that the land is no longer viable for an employment use. Whilst the applicant went some way to addressing this point, the marketing exercise was not considered sufficient.

However, as noted above, it is necessary to consider the application in an holistic way and on balance, whilst the loss of employment land is noted, each application should be considered on its own merits. In this case the benefits as a result of the scheme cannot be overlooked and are substantial. Therefore, it is considered on balance that the benefits of the scheme outweigh the loss of employment land and this weighs in favour of the proposed development in this case.

NPPF Paragraph 11d (i), footnote 6, sets out the areas and assets that should be protected by the policies in the framework including areas at risk of flooding or coastal change. Flood Risk will be discussed in detail below, however, it is relevant to the consideration of principle.

The site lies primarily in Flood Zones 2 and 3a. The applicant has submitted detailed baseline hydraulic modelling, and a drainage strategy. The applicants propose a set of flood risk improvement works, which are set out above in the benefits. Both the Environment Agency (EA) and United Utilities (UU) have confirmed that they have no objection to the application on flood risk or drainage grounds subject to conditions and a detailed drainage design will be agreed through conditions.

Considering NPPF Paragraph 11d(ii), it is matter of planning judgement as to whether the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. The development conflicts with Policy 14 and the development would result in the

loss of three non-designated heritage assets (NDHA) (discussed in detail below), which will cause inevitable harm from a heritage standpoint.

However, these factors are not considered to significantly and demonstrably outweigh the benefits for the reasons set out in this report. Therefore, on balance, the principle of development is accepted in this case.

### **Affordable Housing**

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.

The current target, set out within Policy 10 of the Local Plan, is for 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 affordable housing must be provided on-site unless there are exceptional circumstances that would justify the acceptance, by the Council, of off-site provision within the locality or a financial contribution in lieu of provision.

In relation to affordable housing the applicant is proposing 20% provision for affordable housing, and this is based on the viability of delivering the development (discussed below), including 24no. 2 bed apartments, 19no. 2 bed homes and 37no. 3 bed homes at 80% of Open Market Value. This is following an independent assessment of the viability of delivering the development (by Keppie Massie), in which the cost of redeveloping the site and the delivery of the key benefits of the scheme were considered in detail (discussed below).

The affordable housing provision for 80 units is a significant benefit of the scheme and weighs in favour of the development. Oldham has a significant need for affordable housing and currently has a shortfall in the delivery of two and three bed properties according to the Local Housing Needs Survey 2019, so this is a welcome addition to the scheme.

Therefore, the development complies with NPPF 2019 section and Local Plan Policy 10.

### **Highways and Access**

Highway access is being considered in detail as part of this planning application. The proposal contains three main access points, two access points to the north on Linney Lane and one access to the south on Beal Lane. Two of the access points north and south utilise the existing arrangements on Beal Lane and Linney Lane. A new access point will be created on Linney Lane adjacent to Linney Lane motors and an emergency access point is also being created to the east of the new access On Linney Lane.

The Highways Engineer has reviewed the proposed access details and following some amendments to the Beal Lane access point, including a reduction in the entry width and radius into the proposed development, no objections are raised in relation to the main access points.

The access points demonstrate appropriate space for refuse vehicles and HGVs. The emergency access point to the north will be 3.7m wide and will also provide an effective cyclist / pedestrian link to Linney Lane.



Bollards will be installed to prevent unauthorised vehicular access. A representation has been raised in relation to the position of the bollards within the emergency access, as this could prevent access to a neighbouring business. However, the applicant is willing to work with the business owner to find a suitable solution to this issue, to ensure they can still access their business. The plans have been amended to remove the bollards.

In relation to highway impacts of the development, a Transport Assessment (TA) has been submitted with the application. The Highways Engineer and Transport for Greater Manchester (TfGM) requested detailed operational assessments of the following junctions:

- Linney Lane/Crompton Way;
- Beal Lane/Level Crossing;
- Beal Lane/Milnrow Road;
- Beal Lane/Crompton Way; and
- The site entrances

The TA and the additional information submitted on highways in support of the application provided assessments on the site entrances and Beal Lane / Level Crossing. The assessment concludes that the site entrances will operate below capacity as a result of the development. In relation to the Beal Lane / Level Crossing the assessment concludes that the tram crossing currently operates with minimal delay and queuing and the development will not have a severe impact on the function of that junction and estimates up to two additional queueing vehicles and negligible increase in delays. The Highways Engineer and TfGM have reviewed this detail and have not raised any concerns in respect of the assessment carried out.

In relation to assessments of the remaining junctions, the applicant states that it is difficult to undertake operational assessments of these junctions with representative flows, due to the Covid pandemic. The Highways Engineer and TfGM have noted the difficulty and also note that the impacts of the proposed development against the movements of the previous use of the site as a large-scale commercial use, is unlikely to be severe adverse. However, this has not been confirmed. Having considered the difficulty in assessing the remaining junctions in the current climate, and to account for any potential impacts on these, TfGM have requested the re-validation of the SCOOT by way of mitigation. Therefore, a contribution of £13,420 +VAT is required, and this will need to be paid to TfGM and will be secured through a Section 106 Agreement. The mitigation will need to be implemented prior to occupation of the first dwelling.

Overall, the site is in a highly sustainable location with excellent links to public transport and opportunities for walking and cycling to a wide range of local amenities. The existing pedestrian and cycle infrastructure in the area will be further enhanced by the proposed pedestrian and cycle routes through the site, linking Beal Lane with Linney Lane. Parking provision will be considered at reserved matters stage and there will be no additional demand for on street parking on the existing highway network as a result of the proposed development.

Therefore, based on the above, the development is acceptable in highway and access terms subject to condition and a contribution and complies with NPPF Section 9 and Policy 5.

## **Townscape & Visual Impact**

Local Plan Policy 9 states that development should ensure that it does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape.

In terms of townscape, the applicant submitted a Townscape and Visual Impact Assessment (TVIA) to assess the value of the mills from a visual standpoint. Barnes Walker were instructed on behalf of the Council to assess the impacts to townscape. Barnes Walker concluded that the applicant has not fully acknowledged that the Mills (individually and collectively) are a receptor/s of higher townscape and visual value, and as such, the TVIA understates the Townscape and Visual Effects of the proposal.

Barnes Walker conclude that the Mills themselves have a clear townscape value in terms of their visual prominence, collective identity and their cultural and heritage significance and how they have shaped Shaw in a townscape capacity, and since 2010, there has clearly been a greater recognition of the value of Mills to Shaw (and the wider Oldham area), and this is demonstrated in the draft Oldham Mills Strategy. Whether that Strategy is adopted or not, the submitted TVIA should include a greater level of assessment of the townscape and visual contribution of the Mills themselves. Barnes Walker also conclude that various scenarios should be considered / tested, such as a proposal that includes the retention of 1 or 2 mills.

It should be noted that notwithstanding the comments from Barnes Walker on the TVIA, Urban Green on behalf of the applicant have responded and stand by their assessment of the mills. The comments from Barnes Walker should be given considerable weight.

However, the applicant has submitted a Residential Viability Appraisal, which is discussed below in detail. This considers a scenario of retaining the mills for conversion to residential use and concludes that the development is not viable for retention and conversion for the reasons set out below. In addition, the applicant also considers a scenario of retaining Elm Mill and this was found to prohibit the delivery of some of the flood risk and ecology benefits, meaning the site would remain in Flood Zones 2 and 3a. The retention of Elm Mill could essentially sterilise the site for redevelopment, specifically for more vulnerable categories of development, such as residential.

There is a strong preference to retain the mills and this has been the starting point throughout the process and the impacts of losing the mills from a townscape and visual standpoint are noted. However, it is necessary to consider the application on a whole. If the mills are retained, then development for conversion and retention is not viable as set out in the Residential Viability Appraisal. If the redevelopment of the site did not go ahead on the basis of retaining the mills, then there would be a loss of a significant contribution towards housing and affordable housing need in Oldham, along with the flood risk and ecology benefits discussed in the report, which when considered together are significant benefits.

The mills are now vacant, with no identified prospect of occupancy in the short term and if this was the case in the longer term then the buildings visual appearance could decline in any case.

Therefore, on balance, the Council has a housing need and an opportunity to attain significant flood risk and ecology benefits and much needed affordable housing provision. When considering these matters in conjunction with the lack of viability detailed by the applicant for retaining and converting the mills, the townscape and visual impacts of losing the mills is outweighed by the benefits of the scheme.

## Heritage

Local Plan Policy 24 states that Development which would affect non designated assets will only be permitted in cases where it can be demonstrated that the benefits of the development brings substantial benefits to the community which outweigh the preservation of the heritage asset. NPPF paragraph 197 requires the effect of an application on a non-designated heritage asset to “be taken into account” and states that “a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

The proposal is also in the vicinity of Designated Heritage Assets and the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant: Section 66(1) of the Act states: in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Several Designated and non-designated heritage assets (NDHA) exist either within a 1km radius of the site or on the site itself and these include the following:

- Church of St. James (grade II listed)
- St. James, Shaw, Conservation Area
- Elm/Newby Mill (NDHA) (located within the application site)
- Lily Mill 1 (NDHA) (located within the application site)
- Lily Mill 2 (NDHA) (located within the application site)
- Briar Mill (NDHA)
- Lilac Mill (NDHA)
- Duke Mill (NDHA)

The following Designated Heritage Assets are also located within the area but were scoped-out of the ES assessment. However, at the request of Graeme Ives Heritage on behalf of the Council these were also considered:

- Nos 2 and 3 Mark Lane, and Nos. 4 and 5 Mark Lane (grade II listed).
- Crompton War Memorial (grade II\* listed)
- Holy Trinity Church (and associated lich-gate (grade II listed).
- St. Paul’s Methodist Church (grade II listed)
- Crompton Fold Conservation Area

In relation to the surroundings, the historic mills and distribution buildings that occupy the application site are visible in the backdrop to the Listed Buildings on Mark Lane, the war memorial and St. Paul’s Methodist Church. The tower of Holy Trinity Church provides a prominent landmark in views south-westwards from the site.

The proposed development would cause change within their settings; however, it is anticipated that the proposed change would have a neutral impact on their significance. A further submission was made by the applicant to consider the heritage assets listed above that were not originally included in the ES assessment and it was concluded that the change in setting would have a neutral impact on these assets, and Graeme Ives concurs with this view.

The proposed development includes the demolition of three NDHAs, comprising Elm Mill, Lily Mill 1 and Lily Mill 2. The proposal would therefore result in the total loss of significance of the three heritage assets located within the application site. Graeme Ives Heritage has assessed the application on the LPA's behalf in terms of heritage and has concluded that Elm Mill, Lily Mill 1 and Lily Mill 2 are important heritage assets. The mills have only recently been vacated and appear to be in an operational condition. Despite previous extensions and adaptations, the mills retain considerable heritage significance. Graeme Ives also agrees with the conclusion in ES methodology regarding the 'specifics of the impact' (i.e. total demolition) as being 'major adverse'.

The draft Oldham Mills Strategy has assessed the mills in Oldham based on the landscape and heritage value of the individual mills, alongside the housing and employment potential considerations. This assessment confirms that both Lily Mills and Elm Mill are considered overall to be 'Medium Priority Sites' when considering landscape, heritage, housing and potential employment. On the potential for conversion to housing all three mills scored as having a 'low potential'.

The applicant has assessed the viability of retaining all the mills for conversion into residential and, as stated above, they have submitted a Residential Viability Assessment, which sets out the case that they are not viable for retention and conversion. This is discussed below. The applicant also looked at a scenario of retaining Elm Mill and this was found to prohibit the delivery of some of the flood risk and ecology benefits, meaning the site would remain in Flood Zones 2 and 3a. The retention of Elm Mill would essentially sterilise the site for redevelopment, specifically for more vulnerable categories of development, such as residential.

As discussed throughout this report, the application demonstrates substantial community benefits to Oldham and the Shaw area. When considering all these benefits together, in conjunction with the assessment on the viability, this is considered to outweigh the preservation of the NDHAs. All the NDHAs are now vacant and could fall into a state of disrepair, if they continue to be unoccupied long term.

Overall, on balance, it is considered that the loss of the buildings will cause adverse impacts from a heritage standpoint and whilst the preference has always been in support of retaining the buildings, it is necessary to consider the evidence submitted in relation to the feasibility of retaining the buildings and consider the scheme holistically, along with the wider need for housing and the benefits that come with the scheme.

In conclusion, given it is not possible to retain the buildings for conversion, it is considered that the key benefits of the scheme outweigh the loss of the buildings in this instance.

## **Archaeology**

A detailed Desk-Based Assessment (DBA) undertaken by Salford Archaeology was submitted in support of the application, which acknowledges the potential for below-ground archaeological remains within the site. The DBA references a Statement of Significance compiled by Salford Archaeology for the extant mill buildings, but this has not been submitted as a supporting document.

Therefore, the Greater Manchester Archaeological Advisory Service (GMAAS) have recommended a condition requiring the submission of a Written Scheme of Investigation (WSI) to be agreed with the LPA in conjunction with GMAAS prior to demolition or commencement of development. Therefore, no objections are raised on Archaeological grounds

## **Design & Appearance**

In terms of design, layout and appearance, this is reserved for future consideration. However, the overarching principles should be established at this stage, given the size of the site.

The buildings located within the site represent the tallest and most voluminous buildings in the area typically reaching a maximum height of 7 storeys. Some buildings of comparable size and scale exist to the south of the site, also comprising a combination of historic mill buildings and modern warehousing.

The visual character of mill buildings has been modified and diminished with modern, unsympathetic additions to their external fabric. Other built elements on site comprise a combination of hardstanding, car parking and distribution infrastructure, security fencing, internal fencing and culverts associated with the redirection of the River Beal.

The submitted Design & Access Statement states that the following principles underline the vision for the site:

The main principles are as follows:

- River Beal - daylighting this underused asset as a key feature through the site with significant environmental benefits and the focus of public open space through a riverside park;
- Development Area - creation of optimal development area through clearance of existing buildings and ground remediation with generous green and blue infrastructure along the river corridor;
- Character Areas / Street Hierarchy - creation of distinct areas and densities across the site from the entrances, frontages, primary routes, site boundaries and the riverside corridor;
- Connectivity - opportunities to provide new connections (north to south) and enhance existing connections given the close proximity to local amenities, the metro, bus stops, and the public rights way network;
- Townscape and Visual - delivery of a development that will have positive impacts on the surrounding residential areas and town centre with the removal of large industrial buildings and uses with appropriate and high-quality residential use and remediation and environmental improvements.

No objections are raised to the principles set out above, however, the information and specifics are limited. In addition, it is not clear at this stage how the site will promote connectivity in terms of which routes may be designed for walking / cycling. There is a preference for a higher density scheme than proposed; however, the site does have a number of constraints including remediation, flood risk, a main river and a need to accommodate open space and with that considered, the density proposed is considered acceptable.

Given the prominent nature of the site, design will be a crucial factor for the site moving forward. Any proposed development will need to respect the historic nature and therefore a condition is recommended to any planning permission that will require the submission of an overarching design code for the site for agreement prior to the submission of any reserved matters application. This should include:

- Urban design principles;
- Character areas;
- Treatment of the development edge;
- Block principles;
- Boundary treatments;
- Housing Mix;
- Building types and uses;
- Buildings heights;
- Movement network including street types, route hierarchy, footpaths, cycleways and bus service links to the Town Centre;
- Public realm strategy including lighting and street furniture;
- SUDS, parks, open spaces and landscaping, including the identification of trees and hedgerows to be retained;
- a Palette of building materials and details;
- All external surface materials including footpaths, cycleways and streets;
- Street cross-sections and plans;
- Parking strategy including layout and parking allocations for private motor vehicle, car club vehicles and cycles;
- Secured by design;
- Location of emergency services infrastructure;

Therefore, subject to Condition, the development complies with NPPF 2019 Section 12 and Local Plan Policy 20.

### **Residential Amenity**

NPPF Paragraph 180(a) seeks to mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life. NPPF Paragraph 181 considers air quality and states that decision should consider any individual and cumulative impacts on air quality from development. In addition, Local Plan Policy 9 seeks to ensure that development does not have an unacceptable impact on the environment or human health caused by air quality, odour, noise, vibration or light pollution

A Noise and Vibration Assessment has been submitted with the application as part of the Environmental Statement. The document concludes that during the construction and demolition phase of the development, mitigation measures will be necessary to ensure noise levels remain under the specified 75db threshold. Therefore, a Demolition Management Plan (DMP) and Construction Environment Management Plan (CEMP) will need to be submitted

and agreed in writing prior to the commencement of development. These documents will need to consider the following:

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

During the operational phase of the development, specific mitigation may also be required to the future properties on the site to protect the end user from potential noise. However, to consider this, a condition will be attached to the decision notice, which will require submission of a noise survey as part of any reserved matters application to ensure noise is appropriately considered during the operational phase of development.

An Air Quality Assessment (AQA) has also been submitted with the application, which considers the potential impact of demolition, earthworks and construction on human receptors. The assessment concludes that impacts of demolition, earthworks and construction is adverse, in the short term, but reversible and capable of effective mitigation. The AQA sets out clear mitigation and effective working methods for minimising any adverse impacts from each phase of the development, to ensure that the overall impact on air quality is 'small'. The mitigation measures set out in the AQA can be included in the DMP & CEMP both of which will need to be submitted and agreed prior to any demolition or construction works and as stated above, this will be secured by way of condition.

Overall, subject to conditions requiring the submission of a CEMP and DMP to consider noise and air quality matters, the development is acceptable and complies with the NPPF and Local Plan Policy 9.

### **Open Space**

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

The area subject of the application has been identified in the Open Space Study as being sufficient in accessibility to all the required types of open space; however, there are deficiencies in quality and quantity for five typologies of open space, including parks and gardens, provision for young people, provision for children, outdoor sports facilities and natural/ semi-natural. There are also deficiencies in the quality of amenity greenspace. Where a site is identified as being deficient in at least one of the standards of open space provision (accessibility, quality and quantity), overall, the area is classed as being deficient in that typology of open space.

The development proposes in excess 3.3ha of Open Space as part of the development and 3.2ha of this will be usable and accessible comprising five typologies which are currently deficient in the local area. The central park would comprise the main area of parks and gardens and this would be situated within the centre of the site. Amenity grassland will be provided from the north, running through the site to furthest point south west and this will generally follow the line of the de-culverted River Beal and will be habitable for walking.

A play area is proposed within the central park, which will contain play provision for children and young people (the equipment will need to be agreed separately). The Open Space will be managed through a management company, and this detail will be agreed as part of a Section 106 agreement.

Therefore, the development would comply with NPPF 2019 Section 8 and Local Plan Policy 23.

### **Ecology and Trees**

The ecological report submitted confirmed that the buildings on site had negligible potential for bats but owing to the scale of the former mill buildings, it made them difficult to fully assess. One emergence survey was carried out which supported the original assessment as no emergence was identified and only low levels of bat activity.

During the Extended Phase 1 Habitat Survey and Bat Activity Survey, sightings of Peregrine Falcon were recorded on a ledge of one of the mill towers. Peregrine Falcons are protected under schedule 1 of the Wildlife & Countryside Act 1981 (as amended). However, further survey work was undertaken by Rachel Hacking Ecology and the results concluded that no sightings of Peregrine Falcons were recorded.

Greater Manchester Ecology Unit (GMEU) recommend that updated surveys are carried out as part of any reserved matters application in relation to badgers and otters and this can be resolved through a suitably worded planning condition.

The site has a wide range of invasive species. A Management Plan will be required to demonstrate how this will be eradicated safely on site prior to commencement of development and a suitably worded planning condition will be attached to ensure any invasive species is dealt with appropriately.

GMEU strongly support the opening up of the River Beal. However, comments are raised in relation to the risk of contamination during the demolition and construction phase of development. Therefore, a condition is recommended in relation to identification of pollutant pathways and pollution risk. Based on the above the development accords with NPPF Section 15 and Local Plan Policy 21

In relation to arboriculture, the submitted tree survey sets out what species currently inhabit the site and the current condition of each tree. None of the trees on site are covered by a Tree Preservation Order (TPO). The Trees Officer has expressed concerns on the basis that an Arboricultural Impact Assessment (AIA) has not been submitted, which considers what trees would be retained or lost as part of the application.

However, at this time, due to the level of work that will be required to de-culvert, realign and open the River Beal channel, it is not feasible to categorically set out what trees will be retained or lost. However, the applicant has committed to replacing any trees that may be lost as part of the development on site at a ratio of 3:1. In addition, a condition will be attached to the planning permission, which will set out a requirement for an AIA to be submitted with each reserved matters application to consider the trees within each phase of development.

In conclusion, GMEU confirm that no objections are raised on the application.

### **Flood Risk & Drainage**

Policy 19 states that the council will ensure development does not result in unacceptable flood



risk or drainage problems by directing development away from areas at risk of flooding, and protecting and improving existing flood defences, water resources and quality, and that development proposals must carry out and pass the Sequential Test and, where necessary, the Exception Test, and be accompanied by a site-specific flood risk assessment.

The Environment Agency (EA) flood maps indicate that the site lies primarily in Flood Zones 2 and 3a based on the results of the EA 2007 hydraulic model. Given the age of the data available, the applicant has undertaken their own hydraulic model to assess the current flood risk on the site and used this data to establish how the current development could be accommodated, while mitigating and minimising the risk of flooding. The hydraulic model has been reviewed by the EA and no objections have been raised. This has enabled the applicant to look at viable options to address the flood risk on site. Further modelling was then undertaken to look at the post development scenario and identify any works that may be required to the River Beal to ensure that flood risk did not impact the site and surroundings.

Based on the post development modelling, the following improvements are proposed to the channel to take the developable area out of Flood Zones 2 & 3a and into Flood Zone 1 and also ensure flood risk is mitigated appropriately:

- Realign the River Beal through the site, removing several existing culverts and naturalising the channel banks in order to significantly increase the channel storage capacity
- The channel realignment will include approximately 580m of new open channel, which will be circa 18.5m wide to 22.5m wide at bank top level.
- The channel bed width will be 3.5m in order to maintain existing low flow regimes
- Two short box culverts are proposed to slow water flow and maximise upstream channel storage.
- Site levels will be raised in the vicinity of the proposed channel to the top of bank levels.

The channel has been designed to contain flows in up to a 1 in 1000 annual exceedance probability (AEP) event, based on the modelling undertaken at the site. This is a significant improvement and the proposed realignment / opening of the River Beal is a considerable benefit of the scheme in terms of flood risk.

The EA raised queries on potential flood hazards at the access / egress points of the site, in the worst flood event scenarios. As a result, the applicant has introduced an emergency access point to the north of the development. The Flood Risk Assessment and additional information submitted confirm that the development will not increase flooding elsewhere off site downstream, which is supported by both the EA & United Utilities (UU).

In terms of surface water drainage, the site lies in the Shaw Critical Drainage Area and the applicant is proposing the principle of a 50% reduction in surface water discharge rate on the site, which is supported in principle. The applicant has considered how surface water will be discharged in accordance with the SuDS Hierarchy. Specific flow rates and how these will be attenuated into the channel will be established through a suitably worded planning condition. However, the principles set out by the applicant are accepted by the EA & UU

As the site sits within Flood Zones 2 & 3a, in accordance with Policy 19 and NPPF Section 14 (Meeting the challenge of climate change, flooding and coastal change), the applicant has carried out a sequential and exception test. It was agreed through pre application that the area of search would be confined to the Shaw and Crompton settlement boundary and seven sites were identified

To be considered sequentially preferable to the application site, a site should be suitable, available and viable and must be at a lower level of flood risk. On review of the applicant's sequential assessment, it is noted that those sited in more sequentially preferable places in flood risk terms are either in an active employment use or sit within an open space designation. In conclusion satisfactory evidence has been presented that the sequential test has been passed in this instance.

Following the Sequential Test if it is found that an alternative site in a lower flood risk area is not available, then in accordance with NPPF Paragraph 160, the Exception Test should be applied. For the Exception Test to be passed it should be demonstrated that:

- a. the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b. the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Considering Part a of the Exception Test, the development demonstrates a number of key sustainability benefits discussed in this report. One of the key benefits includes taking the developable area of the site out of Flood Zone 2 & 3a into Flood Zone 1 with significant alterations to the alignment and channel of the River Beal to accommodate the development and to address the flood risk constraint. The mitigation proposed is based on up to date modelling of the present and post development situation and the work undertaken on the modelling has received no objection from the EA. The development will not increase flooding elsewhere and would take the site out of Flood Zones 2 & 3a and gives enough comfort that end users of the site will be safe for the lifetime of the development.

Based on the above, the proposal considers flood risk in depth and offers a suite of improvements to the site that will improve the flood risk constraint, and this would not be possible without the proposed development. In addition, the proposal passes the Sequential and Exception Tests. Therefore, the development complies with NPPF Section 14 & Local Plan Policy 19.

## **Ground Conditions**

National guidance within paragraphs 178 and 179 of the NPPF and Local Plan Policies 7, 8 and 9 are relevant, which seek to ensure that a site is suitable for its new use taking account of ground conditions, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The Environmental Health team has reviewed the submitted Geotechnical & Geoenvironmental Site Investigation and advised that there are no objections to the proposal subject to conditions requiring a site investigation and landfill gas investigation.

The site is identified as being in a 'low risk' coal area and an informative will be attached to any decision notice providing advice to the developers on coal risk matters. With that considered, no objections are raised in relation to ground conditions from Environmental Health.

## **Planning balance and Viability**

### Section 106 Contributions

As part of the development, the applicant is offering the following contributions as part of the proposal:

- 20% affordable on-site housing with 24 no. 2 bed apartments; 19 no. 2 bed homes and 37 no. 3 bed homes at 80% Open Market Value (OMV) to be provided; and
- A £2.2m contribution toward other requirements including highways improvement, education, health and management of open space.

The above proposals are based on a Viability Assessment submitted by CBRE in May 2021 on behalf of the applicant. The Viability Assessment considers the overall cost of delivering the development, including a range of abnormal costs. The abnormal costs are considered to be costs other than those typically encountered for a project and in this case, these include the following:

- Foundations Roads & Sewers
- Delivery of Soft Landscaping
- Construction of Sustainable Drainage Systems
- Demolition of all existing structures to the site including slab foundations and asbestos removal
- Site Remediation
- Modification of Watercourse including box section connections to waterways

The overall cost of demolishing and constructing the development, in conjunction with the abnormal costings, which include the delivery of the Open Space and flood risk improvement works which are key benefits of the scheme, are substantial. To ensure the development remains viable and based on the overall costings, the applicant is proposing the above contributions.

The Viability Assessment has been robustly reviewed by Keppie Massie on behalf of the Council. The final findings are still awaited and will be reported on the Late List.

In addition to the uncertainties regarding the precise details of the housing development at this outline stage, it is recognised that a development of this scale would be completed over a number of years, during which time the economic and housing markets are potentially subject to change. Consequently, the identified contributions may require revision, and this will need to be incorporated into the Section 106 agreement.

### Conversion of the Mills

As stated above, the mills are identified as having a 'low potential' for conversion to residential use. However, the applicant has submitted a Residential Viability Appraisal, which looked at the scenario for retaining the existing mills and converting them to residential. This concludes that based on the existing layout, constraints and size of the buildings, it is estimated that the conversion of the three mills could deliver around 322 1, 2, 3 & 4 bed apartments.

However, the cost of delivering the scheme, including construction / conversion costs are extremely high, and when this is considered against the projected sales values of 1, 2, 3 & 4 bed apartments in the area and the professional fees and finance cost of delivering such a scheme, this would result in a 'negative land value' meaning the scheme would result in substantial losses for the applicant, making the scheme unviable. It should be noted that the cost of s106 obligations and the flood risk and ecology benefits on offer with the current scheme, have not been factored into the conversion costs; however, and it is obvious that if they were, it would make the scheme even more unviable.

Keppie Massie have reviewed the Residential Viability Appraisal and overall concur with the view that retaining and converting the mills for residential development, would make the

scheme unviable and for that reason, the findings of the report are accepted.

### Alternative Assessment

In robustly assessing viability, the applicant was requested to consider whether the development would be viable if one of the mills could be retained and converted to residential use. It was agreed in writing with the developer that they would look at the viability of retaining Elm Mill, which is currently situated in the north east corner of the site.

In selecting Elm Mill for the assessment, the information in the draft Oldham Mill Strategy was considered, which confirmed that Elm Mill has a slightly higher heritage significance score than the Lily Mills (although, it is noted that the overall score of all the Mills on site is of 'medium significance'). In addition, the siting of the Lily Mills in the centre, would make it very difficult to accommodate the level of housing required, mainly due to potential overlooking implications, shadowing, dominance and privacy implications, meaning there would be an inevitable drop in the number of units proposed to take account of the retention of one or both Lily Mills.

A reduction in units, would inevitably put further pressure on the viability of the scheme, given the cost of remediation, delivering the flood risk works and contributions towards healthcare and education. Due to the siting of Elm Mill and the heritage significance, it was reasonable to agree to an assessment of the retention of Elm Mill only.

As stated, the site primarily sits within Flood Zones 2 & 3a and as part of the redevelopment of the site, a package of improvement works is proposed to the River Beal (discussed above). Elm Mill is currently sited next to an area of the River Beal that is culverted on the south east side. As stated above, to move the developable area from Flood Zone 2 & 3a to Flood Zone 1, significant realignment of the River Beal is required, along with the widening of the channel and the creation of banks. Substantial space is required for the realignment and this is not possible, if Elm Mill is retained. If the realignment is not possible, then the site will remain in Flood Zones 2 & 3a, and this could have a severe impact on delivering residential development on the site.

In addition, Elm Mill is shown to have an existing finished floor level as low as 173.96 m AOD, albeit the floor level is varied. A new building should have a finished floor level at least 600mm higher than adjacent flood levels during the 1 in 100 +35% climate change AEP events, which in this case would equate to circa 174.77m to 174.91 m AOD (depending on the exact location). With that considered Elm Mill's finished floor level falls well short of this requirement and retaining the existing mill could potentially present a flood risk to the building and its users, which would present further issues in converting the ground floor levels of the building for residential.

Considering the above, the accept that the option of retaining Elm Mill as part of the site's redevelopment is not possible on viability and flood risk grounds.

### **Conclusion**

There are a significant number of material planning considerations which must be weighed up in assessment of this application. Many of these point in different directions, some positive, some adverse.

The major positives include:

- The provision of much needed housing, including affordable accommodation, which will assist in meeting the Council's housing land supply;

- The comprehensive redevelopment of a previously developed site in a sustainable location, securing the site's long-term future;
- Benefits to the local economy from the introduction of new users of local businesses and services;
- The opening up of the River Beal, with the alleviation of flood risk, creation of attractive useable open space, and associated environmental benefits.

The adverse impacts include:

- The loss of an established employment site contrary to Local Plan Policy 14;
- The loss of non-designated heritage assets;
- The associated negative impacts on townscape.

In weighing up these factors, significant regard must be given to NPPF paragraph 11 (as referenced earlier in this report) and the Council's lack of a 5 year housing land supply. As a consequence, the *'tilted balance'* and presumption in favour of sustainable development set out in NPPF paragraph 11 is triggered.

In this context, the principle of residential development is considered as being acceptable for the reasons set out in this report. The harm caused by the loss of the Non-Designated Heritage Assets has been assessed and whilst there is a preference in favour of retaining the buildings, it has also been necessary to consider the feasibility of retention and conversion. In this regard, the evidence submitted with this application, clearly indicates that this is not possible in this instance.

In respect of retention of the site for employment purposes, although evidence of demand has not been conclusively evidenced as a result of the incomplete assessments carried out, given the site's size and location in relation to the strategic highway network, and the modern demands of industry and logistics, it is unlikely that suitable users would be forthcoming.

This is weighed alongside the benefits of redeveloping the site, including delivery of substantial flood risk and ecology benefits, and a substantial amount of housing and affordable housing that will contribute strongly to addressing the housing shortfall in the Borough.

On the basis of applicable national local planning policy, and the various considerations set out above, on balance, it is recommended that the application should be approved subject to the legal agreement, including a review mechanism in respect of required policy compliant financial contributions.

## **RECOMMENDED CONDITIONS**

- 1 Application for approval of the reserved matters of 1) Appearance 2) Landscape 3) Layout and 4) Scale shall be made to the Local Planning Authority before the expiration of six years from the date of this permission. The development hereby permitted shall be begun either before the expiration of six years from the date of this permission or two years from the date of approval of the last of the reserved matters whichever is the later.

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

- 2 Subject to the requirements of the other conditions of this permission, 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 number of dwellings to be constructed on the site shall not exceed 400.

REASON - To define the quantum of residential development, and to ensure it accords with the assessment undertaken within the Environmental Statement.

- 4 Prior to the submission of any reserved matters application, a phase related Design Code Framework for the whole of the development shall be submitted to and approved in writing by the local planning authority. It shall include the following details for each phase:

- i) Urban design principles;
- ii) Character areas;
- iii) Treatment of the development edge;
- iv) Block principles;
- v) Boundary treatments;
- vi) Housing Mix;
- vii) Building types, uses and heights;
- ix) Movement network including street types, route hierarchy, footpaths, cycleways and bus service links to the Town Centre;
- x) Public realm strategy including lighting and street furniture;
- xi) SUDS, parks, open spaces and landscaping, including the identification of trees and hedgerows to be retained;
- xii) A Palette of building materials and details;
- xiii) All external surface materials including footpaths, cycleways and streets;
- xiv) Street cross-sections and plans;
- xvii) Location of emergency services infrastructure;

Each application for approval reserved matters shall be accompanied by a Design Code Statement outlining how the development of that phase accords with the Design Code Framework for the whole of the development site.

REASON - To ensure a high-quality comprehensive design and the proper planning of the area having regard to Policy 20 of the Oldham Local Plan.

- 5 Prior to the submission of any reserved matters application, a Phasing Plan for the development shall be submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved Phasing Plan.

REASON - To ensure a satisfactory comprehensive development and proper planning of the area having regard to Policy 20 of the Oldham Local Plan.

- 6 No demolition or development-related groundworks shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following:

- 1. A phased programme and methodology of investigation and recording to include:
  - a. A Level 3 Historic Building Recording on the three extant mill buildings within the site, and a watching brief during the processes of soft-strip and demolition that have

- the potential to expose hidden historic fabric within the buildings
  - b. Targeted archaeological evaluation through trial trenching
  - c. Informed by the above, more detailed targeted excavation (subject of a new WSI)
2. A programme for post investigation assessment to include:
    - production of a final report(s) on the building recording and below-ground investigation results.
  3. Deposition of the final report(s) with the Greater Manchester Historic Environment Record.
  4. Dissemination of the results commensurate with their significance.
  5. Provision for archive deposition of the report and records of the site investigation.
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

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

- 7 Prior to the commencement of any phase of development hereby approved, a scheme in the form of a Construction Environment Management Plan (CEMP) and Demolition Management Plan (DMP) as applicable shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts, along with adequate wheel wash facilities. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the demolition or construction works are commenced, which shall be maintained for the duration of the demolition or construction works.

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

- 8 No development shall take place until a detailed construction environmental management plan (CEMP) for the construction of the new realigned and daylighted River Beal has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme. Any subsequent amendments shall be agreed in writing with the local planning authority.

The scheme shall include details demonstrating how the River Beal and wildlife corridor will be protected and or appropriately reinstated during development based on the following:

1. Timing of the works that preferably avoid more ecologically sensitive fish spawning season (Mid October to late March) for any in-channel and riparian bankside working.
2. The measures to be used during the development in order to minimise environmental and ecological impacts of the works (considering both disturbance and pollution)
3. Details of new bank and channel design of River Beal
4. Environmentally sensitive design of any new surface water outfall to River Beal, with a preference on SUDs solutions
5. Pollution protection measures
6. Site supervision
7. A pre and post construction monitoring plan for the diverted and realigned River Beal channel. To include a minimum 2 year post construction monitoring of new channel and corridor to assess channel stability and vegetation re-establishment post

scheme construction.

REASON - To ensure key ecological receptor of River Beal and WFD waterbody is protected and enhanced as part of major new river restoration scheme in accordance with Policy 9.

- 9 No development shall commence on any phase (apart from demolition and site clearance) 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:
    - o all previous uses
    - o potential contaminants associated with those uses
    - o a conceptual model of the site indicating sources, pathways and receptors
    - o potentially unacceptable risks arising from contamination at the site
  1. 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.
  2. 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.
  3. 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 protect the environment and prevent harm to human health having regard to Policy 9 of the Oldham Local Plan

- 10 No development shall commence on any phase (apart from demolition and site clearance) unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's written report and recommendation have been submitted to and approved 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.

- 11 If, during development, contamination not previously identified is found to be present at the site at any phase then no further development of that phase (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 environment and prevent harm to human health having regard to Policy 9 of the Oldham Local Plan.



12 No development shall commence on any phase (apart from demolition and site clearance) until the following information has been submitted to and approved in writing by the Local Planning Authority:-

- A hydromorphological survey of the channel, both at the reach to be restored and upstream catchment, to inform the development of any detailed plans.
- Details of proposed floor and external levels (AOD) of the River Beal and channel
- Details of the new River Beal Channel, including long/cross sections, demonstrating compliance with the approved FRA by Integra's letter Ref: 3165 / NS dated 12th February 2021 (within email of 13th February 2021 to the local planning authority
- Sufficient cross-sections to represent all design proposals within new Riverside Park (i.e. any proposed new in channel flow variations including channel meanders, bridge crossing, channel narrowing, riffles etc.)
- Bank full width and height to be marked on cross-sections in m.
- Water levels for a range of flows (i.e. Q50 and QMED) to be marked on cross sections in m AOD.
- Proposed and existing bed levels to be marked on cross-sections in m AOD at every break in slope.
- Details of new low flow channel (to be informed by modelling and hydromorphology survey).
- Details of any new in channel structures or bed substrate added to the channel.
- Details of proposed new bank revetment options (if required and preferentially based on bio-engineering options where feasible).
- Detailed proposals for any new channel toe protection and its installation.
- Access to banks and channel.
- A remediation strategy which considers water quality impacts from the proposed channel diversion.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON - To secure opportunities for enhancing nature conservation and geomorphological value in line with policies 1, 6 & 21 of the Oldham Local Plan.

13 No development shall commence until a risk assessment for impacts on the EU Water Framework Directive (WFD) ecological quality elements is undertaken to evaluate the level of risk and show how it is to be mitigated. This assessment should explore alternatives to culverting and show opportunities for environmental improvements should culverting be the only practicable solution.

REASON – To conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity having regard to Policy 21 of the Oldham Local Plan and paragraphs 170 and 175 of the NPPF

14 No development shall commence on any phase (apart from demolition and site clearance) until details of the method of surface water and foul water drainage from the site, including a sustainable drainage management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a residents' or similar management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The approved details shall be implemented in full prior to first occupation of the approved development and shall be maintained thereafter.

REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to ensure that the site is satisfactorily drained having regard to Policy 19 of the Oldham Local Plan.

- 15 No development shall commence on any phase involving works adjacent to the Metrolink tram line until details of measures to prevent vehicles entering the tram line have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved measures

REASON - To ensure a safe form of development in close proximity to the Metrolink tram line having regard to Policies 5 and 9 of the Oldham Local Plan.

- 16 Any application for the approval of reserved matters in respect of Appearance, Layout, or Scale shall be accompanied by details of a scheme for acoustically insulating the proposed development against noise and vibration from the adjacent Metrolink line.

REASON - To protect the amenity of future residents having regard to Policy 9 of the Oldham Local Plan.

- 17 No development shall commence on any phase involving works adjacent to the Metrolink tram line until a geotechnical report to confirm that the works will not adversely affect the stability of the Metrolink cutting slope/embankment has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON - To ensure a safe form of development near the Metrolink tram line having regard to Policy 9 of the Oldham Local Plan.

- 18 The submission of each reserved matters application shall include a detailed energy statement to demonstrate how the proposal will accord with the Energy Infrastructure Target Framework set out in Oldham Local Plan Policy 18 and contributes to energy reduction when considering both the individual phase and the site as a whole.

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

- 19 Any application for the approval of reserved matters in respect of Layout, Landscaping or Scale shall be accompanied by details of all finished ground and floor levels for the proposed site and buildings (as applicable to the application) relative to a datum or datum points, the location of which has previously been approved in writing by the Local Planning Authority.

REASON - In order to ensure adequate information is submitted to fully assess the impact of the development having regard to Policies 9 and 20 of the Oldham Local Plan.

- 20 The submission of each reserved matters application shall be accompanied by an updated invasive species survey and a method statement detailing eradication and/or control and/or avoidance measures for Himalayan balsam and Japanese knotweed and any other invasive species. The approved method statement shall be adhered to and implemented in full prior to the commencement of the development in that phase.

REASON - To prevent the spread of Japanese knotweed, Himalayan balsam, Giant hogweed and any other invasive species having regard to Policies 9 and 21 of the Oldham Local Plan.

- 21 Any application for the approval of reserved matters shall be accompanied by a scheme to mitigate for the loss of on-site biodiversity. The mitigation proposal shall include:
- o Full details of the off-set requirement resulting from the loss of habitats on the development site utilising the Defra off-set matrices version 2 or equivalent;
  - o Full details of Habitat enhancement and creation proposals on-site including target condition;
  - o Calculation of on-site mitigation utilising the Defra off-set matrices version 2 or equivalent that demonstrate a minimum of 10% net gain; receptor site
  - o A management and monitoring plan for a period of 25 years;
  - o Details of the organisation responsible for managing and monitoring the on-site mitigation

The approved scheme shall be implemented in full in accordance with an agreed timetable.

REASON - To ensure biodiversity enhancements are provided having regard to Policy 21 of the Oldham Local Plan.

- 22 Any application for the approval of reserved matters shall be accompanied by updated surveys of the River Beal and adjacent railway, including desk top information to identify whether otters are present on the site, and if so, no development shall be undertaken until a suitable scheme of mitigation and protection has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved scheme.

REASON - In order to ensure the protection of ecological assets having regard of Policy 21 of the Oldham Local Plan.

- 23 Any application for the approval of reserved matters shall be accompanied by an accurate tree survey to BS3998 and Arboricultural Impact Assessment for that phase, identifying which trees will be retained or lost as part of the development. Details will also include any measures to protect trees identified as worthy of protection and details of mitigation for the trees lost at a ratio of 3:1. The survey details shall be at a scale of not less than 1:500, indicating species, position, height, girth, crown spread, health, condition, structural defects, life expectancy and desirability for retention of all existing trees, shrubs and hedgerows within the site and on land adjacent to the development which may be affected by it.

REASON – To ensure protection or as appropriate replacement of existing trees

represent an important visual amenity having regard to saved Policy D1.5 of the Oldham Unitary Development Plan.

24 Any application for the approval of reserved matters shall include details of the following:

1. the means of access to the buildings
2. gradients
3. sight lines
4. the means of servicing the buildings
5. the provision made for parking and/or garaging facilities clear of the highway
6. secure cycle storage facilities
7. the means of draining the highway.
8. footway and cycleway infrastructure through the site
9. the means of emergency access to each part of the site

REASON - To ensure adequate highway and drainage standards are achieved in accordance with Policy 5 of the Oldham Local Plan.

25 No dwellings hereby approved shall be occupied until the access to that property has been provided in accordance with the approved plan and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access. All work that forms part of the approved scheme shall be retained thereafter.

REASON - To ensure adequate access is provided and remains available in the interest of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

26 Prior to the first occupation of the development hereby approved, an interim green travel plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Following acceptance of the interim plan, the occupier shall submit their travel plan to the Local Planning Authority for approval and the approved plans shall thereafter be implemented within 3 months of first occupation of the dwellings.

REASON - To ensure the development accords with sustainable transport policies having regard to Policy 5 of the Oldham Local Plan.

27 No development shall commence on any phase (apart from demolition and site clearance) unless details of any proposed piling using penetrative methods has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON - To protect the environment and prevent harm to amenity having regard to Policy 9 of the Oldham Local Plan.

28. Any application for the approval of reserved matters shall be accompanied by a statement which demonstrates how the proposals have taken account of the recommendations of the submitted Crime Impact Statement Ref:2020/0693/CIS/01 Version A.

REASON – To ensure the development incorporates measures to reduce the risk of crime having regard to Policy 9 of the Oldham Local Plan.

29 No works to trees or shrubs shall take place between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

REASON - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981, having regard to Policy 21 of the Oldham Local Plan.

### LOCATION PLAN



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