

PLANNING COMMITTEE Regulatory Committee Agenda

Date Wednesday 9 November 2022

Time 6.00 pm

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

- Notes
1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Constitutional Services in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Constitutional Services Tel. 0161 770 5151 or email Constitutional.Services@oldham.gov.uk
 3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Friday, 4 November 2022.
 4. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council’s website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti social behaviour will always be filmed.

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https://www.oldham.gov.uk/homepage/1449/attending_council_meetings

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:

Councillors Al-Hamdani, Cosgrove, Dean (Chair), H. Gloster, Hobin, A Hussain, F Hussain, S Hussain, Islam, Lancaster, Nasheen, C. Phythian, Surjan and Woodvine

Item No

- 1 Apologies For Absence
- 2 Urgent Business
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 4)
The Minutes of the meeting of the Planning Committee held on 12 October 2022 are attached for Members' approval.
- 6 OUT/346856/21 Springhead Quarry, Cooper Street, Springhead, Oldham (Pages 5 - 30)
Outline planning application (all matters reserved except for access, layout and landscaping) for a residential development of up to 158 dwellings with associated infrastructure. The matter of appearance is reserved for future consideration.
- 7 VAR/349651/22 Shaw Distribution Centre, Linney Lane, Shaw, Oldham (Pages 31 - 44)
Variation of conditions to allow for phased development, including revised site drainage proposals - 2 (approved plans), 4 (design code framework), 8 (CEMP re-aligned River Beal), 9 (remediation strategy), 12 (Channel details), 13 (EU Water Framework Directive), 14 (surface and foul water drainage), 18 (energy), 19 (finished floor levels), 20 (invasive species), 21 (biodiversity), 22 (ecology surveys), 24 (internal highways details), 26 (interim travel plan) and 28 (crime impact statement) relating to application OUT/345898/20



- 8 FUL/349659/22 Land at Westway, Shaw, Oldham, OL2 8TB (Pages 45 - 54)
Three storey development of a new primary healthcare facility with associated parking and landscaping.
- 9 FUL/349545/22 Unit A Victoria Trading Estate, Drury Lane Chadderton (Pages 55 - 60)
Demolition of existing industrial unit and construction of 4 No terraced units (B2/B8).
- 10 Appeals Update (Pages 61 - 64)

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PLANNING COMMITTEE
12/10/2022 at 6.00 pm

Present: Councillor Dean (Chair)
Councillors Al-Hamdani, Cosgrove, S Hussain, Islam, Lancaster,
Nasheen, C. Phythian, Surjan (Vice-Chair), Williamson
(Substitute) and Woodvine

Also in Attendance:

Laila Chowdhury	Constitutional Services
Graham Dickman	Special Projects Development Lead
Alan Evans	Group Solicitor
Martyn Leigh	Development Management Team Leader
Kaidy McCann	Constitutional Services
Wendy Moorhouse	Principal Transport Officer
Peter Richards	Head of Planning

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H
Gloster, Hobin and F Hussain.

2 URGENT BUSINESS

There were no items of urgent business received.

3 DECLARATIONS OF INTEREST

There were no declarations of interest received.

4 PUBLIC QUESTION TIME

There were no Public Questions received.

5 MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the Meeting held on 21st
September 2022 be approved as a correct record.

6 FUL/348898/22 - LAND AT SNIPE CLOUGH, OLDHAM

APPLICATION NUMBER: FUL/348898/22

APPLICANT: Northern Roots (Oldham) Ltd

PROPOSAL: Hybrid planning application seeking full/part
outline consent comprising: (a) Full application for the erection
of a visitor centre, events building with meeting pods, learning
centre, forestry depot, ground mounted solar PV array and
associated works, relocation of football pitch provision,
necessary infrastructure, hard and soft landscaping, site wide
vehicular, cycle parking and pedestrian improvements, including
car park on Nether Hey Street., (b) Outline application (all

matters reserved except for access) for a community growing allotment and swimming pond.

LOCATION: Land at Snipe Clough, Oldham

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

On being put to the vote, it was UNANIMOUSLY cast IN FAVOUR OF APPROVAL.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report and conversations be encouraged between the applicant and Ward Members.

NOTES:

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

7

OUT/349440/22 - LAND AT BROADWAY GREEN BUSINESS PARK, FOXDENTON LANE, CHADDERTON

APPLICATION NUMBER: OUT/349440/22

APPLICANT: Aldi Stores Ltd

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

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

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

On being put to the vote, 7 VOTES were cast IN FAVOUR OF APPROVAL and 2 VOTES were cast AGAINST with 1 ABSTENTION.

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

NOTES:

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

8 **APPEALS UPDATE**

RESOLVED that the Appeals Update be noted.

9 **LATE LIST**

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

The meeting started at 6.00 pm and ended at 7.49 pm

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APPLICATION REPORT – OUT/346856/21 Planning Committee 9th November 2022

Registration Date: 12th October 2022
Ward: Saddleworth West & Lees

Application Reference: OUT/346856/21
Type of Application: Outline

Proposal: Outline planning application (all matters reserved except for access, layout and landscaping) for a residential development of up to 158 dwellings with associated infrastructure. The matter of appearance is reserved for future consideration.

Location: Springhead Quarry, Cooper Street, Springhead, Oldham

Case Officer: Stephen Gill
Applicant: Stonebreaks Ltd
Agent: Lizzie Schofield

INTRODUCTION

The application is referred to Planning Committee for determination since it is a Major development proposing the erection of more than 20 dwellings.

RECOMMENDATION

It is recommended that the application is refused for the reasons set out in this report.

THE SITE

The site subject of the application is located on the eastern edge of Springhead close to the A669, which is a main arterial route through Oldham. The site is enclosed by existing residential development to the northwest, southeast, and west. Cooper Street is situated to the west which is lined by residential developments and Springhead Infant School. There are also residential properties along Old Croft and Dellhide Close, which link to Cooper Street. The southern boundary of the site is defined by Springhead Congregational Church and further residential properties. Springhead Cricket Club is situated to the north, and Radcliffe Street and Stonebreaks Road are situated to the east.

The site has many different characteristics, which include the former Springhead Quarry, which is located in the south-west of the site and is identified in the Strategic Housing Land Availability Assessment 2021 (SHLAA) as brownfield land. There is also another smaller quarry to the north, which has been filled in. Public Right of Way FP203 SADD (“PRoW 203”) runs through the site, and close to the former southern quarry. Dense trees and vegetation are located to the west of PRoW 203 and within the former Quarry itself. PRoW route FP192

SADD (PRoW 192) also runs along the eastern boundary through the site to the north. The remainder of the site comprises a mixture of grassland, scrub, woodland and heath habitats.

A considerable portion of the site is designated as being within Open Protected Other Land ("OPOL") 13 (Stone Breaks) and is also designated as being within a Green Corridor. Stone Breaks Conservation Area is situated directly to the north and east of the site, and Highfield House, which is a Grade II Listed building sits to the south but is outside the red line boundary of the development site.

THE PROPOSAL

The application proposes outline planning permission (all matters reserved except for access, layout and landscaping) for a residential development of up to 158 dwellings with associated infrastructure. The matters of appearance and scale is reserved for future consideration

RELEVANT PLANNING HISTORY

PA/344851/20 - Outline planning permission for development of up to 200 dwellings (Use Class C3) with associated access roads, with all other matters reserved (relating to appearance, landscaping, scale and layout). withdrawn in November 2020

PA/059411/11 - Outline application for residential development including new access and scale to be considered. Landscaping, layout and appearance to be reserved. Resolution to grant permission approved at planning committee – 17 October 2012.

PA/056364/09 - Outline application for 61no. Dwellings including new access road. Access, layout and scale to be considered. Landscaping and appearance to be reserved. Application withdrawn - 5 January 2011.

LB/056365/09 - Proposed access to residential site, through curtilage of listed building. Withdrawn by applicant 5 January 2011.

PA/018868/85 - Filling of the quarry and restoration of land.

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 allocated in the Proposals Map associated with this document as [text].

As such, the following policies are relevant to the determination of this application:

Core Strategy Policies

Local Plan Policy 1 - Climate Change and Sustainable Development;

Local Plan Policy 2 – Communities;

Local Plan Policy 3 – An Address of Choice;

Local Plan Policy 5 - Promoting Accessibility and Sustainable Transport;

Local Plan Policy 9 - Local Environment;

Local Plan Policy 10 – Affordable Housing;

Local Plan Policy 11 – Housing;
Local Plan Policy 18 – Energy;
Local Plan Policy 19 – Water and Flooding;
Local Plan Policy 20 – Design;
Local Plan Policy 21 – Protecting Natural Environmental Assets
Local Plan Policy 22 – Protecting Open Land;
Local Plan Policy 23 – Open Spaces and Sports; and,
Local Plan Policy 24 – Historic Environment
Local Plan Policy 25 – Developer Contributions

Saved Unitary Development Plan Policies

UDP Policy D1.5 - Trees

CONSULTATIONS

Highways Engineer – Objection raised. The reasons and justification for the objection are discussed in this report

Historic England – No objection

Environmental Health – No objection subject to conditions

Spatial Planning – In summary, Spatial Planning object to the principle of developing OPOL 13 (Stone Breaks). In addition, concerns have also been raised to the potential impacts to the designated heritage assets which surround the site. The development would result in the loss of area designated as open space. Spatial Planning comments are discussed throughout the report

Education – No objection subject to a contribution of £995,651.22 towards both primary and secondary school places

Arboricultural Officer – comments to follow as part of the late list

United Utilities – No objection subject to conditions

Greater Manchester Ecology Unit - Objection raised. The reasons and justification for the objection are discussed in this report

TPM Landscape – Concerns raised in respect of potential impact of the development on the landscape and visual aspects of the development, as described in the report.

Greater Manchester Archaeology Advisory Service – No objection subject to condition

The Coal Authority – No objection

Environment Agency – Objection raised discussed in the report

Lead Local Flood Authority – No objection subject to condition

REPRESENTATIONS

The application has been publicised by means of neighbour notification letters, site notices and a press notice. In response, 149 representations have been received raising the following (summarised) issues:

- The land is Green Belt and should be protected.
- The adoption of the OPOL Interim Position Paper, and the site's inclusion in this document strengthens the land's value.
- Parts of the land are very heavily contaminated.
- The land is a well-used area of recreational space.
- The application will eradicate the green space in Springhead.
- There are not enough schools and facilities in the area to accommodate the development.
- The submitted Landscape and Visual Impact Assessment downplays the impacts of the development.
- The development does not demonstrate any Biodiversity Net Gain.
- The previous application was refused, and this application should be refused.
- Invasive species currently inhabit the site.
- Emergency vehicles will struggle to access the site in the current layout.
- The development would cause overlooking implications for the existing residents.
- The development will cause adverse impacts to air quality.
- The PRoW routes will need to be realigned and permanently changed or at worst lost.
- The land was quarried for many years and as a result builders in the area have had serious problems with the rock below the ground on other sites.
- No CIL contribution is proposed as part of the development.
- The value of the existing properties in the immediate vicinity will be adversely impacted by the development.
- Adverse impacts to the setting of the Listed Buildings and Conservation Area.
- The consultation period given by the Council to comment on the planning application is insufficient.
- The development will adversely impact the ecology on the land, including bats, bird, deer's and badgers, and will also result in the loss of a huge number of trees and plantation.
- Impacts to traffic levels in the area, which are already very bad, this development will present additional congestion and as a result dangers to children.
- The development cannot demonstrate adequate access from all aspects of the development.
- Concerns that the Council are not listening to residents' concerns.
- Inadequate Transport Assessment submitted.
- A cumulative traffic impact assessment needs to be undertaken to consider the impacts of this development and other recent applications such as the development at Knowls Lane.
- The development will put undue pressure on all the existing local amenities, including doctors and dentists in the area.

- Lack of footways for pedestrians outside the site, which will increase risks of injury and accidents to adults and children.
- Lack of parking provision in Lees to accommodate the additional residents
- There are plenty of other brownfield sites in the borough to consider.
- The site itself is not a brownfield site.
- Construction vehicles will struggle to access the site, and will cause amenity issues to existing residents, and will be dangerous.
- Mental health issues as a result of a loss of green space.
- Risk to subsidence and damage to existing properties that surround the site.
- No affordable housing is proposed within the development.
- Potential increase of noise and loss of privacy.
- The proposed road width within the site is not wide enough for a two-way operation.
- The development will cause increased potential for flooding on the site, whilst drainage is also an issue, and UU assets will not be able to cope.
- No confirmation has been submitted on where the waste from the additional properties will go.
- The development will have unacceptable adverse impact on the landscape.
- The development fails to comply with NPPF paragraph 92 as it does not propose a healthy, inclusive place, with streets that allow pedestrian and cycle connections that are safe and accessible.
- The loss of OPOL would have an adverse impact on the community and should be protected.
- The proposed development represents overdevelopment on the land.
- If the development was confined to the quarry, no objections would be raised.
- The development is not needed in the area.
- The development would result in children not being able to play outside due to the increase in traffic.
- The land is not fit for the intended use.
- The proposed development will destroy everything that makes the area attractive.
- The application approved for 265 homes on Knowles Lane provides adequate levels of housing provision in the area
- Adverse impacts to trees as a substantial amount need to be removed to accommodate the layout.
- In terms of the internal layout, the cul-de-sacs proposed are at about 500 metres long, which are twice the recommended maximum of 250 metres which is an accessibility safety standard.
- The junction of Dellhide Close/Oldcroft is substandard in relation to gradient 1 in 4.7 and a radius of 11 metres and the junction to Cooper Street is also substandard with a radius of 15 metres and the approach gradient exceeding the requirement of 1 in 40 for a minimum distance of 15 metres. This results in the swept path drawing for a large vehicle showing encroachment over the footway.
- The layout of the junction at Walkers Lane has not been approved as stated and that a reduced sight line is being requested.
- The traffic flow analysis is outdated and does not take account of the current problems at the School and Nursery in Cooper Street, the existing flows in Dellhide Close, the

development now approved at Knowls Lane or the congestion already evident on Oldham Road and further afield at Clarksfield and the approach towards Oldham.

- Adverse heritage impacts to the Conservation Area and Listed Building

Support

- Very happy that new homes will be built so our children and grandchildren can have the option of new homes.
- This development will make good use of waste land.
- The site is dangerous and should be developed to make it safer.

Response to representations

Many of the comments raised in the representations are discussed throughout the report, however, it should be noted that in relation to comments that the site will harm the Green Belt, Members should be aware that the site is not designated as being in the Green Belt. In addition, comments that the site should be subject to Community Infrastructure Levy contributions (CIL), a CIL structure is not currently adopted by Oldham Council and therefore the development is not subject to CIL contributions.

PLANNING CONSIDERATIONS

Principle

Housing Provision

Oldham's housing requirement, under the nationally set Local Housing Need standard methodology calculation, was 677 homes per year as at 1 April 2021. The most recent published housing land supply position for Oldham, which covers the period 1 April 2021 – 31 March 2026, identifies a five-year supply of 2,893 homes taking into account projected clearance. This represents 85% of the dwellings required over the five-year period against the standard methodology (5 x 677 = 3,385 dwellings), not including any buffer. Given that the Council cannot therefore demonstrate a five-year housing land supply position against this national requirement, this means that Local Plan Policy 3 is out of date in terms of the distribution of housing.

However, the Places for Everyone Joint Plan (PfE) for nine of the ten Greater Manchester Authorities (including Oldham) was submitted to the Planning Inspectorate for examination in February 2022. PfE proposes a stepped housing requirement for Oldham of 352 homes per year for the first five years of the plan period (2020-2025); 680 homes per year for years 6-10 (2025-2030); and 868 homes per year for years 11-17 (2030-2037). Based on the PfE stepped housing requirement for 2021-2026 (2,088 dwellings), the 2,893 dwelling supply as at 1 April 2021 would represent 139% of the PfE requirement, i.e., not only showing a five-year supply with an appropriate buffer but a significant surplus over a five-year supply (a 39% buffer). Given that PfE has been submitted to the Planning Inspectorate for examination, it is now appropriate to give the document 'limited weight' in the decision-making process, and so this improved housing land supply position under PfE should be given weight and will be considered in the planning balance.

Furthermore, the robustness of the above housing supply has been supported by the fact that several large sites (which are also allocations under PfE) have been granted planning permission since 1 April 2021, thus confirming the deliverability of those sites and their appropriate inclusion in the five-year housing land supply.

In addition, housing delivery is increasing in the Borough. The latest Housing Delivery Test result for 2021, which was published 14th January 2022, sets out that Oldham has delivered 91% of its housing need over the past three years. This is a significant improvement on the previous years' results of 80%. As per the latest result, the Council are no longer required to identify a 20% buffer of deliverable housing land on top of the five-year supply, but only the standard 5% buffer.

Based on the above, Oldham's housing land supply position is strengthening, and this is a material consideration in determining how much weight can be afforded to housing provision in the tilted balance.

However, notwithstanding this, the Council's position is that it cannot currently demonstrate a five-year supply of deliverable housing land, when considered against the standard methodology, and paragraph 11d) of the National Planning Policy Framework ("NPPF") 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 the application.

In relation to NPPF paragraph 11d(i), the development is not considered to adversely impact areas or assets of particular importance as set out in footnote 7. Considering NPPF paragraph 11d(ii), a balancing exercise will need to be undertaken to determine whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

It is important to state from the outset that for the reasons set out in this report, it is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, and therefore, the principal of residential development is not considered to be acceptable in this instance.

In coming to this view, the following factors have been considered:

Other Protected Open Land 13 (OPOL 13 Stonebreaks)

OPOL 13 has been assessed against the Local Green Space (“LGS”) criteria set out in the NPPF as part of the work undertaken for the Other Protected Open Land Interim Position Paper (“OPOL IPP”), which was adopted on 20th September 2021. The document states that OPOL 13 overall does meet the LGS criteria and states that:

“The land is of local significance due to its beauty, tranquillity, historic significance and local recreational value. A small part of the site is also of local significance due to its wildlife. OPOL 13 – Stonebreaks It is also considered that a small extension to the north of the OPOL could form part of the designation”

The OPOL IPP is a material consideration in the determination of the application. The development proposal would have an adverse impact on OPOL 13 and would essentially erode 40% (3.2 Hectares) of the OPOL. This would constitute comprehensive development in OPOL 13, and the impacts will need to be weighed up in the planning balance.

In establishing how much weight should be afforded to the extensive erosion of the OPOL, Local Plan Policy 22 is relevant, and it must be established how much weight can be afforded to the Policy in this assessment. Given that the Council cannot demonstrate a 5-year housing land supply and Local Plan Policy 22 is a policy that restricts the delivery of housing, it should be considered as being out of date in this respect. However, that does not mean that ‘no weight’ should be given to the Policy in the planning balance. It has been established through the Courts in other cases that it is in the decision-maker’s planning judgement as to what weight should be afforded to relevant restrictive policies. However, a logical approach to take would be to give less weight to restrictive policies if the shortfall in the housing land supply is larger and more weight if the shortfall is small.

In coming to a view on what weight should be given to Local Plan Policy 22 in the balancing exercise, the strength of the housing land supply position is a factor. The housing land supply position is improving in Oldham and has now increased to 85% of that which would be required against the standard methodology as at 1 April 2021. This would improve to 139% against the stepped PfE requirement. In addition, deliverability has improved and so, given the status of PfE now that it has been submitted for examination, it is appropriate to give this improving housing land supply position at least ‘limited weight’ in the balancing exercise.

When all the above factors are considered together, it is therefore a reasonable planning judgement to elevate the weight given to Local Plan Policy 22 from ‘limited’ to ‘moderate’, whilst also reducing the weight given to the provision for housing from ‘significant’ to ‘moderate’. This is considered justified given the overall improvement in the housing land supply position and deliverability and the status of PfE, and the fact that the OPOL that the site lies within is considered worthy of continued protection under the OPOL IPP and is not proposed as an allocation for development under PfE.

With the above considered, the development can now be assessed against Local Plan Policy 22. Based on the criteria set out in Local Plan Policy 22, the development fails to accord with

the Policy. Local Plan Policy 22 does allow for small-scale or ancillary development located close to existing buildings within the OPOL, which does not affect the openness, local distinctiveness or visual amenity of the OPOL, taking into account its cumulative impact. The development is not small scale or ancillary and will in part harm the distinctiveness, by extensively eroding the quality of an OPOL that meets LGS criteria. Overall, the development results in the loss of 40% of OPOL 13 and this does not comply with Local Plan Policy 22, and this does not weigh in favour of the development in the planning balance.

Green Corridor

Parts of the site is also designated as being within a Green Corridor, specifically between Cooper Street and Stonebreaks Road. Local Plan Policy 6 is relevant and states that development proposals where appropriate must:

- a. promote and enhance the borough's Green Infrastructure network. This currently consists of nature conservation sites, strategic recreation routes, green corridors and links, canals and open spaces which are defined below; and
- b. make a positive contribution to Green Infrastructure assets and its functions in priority areas identified in the Greater Manchester Green Infrastructure Framework and elsewhere where there are deficiencies in quantity, quality, accessibility and functionality.

Policy 21 is also relevant and states that development proposals must protect and maximise opportunities for Green Infrastructure at or near to the site; and maintain, extend or link existing green corridors and links, including strategic recreational routes, where appropriate.

The application encroaches into the Green Corridor, and Spatial Planning have concluded that, by the very nature of the encroachment, it does not protect the Green Corridor. Greater Manchester Ecology Unit have also reviewed the potential impacts to the Green Corridor, and it is in their view that the proposed scale of development will compromise the functioning of the Green Corridor. Therefore, it cannot be concluded that the development would enhance the green infrastructure network, and this does not weigh in favour of the development.

Previously Developed Land

As stated above, part of the site in which the proposed development sits is Previously Developed Land ("PDL"). According to the Council's most up-to-date Brownfield Register, this amounts to 2.33 hectares of land, which according to the applicant's planning statement is 29% of the site. The applicant goes further and states that, following a detailed study of the extent of quarried land at the site, the level of PDL is actually more than what is acknowledged in the Brownfield Land Register and concludes this to be 2.9 hectares (37% of the application site). The PDL is concentrated mainly to the south and southwest of the site, with a small amount situated to the north.

The extent of the PDL mainly falls outside of the OPOL designation and to the south of the site, where the main quarry was previously situated. The Local Planning Authority would have no objection to the principle of residential development on the parcel of land that sits outside of the OPOL designation, which is identified as PDL in the Council's Brownfield Land Register.

As set out in the NPPF and Local Plan Policy 6, the Council will support the redevelopment of brownfield sites and will seek to redevelop these for housing first. The Local Planning Authority's view on this is reinforced by the fact that outline planning permission was granted for residential development on this portion of the site under planning reference PA/059411/11. However, the applicant states that the cost of redeveloping the former quarry area is substantial and cannot be done without the wider redevelopment of the site, which is designated as OPOL. It should be noted that no financial evidence has been submitted to substantiate this.

The applicant's asserts that a greater level of PDL is present on the site than what is stated in the Brownfield Land Register, and some of these areas are within the OPOL designation. However, even if this was the case, and the applicant's assertions are correct, it does not automatically mean that the value of these areas within the OPOL should be downgraded in terms of their contribution to the OPOL's value. The Council's assessment of the OPOL and whether the land meets the criteria of the LGS is carried out holistically and not on a piecemeal basis. If the land was assessed on a piecemeal basis, it could inevitably result in piecemeal erosion of OPOL throughout the borough.

Therefore, it is considered that whilst residential development may be acceptable in principle for the PDL land that sits outside the OPOL, for any PDL land that sits within the OPOL, the redevelopment of this land for residential development needs to be weighed against the harm to the OPOL, and it is considered for the reasons given above that the benefits of residential development do not outweigh the harm to the OPOL.

Open Space

The site is identified as natural / semi-natural open space within the Open Space Study, and the development would involve a net loss of 6.3 acres of designated open space. The surrounding area has been identified in the Open Space Study as being sufficient in accessibility and quantity for four typologies of open space; however, there are deficiencies in accessibility for provision for children and provision for young people. There are also deficiencies in quality for amenity greenspace, provision for children, provision for young people, outdoor sports facilities and natural/ semi-natural open space. The area is sufficient in standards for Parks and Gardens.

Local Plan Policy 23 states that the development of a site that is currently or was most recently used as open space or for sport or recreation will be permitted provided it can be demonstrated the development brings substantial benefits to the community that would outweigh the harm resulting from the loss of open space, and;

- g. a replacement facility which is at least equivalent in terms of usefulness, attractiveness, quality and accessibility, and where appropriate quantity, to existing and future users is provided by the developer on another site prior to the development commencing; or
- h. if replacement on another site is neither practicable nor desirable, an agreed contribution is made by the developer to the Council for new provision or the improvement of existing open space or outdoor sport and recreation facilities

and its maintenance within an appropriate distance from the site, or within the site; or

- i. a mixture of both g) and h)

The applicant would need to satisfy the loss of open space as per the above through providing either a replacement facility or an agreed contribution to new or existing provision elsewhere or a mixture of the two.

To consider the loss of open space as part of the development, the applicant is proposing 8.5 acres of on-site open space provision (43% of the site). A typologies plan has also been submitted, which sets out how the open space will be delivered on the site. The typologies plan indicates that a landscaped green corridor (3.3 acres) would be created through the site. Provision for children and young people would be created in the form of a play area / woodland play, which would account for (1.3 acres), amenity green space and natural and semi natural open space would also be created through the site (2.1 Acres) in total.

In addition to this, the Open Space Typologies Overview plan sets out that a financial contribution could also be given to Springhead Cricket Club to improve their existing facilities.

The Spatial Planning Team have reviewed the open space proposals and are supportive of these. They contribute to addressing the identified shortfalls (set out above) in the area, and this, in conjunction with a contribution, would satisfy the loss of existing open space on the site.

Separately to the loss of open space, given that the scheme is major residential development, there is also a separate requirement to contribute to the provision for new, additional open space through either on site provision or, if this is not practicable, a financial contribution. In identifying suitable additional provision, it is important to look at any surpluses and deficiencies in the area, which have been set out earlier. Spatial Planning have concluded that the typologies proposed are very beneficial, and the cost of this would be substantial. Therefore, it is considered that provision proposed as set out above would also be acceptable in the context of the requirement to provide open provision as part of a major residential development.

The offer of a contribution towards the cricket club would be welcomed, and this would need to be calculated on the basis of how many bedrooms would be provided in the scheme, and this is discussed in the contributions section of this report

Therefore, on that basis and on balance, the development is considered to comply with Local Plan Policy 23 and the application does demonstrate some clear benefits in terms of the open space typologies proposed and the fact that they contribute to addressing shortfalls in the area. This element does weigh in favour of the development.

Visual Impact

The applicant has submitted a Landscape and Visual Impact (LVIA) undertaken by Plincke, which considers the viewpoints that surround the site and how the development could impact these.

TPM Landscape ("TPM") have reviewed the information submitted on behalf of the Council and conclude that the impact of the development on the site boundaries (notably the access off Cooper Street, the northern boundary at the interface with the cricket ground / Stonebreaks Conservation Area and the eastern edge along Stonebreaks Road) are considered higher than currently assessed by the applicants LVIA.

Landscape Assessment Summary

According to TPM, the site is located within National Character Area 54 ("NCA54") Manchester Pennine Fringe. Plincke's LVIA assessment considers the development to be insignificant in scale within NCA54.

TPM state that the GM Landscape Character and Sensitivity Assessment provides an overall sensitivity to the Landscape Character Type 'Pennine foothills'. It states that for a 2-3 storey housing development the sensitivity is described as 'medium'. However, areas of steep and/or complex landform, distinct hills and prominent ridgelines would be of a higher sensitivity. TPM consider the development does sit on a prominent ridgeline with a complex landform.

The site also sits within Landscape Character Area 28 ("LCA 28") (Rochdale and Oldham South Pennine Foothills). Characteristics including the central ridgeline will have a high sensitivity / susceptibility to change. The applicant's assessment states that *'proposed development will result in the loss of open land, most notably to the eastern edge of the site.'* The assessment follows by stating *'in accordance with the Greater Manchester character and Sensitivity Assessment the sensitivity to change in the landscape is high, but the scale of the change is low/medium as it is not affecting all of the site.'*

TPM disagree with this, given that the majority of the site would be developed with the exception of steep side escarpments.

Furthermore, works near to or on the embankments will require some form of retaining element to support the new levels, and the applicant's assessment considers the site to have a 'medium' susceptibility to change. TPM disagree with this assertion. TPM conclude that given the sites OPOL designation and the prominence of the site on the surrounding landscape, TPM consider the susceptibility of the site to be higher than medium.

In summary, TPM consider that the development will alter the ridgeline character, given the sites visibility from the surrounding landscape.

TPM's comments on Masterplan / Site Layout

The access road from Cooper Street will result in the loss of mature trees, regrading of levels, loss of the stone wall and implementation of a retaining wall, which will change the appearance

of the street scene considerably. The proximity of the development to the northern boundary and limited space for meaningful mitigation means that development will be visible from the cricket ground, the Public Right of Way within the Conservation Area and from elevated residential properties in the north. The eastern edge between the proposed development and Stonebreaks Road will result in back gardens interfacing with the road. This will require a retaining element on fence line to define this edge. It is not clear from the information provided what this treatment will look like or how high, however, TPM consider that this would create a weak edge to the development. The comments from TPM on how the eastern edge of the site would be treated are noted, however, the appearance and height of any potential retaining structures and fencing would be agreed as part of any reserved matters, if the development was considered acceptable.

TPM state that there will be considerable tree loss due to the proposed regrading of levels and supporting retaining walls. In addition, TPM consider that the site masterplan / layout does not pick up on the removal of trees that would be necessary to the north / northeast of Highfield House due to the regrading works.

Part of the development is set within the basin of the quarry and is contained by the quarry walls. TPM note that significant regrading works, and vegetation removal is required to form the access road into the quarry. The same type of work is required to link Cooper Street to the eastern side of the masterplan.

TPM do not consider the proposed access be an attractive entrance to the development due to the need for engineered embankments, retaining walls to support the levels and substantial mature tree loss. The severity of the subsequent new levels (1:2 gradient in places) limits the potential for new tree planting. TPM also consider that there are also some inconsistencies in the submitted plans in relation to retained trees. The planting plan drawings indicate existing trees retained to the site access off Cooper Street where significant regrading works are required. It is not considered that the mitigation measures proposed will suitably mitigate against the loss of trees in this location.

The existing Public Right of Way (192) located off Cooper Street is steep in its current form. The submitted planting plans indicate existing trees will be retained alongside PRow 192 which will not be possible due to the regrading works associated with the new access. The masterplan indicates a line of new trees to the southern side of the path, which practically will be difficult to achieve given the severity of the levels. The road connection into the site from Dellhide Close will result in some tree loss due to the need to build up levels to create the access road.

TPM state that three of the key objectives set out in the Landscape Strategy section of the LVIA (section 6.2) states the following in relation to the proposals:

- *Ensure that the picturesque setting the valley provides to the Stonebreaks Conservation Area is retained.*
- *Development in this area should not interfere with the distinct visual character of the valley, with views funnelled along key routes, the brook, and important views in and out, and;*

- Create appropriate edges to the site allowing development to suitably blend in with the existing landscape character through the use of sympathetic materials and by sensitive planting and screening.

The proposed layout indicates properties located close to the northern boundary and adjacent cricket field. The existing trees located along the northern boundary comprises self-set scrub vegetation which is likely to be removed as a result of development. The proximity of built form to the northern boundary means that space is limited for any meaningful tree buffer to minimise the impact of the built form on the views from the cricket ground, PRoW within the Conservation Area and properties beyond in the north (notably Huddersfield Road), therefore, TPM consider this to be a weak interface.

Since the initial comments have been received from TPM, the applicant's consultant has made efforts to address the concerns raised and have submitted a revised LVIA. TPM have reviewed the updated information and conclude that there are still inconsistencies within the updated LVIA and TPM are of the view that the level of harm identified from the development in the updated LVIA is being underplayed. TPM state that the assessment of the viewpoints within the updated LVIA are not reflected in the conclusions of the report.

The final statement in the applicants LVIA concludes that's the development is:

'A well-planned development therefore that considers the visual amenity of nearby receptors would not result in any unacceptable effects on landscape character or visual amenity.'

The assessments made on both landscape and visual receptors in the applicants LVIA do not reflect this statement as Moderate and Moderate-Major Adverse effects are identified throughout the applicants LVIA. It is accepted by TPM that the proposed mitigation measures will over time reduce the impact of the development on the site, however, TPM consider the level of harm to be higher than the assessment concludes.

Overall, the applicants LVIA acknowledges that there will be landscape and visual harm to the site as a result of the development, however the level of harm does not appear to be consistent within the applicant's submission. Notwithstanding this, it is clear that the development will cause moderate – major adverse effects, and whilst landscaping mitigation is proposed and will soften the impacts of the development over time, the level of impact cannot be considered to weigh in favour of the development in the planning balance.

Landscape & Ecology

The applicant has submitted a substantial amount of information in relation to landscaping and ecology. In terms of the landscaping proposals (in summary), a woodland themed open space is proposed to the northeast of the site. In addition, a small-scale play zone is proposed within some woodland planting at the northern tip of the site, and a landscape buffer is also proposed on the western boundary of the site. There is a proposal to retain and enhance the existing woodland and introduce some native trees and shrubs at the south end of the site. As part of the landscaping, the applicants are proposing to retain a substantial amount of dry heath and

acid grassland through the centre of the site, mostly in the area of the former quarry, and there will be large areas of retained semi-improved grassland mostly concentrated on the eastern and western boundaries of the site, with some parcels contained in the north and south areas.

In terms of ecology, the applicant has submitted an Ecological Impact Assessment undertaken by Dunelm Ecology. Greater Manchester Ecology Unit ("GMEU") have reviewed the information submitted and conclude that the information submitted is acceptable for the purposes of assessing the planning application. However, notwithstanding this, GMEU do not support the planning application in its current format.

The site does not carry any statutory nature conservation designations, however, as set out above, a large portion of the site is designated as being within OPOL 13, because it provides habitats for biodiversity. GMEU state that the site supports a diverse range of habitat types, including Priority Habitats: lowland dry acid grassland, dry heath, semi-natural broad-leaved woodland and possible open mosaic habitats on previously developed land, alongside a range of other semi-natural habitats, which form a valuable local habitat mosaic.

GMEU conclude that efforts have been made by the applicant to retain the most important habitat areas and to make them a feature of the site, and GMEU also acknowledge the new landscaping (including tree and shrub planting and ornamental planting). However, the losses of semi-natural habitats to the scheme are substantial, and it is considered that the habitats that would be retained as part of the development will be fragmented, isolated and subject to high levels of public disturbance.

The site provides a foraging resource for bats and nesting and foraging habitat for birds, including five red list bird species and seven Priority bird species. Given the substantive losses to semi-natural habitats which the development will cause, and the fragmentation, disturbance and isolation of retained habitats, this local resource for bats and birds is likely to be significantly eroded by the development. According to GMEU, limited compensation has been offered for this harm. Suggestions for replacing bat roosting and bird nesting are presented in the Ecology report (para. 6.2.3) but replacing nesting and roosting opportunities will be of limited value if the much of the semi-natural habitat has been removed.

Since GMEU have raised concerns about the application, the applicant has made considerable efforts to try and address the comments raised, and as a result they have made some amendments to the layout. This enabled the applicant to retain more of the Dry Heath and Acid Grasslands, the planting schedules were also updated to account for new areas of ecology retention, and the tree planting was also reviewed, to ensure the tree species were native selections.

However, despite the applicant's efforts to reduce the impacts of the proposals on biodiversity, the biodiversity net losses would still result in on-site losses of 25.57 units, which is significant, and that loss is with the mitigation in place. GMEU consider the site to be a strategically important site adjoining and linking areas of wider open countryside, which will be compromised by the development.

GMEU state that off-site habitat compensation could in theory be sought through a substantial financial contribution, which is currently estimated to be at £11,000 per unit lost (25.57 units

lost, meaning a financial contribution potentially in excess of £280,000). However, no detailed proposals were ever put forward for where or how any off-site provisions would be delivered. This raised uncertainties with GMEU about whether such extensive habitat creation of the right type could be provided elsewhere in the Borough as compensation.

Overall, GMEU are of the view that the development would erode the OPOL designation to an unacceptable level. Even with the landscaping and overall mitigation proposed, the development would still result in significant habitat losses and habitat fragmentation. The landscaping and planting proposed does not mitigate effectively for the losses, and even if a substantial financial contribution was agreed in conjunction with the on-site mitigation, GMEU are uncertain as to whether the right area could be identified given the substantial level of habitat losses. Therefore, it is considered that the development fails to comply with Local Plan Policies 21 and 22 and NPPF section 15 and this does not weigh in favour of the development in the planning balance.

Layout

As stated above TPM have concerns in relation to the site layout. In addition, the impacts of the layout on both landscape character and ecology have also been discussed above and have been found not to weigh in favour of the development. The biodiversity net loss is substantial because of the layout, and it has already been concluded that the proposal is considered to be overdevelopment of the site for the reasons set out above. This section will provide a general assessment of the overall layout.

Residential amenity is a key consideration, especially for the existing residents that surround the site. Separation distances are a key factor in establishing whether residential amenity of existing and future residents would be adversely impacted. It is generally accepted that to achieve good amenity levels in accordance with Local Plan Policy 9, the separation standards to achieve is 21m distance between facing habitable room windows and 10-12m between habitable room windows to non-habitable room windows / blank gable.

Appearance and scale are matters reserved for future consideration, however the applicant has submitted a typology plan reference 2373-MG-PL-A-700-07 Revision 1, which gives an understanding of the proposed tenure type for the development, which is as follows:

- 18 x 1 bedroom
- 28 x 2 bedroom
- 65 x 3 bedroom
- 35 x 4 bedroom
- 12 x 5 bedroom

In the case of this application, the site levels play a crucial role when considering separation distances and amenity. The applicant has submitted a site section document as part of the application, which show the relationship of the development at various points throughout the site, including the relationship between the proposed and existing properties that surround the site. Section 2-2 shows the relationship between the properties proposed on the eastern boundary of the site and those that back on to the site from The Meadows. From the section details it is clear that the proposed properties sit higher than those that exist at the Meadows,

however, there would be approximately a 40m distance between the existing and proposed properties as well as a retained group of mature trees. Given the distance and the effective buffer, these separation distances would be considered acceptable. Section 4-4 shows a similar relationship between the eastern boundary of the site and Stonebreaks Conservation Area, which sits at a significantly lower level at a distance of approximately 95m from the development.

Section 1-1 gives us a clear understanding of the level differences within the site, specifically between the properties to the east and those proposed within the quarry. Given the level changes within the site, there would be no adverse impacts in terms of amenity distances as the properties would not be visible to each other at this point within the site. Section 7-7 provides us with context of the level differences between the properties north of the quarry and the properties proposed within the quarry. Given the substantial level differences, residential amenity will not be a factor in this area.

Section 8-8 is a section through the site from the northern tip to the access road to the south, this section gives us an understanding of the level change between the north being higher and south being considerably lower, it also demonstrates how much lower the development within the quarry would sit.

The proposed layout in terms of amenity would not impact the existing properties on Cooper Street as the properties are well set back. In addition, properties on the western boundary will remain largely unaffected by the development in terms of separation distances.

In terms of separation distances within the site, the following are some examples: the distance between plot 24 & 29 public street side is in excess of 21m. The distance between plots 16 & 18 is in excess of 11m gable side, the distance between plots 84 and 102 is over 15m gable side, the distance between the properties on the western boundary and existing properties that face into the site at that point is over 27m which is acceptable. These plots are situated to the south and middle of the site. However, to the north some of the separation distances are considered substandard, specifically between plots 122, 123, 124 & 125

In addition to the inadequate separation distances in some parts of the layout, the Highways Engineer also concludes that some of the internal roads within the layout do not meet the standards required for adoption, and some of the highway and driveway gradients and driveway positions require amendment. This is because it appears that, in some instances, drivers will be required to drive along footways to access driveways. The Highways Engineer states that a drawing has not been provided that shows that the driveway gradients work with the proposed highway gradient.

In conclusion, for the reasons set out earlier in the report, TPM have concerns in respect of the layout, GMEU also conclude that the layout will have adverse impacts to biodiversity and constitutes over development of the site, and in addition to this the Highways Engineer also has concerns. Therefore, for the reasons set out in this report, the development constitutes over development of the site, and fails to comply with Local Plan Policies 5, 9, 21 and 22 and this does not weigh in favour of the development in the planning balance.

Access & Highways

Local Plan Policy 5 states that Local Planning Authority will ensure the safety of pedestrians, cyclists and other vulnerable road users by ensuring appropriate highway safety measures and schemes are implemented as part of development proposals. Local Plan Policy 9 states that the Council will ensure development minimises traffic levels and does not harm the safety of road users.

NPPF paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Highways Engineer has reviewed the details submitted and, following extensive discussions with the applicant, the Highways Engineer does not support the planning application.

In relation to the proposed access to the site, this would be taken directly from Cooper Street, and also via Old Croft and Dell Hide Close. There is no objection to the specifications of either access point from the Highways Engineer.

A Transport Assessment was submitted with the application in support of the application, which assessed the potential sustainable modes of travel to and from the site, and the likely impact on the local highway network. It is concluded that there is likely to be 85 additional two-way movements during the morning peak period and 86 during the evening peak period. The Highways Engineer concludes that there would not be a reasonable basis to refuse the application based on the additional traffic generation estimated for the development. Therefore, no objections are raised to the development in respect of the cumulative impacts to the existing road network.

However, the Highways Engineer has concerns in respect of the geometry of the existing highway network, specifically on Cooper Street. Cooper Street does not have footways of standard widths on either side or a carriageway which allows two running lanes, and as a result pedestrian access is considered to be poor. The Highway Engineer has serious concerns that the poor geometry of Cooper Street in conjunction with the intensification of traffic generation that could result from the development on Cooper Street has the potential to cause severe highway safety concerns for vulnerable highway users such as pedestrians and cyclists.

To consider this, the applicant did submit some potential improvement schemes on Cooper Street, which included the following:

1. An uncontrolled pedestrian dropped crossing, with tactile paving to the north of the proposed site access as demonstrated on plan reference SCP/18594/D01;
2. An uncontrolled pedestrian dropped crossing, with tactile paving to the north of the proposed site access, with a raised table to calm traffic speeds; or

3. An uncontrolled pedestrian dropped crossing, with tactile paving to the north of the proposed site access, with a kerb build-out to widen the footway locally

The Highways Engineer concludes that none of the above improvement proposals alleviate their concerns, and this is because even with the improvements in place, visibility for pedestrians / road users would still be very poor and restricted, and this is not considered to be acceptable.

The Highway Engineer also has serious concerns in respect of construction management, as no information has been submitted in respect of construction traffic, and how this will be safely managed. It is noted that in normal circumstances this could be appropriately conditioned, however, the highways engineer cannot foresee how construction could be undertaken safely.

Overall, the Highway Engineer considers that the increased levels of traffic, the potential for Cooper Street to be utilised by traffic a lot more as a result of the development, the geometry of Cooper Street and the poor pedestrian access all, cumulatively, mean that the development would result in unacceptable adverse impacts to highway safety and this fails to comply with Local Plan Policies 5 & 9 and NPPF paragraph 111, and this does not weigh in favour of the development in the planning balance.

Public Rights of Way

As set out earlier in the report, two PRoW routes run through the site, including PRoW 203, which runs roughly central through the site, before linking into other PRoW routes to the south end of the site. This PRoW route is maintained as part of the development, and within the submitted Landscape and Open Strategy it states that this footpath will be upgraded, and at the steepest section of the path, both steps and a feature curved graded path will be introduced. However no specific specifications of the proposed improvement work have been submitted at this stage The PRoW Officer does object to these upgrades in principle, subject to being able to review and agree the specification of any upgrades. The requirement for this information could be secured by way of condition if the development was considered acceptable.

PRoW 192 also runs along the eastern boundary of the site and also runs centrally through the site to the north. This route would need to be diverted to accommodate the layout, and the PRoW Officer does not object to the principle of this. The PRoW Officer also stated that that appropriate waymarking signage would be required along all the routes affected by the development, and a scheme for this could also be secured by way of condition, if the development was considered acceptable.

Based on the above, it is considered that the development would affect the PRoW routes that run through the site, but there are no objections in principle to the changes. However, more information would be required to fully agree any changes, and this could be secured by way of condition.

Affordable Housing

As set out above, the development qualifies for affordable housing provision. Changes to the National Planning Policy Framework in July 2021 now require that planning obligations should be applied to developments of 10 dwellings or more on the basis that obligations should only be required for 'major' developments. Currently, Local Plan Policy 10 refers to the trigger for affordable housing as being 15 dwellings, however, in line with the requirements of the NPPF, the trigger point has been reduced to 10 dwellings. This change has been secured through an Interim Planning Position Paper which was agreed at Cabinet in January 2022. In addition, the Interim Position Paper also secured the expected affordable housing tenure split, which is 25% First Homes, 25% other intermediate tenure, 50% social/ affordable rent.

Local Plan Policy 10 states that the current target for affordable housing provision is for 7.5% of the total development sales value to go towards the delivery of affordable housing. The applicant is proposing 20% on site affordable housing and has agreed for this to be split as the affordable Housing IPP states (25% First Homes, 25% other intermediate tenure, 50% social/ affordable rent.). In terms of whether it meets the policy requirement, no information has been submitted, which demonstrates that the provision proposed is 7.5% or more of the total development sales value.

However, the NPPF states that 10% of dwellings on larger sites should be made available for affordable home ownership, and in addition, the Housing Needs Assessment 2019 ("HNA 2019") identifies that there is a net imbalance of 203 affordable dwellings across the borough. Therefore, given the criteria set out in the NPPF and HNA 2019, the affordable housing provision is considered to be a benefit of the scheme.

Heritage

Local Plan Policy 24 is relevant when assessing heritage matters along with NPPF section 16.

In terms of heritage, the site contains part of the curtilage of a Grade II Listed Building called Highfield House, which is located to the southwest side of the site. The Grade II listed Stoneleigh is situated directly adjacent. In addition to the northeast of the site is Stone Breaks Conservation Area, and there are seven Listed Buildings within the Conservation Area, five of which lie adjacent to the site. These include the following:

- 17th century houses at 7 and 9 Stone Breaks Road;
- 18th century houses, The Nook and 11 Stone Breaks Road; and
- The 17th century Manor House

The northeast corner of the site outlined in red as part of this planning application is within the Stone Breaks Conservation Area designation, however, this area is left undisturbed by the development and no residential development is proposed in this area of the site.

The applicant has submitted a detailed Heritage Statement with the application, which considers the impact on the curtilage of Highfield House as well as impact on the setting of several listed buildings located within the vicinity of the site. Assessment has also been made

in relation to potential impact on the character and appearance of the Stone Breaks Conservation Area, part of which lies within the application site.

The assessment concludes that the that the proposed scheme will not have a material adverse impact on identified designated heritage assets, and in the worst case it could be concluded that the development would cause a low level of less than substantial harm.

The Conservation Officer has reviewed the application and does not disagree with the findings of the submitted Heritage Statement. The Conservation Officer concludes that the development would introduce a level of harm to the setting of Highfield House through the widening of the access, which would remove part of the wall and mature trees. Although this would result in less than substantial harm, this would be considered as low-level harm that does not seriously affect the significance of the designated heritage asset.

The Conservation Officer also states that the existing topography is expected to prevent any visibility of the proposed development within the application site from within the Conservation Area. Proposed extensive planting and landscaping will also act as screening, however, if the application was to be supported, the Conservation Officer would expect a condition to be included to ensure that extensive planting and landscaping along the north-eastern boundaries was implemented.

Given that a low level of harm has been identified, in accordance with NPPF Paragraph 202, the public benefits of the scheme must be assessed against the harm. These include the following:

1. A strong contribution of housing provision towards the Borough's housing land supply position;
2. The development is making provision for 20% affordable housing on site; and
3. The typologies of open space provision proposed helps to address the open space typology shortfalls in the area.

Whilst the public benefits identified above are not considered to outweigh the harm of the scheme overall, they are considered to outweigh the low level of harm identified in relation to heritage. Therefore, the development complies with Local Plan Policy 24 and NPPF section 16.

Viability & S106 Contributions

Given the scale of the proposed development, in normal circumstances, contributions would be sought for affordable housing and open space at the very least in accordance with the relevant Local Plan Policies. Therefore, if the application was to be granted, the following contributions would be required if the application was approved:

- **Education** - contribution of £995,651.22 required for both primary and secondary school places.
- **Affordable Housing** – On site Provision is proposed, the split and details of which would be secured via a s.106 contribution

- **Open Space** – This would be based on the number of bedrooms being created within the development
- **Biodiversity – loss of 25.57 units lost = contribution of £280,000 needed**

No information has been submitted with application to suggest that the above contributions are not viable.

Energy

Local Plan Policy 18 is relevant in relation to energy and requires a 15% reduction in CO₂ emissions as set out in Part L 2013 Building Regulations. No Energy Statement has been submitted with the applicant to demonstrate the development's compliance with Local Plan Policy 18. However, it is considered that if the application was to be granted, this element could be appropriately conditioned.

Drainage

Local Plan 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.

According to the Environment Agency Flood Maps, the whole site is in Flood Zone 1 (having the lowest risk of flooding). The Council expects that proposals for all new development will use Sustainable Urban Drainage Systems in accordance with the Surface Water Drainage Hierarchy.

United Utilities and the Lead Local Flood Authority have both been consulted on the application, and whilst neither have an objection to the development in principle (subject to condition), no drainage details have been submitted with the application. Therefore, the imposition of a suitably worded pre-commencement condition would be required to ensure a drainage scheme is appropriately designed and implemented. With the imposition of such a condition the development would comply with NPPF Section 14 and Local Plan Policy 19.

Ground Conditions

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

The Environmental Health team has advised that having reviewed the application and the site history, there are no objections to the proposal subject to conditions requiring a landfill gas investigation and contaminated land assessment is submitted before development commences on site.

The Environment Agency have also reviewed the application and in its current format they raise an objection. This is because the previous use of parts of the site as areas for the licensed deposit of waste materials present a risk of contamination that could be mobilised during construction, and this could present a risk to controlled waters. Controlled waters are particularly sensitive within the site, because of its location upon a secondary aquifer. This objection could be overcome if the applicant submitted a preliminary risk assessment, which includes a desk study, conceptual model and a fuller, initial risk assessment.

Whilst the Environment Agency's objection is noted, this could be overcome with the submission of additional information, and therefore, this would not form a reason for refusal in this instance.

CONCLUSION

Balancing Exercise

In weighing up the assessment of the application, 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. Given that NPPF paragraph 11 is triggered, the relevant matters now need to be balanced together to determine whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in accordance with NPPF Paragraph 11d (ii).

There are several material planning considerations which must be weighed up in the assessment. The following matters are considered in the planning balance:

The matters in favour of the application include:

1. A strong contribution of housing provision towards the Borough's housing land supply position;
2. The development is making provision for 20% affordable housing on site; and
3. The typologies of open space provision proposed helps to address the open space typology shortfalls in the area.

Overall, these benefits are given 'moderate weight' in favour of the application. The housing land supply position and deliverability is continually improving, and the shortfall is closing. In addition, now that PfE has been submitted to the Planning Inspectorate for examination, this is now also given 'limited weight'. With all those matters considered, there is now a justification for reducing the weight given to housing provision. Therefore, the provision for housing is given 'moderate weight' in favour of the development.

In terms of the open space provision, in normal circumstances, this would not be considered a benefit, as this would be viewed as replacing the existing open space provision lost as part of the development at the site. However, following a discussion with Spatial Planning, it is considered that, because of the typologies being proposed, and the fact that they help address some key typology shortfalls, it is justified in this instance to classify the proposals as a benefit.

The matters not in favour of the application:

1. The development would erode 40% of OPOL 13 and would result in the comprehensive development in the OPOL designation.
2. The layout proposed will cause substantial habitat and biodiversity net gain losses that cannot be mitigated appropriately through on-site mitigation.
3. The development in some parts will cause moderate – major adverse effects in terms of land and visual.
4. The development will adversely impact the Green Corridor as set out in this report.
5. The Highway Engineer concludes that Cooper Street has the potential to be utilised by traffic a lot more frequently because of the development. The increase in traffic in conjunction with the geometry and the poor pedestrian access at Cooper Street, means that the development would result in unacceptable adverse impacts to highway safety for pedestrians.

As stated above, there is now greater weight being applied to Local Plan Policy 22, given the improvement in the housing land supply position. OPOL 13 meets the LGS criteria in the NPPF and is considered to have local significance due to its beauty, tranquility, wildlife, recreational value and historic significance. Whilst the application only relates to a part of the OPOL, the severe erosion of this will adversely impact the overall significance of the designation.

In addition to the above, the layout is considered to be an overdevelopment of the site, and the biodiversity net gain losses and impacts on biodiversity generally across the site as a result of the layout are considered to be significant. TPM also conclude that the landscape and visual impacts of the development will cause from moderate – major adverse impacts, and whilst mitigation will help address these impacts over time, the impacts do not weigh in favor of the development

Overall, when taking all those matters together as a whole, these are given ‘substantial weight’ in the planning balance for the reasons given above and throughout the report. Therefore, it is considered that the adverse impacts of granting planning permission in this instance would significantly and demonstrably outweigh the benefits and therefore the presumption in favour of sustainable development is not triggered and for the reasons set out in the report, it is recommended that planning permission should be refused.

RECOMMENDATION

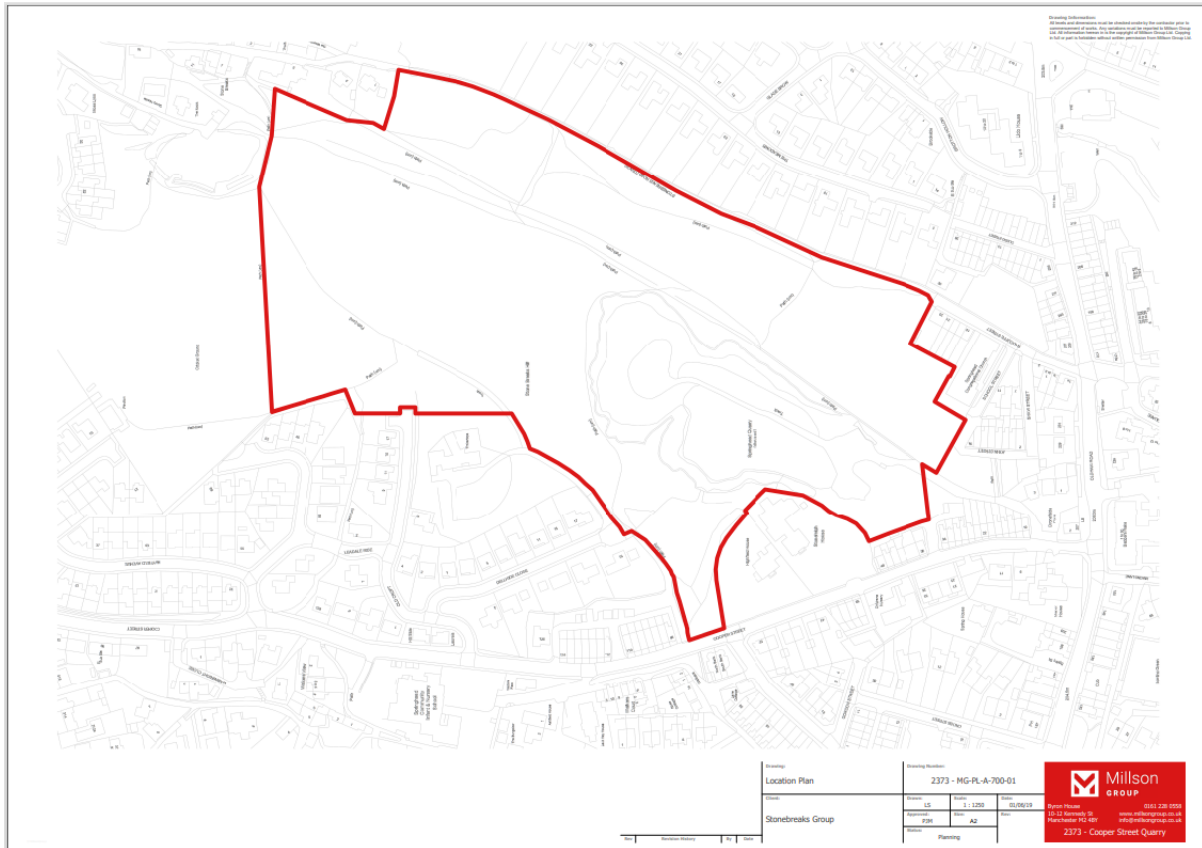
Refuse planning permission for the following reasons:

1. The development would result in the incremental erosion of an area designated as being part of Open Protected Other Land 11, which is identified in the Open Protected Open Land Interim Position Paper overall as having local significance due its beauty, tranquillity, wildlife, recreational value and historic significance. The benefits of the scheme are not considered to significantly and demonstrably outweigh the harm, and

it is considered that the development fails to comply with Oldham Local Plan Policy 22 and section 15 of the NPPF 2021.

2. The proposed layout represents overdevelopment, and as a result will cause significant habitat losses, habitat fragmentation and biodiversity net gain losses that cannot be mitigated through the applicants' current mitigation proposals. The habitat and biodiversity net losses would have an unacceptable and substantial adverse impact to the ecological value of the site and, as a result, the development fails to comply with Oldham Local Plan Policies 21 and 22 and section 15 of the NPPF 2021.
3. The layout and number of dwellings proposed will increase the level of traffic that uses Cooper Street, Springhead. Given the geometry of Cooper Street and poor pedestrian access also at Cooper Street together mean that the development will increase the potential of conflicts between car users and pedestrians, which is considered unacceptable in terms of highway safety. Therefore, the development fails to comply with Policies 5 and 9 of the Oldham Local Plan and Paragraphs 110 and 111 of the NPPF (2021).

SITE LOCATION PLAN (NOT TO SCALE):



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<p>Location Plan</p> <p>Stonebreaks Group</p>	<p>2373 - MG-PL-A-700-01</p> <p>LS 1:1200</p> <p>23M A2</p> <p>Planning</p>	<p>Millson GROUP</p> <p>Byron House 0161 228 0500 15-17 Parkway St Hemel Hempstead AL9 9JF info@millsongroup.co.uk</p> <p>2373 - Cooper Street Quarry</p>
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APPLICATION REPORT – VAR/349651/22 Planning Committee 9th November 2022

Registration Date: 16th August 2022
Ward: Shaw

Application Reference: VAR/349651/22
Type of Application: Variation of Condition

Proposal: Variation of conditions to allow for phased development, including revised site drainage proposals - 2 (approved plans), 4 (design code framework), 8 (CEMP re-aligned River Beal), 9 (remediation strategy), 12 (Channel details), 13 (EU Water Framework Directive), 14 (surface and foul water drainage), 18 (energy), 19 (finished floor levels), 20 (invasive species), 21 (biodiversity), 22 (ecology surveys), 24 (internal highways details), 26 (interim travel plan) and 28 (crime impact statement) relating to application OUT/345898/20

Location: Shaw Distribution Centre, Linney Lane, Shaw, Oldham

Case Officer: Graham Dickman
Applicant: Estuary Property Holdings Limited
Agent: Miss Laura Pennington

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 the conditions as set out in this report.

As a submission under Section 73, any approval will remain subject to the Section 106 agreement in respect of affordable housing, off-site highway works, public open space provision and management, education, and health contributions completed in connection with application OUT/345898/20.

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 overall site comprised five buildings, including three mills, 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.

Partial clearance of the site has already commenced.

The topography of the site is generally flat and low-lying. The River Beal runs through the site and is partially culverted.

Primary 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.

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

THE PROPOSAL

Outline planning permission has been granted for the erection of up to 400 dwellings and the demolition of all buildings and structures (OUT/345898/20).

The present application seeks a variation to conditions of the above approval (set out in the Proposal description) to allow for a phased development, including revised site drainage proposals.

The southern portion of the site remains occupied by Yodel (anticipated to remain for up to 5 years) for commercial purposes, and therefore it is envisaged that development of the now vacant northern section will come forward in advance of that later phase. This requires a variation of wording to allow Phase 1 to come forward independently of Phase 2

An updated Flood Mitigation Strategy has been devised with a realignment of the River Beal through Phase 1, removing culverts and naturalising river banks to increase storage capacity with slight changes to channel gradient to tie in with the Phase 2 area.

In addition, a new flood storage area will be constructed in the north-east corner of the site, which will remain dry except in extreme storm events, and will form a permanent feature allowing for an improved level of flood resilience.

A secondary access onto Linney Lane will be removed given the reduction in dwellings in this part of the site, with a previously proposed emergency access upgraded to serve the remaining properties.

There are no proposed changes to the maximum number of dwellings proposed and the level of open space provided will not be reduced. However, this change will lead to increased densities close to the Metrolink stop.

ENVIRONMENTAL IMPACT ASSESSMENT

The application has been assessed in accordance with Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The development falls within Class 10(b) of the Schedule, and therefore, the application is accompanied by an updated Environmental Statement.

RELEVANT HISTORY OF THE SITE:

OUT/345898/20 - Outline planning permission (with all matters reserved except for access) 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'. Approved subject to legal agreement 31.03.2022

NMA/348981/22 – Re-word Conditions 8 and 13 to allow demolition and site clearance prior to compliance with the conditions. Approved 26.05.2022

Various condition discharge applications in connection with this approval have been submitted. CND/349652/22 (Condition 10), CND/349163/22 (6), and CND/348968/22 (6, 7, 15, 17).

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 Officer	No objections subject to conditions in relation to satisfactory access provision, submission of further details at Reserved Matters stage, a green travel plan, and wheel cleaning during construction.
Environmental Health	No objections. Issues associated with landfill gas are being dealt with under a separate condition discharge application.
TfGM	No comments on the proposed change.
United Utilities	No objections to the submission of details on a phased basis as proposed.
G M Ecology Unit	No objections to the proposed change.
Environment Agency	No objections subject to updated river modelling being required by condition.

REPRESENTATIONS

The application has been advertised by press notice, site notices, and direct neighbour notification.

The operator of the adjacent MOT station on Linney Lane has expressed concerns at the increased traffic passing the entrance to the premises which are required 24 hours per day.

PLANNING CONSIDERATIONS

Principle of the development

The principle of the comprehensive re-development of an established employment site for alternative residential development has been established by virtue of planning approval OUT/345898/20.

Consideration of the present application is therefore restricted to the impacts associated with the proposed two-stage phasing of the development's implementation.

Highways and Access

The original layout incorporated the provision of two new vehicular access points from Linney Lane to serve separate parcels of residential development to either side of the de-culverted River Beal. In addition, an existing access point in the north-east corner of the site, which also serves the adjacent vehicle repair garage, was to be retained and lengthened to serve as an emergency access.

The proposed revision will result in an additional 25 of the anticipated 400 approved dwellings accessing the site from Beal Lane rather than Linney Lane.

The present proposals envisage the deletion of a portion of the residential development to the east of the River Beal, with the former emergency access upgraded to serve the smaller resultant residential development of approximately 10 dwellings.

This new access road will be designed with a width of 5.5 metres, 2.0 metre footways to either side, 6.0 metre radii at the Linney Lane junction, and 2.4 metre by 43.0 metre visibility splays. A dropped kerb access to the adjacent garage would also be retained. These improvements will ensure satisfactory access to the new dwellings can be achieved, whilst protecting and enhancing access to the adjacent business.

The application is accompanied by a Transport Statement Addendum which addresses the changes proposed in this application. This concludes that the change in access arrangements would be negligible and accord with the previous assessments.

In respect of the concerns from the adjacent MOT business, the upgraded access will be provided to adoptable standard and will serve a small number of residential properties only. Therefore, it is not envisaged that access to the business will be adversely affected.

The Highways Officer has assessed the proposals and no objections are raised to the revised phasing arrangements.

Flood Risk & Drainage

The previously approved application was accompanied by a Flood Risk Assessment and Drainage Strategy and Water Resources Environmental Statement, which encompassed the proposals to de-culvert, re-align and widen the River Beal through the site. To allow the phased approach to development, a staged approach to the de-culverting is also required.

Additional hydraulic modelling has been undertaken to ensure that the approved flood storage levels could still be accommodated. This has resulted in the provision of a flood storage area in the north-east corner of the site, which will remain dry except in extreme storm events. This would be retained as a permanent feature thereafter. Other changes to the river channel will be required to ensure linkage to the un-culverted section in the second phase of development.

The Environment Agency notes that the results presented in the updated Flood Risk Assessment do not appear to show any significant changes from the previous proposals in relation to mitigating flood risk and impacts off site. Similarly, United Utilities has raised no objection to the proposed revisions, subject to the previous conditions requiring submission of detailed drainage information.

Open Space

The proposed changes would not impact on the previously identified areas of open space to be provided within the site. However, the proposed revisions to the north-eastern section will incorporate additional open space which could continue to be used during dry periods.

The provision and future management and maintenance arrangements for the areas of open space will continue to be required as part of the existing Section 106 agreement.

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

Other Matters

Issues associated with ecology and trees, ground conditions, heritage and archaeology, and residential amenity will not materially change from those associated with the previous approval.

All relevant conditions will be amended to accommodate the new phased approach to development. However, the substance of those conditions and the requirements for the submission of detailed technical information for approval will remain.

CONCLUSION

Having regard to the anticipated timeframe (within the next 5 years) for the departure of Yodel from the southern half of the site, it is necessary to amend the original approval for residential development to facilitate the early delivery of a significant number of much needed new dwellings in a highly sustainable location.

Such development will make a valuable contribution towards the Council's deliverable supply of housing, and therefore, in the absence of any technical or other impediments, the proposed changes are acceptable.

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 31st March 2022. The development hereby permitted shall be begun either before the expiration of six years from 31st March 2022 or two years from the date of approval of the last of the reserved matters whichever is the later.

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

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

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

3. The 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 Environmental Statement.

4. Prior to the submission of any reserved matters application, a Design Code Framework for that phase of development shall be submitted to and approved in writing by the local planning authority. It shall include the following details for that 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;
- viii. Movement network including street types, route hierarchy, footpaths, cycleways and bus service links to the Town Centre;

- ix. Public realm strategy including lighting and street furniture;
- x. SUDS, parks, open spaces and landscaping, including the identification of trees and hedgerows to be retained;
- xi. A Palette of building materials and details;
- xii. All external surface materials including footpaths, cycleways and streets;
- xiii. Street cross-sections and plans; and,
- xiv. Location of emergency services infrastructure;

Each application for approval of reserved matters shall be accompanied by a Design Code Statement outlining how the development accords with the approved Design Code Framework for that phase of development and has demonstrated regard to previous phases of development.

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 detailed Phasing Plan and Programme for the development shall be submitted to and approved in writing by the local planning authority. The submitted details shall indicate the extent of each phase, the sequence of development, the approximate number of units proposed within each phase and the associated timetable of works. The development shall then be constructed in accordance with the approved Phasing Plan and Programme.

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

- 6. Any demolition works shall be undertaken in accordance with details approved under application reference CND/348968/22. In order to fully discharge the condition, a watching brief shall be undertaken and all post-excavation requirements (report production, archive preparation and dissemination) shall have been submitted to and approved in writing by the Local Planning Authority.

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. Demolition and site clearance works for any phase of development shall be carried out in accordance with details approved under application reference CND/348968/22.

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

- 8. Prior to the commencement of any phase of development hereby approved, a scheme in the form of a Construction Environment Management Plan (CEMP) for that phase 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.

9. No development (apart from demolition and site clearance) shall take place until a detailed construction environmental management plan (CEMP) for the construction of the new realigned and daylighted River Beal within that phase of development 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 for that phase of development. 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

10. No development (apart from demolition and site clearance) shall commence on any phase until a remediation strategy to deal with the risks associated with contamination of the site within that phase of development, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete

and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

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

11. No development (apart from demolition and site clearance) shall commence on any phase 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.

12. 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.

13. No development (apart from demolition and site clearance) shall commence on any phase 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 and subsequent amendments included within the FRA and Drainage Strategy included within CBRE ES Addendum Volume IV Flood Risk Assessment and Drainage Strategy.
- 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.

14. No development (apart from demolition and site clearance) 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 for that phase of development.

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.

15. No development (apart from demolition and site clearance) shall commence on any phase until details of the method of surface water and foul water drainage from that phase of development, including a sustainable drainage management and maintenance plan for the lifetime of the development, have 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.

16. Demolition and site clearance works on any phase involving works adjacent to the Metrolink tram line shall be undertaken in accordance with details approved under application reference CND/348968/22.

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.

17. Prior to commencement of above ground works on any phase of development involving works adjacent to the Metrolink tram line details of permanent measures to prevent vehicles entering the tram line shall be 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.

18. 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.

19. The submission of a reserved matters application for each phase of development 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 that phase of development.

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

20. Any application for the approval of reserved matters in respect of Layout, Landscaping or Scale for that phase of development 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.

21. The submission of a reserved matters application for each phase of development 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

22. Any application for the approval of reserved matters for that phase of development shall be accompanied by a scheme to mitigate for the loss of on-site biodiversity. The mitigation proposal shall include:

- 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;

- Full details of Habitat enhancement and creation proposals on-site including target condition;
- Calculation of on-site mitigation utilising the Defra off-set matrices version 2 or equivalent that demonstrate a minimum of 10% net gain;
- A management and monitoring plan for a period of 25 years; and,
- 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.

23. Any application for the approval of reserved matters for that phase of development 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.

24. 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 - The 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.

25. Any application for the approval of reserved matters for that phase of development 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.

26. 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.

27. Prior to the first occupation of the development hereby approved, an interim green travel plan for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. Following acceptance of the interim plan, a final version shall be submitted to and approved in writing by the Local Planning Authority, 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.

28. No development (apart from demolition and site clearance) shall commence on any phase 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

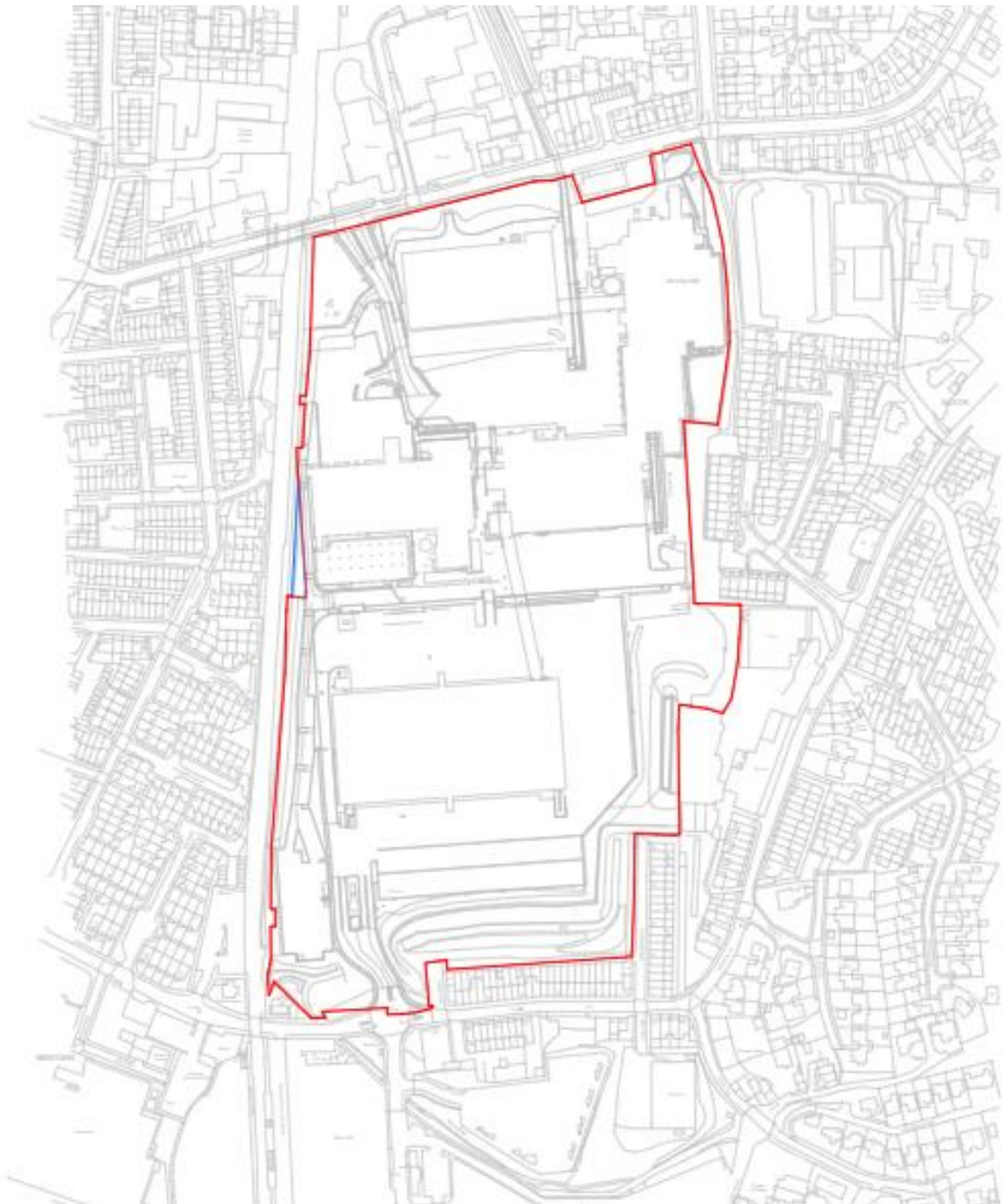
29. Any application for the approval of reserved matters for that phase of development shall be accompanied by a statement which demonstrates how the proposals have taken account of the recommendations of the submitted Crime Impact Statement Ref:2020/0693/CIS/01 Version A.

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

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

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

LOCATION PLAN – not to scale



APPLICATION REPORT - FUL/349659/22 Planning Committee – 9th November 2022

Registration Date: 17th August 2022
Ward: Shaw

Application Reference: FUL/349659/22
Type of Application: Full Application

Proposal: Three storey development of a new primary healthcare facility with associated parking and landscaping

Location: Land at Westway, Shaw, Oldham, OL2 8TB

Case Officer: Graham Dickman
Applicant: United Healthcare Developments Ltd
Agent: PRP Manchester

INTRODUCTION

The application is being reported to Planning Committee as a Major application involving the Council as landowner.

RECOMMENDATION

It is recommended that the application is approved subject to the conditions set out below.

THE SITE

The application relates to land at Westway/ Farrow Street East, Shaw. The site was formerly a local leisure centre and pool (Shaw Baths). The site is currently largely occupied by car parking, an electricity substation, pockets of landscaping and open space. The Lifelong Learning Centre is located immediately to the south.

The Memorial Gardens are to the west, Crompton Library to the north-west, and shops with residential accommodation above within the District Centre to the east.

THE PROPOSAL

The application is for a new Primary Care Centre which will facilitate relocation of existing services from Crompton Health Centre.

The proposal will replace two existing local medical practices serving Shaw/ Crompton, namely The Village Medical Practice and The Oak Gables Partnership, which occupy a building deemed no longer fit for purpose.

Accommodation will be provided over three storeys for GP practices, dental facilities, extended primary care facilities (treatment, consulting, counselling rooms, etc), a pharmacy and scope for shared facilities with the Lifelong Learning Centre.

Environmental Impact Assessment

The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The proposal would represent an Urban Development Project within paragraph 10(b) of Schedule 2 of the Regulations. However, at 0.35 hectares it would not exceed the applicable threshold of 1 hectare, nor is the site located within any impact distance of a 'sensitive area' as defined in the Regulations.

Consequently, an Environmental Statement is not required.

RELEVANT PLANNING HISTORY

PA/332935/12 – Extension of time relating to PA/056675/09 for erection of new Primary Care Centre with associated hard landscaping. Approved 28/11/2012

PA/056675/09 - Erection of new Primary Care Centre with associated hard landscaping. Approved 04/09/2009.

RELEVANT PLANNING POLICIES

The 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham.

The site is primarily located within a 'centre' as allocated on the Proposals Map.

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 18 – Energy
- Policy 19 – Water and Flooding
- Policy 20 – Design
- Policy 21 – Protecting Natural Environmental Assets

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

CONSULTATIONS

Highways Officer:	No objections to the provision of the proposed access, vehicle/cycle parking arrangements, and submission of a travel plan.
Environmental Health:	No objection subject to conditions in respect of the need for landfill gas and land contamination assessments.
Trees Officer:	No objections subject to the implementation of tree planting to comply with the 3 for 1 replacement policy.
G M Ecology Unit	No objection subject to measures to secure compensation for any biodiversity loss resulting from the development.
G M Police:	Recommend implementation of a full Crime Impact Statement.
United Utilities:	No objection subject to a condition in respect of submission of a drainage scheme following an investigation of the hierarchy of sustainable drainage options.

REPRESENTATIONS

The application has been publicised by Press Notice, Site Notices, and individual neighbour notification.

Shaw & Crompton Parish Council recommend approval along with a request that priority parking as near to the new facility as possible is given to those in most need.

No further written observations have been received.

PLANNING CONSIDERATIONS

Principle of development

Local Plan Policy 2 indicates that the Council will support improvements to the health and wellbeing of the Borough's residents to facilitate the development of new and improved health-related facilities.

NPPF Paragraph 96 requires Local Planning Authorities to work proactively and positively to ensure the faster delivery of public service infrastructure, including health provision.

The development will enable the delivery of Primary Care directly to a combined patient list of 13,000 local residents; whilst accommodating the provision of further community and extended services to a growing population of approximately 23,500 residents within the Shaw and Crompton locality, covered by the Oldham Clinical Commissioning Group.

The site is centrally located in close reach to a range of facilities and public transport options.

Both existing surgeries which will relocate to the new facility already practice in the town centre, both being based within the existing health centre just 200m to the south of the application site.

Highways and Access

The application is accompanied by a Transport Assessment, which includes an assessment of the potential impact on the local highway network.

A new vehicular access will be provided direct from Westway.

New car parking facilities will be provided within the site for 48 vehicles, including 4 adjacent to the health centre building for disabled persons, and 6 spaces with access to electric vehicle charging points. A further 9 spaces with access from the service yard to the rear of the Market Street shops will be provided for neighbouring properties.

Finally, covered cycle spaces will be provided for visitors, with secure lockers provided for staff.

The Highways Officer has commented that the development will replace the existing medical facility nearby, and it is not expected that volumes and patterns of traffic will change significantly.

The site is in a sustainable location with excellent links to public transport and opportunities for walking and cycling. A car park will be provided with accessible spaces, electric vehicle charging points and cycle parking spaces. There is plentiful public parking provision nearby for those members of staff and patients choosing to drive to the facility.

Consequently, it is not anticipated that there will be any additional significant increase in traffic generation or demand for on street parking to the detriment of highway safety. The Highways Officer therefore does not object to planning permission being granted for highway safety reasons.

Design & Layout

The application site is located within an area surrounded by a mix of commercial and residential buildings, none of which display any specific design or heritage value.

The Memorial Park is located across Westway to the south-west. However, the proposed building will occupy the north-east corner of the application site, roughly covering the footprint of the former swimming pool building, and therefore will not impinge on the setting of the park.

The proposed building must be designed to meet stringent standards laid down by the NHS which makes recommendations relating to space allocation, room layouts, relationships between the spaces, security, environmental conditions and health and safety, for example. The scale, layout and orientation of the building must also meet the detailed operational criteria of the end users.

Consequently, the proposed building will have a functional, contemporary design, comprising a mix of stone block and render finishes over three storeys. There will be a flat roof, reflective of the adjacent buildings to the east on Market Street. The height of the building will similarly reflect these properties.

In this context, the building will represent an appropriate addition to the street scene in accordance with Local Plan Policies 9 and 20.

Residential Amenity

The application site is located within Shaw town centre. However, residential accommodation is present on the upper floors of the commercial units which are adjacent to the eastern boundary of the site.

A minimum separate distance of 22 metres will be retained between facing windows, thus ensuring satisfactory protection of levels of privacy to the existing residents and future occupiers and visitors to the health centre.

A Noise Impact Assessment has been submitted. The Environmental Health team has concluded that the impacts are not significant and no specific additional mitigation measures will be required during the operational period. An informative note is recommended to ensure that the construction process does not result in harm to any sensitive receptors in the vicinity.

The proposals have the potential to cause air quality impacts during construction and operation and an Air Quality Assessment has been submitted. Any construction impacts would be temporary, whilst the accessible town centre location will assist in minimising operational traffic generation.

Therefore, no significant adverse amenity impacts are anticipated in accordance with Local Plan Policy 9.

Landscaping and Ecology

At present the site comprises a mix of hardstanding and landscaping on the footprint of the former building.

An Arboricultural Impact Assessment (AIA) have been submitted.

In order to implement this application/development, there would be the requirement to remove all existing trees from the site, with some implications for retained trees off-site but directly adjacent to the site.

With regards to the proposed removal of the on-site trees, the Council's Trees Officer notes that although the trees if taken as individuals are not remarkable, they provide a significant level of visual amenity if taken as a coherent group. The most significant of these, an ash, is at this time in good health and not showing signs of Ash Dieback Disease which is prevalent on the site of the Memorial Gardens directly to the west of Westway.

Although it is not inevitable that the tree will succumb to Ash Dieback Disease, it is highly likely in the relatively short term. With the foreseeable loss of this tree, the collective amenity value of the group will be significantly reduced.

For these reasons, there is no objection to the removal of the on-site trees as proposed subject to replacement with a minimum 3 new trees for every semi/mature tree removed in accordance with saved UDP Policy D1.5. The replacements have been accommodated on the site.

Additional protection will be required in relation to the collective canopies of the off-site trees which extend beyond the existing car park edge wall, as reflected on the submitted Tree Constraints Plan, and protection will be needed within these areas during construction.

A Preliminary Ecological Appraisal and a Biodiversity Net Gain statement have been submitted.

NPPF Paragraph 174 states that decisions should contribute to the natural environment by minimising impacts on and providing net gains for biodiversity. The proposed development site results in limited opportunities for on-site contributions and gain.

Consequently, it is recommended that the developer identifies, in liaison with the Greater Manchester Ecology Unit, local off-site opportunities for enhancement.

Flood risk and ground conditions

A Flood Risk Assessment and Drainage Strategy have been submitted. The site falls within Flood Zone 1 at the lowest risk and is therefore appropriate for the type of development.

United Utilities has no objections subject to a detailed drainage scheme, which will be formulated by an assessment of the sustainability options within the drainage hierarchy.

The Environmental Health team has considered the submitted Phase 1 Desk Study Report and has recommended standard conditions in respect of the need for landfill gas and land contamination assessments in respect of the need for landfill gas and land contamination assessments.

CONCLUSION

The proposed development will involve the productive use of a highly sustainably located site and facilitate significantly improved healthcare facilities in the town.

It would therefore represent a welcome addition to the town centre.

RECOMMENDED CONDITIONS

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

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

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

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

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

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

4. The building hereby approved shall not be brought into use until the car parking spaces, secure cycle parking, and associated vehicular and footpath accesses as indicated on the approved plan have been provided in accordance 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 accesses and parking spaces. Thereafter the parking spaces 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

5. 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.

6. No development shall take place until full details of both hard and soft landscape works with an associated implementation plan, have been submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority. It shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size.

REASON - Prior approval of such details is necessary as the site may contain features which require incorporation into the approved development, and to ensure that the development site is landscaped to an acceptable standard having regard to Policies 9,

20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

7. Prior to the commencement 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 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 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 BS5837:2012, 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.

8. No construction of the building hereby approved shall commence until a scheme and timetable for the achievement of Biodiversity Net Gain has been submitted to and approved in writing by the Local Planning Authority. The biodiversity scheme shall be fully implemented in accordance with the approved details and timescale.

REASON - To ensure that the proposals result in enhancement of biodiversity having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and paragraph 174 of the NPPF.

9. No development, other than site clearance, shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority.

Details of a sustainable surface water drainage scheme and a foul water drainage scheme. The drainage scheme shall be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporation of mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water drained on separate systems.

Prior to the commencement of the use of the proposed development within that Phase, the drainage scheme shall be completed in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

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

10. No development 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.

11. No development shall commence until a detailed energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall set out how the development will accord with the Energy Infrastructure Target Framework set out in Oldham Local plan Policy 18 and shall detail how: (i) a target area has been determined; and, (ii) how the development will meet this target. The development shall be carried out in accordance with the approved scheme phasing arrangements and retained as operational thereafter.

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

Location plan (not to scale)



APPLICATION REPORT – FUL/349545/22 Planning Committee 9th November 2022

Registration Date: 1st August 2022
Ward: Hollinwood

Application Reference: FUL/349545/22
Type of Application: Full

Proposal: Demolition of existing industrial unit and construction of 4 No terraced units (B2/B8).

Location: Unit A Victoria Trading Estate, Drury Lane Chadderton

Case Officer: Emma Breheny
Applicant: Maple Grove Developments
Agent: Steven Shaw, C4 Projects

INTRODUCTION

The application is referred to Planning Committee for determination since the application is a major development comprising in excess of 1000 square metres of commercial floor space.

RECOMMENDATION

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

THE SITE

The application site comprises a large dual pitched roof industrial unit fronting onto Drury Lane. Access can be gained directly off Drury Lane or through a secondary access via Pennington Street through the service yard and car park for the Victoria Trading Estate complex. A third access off Under Lane also provides vehicular access to the site. Parking for the building is within the Victoria Trading Estate and also along the Drury Lane frontage.

THE PROPOSAL

The applicant seeks permission for the erection of an industrial building comprising 4 individual uses, for either light industrial use (Class E(g)(iii)), general industrial use (Class B2) or for storage and distribution purposes (Class B8).

The proposed units would front onto the Victoria Trading Estate yard and would have parking within the yard, to the front of each unit.

RELEVANT PLANNING HISTORY

No relevant planning history

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 allocated in the Proposals Map associated with this document as within Hollinwood Business District Business Employment Area.

As such, the following policies are relevant to the determination of this application:

Policy 1 – Climate Change and Sustainable Development;
Policy 2 – Communities;
Policy 5 – Promoting Accessibility and Sustainable Transport;
Policy 9 – Local Environment;
Policy 14 – Supporting Oldham's Economy; and,
Policy 20 – Design.
Saved UDP Policy B1.2 – Business and Office Allocations.

CONSULTATIONS

Highways Engineer: No objections

Environmental Health: No objections subject to a condition requiring a landfill gas investigation being carried out

REPRESENTATIONS

The application has been publicised by means of neighbour notification letters, site notice and press notice. In response, no representations have been received.

PLANNING CONSIDERATIONS

Principle

The site subject of the application is designated as part of Chadderton Business Employment Area. Policy B1.2 seeks to provide employment opportunities across the borough in locations that can be accessed easily by the local workforce.

Policy 14 of the Joint DPD is also relevant to the application. Policy 14 seeks to protect employment sites and states that development proposals which result in the loss of employment sites to other uses should include measures to outweigh the loss of the site and support Oldham's economy. Policy 14 sets out that if the use proposed does not meet the alternative uses listed as being acceptable in the policy, within Business Employment Areas and/or elsewhere.

The proposed development would include demolition of an existing large industrial building and erection of four smaller units, for commercial purposes falling within light industrial,

general industrial or storage and distribution uses. The principle of the development is therefore established as acceptable.

Residential Amenity

The development is not located in close proximity to residential properties and will not adversely impact the visual or general amenity of any residents.

As the site is within an existing Business Employment Area, it is not considered necessary to impose restrictions on hours of operations due to the site being fully within an industrial estate. Therefore, the development is considered to comply with Policy 9.

Design and Integration with Local Character

The proposed building would be designed to reflect the character of the surrounding buildings on Victoria Trading Estate, with the materials to be used in the construction to match the surrounding properties and the building to be of a similar height. The proposal therefore complies with Policy 20 and Section 12 of the NPPF.

Highways

The development is served from 3 existing access roads and the parking for the proposed building would be sited within Victoria Trading Estate, to the front of each unit. The Highways Engineer has raised no objections to the proposal.

CONCLUSION

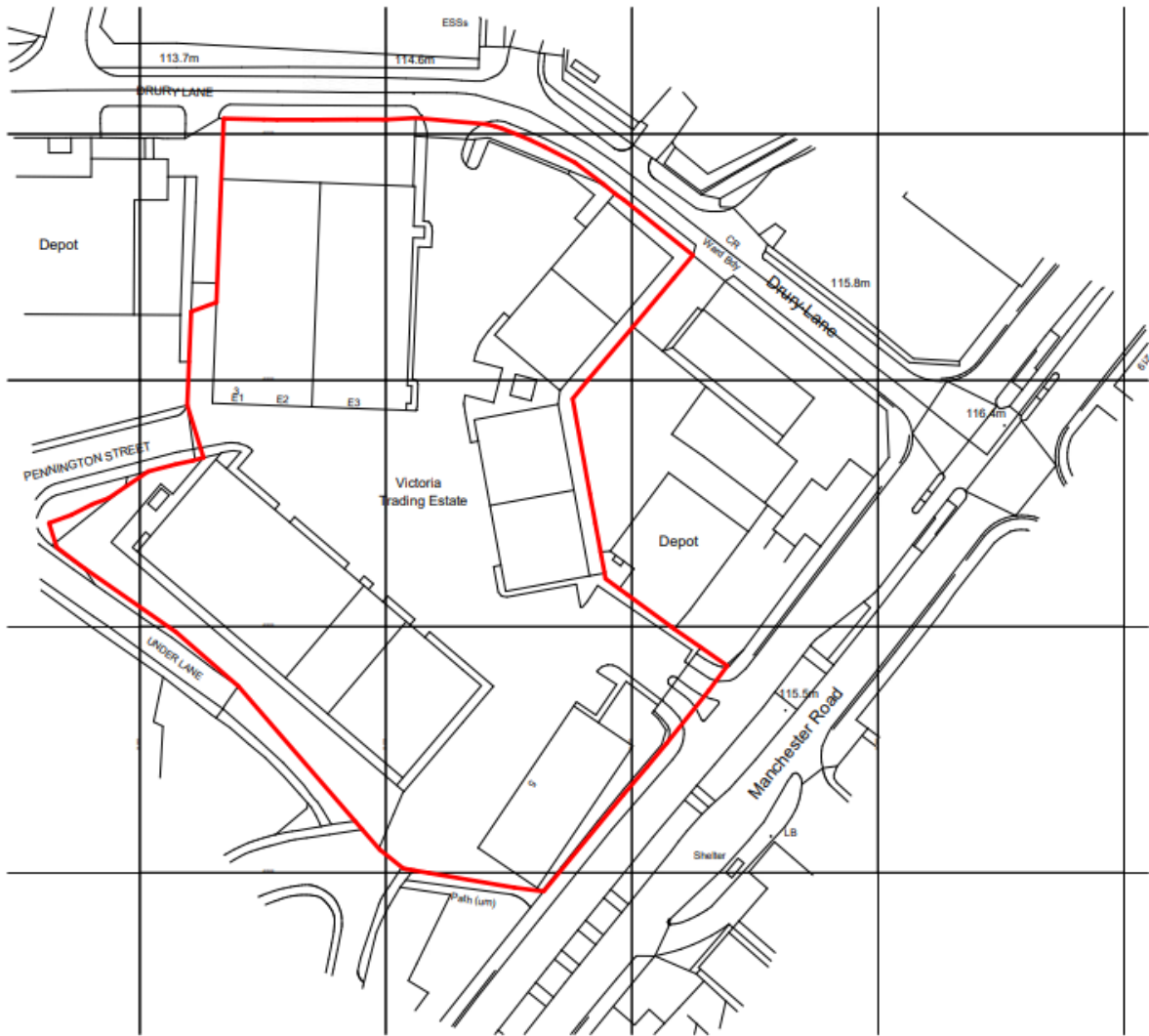
The proposal complies with Policies 9, 14 and 20 of the Oldham Local Plan and saved UDP Policy B1.2 by ensuring the continued use of the Business Employment Area with four smaller scaled buildings in lieu of an existing large redundant unit.

It is therefore recommended that the application be approved subject to the following conditions:

- 1 The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
- 3 No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details. REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan.
- 4 No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's report and

recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition. Reason - In order to protect public safety, because the site is located within 250m of a former landfill site.

SITE LOCATION PLAN (NOT TO SCALE)



1 Site Location Plan
1 : 1250

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Planning Appeals Update

Planning Committee

Report of Head of Planning and Infrastructure

DATE OF COMMITTEE

9 November 2022

An update on Planning Appeals was last provided to the Planning Committee at the meeting on 12 October 2022. The table below provides a comprehensive list of appeals submitted and decisions taken on appeals since 30 September 2022 (until 31 October 2022) which is to be noted by the Committee.

Application No.	Site Address	Appeal Decision	Appeal Lodged Date	Description
ADV/348447/22	Land At 17/19 Huddersfield Road (A62) Oldham OL1 3LG	NEW	20/10/2022	Conversion of two existing advertising displays to a single digital advertising display
HOU/349173/22	1 Marfield Avenue Chadderton Oldham	NEW	21/10/2022	Two storey side and rear extension and single storey rear extension.
FUL/347636/21	33 Leaside Avenue Chadderton Oldham	Dismissed, 17/10/2022	05/05/2022	Change of use of property from residential use (C3) to Class E (day care centre).
HOU/347739/21	161 Oldham Road Springhead	Ongoing	07/04/2022	Erection of a fire escape and railings leading to access door on the first floor at the rear.
FUL/347898/21	Royal Oak Inn Broad Lane Delph	Ongoing	28/04/2022	Conversion and change of use of public house with associated living accommodation to single dwellinghouse with garden.

CEA/348450/22	Land At Station Road/ Harrop Green Lane Diggle Oldham	Ongoing	27/04/2022	Certificate of lawfulness for Erection of 1 no. dwelling.
FUL/347429/21	232 Medlock Road, Failsworth	Dismissed, 05/10/2022	12/07/2022	Construction of a stable block
LBC/347521/21	1A Lower Tunstead, Tunstead Lane, Greenfield	Ongoing	12/08/2022	Single and two storey rear extensions
OUT/347311/21	Land to the West of Healds Green, Chadderton	Ongoing	17/08/2022	Outline planning permission for up to 16no. dwellings, new access roads from Healds Green and Heights Lane, provision of community car parking (20 spaces), and double garage for no.33 Healds Green with extended curtilage. Access, Layout and Scale to be considered all other matters reserved.
LBC/347521/21	1A Lower Tunstead, Greenfield	Ongoing	12/08/2022	Single and two storey rear extensions
VAR/348675/22	10 Sycamore Cottages, Treetop Close, Dobcross	Ongoing	15/08/2022	Removal of Condition 2 - relating to planning permission PA/337483/15 which restricts occupation of the log cabin for purposes ancillary to the residential use of 10 Sycamore Cottages

HOU/348815/22	27 Chadderton Fold, Chadderton	Allowed, 10/10/2022	23/08/2022	Demolition of existing porch and replacement with single storey extension to the front elevation
FUL/347290/21	Primrose Hill Land To The North Eastern Side Of Roebuck Lane Strinesdale	Ongoing	08/09/2022	Erection of earth sheltered dwelling
HOU/347622/21	Dolefield Barn Fur Lane Greenfield	Ongoing	12/09/2022	New single storey extension to southwest corner of house
FUL/347882/21	56 Greenbridge Lane Greenfield	Ongoing	28/09/2022	Demolition of existing retail unit to provide residential development of 4 flats.
HOU/348462/22	Leonardin House Narrowgate Brow Shaw	Ongoing	13/09/2022	Erection of garden home office on a prepared concrete base
PIP/348651/22	Land Off Stockport Road Lydgate	Ongoing	21/09/2022	Proposed development for 3No. dwellings and associated works.
HOU/348877/22	22 Skipton Avenue Chadderton	Ongoing	15/09/2022	Single storey side/rear extension.
HOU/349064/22	1 Hill Close Oldham	Ongoing	16/09/2022	Two storey side extension and rear ground floor extension

RECOMMENDATION - That the report be noted.

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information as defined by that Act.

Item number: 00

If any person has any questions regarding these appeals and decisions, they can request further information from the Planning Service by contacting Martyn Leigh (Development Management Team Leader) via planning@oldham.gov.uk