

PLANNING COMMITTEE Regulatory Committee Agenda

Date Wednesday 7 June 2023

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, 2 June 2023.
 4. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council’s website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti social behaviour will always be filmed.

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

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Please also note the Public attendance Protocol on the Council’s Website

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

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:
Councillors Akhtar, Cosgrove, Davis, Fryer, H. Gloster, Hobin, Ibrahim,
Iqbal, Islam, Lancaster, Shuttleworth, Surjan (Chair), Wahid and Woodvine

Item No

- 1 Election of Vice-Chair
- 2 Apologies For Absence
- 3 Urgent Business
Urgent business, if any, introduced by the Chair
- 4 Declarations of Interest
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 5 Public Question Time
To receive Questions from the Public, in accordance with the Council's Constitution.
- 6 Minutes of Previous Meeting (Pages 1 - 2)
The Minutes of the meeting of the Planning Committee held on 5 April 2023 are attached for Members' approval.
- 7 PA/343609/19 - Birks Quarry, Huddersfield Road, Austerlands (Pages 3 - 14)
Approval of Reserved Matters in respect of Appearance, Landscaping, Layout and Scale for the erection of 4 dwellings in relation to Outline approval PA/341213/17
- 8 PA/343610/19 - Birks Quarry, Huddersfield Road, Austerlands (Pages 15 - 24)
Approval of Reserved Matters in respect of Appearance, Landscaping, Layout and Scale for the erection of 33 dwellings in relation to Outline approval PA/337932/15
- 9 FUL/349826/22 - Land off Huddersfield Road, Diggle (Pages 25 - 46)
Erection of 64 no. dwellings and 6 no. apartments with associated points of access to Huddersfield Road



- 10 FUL/349908/22 - Chadderton AFC, Andrew Street, Chadderton (Pages 47 - 56)
Conversion of existing floodlit grass stadium football pitch to a new floodlit 3g artificial grass pitch with storage container, improved access, parking and perimeter fencing.
- 11 FUL/350330/22 - 250 - 252 Huddersfield Road, Oldham (Pages 57 - 62)
Erection of a single storey dwelling with parking and associated external works
- 12 VAR/350474/23 - Houses on land formerly known as Clarksfield House, Clarksfield Street and Glenfield Close, Oldham (Pages 63 - 68)
Removal of condition 6 attached to planning permission granted under PA/032610/94 which restricted further development under permitted development rights
- 13 Appeals update report (Pages 69 - 72)

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PLANNING COMMITTEE
05/04/2023 at 6.00 pm

Present: Councillor Dean (Chair)
Councillors Al-Hamdani, H. Gloster, Hobin, F Hussain,
S Hussain and Islam

Also in Attendance:

Emma Breheny	Senior Planning Officer
Alan Evans	Group Solicitor
Martyn Leigh	Development Management Team Leader
Kaidy McCann	Constitutional Services
Wendy Moorhouse	Principal Transport Officer

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors
Cosgrove, Lancaster, Surjan and Woodvine.

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 previous meeting, held on
8th March 2023 be approved as a correct record.

6 **FUL/349943/22 LAND AT VAUGHAN STREET / OLDHAM
ROAD / BROADWAY, ROYTON**

APPLICATION NUMBER: FUL/349943/22

APPLICANT: Great Places

PROPOSAL: Erection of 46 dwellings, access road,
landscaping, boundary treatments and other associated works

LOCATION: Land at Vaughan Street / Oldham Road /
Broadway, Royton

It was **MOVED** by Councillor Dean and **SECONDED** by
Councillor F. Hussain 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 the amended condition 10 detailed in the Late List.

NOTES:

1. That the Applicant attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 8.

7 **APPEALS UPDATE**

RESOLVED that the Appeal Update be noted.

8 **LATE LIST**

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

The meeting started at 6.00 pm and ended at 6.15 pm

APPLICATION REPORT – PA/343609/19 Planning Committee 07/06/2023

Registration Date: 02/07/2019
Ward: Saddleworth West and Lees

Application Reference: PA/343609/19
Type of Application: Full / Reserved Matters Application

Proposal: Approval of Reserved Matters in respect of Appearance, Landscaping, Layout and Scale for the erection of 4 dwellings in relation to Outline approval PA/341213/17

Location: Former Birks Quarry, Huddersfield Road, Austerlands.

Case Officer: Abiola Labisi
Applicant: Mr. H Smith
Agent: Mr. Garry Griffiths – HNA Architects

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination because the proposal relates to an adjoining Major Development submitted by the same agent and in addition, the Outline application was determined by the Planning Committee.

2. RECOMMENDATION

- 2.1 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.

3. SITE DESCRIPTION

- 3.1 The application site forms part of a larger, irregularly shaped land of approx. 1.9 hectare in size on the north side of the A62 Huddersfield Road, previously a sandstone quarry, commonly known as Birks Quarry. The section of the larger site to which this application relates is adjacent the access to the site and in close proximity to some dwellings fronting onto Huddersfield Road. A total of 33 dwellings are proposed on the larger section of the overall site under planning ref. PA/343610/19.
- 3.2 The site is undulating in topography with the landform rising away from the A62 towards the bowl of the disused quarry.
- 3.3 Notwithstanding the previous use, the site is in an area that is predominantly residential in character with lands to the east, west and south being in residential use.
- 3.4 The quarry is accessed from Huddersfield Road and the access from the road takes a twisting path between steep banks which accounts for the fact that the quarry cannot be seen from the road.

4. THE PROPOSAL

- 4.1 The application is for approval of Reserved Matters in respect of Appearance, Landscaping, Layout and Scale for the erection of 4 dwellings following outline approval granted under planning ref. PA/341213/17. The scheme is being considered in tandem with the application for 33 dwellings on the larger site (under planning ref. PA/343610/19) given the relationship between both sites. The two sites together make up the disused quarry and are now in the same ownership. In addition, the two schemes will share the same access and the site contexts are similar.
- 4.2 The proposed scheme comprises of the following:
- 1no. three storey 4 bed unit with floor area of 226.15 sq. m (House Type A)
 - 3nos. three storey 4 bed units with floor area of 146.25 sq. m (House Type B)
- 4.3 In terms of external finish materials, the proposed houses would be finished in brick with slate roof tiles while window frames and rainwater goods would be of uPVC.
- 4.4 The proposal includes landscaping works comprising of the planting of a total of 59 trees of native species across the overall site as well as a range of hedges, shrubs and climbers. It is also indicated on the submitted plans that the existing heather would be retained as much as possible.

5. PLANNING HISTORY

- 5.1 Outline permission was granted on 25th September 2018 for a residential development on the site under PA/341213/17 with all matters reserved except access which was considered under the outline application.

6. RELEVANT PLANNING POLICIES

- 6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. Part of the site is allocated in the Proposals Map associated with this document as Green Belt. As such, the following policies are considered relevant to the determination of this application:
- Policy 1 - Climate Change and Sustainable Development;
 - Policy 3 – An Address of Choice;
 - Policy 5 - Promoting Accessibility and Sustainable Transport;
 - Policy 9 - Local Environment;
 - Policy 10 – Affordable Housing;
 - Policy 11 – Housing;
 - Policy 20 – Design; and,
 - Policy 22 – Protecting Open Land.

7. CONSULTATIONS

As a result of the relationship between the two sites (i.e. PA/343609/19 and PA/343610/19), consultees have largely dealt with the applications concurrently and as such, comments on one application apply to the other.

CONSULTEE	FORMAL RESPONSE
Environmental Health	Comments received. No objection subject to a site investigation re landfill gas and details of any mitigation measures
Drainage	No comment received.
Highways	Comments received. No objection subject to conditions relating to the provision of access and car parking spaces in accordance with approved plans and road improvement works.
Tree Officer	Comments received. Considered the proposed tree planting scheme acceptable
Police – Crime Prevention	Comments received. No objection subject to the submission of a Crime Impact Statement.
Ecology	Comments received. No objection subject to conditions relating to mitigation of impact on ecology
Planning Policy	Comments received. Raised no objection subject to conditions relating to contributions towards affordable housing, open space and biodiversity net gain.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.

8.2 In response, three representations have been received, all objecting to the development and raising the following issues:

- Number of units proposed being more than what was indicated on the outline approval and hence, overdevelopment of the site (addressed in para. 19.1);
- Highway safety issues due to inadequate access (addressed in para. 13.2);
- Overbearing and overshadowing impact (addressed in paras 10.3 and 10.4);
- Potential overlooking (addressed in paras 10.3 and 10.4);
- Loss of trees and wildlife (addressed in para. 15.4); and,
- Inadequate publicity (addressed in para. 19.2)

8.3 Other issues raised, which are not considered to be material, include:

- A request for some separation between the development and neighbouring properties fronting onto Huddersfield Road to enable neighbours access the public footpath from the rear of their property.
- Request to reposition the signal at the junction as it would be too close to a neighbour's garage and may affect the use of the garage.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 A section of the application site is allocated as Green Belt within the Proposals Map associated with the Joint Development Plan Document and is located in close proximity to existing dwellings.
- 9.2 Whilst the erection of new buildings within the Green Belt is considered inappropriate development and should therefore be resisted as set out within the National Planning Policy Framework, it is noted that a very special circumstance to justify a residential development on the entire site was demonstrated as part of the outline application and the very special circumstance was considered acceptable by the Local Planning Authority.
- 9.3 Significantly, the site is subject of a previously approved outline planning application reference PA/341213/17 for residential development which is a material planning consideration.
- 9.4 Having regard to these considerations the principle of development is acceptable.

10. RESIDENTIAL AMENITY

- 10.1 Having regard to the requirements of Policy 9 the impact of the development on surrounding residents needs to be considered alongside ensuring that the proposals provide suitable accommodation for future occupiers.
- 10.2 There are existing dwellings to the west, east and south of the site. However, notwithstanding the difference in levels as well as the ridge height of the proposed dwellings, it is considered that the relationship of the development with the existing neighbouring dwellings, would be acceptable because of the separation distance between the existing and proposed dwellings.
- 10.3 House Type A would be the closest to the neighbouring dwellings on Huddersfield Road and notwithstanding its proximity, the dwelling itself would be sited such that it is no less than 16m from the nearest neighbouring dwelling. This separation distance would minimise any potential overbearing, overshadowing or overlooking effects on the neighbouring properties.
- 10.4 In addition to the separation distance, it is also noted that House Type A would have its side elevation orientated towards the dwellings on Huddersfield Road. This side elevation is not of a significant depth and there would be no upper-level side elevation window on this elevation. The orientation of this unit, as well as its design, would ensure that any potential overbearing or overlooking impact would not be significant.
- 10.5 The layout of the proposed dwellings would minimise any potential overbearing, overshadowing or overlooking effect on neighbouring future occupiers of the development. There would be a distance of no less than 20 m between opposing front elevations of the proposed dwellings and no habitable room window would directly overlook a neighbouring private amenity area as to impact on privacy.
- 10.6 Further on the amenity of the future occupiers of the development, the Department for Communities and Local Government's March 2015 publication, Technical Housing

Standards – Nationally Described Space Standards provides that the minimum internal space requirement for a four bed, seven-person accommodation is 121 square metres. The four dwellings proposed would conveniently meet the stipulated minimum space requirement.

- 10.7 Each of the proposed units would benefit from external amenity areas which vary in size and there would be dedicated bin storage areas within each unit.
- 10.8 Having regard to the above, it is considered that the proposal would not lead to any significant adverse impact on the residential amenity of the occupiers of neighbouring properties while that of the future occupiers of the development would also not be compromised. As such, the proposal would be in accordance with relevant provisions of Policy 9 of the Oldham Local Plan.

11. DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 11.1 The proposed dwellings would be of contemporary design and would be sited mainly to the rear of dwellings fronting onto Huddersfield Road. Built form within the surrounding area is noted to be diverse, with neighbouring dwellings being of various design, external finish materials and scale. The proposed external finish materials would be similar to those of some of the neighbouring properties and notwithstanding its contemporary design, it is considered that given the diverse pattern of development in the area, the proposal would not lead to a significant adverse impact on the character of the area.
- 11.2 Furthermore, the development would not be very visible from the public road and this would limit any potential visual impact. The overall number of units proposed would ensure that the proposal does not lead to a cramped pattern of development.
- 11.3 As such, it is considered that the proposal would not lead to a significant harm to the character of the area.

12. IMPACT ON GREEN BELT

- 12.1 Most of the site lies within the Green Belt and para 149 of the NPPF provides that Local Planning Authorities should regard the construction of new buildings as inappropriate. Such inappropriate development should be resisted except very special circumstances can be demonstrated.
- 12.2 The outline application included a demonstration of very special circumstances to warrant the development of the site for residential purposes.
- 12.3 A Visual Appraisal has been submitted with the current application which concludes that the proposal would not lead to any significant visual implications.
- 12.4 Having regard to this, it is considered that whilst the proposal would be inappropriate development within the Green Belt, there exist very special circumstances to warrant such development and significantly, the impact of the development on the openness of the area would not be so significant as to refuse the application. It is considered that the social and environmental benefits of the proposal would outweigh the less than significant impact on the openness of the Green Belt.

13. HIGHWAY SAFETY

- 13.1 Para 110 of the NPPF provides that in assessing planning proposal, it should be ensured that safe and suitable access to the site can be achieved for all users and furthermore, para 111 provides that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 13.2 The proposed development would benefit from an existing vehicular access off the A62 Huddersfield Road. The existing access served the disused quarry and subject to road improvement works, including the provision of traffic control signals at the junction, it is considered that there would be a safe and suitable access for all users of the development.
- 13.3 In addition, every unit within the development would have a dedicated off-road parking facility. This would minimise the potential for on-street parking and any associated highway safety issue.
- 13.4 The site is adjacent the A62 Huddersfield Road, a national road with adequate capacity to accommodate the level of vehicular traffic that would be generated by a development of this scale. The Council's Highway Engineer has raised no objection to the proposal subject to the imposition of conditions requiring the provision of access and parking facilities in accordance with approved details as well as road improvement works.
- 13.5 Having regard to this, it is considered that the proposal would not lead to any severe or otherwise unacceptable detrimental highway issue.

14. SUMMARY OF RESERVED MATTERS

- 14.1 The Reserved Matters to which the application relates include scale, appearance, layout and landscaping. In relation to scale, there would be a total of four dwellings within the scheme, all three storey in height. Given the area of the site, it is considered that the site coverage would be acceptable as this would not lead to a cramped development. The bulk and massing of the dwellings are also considered acceptable, notwithstanding the height.
- 14.2 The appearance of the buildings is considered acceptable as the external finish materials would be similar to those of some other dwellings in the vicinity. The contemporary design would also not detract significantly from the character of the area and its visual amenity.
- 14.3 The four dwellings are laid out such that they mainly front onto the access road thereby creating a strong street scene. Each property would be easily accessed from the internal road either on foot or by car. In addition, the dwellings would be laid out such that the relationship between them would be acceptable as one dwelling would not lead to a significantly adverse impact on the residential amenity of the future occupiers of neighbouring dwellings.
- 14.4 Notwithstanding the landscaping details submitted, Greater Manchester Ecology Unit have requested additional details and for additional biodiversity net gain elements to be incorporated into the scheme. The applicant was given the opportunity to provide the additional information re proposed landscaping and biodiversity net gain but they responded that they would rather address the issue via planning conditions.

14.5 As such, conditions relating to landscaping and biodiversity enhancement shall be attached to any decision to grant permission.

15. IMPACT ON BIODIVERSITY

15.1 Para 180 of the NPPF provides that if significant harm to biodiversity resulting from a development cannot be avoided (through relocating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

15.2 The proposal includes removal of some existing trees and the landscaping scheme submitted indicates that substantial trees of native species would be planted to replace the removed trees. The Ecology Report submitted with the outline application indicates that there is no significant amount of badger setts on site neither did it indicate any significant presence of any protected species.

15.3 Any replacement trees of the scale indicated on the submitted landscaping plans would mitigate the impact of the trees to be removed. The Greater Manchester Ecology Unit as well as the Council's Tree Officer has raised no objection to the proposal subject to conditions relating to a biodiversity enhancement scheme.

15.4 It is therefore considered that subject to the submission and implementation of an acceptable landscaping and biodiversity mitigation/enhancement proposal, the development would not lead to an unacceptable adverse impact on biodiversity.

16. DRAINAGE

16.1 A drainage plan/flood risk assessment has been submitted with the application. However, the Council's Drainage Engineer has advised that the details within the drainage proposal are not considered to be sufficient for a detailed assessment of the drainage implications of the scheme and as such, additional details would be required. The applicant's agent has advised that they are aware of this requirement and are happy to deal with the matter through an application for discharge of conditions at which stage, further details would be provided.

16.2 Therefore, notwithstanding the details submitted in relation to drainage, a condition requiring the submission of details of an acceptable drainage scheme remains relevant. It is noted that such condition had been attached to the outline permission and would therefore not be necessary in so far as the Reserved Matters application is concerned.

17. LAND CONTAMINATION / LANDFILL GAS / LAND STABILITY

17.1 In relation to land contamination and landfill gas, a Phase 1 site report has been submitted with the application and the report identifies the need for a detailed site investigation. The Environmental Health Officer has reviewed the document and agrees with the recommendation. Accordingly, a site investigation relating to land contamination/landfill gas would be required. The applicant has confirmed that they are happy to deal with this matter through an application for discharge of conditions.

17.2 In relation to land stability, a Geotechnical Risk Assessment has been undertaken at the request of the Health and Safety Executive (HSE). The assessment includes measures to prevent land stability issues and rocks falling from the face of the quarry cliff. Whilst a

confirmation has not been received from HSE that the mitigation measures proposed are acceptable despite numerous attempts to contact the organisation, it is considered that a condition requiring the applicant to implement the development in accordance with the mitigation measures identified within the Geotechnical Risk Assessment would be appropriate. A note also advising the applicant/developer that it is their responsibility to ensure that the development does not lead to land stability issues or cause any harm to the safety of the future occupiers of the development and occupiers of neighbouring properties.

18. CONTRIBUTIONS TOWARDS AFFORDABLE HOUSING AND OPEN SPACE

18.1 Notwithstanding its relationship with the bigger site, the scale of the development on this particular site does not warrant any contributions towards affordable housing and open space, and none were therefore required as part of the consideration of the outline planning application.

19. RESPONSE TO ISSUES RAISED IN LETTERS OF OBJECTION

19.1 One of the issues raised in the objections relate to the scale of the development not being consistent with what was approved at outline stage. The indicative plans submitted for outline permission showed four dwellings but when details were submitted for approval of Reserved Matters, the initial plans submitted showed six dwellings. The applicant's attention was called to this fact and they had since amended the plans to show four dwellings, in accordance with the details submitted at the outline stage. The amended plans have therefore addressed this issue.

19.2 Another issue raised in the objections relate to inadequate publicity as one of the objectors claimed they did not receive any letter notifying them of the application. In response to this, the Planning Authority sent letters to neighbours and in addition, a notice was displayed on site in accordance with relevant regulations. As such, adequate publicity as required had been given to the application.

19.3 The other material issues raised in the objections have been dealt with in the main body of the assessment.

20. CONCLUSION

20.1 Whilst it represents inappropriate development within the Green Belt, the proposed development is considered acceptable in that it would not lead to any significant adverse impact on the character of the area, amenity of the occupiers of neighboring properties as well as the openness of the Green Belt. There are very special circumstances that count in favour of the proposal and on balance, it is considered that the overall benefits of the scheme would outweigh the impact on the openness of the area.

20.2 The proposal would therefore be in accordance with relevant provisions of Oldham Local Plan Policies 1, 3, 5, 9, 11, 20 and 22 as well as relevant provisions of the National Planning Policy Framework.

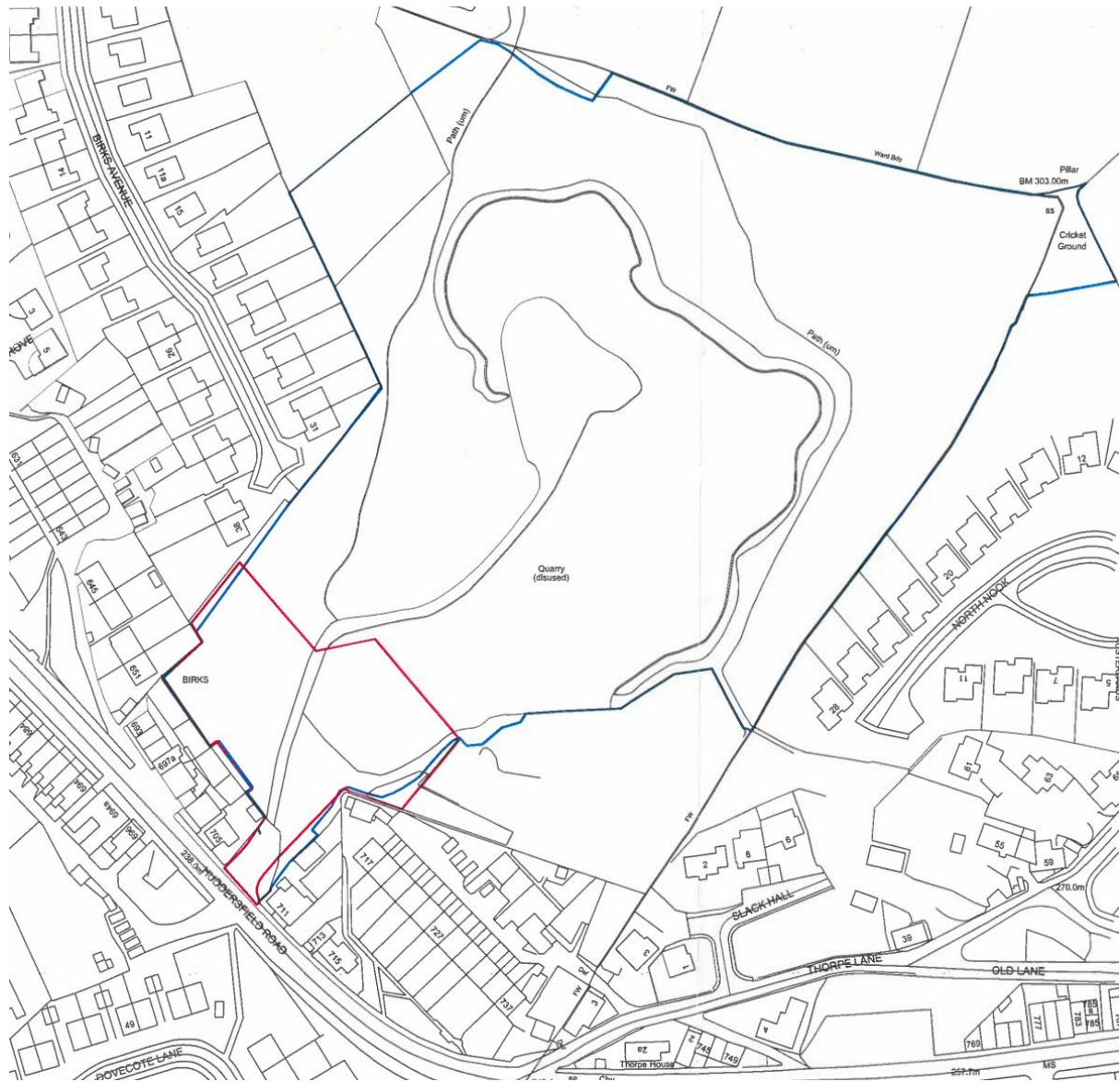
21. RECOMMENDED CONDITIONS

1. 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.
2. No dwelling shall be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan (Ref: 1276/P/S/001 Rev A) and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles. Reason - To ensure adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.
3. No construction work shall commence until a highway improvement scheme has been implemented in accordance with a scheme that shall first of all have been submitted to and approved in writing by the local Planning Authority. Details should include the signalisation of the junction at the A62 Huddersfield Road with the new access road with all associated equipment, signing, lining, carriageway and footway improvements. Reason - To ensure that the site can be accessed safely in accordance with Policies 5 and 9 of the Oldham Local Plan.
4. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the 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.
5. No construction or excavation works shall be undertaken outside the hours of 0730 - 1730 Monday to Friday and between the hours of 0800 and 1500 on Saturdays. No construction or excavation works shall be undertaken on Sundays and Bank Holidays. REASON - To safeguard the amenity of the occupiers of neighbouring properties and the area generally. having regard to Policy 9 of the Oldham Local Plan.
6. Prior to the commencement of the development hereby approved, a biodiversity mitigation and enhancement plan which shall set out a proposal for mitigating the potential impact of the development on biodiversity, as well as how this can be enhanced, shall be submitted to the Local Planning Authority for written approval. The development shall be implemented in accordance with the approved details and retained as such thereafter. REASON - In order to enhance biodiversity, in accordance with the provisions of para 174 of the National Planning Policy Framework.
7. Notwithstanding details already submitted, 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, and 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.

8. Prior to the commencement of any above ground works, a detailed Crime Impact Statement (CIS) shall be submitted to the Local Planning Authority for written approval. The Statement shall show how crime has been considered for the proposal and the surrounding area. The report, which shall be completed by a suitably qualified security assessor, shall identify, predict, evaluate and mitigate the site-specific crime and disorder effects of the development. The development shall be implemented in accordance with the approved Crime Impact Statement. Reason - In order to minimise the incidence of crime and disorder, in the interest of the amenity and safety of the future occupiers of the development and the area.
9. The development hereby approved shall be implemented in accordance with the details and recommendations contained in the Geotechnical Risk Assessment prepared by Key Geosolutions Ltd and dated June 2021. Reason - In the interest of the safety of the future occupiers of the development.

SITE LOCATION PLAN (NOT TO SCALE):



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APPLICATION REPORT – PA/343610/19 Planning Committee 7 June 2023

Registration Date: 02/08/2019
Ward: Saddleworth West and Lees

Application Reference: PA/343610/19
Type of Application: Full / Reserved Matters Application

Proposal: Approval of Reserved Matters in respect of Appearance, Landscaping, Layout and Scale for the erection of 33 dwellings in relation to Outline approval PA/337932/15

Location: Former Birks Quarry, Huddersfield Road, Austerlands.

Case Officer: Abiola Labisi
Applicant: Prestigious Homes NW Ltd
Agent: Mr. Garry Griffiths – HNA Architects

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination because the proposal relates to a Major Development and in addition, the Outline application was determined by the Planning Committee.

2. RECOMMENDATION

- 2.1 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.

3. SITE DESCRIPTION

- 3.1 The application site comprises an irregularly shaped land of approx. 1.9 hectare in size on the north side of the A62 Huddersfield Road, previously a sandstone quarry, commonly known as Birks Quarry. The site is undulating in topography with the landform rising away from the A62 and the quarry itself bites into this rising topography resulting in vertical or steeply sloping rock faces in its north-eastern part.
- 3.2 Notwithstanding the previous use, the site is in an area that is predominantly residential in character with lands to the east, west and south being in residential use whilst some open meadow land borders the site to the north
- 3.3 The quarry is accessed from Huddersfield Road and the access from the road takes a twisting path between steep banks which accounts for the fact that the quarry cannot be seen from the road.

4. THE PROPOSAL

- 4.1 The application is for approval of Reserved Matters in respect of Appearance, Landscaping, Layout and Scale for the erection of 33 dwellings following outline approval granted under planning ref. PA/337932/15.
- 4.2 The proposed scheme comprises of the following:
- 11nos. four storey 4 bed units with floor area of 117.09 sq. m (House Type C)
 - 14nos. four storey 4 bed units with floor area of 146.99 sq. m (House Type D)
 - 4nos. three storey 4 bed units with floor area of 130.86 sq. m (House Type E)
 - 4nos. three storey 4 bed units with floor area of 128.68 sq. m (House Type F)
- 4.3 In terms of external finish materials, the proposed houses would be finished in brick with slate roof tiles while window frames and rainwater goods would be of uPVC.
- 4.4 The proposal includes landscaping works comprising of the planting of a total of 59 trees of native species as well as a range of hedges, shrubs and climbers. It is also indicated on the submitted plans that the existing heather would be retained as much as possible.
- 4.5 To the immediate south of the site, and forming part of the overall land holding under the applicant's ownership, is a smaller parcel of land on which it is proposed to erect four dwellings (planning ref. PA/343609/19). The adjoining site and the application site share a number of similarities in terms of context.

5. PLANNING HISTORY

- 5.1 Outline permission was granted on 8th of July 2016 for a residential development on the site under PA/337932/15 with all matters reserved except access which was considered under the outline application.

6. RELEVANT PLANNING POLICIES

- 6.1 The adopted 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 Green Belt. As such, the following policies are considered relevant to the determination of this application:
- Policy 1 - Climate Change and Sustainable Development;
 - Policy 3 – An Address of Choice;
 - Policy 5 - Promoting Accessibility and Sustainable Transport;
 - Policy 9 - Local Environment;
 - Policy 10 – Affordable Housing;
 - Policy 11 – Housing;
 - Policy 20 – Design; and,
 - Policy 22 – Protecting Open Land

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	Comments received. No objection subject to a site investigation re landfill gas and details of any mitigation measures
Drainage	No comment received.
Highways	Comments received. No objection subject to conditions relating to the provision of access and car parking spaces in accordance with approved plans and road improvement works.
Tree Officer	Comments received. Considered the proposed tree planting scheme acceptable
Police – Crime Prevention	Comments received. No objection subject to the submission of a Crime Impact Statement.
Ecology	Comments received. No objection subject to conditions relating to mitigation of impact on ecology
Planning Policy	Comments received. Raised no objection subject to conditions relating to contributions towards affordable housing, open space and biodiversity net gain.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.

8.2 In response, five representations have been received raising the following issues:

- Highway safety issues due to inadequate access (addressed in para. 13.2)
- Overdevelopment of the site (addressed in para 11.2)
- Overbearing and overshadowing impact (addressed in para 10.2)
- Potential overlooking (addressed in para 10.2)
- Loss of trees and wildlife (addressed in paras. 15.2 and 15.3)

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

9.1 The larger part of the application site is allocated as Green Belt by the Proposals Map associated with the Joint Development Plan Document and is located in close proximity to existing dwellings.

9.2 Whilst the erection of new buildings within the Green Belt is considered inappropriate development and should therefore be resisted as set out within the National Planning Policy Framework, it is noted that a very special circumstance to justify a residential

development on the site was demonstrated as part of the outline application and the very special circumstance was considered acceptable by the Local Planning Authority.

- 9.3 Significantly, the site is subject of a previously approved outline planning application reference PA/337932/15 for residential development which is a material planning consideration.
- 9.4 Having regard to these considerations the principle of development is acceptable.

10. RESIDENTIAL AMENITY

- 10.1 Having regard to the requirements of Policy 9 the impact of the development on surrounding residents needs to be considered alongside ensuring that the proposals provide suitable accommodation for future occupiers.
- 10.2 There are existing dwellings to the west, east and south of the site. However, notwithstanding the difference in levels as well as the ridge height of the proposed dwellings, it is considered that the relationship of the development with the existing neighbouring dwellings, would be acceptable because of the separation distance between the existing and proposed dwellings. The distance between the development and the nearest neighbouring dwelling is approx. 28m. This separation distance would minimise any potential overbearing, overshadowing or overlooking effects on the neighbouring properties.
- 10.3 The layout of the proposed dwellings would minimise any potential overbearing, overshadowing or overlooking effect on neighbouring future occupiers of the development. There would be a distance of no less than 20 m between opposing dwellings and no habitable room window would directly overlook a neighbouring private amenity area.
- 10.4 Further on the amenity of the future occupiers of the development, the Department for Communities and Local Government's March 2015 publication, Technical Housing Standards – Nationally Described Space Standards provides that the minimum internal space requirement for a four bed, seven-person accommodation is 121 square metres. Apart from House Type C which would be slightly short of this requirement, the other dwelling types would exceed this floor area requirement. It is not considered that the difference between the floor area for House Type C and the requirement set out in the Space Standards would be such that would detract significantly from the amenity of the occupiers of the relevant units.
- 10.5 Each of the proposed units would benefit from external amenity areas which vary in size and there would be dedicated bin storage areas within each unit.
- 10.6 Having regard to the above, it is considered that the proposal would not lead to any significant adverse impact on the residential amenity of the occupiers of neighbouring properties while that of the future occupiers of the development would also not be compromised. As such, the proposal would be in accordance with relevant provisions of Policy 9 of the Oldham Local Plan.

11. DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 11.1 The proposed dwellings would be of contemporary design and would be sited mainly within the bowl of the quarry. Built form within the surrounding area is noted to be

diverse, with neighbouring dwellings being of various design, external finish materials and scale. The proposed external finish materials would be similar to those of some of the neighbouring properties and notwithstanding its contemporary design, it is considered that given the diverse pattern of development in the area, the proposal would not lead to a significant adverse impact on the character of the area.

- 11.2 Furthermore, the development would not be very visible from the public road and this would limit any potential visual impact. The overall number of units proposed would ensure that the proposal does not lead to a cramped pattern of development.
- 11.3 As such, it is considered that the proposal would not lead to a significant harm to the character of the area.

12. IMPACT ON GREEN BELT

- 12.1 Most of the site lies within the Green Belt and para 149 of the NPPF provides that Local Planning Authorities should regard the construction of new buildings as inappropriate. Such inappropriate development should be resisted unless very special circumstances can be demonstrated.
- 12.2 The outline application included a demonstration of very special circumstances to warrant the development of the site for residential purposes.
- 12.3 A Visual Appraisal has been submitted with the current application which concludes that the proposal would not lead to any significant visual implications.
- 12.4 Having regard to this, it is considered that, whilst the proposal would be inappropriate development within the Green Belt, there exists very special circumstances to warrant such development and, significantly, the impact of the development on the openness of the area would not be so significant as to refuse the application. It is considered that the social and environmental benefits of the proposal would outweigh the less than significant impact on the openness of the Green Belt.

13. HIGHWAY SAFETY

- 13.1 Para 110 of the NPPF provides that in assessing planning proposal, it should be ensured that safe and suitable access to the site can be achieved for all users and furthermore, para 111 provides that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 13.2 The proposed development would benefit from an existing vehicular access off the A62 Huddersfield Road. The existing access served the disused quarry and subject to road improvement works, including the provision of traffic control signals at the junction, it is considered that there would be a safe and suitable access for all users of the development.
- 13.3 In addition, every unit within the development would have a dedicated off-road parking facility. This would minimise the potential for on-street parking and any associated highway safety issue.
- 13.4 The site is adjacent the A62 Huddersfield Road, a national road with adequate capacity to accommodate the level of vehicular traffic that would be generated by a development

of this scale. The Council's Highway Engineer has raised no objection to the proposal subject to the imposition of conditions requiring the provision of access and parking facilities in accordance with approved details as well as road improvement works.

- 13.5 Having regard to the above, it is considered that the proposal would not lead to any severe or otherwise unacceptable detrimental highway issue.

14. SUMMARY OF RESERVED MATTERS

14.1 The Reserved Matters to which the application relates include scale, appearance, layout and landscaping. In relation to scale, there would be a total of thirty-three dwellings within the scheme, all ranging in height from three to four storey. Given the area of the site, it is considered that the site coverage would be acceptable as this would not lead to a cramped development. The bulk and massing of the dwellings are also considered acceptable, notwithstanding the height.

14.2 The appearance of the buildings is considered acceptable as the external finish materials would be similar to those of some other dwellings in the vicinity. The contemporary design would also not detract significantly from the character of the area and its visual amenity

14.3 The dwellings are laid out such that they mainly front onto the access road thereby creating a strong street scene. Each property would be easily accessed from the internal road either on foot or by car. In addition, the dwellings would be laid out such that the relationship between them would be acceptable as one dwelling would not lead to a significantly adverse impact on the residential amenity of the future occupiers of neighbouring dwellings.

14.4 A landscaping scheme has been submitted with the application and the scheme includes the planting of over fifty trees of native species, in addition to other landscaping elements. The scheme has been reviewed by the Council's Tree Officer and Ecologists from Greater Manchester Ecology Unit. The Council's Tree Officer has advised that the proposed tree planting scheme is acceptable. However, the Ecologist suggested more planting to make up for a significant loss of natural habitat as well as a detailed biodiversity net gain proposal. The applicant was given the opportunity to provide additional information re proposed landscaping and biodiversity net gain but they responded that they would rather address the issue via planning conditions.

14.5 As such, conditions relating to landscaping and biodiversity enhancement shall be attached to any decision to grant permission.

15. IMPACT ON BIODIVERSITY

15.1 Para 180 of the NPPF provides that if significant harm to biodiversity resulting from a development cannot be avoided (through relocating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

15.2 The proposal includes removal of some existing trees and the landscaping scheme submitted indicates that substantial trees of native species would be planted to replace the removed trees. The Ecology Report submitted with the outline application indicates that there is no significant amount of badger setts on site neither did it indicate any significant presence of any protected species.

- 15.3 The replacement trees would mitigate the impact of the trees to be removed. The Greater Manchester Ecology Unit as well as the Council's Tree Officer has raised no objection to the proposal subject to conditions relating to a biodiversity enhancement scheme.
- 15.4 It is therefore considered that subject to the submission and implementation of an acceptable landscaping and biodiversity mitigation/enhancement proposal, the development would not lead to an unacceptable adverse impact on biodiversity.

16. DRAINAGE

- 16.1 A drainage plan/flood risk assessment has been submitted with the application. However, the Council's Drainage Engineer has advised that the details within the drainage proposal are not considered to be sufficient for a detailed assessment of the drainage implications of the scheme and as such, additional details would be required. The applicant's agent has advised that they are aware of this requirement and are happy to deal with the matter through an application for discharge of conditions at which stage, further details would be provided.
- 16.2 Therefore, notwithstanding the details submitted in relation to drainage, a condition requiring the submission of details of an acceptable drainage scheme remains relevant. It is noted that such condition had been attached to the outline permission and would therefore not be necessary in so far as the Reserved Matters application is concerned.

17. LAND CONTAMINATION / LANDFILL GAS / LAND STABILITY

- 17.1 In relation to land contamination and landfill gas, a Phase 1 site report has been submitted with the application and the report identifies the need for a detailed site investigation. The Environmental Health Officer has reviewed the document and agrees with the recommendation. Accordingly, a site investigation relating to land contamination/landfill gas would be required. The applicant has confirmed that they are happy to deal with this matter through an application for discharge of conditions.
- 17.2 In relation to land stability, a Geotechnical Risk Assessment has been undertaken at the request of the Health and Safety Executive (HSE). The assessment includes measures to prevent land stability issues and rocks falling from the face of the quarry cliff. Whilst a confirmation has not been received from HSE that the mitigation measures proposed are acceptable despite numerous attempts to contact the organisation, it is considered that a condition requiring the applicant to implement the development in accordance with the mitigation measures identified within the Geotechnical Risk Assessment would be appropriate. A note also advising the applicant/developer that it is their responsibility to ensure that the development does not lead to land stability issues or cause any harm to the safety of the future occupiers of the development and occupiers of neighbouring properties.

18. CONTRIBUTIONS TOWARDS AFFORDABLE HOUSING AND OPEN SPACE

- 18.1 The outline planning permission does not include any requirement for financial contributions. They cannot be introduced as part of the consideration of the reserved matters and therefore contributions towards affordable housing and open space cannot be requested as part of this application.

19. CONCLUSION

- 19.1 Whilst it represents inappropriate development within the Green Belt, the proposed development is considered acceptable given it would not lead to any significant adverse impact on the character of the area, amenity of the occupiers of neighboring properties as well as the openness of the Green Belt. There are very special circumstances that count in favour of the proposal and, on balance, it is considered that the overall benefits of the scheme would outweigh the impact on the openness of the area.
- 19.2 The proposal would therefore be in accordance with relevant provisions of Oldham Local Plan Policies 1, 3, 5, 9, 11, 20 and 22 as well as relevant provisions of the National Planning Policy Framework.

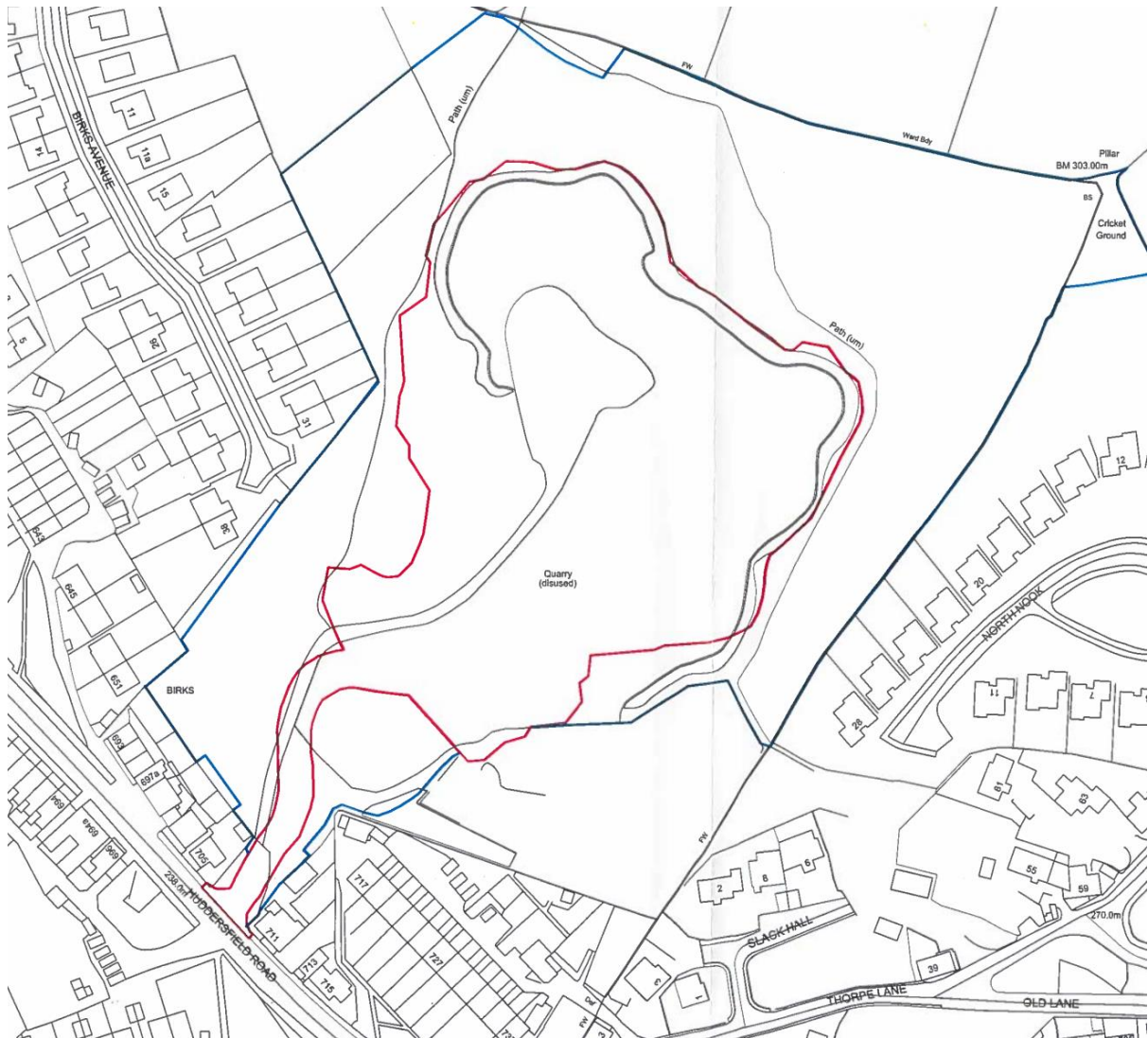
20. RECOMMENDED CONDITIONS

1. 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.
2. No dwelling shall be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan (Ref: 1276/P/L/001 Rev A) and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles. Reason - To ensure adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.
3. No construction work shall commence until a highway improvement scheme has been implemented in accordance with a scheme that shall first of all have been submitted to and approved in writing by the local Planning Authority. Details should include the signalisation of the junction at the A62 Huddersfield Road with the new access road with all associated equipment, signing, lining, carriageway and footway improvements. Reason - To ensure that the site can be accessed safely in accordance with Policies 5 and 9 of the Oldham Local Plan.
4. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the 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.
5. No construction or excavation works shall be undertaken outside the hours of 0730 - 1730 Monday to Friday and between the hours of 0800 and 1500 on Saturdays. No construction or excavation works shall be undertaken on Sundays and Bank

Holidays. REASON - To safeguard the amenity of the occupiers of neighbouring properties and the area generally. having regard to Policy 9 of the Oldham Local Plan.

6. Prior to the commencement of the development hereby approved, a biodiversity mitigation and enhancement plan which shall set out a proposal for mitigating the potential impact of the development on biodiversity, as well as how this can be enhanced, shall be submitted to the Local Planning Authority for written approval. The development shall be implemented in accordance with the approved details and retained as such thereafter. REASON - In order to enhance biodiversity, in accordance with the provisions of para 174 of the National Planning Policy Framework.
7. Notwithstanding details already submitted, 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, and 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.
8. Prior to the commencement of any above ground works, a detailed Crime Impact Statement (CIS) shall be submitted to the Local Planning Authority for written approval. The Statement shall show how crime has been considered for the proposal and the surrounding area. The report, which shall be completed by a suitably qualified security assessor, shall identify, predict, evaluate and mitigate the site-specific crime and disorder effects of the development. The development shall be implemented in accordance with the approved Crime Impact Statement. Reason - In order to minimise the incidence of crime and disorder, in the interest of the amenity and safety of the future occupiers of the development and the area.
9. The development hereby approved shall be implemented in accordance with the details and recommendations contained in the Geotechnical Risk Assessment prepared by Key Geosolutions Ltd and dated June 2021. Reason - In the interest of the safety of the future occupiers of the development.

SITE LOCATION PLAN (NOT TO SCALE):



APPLICATION REPORT – FUL/349826/22 Planning Committee 7th June 2023

Registration Date: 22.09.2022
Ward: Saddleworth West And Lees

Application Reference: FUL/349826/22
Type of Application: Full Application

Proposal: Erection of 64 no. dwellings and 6 no. apartments with associated points of access to Huddersfield Road

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

Case Officer: Matthew Taylor
Applicant: Redrow Homes Ltd
Agent: Ryan & May Ltd

1. INTRODUCTION

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

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to:
1. The conditions as set out in this report; and,
 2. The completion of a Section 106 Agreement to secure:
 - The provision of 12.86% on site Affordable Housing (at transfer values of 80% OMV or as Discount Market Sale);
 - A financial contribution of £365,736.80 towards the enhancement of existing Open Space provision within the locality; and,
 - A financial contribution towards the provision of compensation for the loss of suitable ground nesting bird habitat by off-site habitat enhancement.
- 2.2 The Head of Planning shall be authorised to issue the decision upon satisfactory completion of the legal agreement.

3. SITE DESCRIPTION

- 3.1 The application site is land to the east of Huddersfield Road, Diggle, which measures approximately 3.24ha in total area. The overall site is split into two parcels by the existing access road (off Huddersfield Road) that serves Saddleworth School.

- 3.2 Both portions of the application site slope down gently towards Diggle Brook, with residential properties to the west and north, open fields to the south and the former Shaw Pallets office building (a listed building) to the east. The Huddersfield Narrow Canal lies beyond the school development site. There are a further two Grade II listed buildings to the southeast of the site along Huddersfield Road approximately 150m from the southern boundary. The site does not fall within a conservation area.
- 3.3 The site is located within a Business Employment Area (BEA) on the Local Plan Proposal Map and the majority of the site falls within Flood Zone 1. However, the area to the northeast of the site lies in Flood Zone 2 and 3a, reflecting its proximity to Diggle Brook.

4. THE PROPOSAL

- 4.1 Full planning permission is sought for a residential scheme comprising the erection of the erection of 64 no. dwellings and 6 no. apartments with associated points of access to Huddersfield Road.
- 4.2 The north parcel of the site will be served by a new access off Huddersfield Road and provide the following unit break down:
- 6 x 1 bed apartments;
 - 10 x 3 bed terrace houses;
 - 16 x 4 bed Detached houses; and,
 - 4 x 5 bed detached houses.
- 4.3 The south parcel of the site will also be served by a new access off Huddersfield Road and provide the following unit break down:
- 8 x 3 bed terrace houses;
 - 21 x 4 bed Detached houses; and,
 - 5 x 5 bed detached houses
- 4.4 Each dwelling will benefit from both front and rear gardens and all the proposed units benefit from off-street car parking provision, as indicated on the amended Proposed Site Plan.

5. PLANNING HISTORY

- 5.1 PA/337301/15 - Construction of a new Saddleworth School with associated sports fields and pitches, external recreation and teaching space together with parking and landscaping and associated works - Approved
- 5.2 FUL/345630/20 - Construction of 77 residential properties with associated access, landscaping and ancillary works – Approved

6. RELEVANT PLANNING POLICIES

- 6.1 The adopted 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 Business

Employment Area (BEA). As such, the following policies are considered relevant to the determination of this application:

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

National Planning Policy Framework (NPPF)

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	Recommended both landfill gas and contaminated land conditions and informative notes.
Drainage	Awaiting comments to be provided on the late list.
Highways	No objection in principle, subject to some tweaks to the final layout, and an update will be provided on the late list.
Environment Agency	No objection subject to conditions relating to access to the bank top of Diggle Brook and submission of integrated site invasives control strategy and landscape reinstatement package of works for the Huddersfield Road development site.
TFGM	No objection.
Greater Manchester Ecology Unit:	Recommended both conditions and that compensation for the loss of suitable ground nesting bird habitat by off-site habitat enhancement.
United Utilities	Recommended conditions and informative notes to address both drainage and the management and maintenance of Sustainable Drainage Systems.
Greater Manchester Police Architectural Liaison Unit:	No Objection, subject to a condition to reflect the physical security recommendations in section four (Secured By Design Measures) of the Crime Impact Assessment.
Historic England	Raised no objection
Canal and River Trust	Based on the information available the Trust has no comment to make on the proposal.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.

8.2 In response, 15 representations have been received raising the following (summarised) issues:

- Potentially contaminated land (Paragraph 18)
- More open space needed on the development (Paragraph 11)
- Out of keeping with the houses in Huddersfield Road/area. (Paragraph 14)
- Will change the area from a small village, so will ruin the character of the area. (Paragraph 14)
- Huddersfield road is already strained during school times for traffic, an extra 66 houses will exacerbate this issue. (Paragraph 13)
- No extra amenities, which are already stressed i.e health centres, schools, shops which are all already oversubscribed.
- Saddleworth villages are being slowly eroded and becoming an urban flow from Oldham. The local character of the area is being destroyed by over building of new houses in any available field. (Paragraph 14)
- Traffic on the roads around the school are already heavily impacted and yet you are planning to build another 66 new houses most of which will have 2 vehicles. (Paragraph 13)
- Insufficient traffic modifications to alleviate danger, noise and dangers such as grid lock due to the SCHOOL development. (Paragraph 13)
- Further development of the semi-rural environment in Saddleworth. The traffic situation has already been proved dangerous over and over and over again, allowing further increase in traffic will make you culpable for the additional danger. That extra traffic will cross where pedestrian children are being forced to walk. (Paragraph 13)
- Residents have suffered for years of mess, noise, demolitions, building noise, water carriers, large farm vehicles in narrow roads, pavements being over run, and now the noise and danger of inappropriate levels of traffic for the narrow pavements and lack of facility and semi-rural environment in Diggle.
- Increase in the traffic has caused more road noise and the backing up of traffic from the new lights in Diggle, the proposed new houses will exacerbate these issues. (Paragraph 13)
- The access to parking spaces from the school drive is a danger to pupils and will encourage parents to drop off pupils on the drive, then turn in the parking access, undermining the plans for pupil drop off made in the school's planning application.
- All the terraced properties should be 'affordable housing, not just a token proportion of them. (Paragraph 10)
- There are already significant problems with telephone/broadband access in Diggle, this would need to be addressed before building more houses.
- Diggle is still considered to be a village, however, if development on this scale, were to be approved, the character and rural feel of the valley, would irrevocable changed to that of suburbia. (Paragraph 14)
- The roads in Diggle can barely cope with the increase in traffic during school drop off and pick up times as it is. (Paragraph 13)

- Global warming is increasingly being taken into consideration when making long term decisions, and rightly so. Part of the proposed development is already in a high risk flood area. In years to come the risk of flooding will invariably increase. (Paragraphs 12 and 22)
- A significant number of trees, shrubs and hedges would be removed from the site, close to Diggle Brooke. The survey carried out seems only to focus on their individual significance, rather than a collective significance, ie their value with regard to absorbing rainfall, structurally supporting the land in close proximity to the brook, not to mention their value as part of a vital wildlife corridor that is being eroded bit by bit. It is very probable that areas downstream will suffer an increased risk of flooding if this development goes ahead. (Paragraphs 19, 20 and 21)
- The design is poor, materials of low quality, with not so much as a nod to the vernacular. (Paragraph 14)
- The value of dark skies is increasingly being appreciated nationally for many reasons. A development on this scale would have a detrimental impact on the local ecology and the wellbeing of residents with the increased light being emitted. (Paragraph 21)
- Hundreds of children will need to cross the new junction on their way to and from school, at a place where they currently do not need to be too mindful of vehicles. (Paragraph 13)
- Will create a space for parents to use to drop off pupils and turn around with the risk that brings to pupil safety. (Paragraph 13)
- There seems to be no significant affordable housing proposed, further endangering the nature of the area. (Paragraph 10)
- Contractors were constantly breaking the speed limit in the two years of the school build., the houses were shaking and there was noise, pollution and some other behaviour.
- The properties are very close to the school - this must raise some safe guarding issues.
- Wool Road is a busy road with no indication of 30 mph speed limit even though it is near a school. 100 + potential cars will increase this danger. More cars and more attempts to park will only increase this danger. (Paragraph 13)
- Mis-information in at least two public meetings in the run up to the building of Saddleworth School we were informed that it was the school OR the houses by council officials
- Loss of Amenity - green spaces in Diggle lost. (Paragraphs 11 and 14)
- Views across the Diggle valley from the Pennine Bridleway further damaged by additional development. (Paragraph 14)
- Listed Building Harm - increased harm to the setting of the listed building outside the new school. (Paragraph 15)
- this development should be radical - not the same old designs that are churned out by builders.
- This linear village needs better infrastructure not simply more housing. (Paragraph 14)
- The development should be at the forefront of eco- design. (Paragraph 14)
- This is the biggest residential development in the village for many years, but there is no attempt to create a 'place' that is special, attractive and liveable, no community focus or any attempt to integrate with the existing community

(socially, spatially or aesthetically). (Paragraph 14)

- 8.3 Saddleworth Parish Council: Recommended refusal for the following reasons on the grounds that the loss of the 2 bedroom homes on the revised plan now doesn't meet the housing needs of OMBC or Saddleworth Parish Council.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 It is noted that the principle of a housing development on the site was established by the approval of the previous application for 77 dwellings (Ref: FUL/345630/20). Given this proposed amended layout is for a similar number of units as this previously approved consent, consideration of the development is limited to the other matters such as (but to limited too) details of contributions, highways, appearance, landscaping, layout and scale.

10. AFFORDABLE HOUSING

- 10.1 Paragraph 65 of the NPPF sets out that where major development involving the provision of housing, planning decisions should expect at least 10% of the total number of homes to be available for affordable home ownership.
- 10.2 Following negotiations, it has been agreed that the development will include 12.86% on-site Affordable Housing units (at transfer values of 80% OMV or as Discount Market Sale) via a Section 106 agreement. To summaries the offer in comparison to the extant planning permission for the site the applicant has provided the following table:

	Approved Scheme	Redrow Proposal	Difference
Number of units	77	70	-7
Total floor area	90,327sqft	93,299sqft	+2,972
Number of affordable units	8	9	+1
% affordable units	10.39%	12.86%	+2.47%
Floor area of affordable units	5,988sqft	6,495sqft	+507sqft

- 10.3 Having regard to the data it is clear the current scheme exceeds the proposed on site offer of approved and extant permission in terms of the quantum and proportion of units, and the quantum of floorspace proposed. Therefore, it is concluded in this instance that proposed development satisfies the requirements of the NPPF and Policy 11 providing much needed affordable housing in a sustainable location.

11. OPEN SPACE

- 11.1 Policy 23 of the Local Plan states that major residential development should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable. It continues to state that regard will be given to the

proposed development and the open space surpluses and deficiencies in the area (identified through the Council's Open Space Study) to determine where appropriate whether on-site or off-site new provision or enhanced existing provision or a financial contribution will be required.

- 11.2 As the scheme does not provide public open space on site, in order to be compliant with Policy 23, the applicant must make contributions towards new provision or enhancing existing provision off-site. Following an assessment of the proposal and needs of the local area, a cost has been calculated for off-site public open space provision of £365,736.80. This has been agreed by the applicant and it will be used towards the enhancement of existing Open Space provision within the locality.
- 11.3 Following discussion with the Council's Park Department it has been recommended that these funds be used for the enhancements to the following existing open spaces:
- Ward Lane Play Area - New play area to replace old/existing, tree works, path improvement works and fencing;
 - Diggle Fields - New adventure play/trim trail to replace old/existing, new outdoor gym, tree work, path improvement Works, drainage improvement works, fencing, renew story trail and new additional timber seating;
 - Diggle Pond - Pond clearance improvement works and path and landscape improvement works; and
 - Sunfield Avenue Play Area - New play area to replace old existing.
- 11.4 This proposed list has been considered by the applicant and in principle been agreed, as they are pleased that the contributions are going to improve play areas for local children and improve Diggle pond/nearby pathways.
- 11.5 Whilst in regards the provision of off-site habitat enhancement, following discussion with the Council's Park Department it is clear off-site ground nesting bird habitat enhancement cannot be facilitated. However, within the area the financial contribution could be used towards improving habitats for the Log Eared owl and nature conservation, including woodland and water habitats which would meet the principles of Para. 170(d) and 175(d) of the NPPF.
- 11.6 To this end, in principle it is considered appropriate that the financial contribution of £55,000.00 go towards the improvement of the habitats for the Log Eared owl and woodland/water habitats within the local area of the application site.
- 11.7 Therefore, the proposal is considered to be compliant with Policy 23 of the Local Plan.

12. ENERGY

- 12.1 Policy 18 of the Local Plan states that all developments over 1,000m² or 10 dwellings and above are required to reduce energy emissions in line with set targets.
- 12.2 To address the requirements of this policy the applicant has provided a 'Energy and Sustainability Statement by AES Sustainability Consultants Ltd, dated August, which notes the development All homes will be delivered to meet the minimum requirements of Part L 2021 and therefore will exceed a 31% reduction over Part L 2013, which satisfies Policy 18 of the Local Plan.

13. HIGHWAY SAFETY

- 13.1 Policy 5 of the Local Plan requires that developments do not compromise pedestrian or highway safety and Policy 9 of the Local Plan states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users. Crucially, NPPF paragraph 111 requires that, in considering planning applications, *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* This therefore provides the key test for considering this (and other) proposal in relation to highway safety.
- 13.2 Having considered the submitted details, the Council Highway Engineer does not consider that there will be any additional significant amount of traffic generated which would have a severe impact on the network, having regard to the extant planning consent for 77 dwellings on the site. During the application process updated traffic information and modelling has been provided in conjunction with TFGM to assess how the proposed new access off Huddersfield Road would impact the overall traffic for the village and the the mitigation measures that are being implemented as a result of the construction of the new school.
- 13.3 Furthermore, the proposed parking provision is considered to be of a level that there will not be an increase in the demand for on street parking on the local highway network as a result of the proposed development. However, it is noted that a few outstanding tweaks to the layout are required in regards the provision of pedestrian access to the school access road from within the two parcels of development and some realignment of parking spaces. These have been agreed with the applicant and a final amended layout is to be provided and reported via the late list.
- 13.4 Therefore, as the amended highway layout is acceptable in principle and will be considered for adoption by the local Highway Authority, it is considered the scheme complies with Policy 5 and 9 of the Local Plan.

14. DESIGN

- 14.1 Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment. Policy 9 requires that development does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape, nor should it cause significant harm to the amenity of neighbouring occupants. Policy 20 is also relevant, as it seeks to promote high quality design.
- 14.2 The supporting Design and Access Statement and Planning Statement explains that the proposed layout has been design around two access points from Huddersfield Road, with only a single parking area accessed off the Saddleworth School access road which splits the site into two areas.
- 14.3 Having regard to the previously approved scheme, it is noted that the character of the surrounding area has again informed the overall treatment of the Huddersfield Road street scene. As this boundary of the site incorporated terraced properties fronting on to the main road, with detached properties and a block of apartments behind the main road frontage. This results in a strong main road building line that reflect the opposite side of Huddersfield Road.
- 14.4 It is clear the detached dwellings to the rear of the main frontage across the two site parcels follow a sweeping road design, similar in character to others existing housing

developments in Diggle. This allows for each dwellinghouse proposed to benefit from its own private amenity area and bin-storage which will ensure that the site once occupied is not cluttered. Moreover, all the proposed units benefit from off street parking, the detached dwellings having private drives/garages and the terrace blocks and apartments benefit from parking courts.

- 14.5 Therefore, overall, the amended site layout is considered to follow the overarching built form of Diggle, and would integrate with the existing built surroundings.
- 14.6 Having regard to the design and scale of the proposed house types it is considered that the proportions of the proposed units are acceptable, all be it that the house types are of a standard nature owing to the fact they come from the national house builder's standard template. Sadly, despite discussions with the developer it is clear they are intent on constructing the proposed units from reconstituted stone. This is not an appropriate material in the Council's opinion, and this weighs against the development in design and visual amenity terms. However, the proposed hard and soft landscaping works are acceptable, which incorporate landscaping forward of the front elevation of the proposed dwellings.
- 14.7 Overall, it is considered that the high-quality design of the proposed development would have a positive impact on the character of the area, in accordance with Policies 9 and 20 of the Local Plan. Whilst the concerns in regards the proposed construction material could be addressed with an appropriately worded planning condition.

15. HERITAGE

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

Impact on Grade II listed buildings on Huddersfield Road (Nos 45, 47 and 49):

- 15.2 the sites contribution to the setting of these listed buildings is low given that it is located on the opposite side of a busy main road. As a result, the sensitivity of these listed buildings to further changes to their setting also considered to be low through the development of this site.
- 15.3 Therefore, the development site is considered to make, at most, a minor impact on the setting of these designated assets, and therefore any harm should be considered 'less than substantial'.

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

- 15.4 These are Huddersfield Narrow Canal No.69 Bridge, which is 100m east of the site, the Huddersfield Narrow Canal Subway under Canal after Lock 30, 180m north-east of the site and the Huddersfield Narrow Canal Milestone, which located 225m south of the site. These heritage assets are set some distance from the application site and to the rear of the new Saddleworth School site. Therefore, it is considered that the development will have a negligible impact on the setting of these designated assets.

Impact on the Grade II listed Dobcross Works Office Building:

- 15.5 Planning consent for the construction of a new Saddleworth School with associated sports fields and pitches, external recreation and teaching space together with parking landscaping and associated works (Planning Ref: PA/337301/15) was granted with conditions in June 2019 on land at the former W H Shaw Pallet Works site on the eastern side of the brook that forms a boundary to the application site. This permission has now been fully implemented and the school and its ancillary facilities are in full use, which have significantly impacted the setting of this heritage asset. As the proposed application site is set forward of this asset and having regard to the previously approved and extant planning consent, it is considered that the site currently allows for views of this listed building. However, the introduction of housing which would inhibit views of the listed Dobcross Works Office Building resulting has previously been granted and the harm considered to be 'less than substantial harm' to this heritage asset.
- 15.6 NPPF Paragraph 202 NPPF states:
- 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 15.7 In terms of public benefits, the development will bring forward new homes in the borough that will have both economic and social benefits. Residential developments have a lasting economic impact as the future occupiers of the development, some of whom will move into the area from outside the borough, are likely to bolster the viability of existing and new local businesses through spend in the local community. There may also be potential for employment opportunities through the construction work on the site.
- 15.8 In terms of the social benefits, given the scale of the development requires contributions towards both public open space improvements/maintenance and affordable housing provision within the locality, these are afforded weight as a material planning consideration when considering public benefits.
- 15.9 Finally, given a continued business use of the site has been demonstrated to be inappropriate for this site, it is considered that the development will secure its optimum viable use. Therefore, the scheme accords with the requirements of Policy 24 of the Local Plan and NPPF Paragraph 202 NPPF.

16. RESIDENTIAL AMENITY

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

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

- 16.2 From the amended site layout plan, it is clear that the front elevation of the proposed terrace dwellings facing onto Huddersfield Road are located 20m from the front elevations of these neighbouring properties. Whilst the side elevation of the proposed dwellings on Huddersfield Road are over 17m away. Having regard to the separation distance in the local area and the scale of the proposed dwellings, it is considered the

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

Impact on No's 104 and 106 Huddersfield Road:

- 16.3 When considering the separation distances from rear of proposed unit No's 1 and 2 to the rear gardens of these existing neighbouring dwelling, the key consideration was the relationship between the existing dwellings within the locality. Dwellings on Ambrose Crescent and Huddersfield Road are orientated at oblique angles to one another resulting in limited direct visibility between windows. Therefore, as the new units would also be orientated at oblique angles to the existing dwellings, it is considered the separation distances are acceptable. As such, the development is not considered to appear overly oppressive to the occupiers of the existing dwellings.

Impact on No's 12 and 14 Wrigley Green:

- 16.4 The proposed apartment block (unit no's 3 to 8) has been positioned within the site set off the common boundary so not to appear oppressive. Moreover, it is noted no windows are proposed in the north facing gable elevation so the future occupiers will not overlook these neighbouring properties private rear gardens.

Impact on the future occupiers:

- 16.5 Policy 9 of the Oldham LDF states that the Council will ensure development does not cause significant harm to the amenity of the occupants and future occupants of the development. The development has been assessed against the 'Technical housing standard - nationally described space standards', March 2015. Given that the scheme complies with these national standards, it is concluded that the development will provide appropriate living space for the future occupants of the development.
- 16.6 Moreover, it is noted that the applicant has provided a noise impact assessment for the proposed residential development, in which a noise survey has been conducted at the site to quantify the current noise climate, and Internal and external ambient noise levels for the proposed residential rooms have been calculated based on the results of the noise survey and dimensions for the room volumes and external façade/window areas.
- 16.7 To achieve the design criteria regarding internal noise levels, suitable minimum noise insulation specifications have been proposed for the windows and trickle ventilators, these have been considered by the Councils Environmental Health section and are considered acceptable. To this end, and appropriately worded planning condition is attached to the recommendation to require the insulation and ventilation scheme as proposed in the submitted Noise Assessment (ref: J003960-5741-TD-03 dated August 2022) be incorporate into the properties as specified prior to occupation.

17. CRIME

- 17.1 Greater Manchester Police Architectural Liaison Unit have been consulted and have raised no objection, subject to an appropriately worded planning condition being attached to the recommendation requiring the physical security recommendations in section four (Secured by Design Measures) of the submitted Crime Impact assessment be implemented on site.

18. CONTAMINATION AND LANDFILL GAS CONSIDERATIONS

- 18.1 Paragraph 183 of the NPPF states that the planning decisions should ensure that a site is suitable for its proposed use taking account of ground contamination and risk.
- 18.2 The Council's Environmental Health section have recommended intrusive site investigations for contaminated land and landfill gas risks are required and the submission of a remediation strategy before any development takes place. This is secured through the imposition of a condition attached to the recommendation to ensure that the development does not conflict with the requirements of the paragraph 183 of NPPF.

19. ENVIRONMENT AGENCY

Flood Risk:

- 19.1 The EA have reviewed the submitted letter from Ryan & May (ref: REDR11) dated 23/3/2023 regarding the provision of double gates within the existing stone wall adjacent to plot 17 in the northern parcel. From drawing no. 4485-BTL-01/E – Boundary Treatment Layout, we note that a double gate is shown as suggested. However there was no note of the width of this and the coloured boundary lines on the plan is still a consistent blue line. From the legend this is “retained random stone wall”.
- 19.2 To this, the applicant has provided the amended boundary treatment plan (Dwg No. 4485-BTL-01 Rev G), which is clearly annotated with a 3m width. As such it is considered the applicant has addressed this concern by the EA and its objection has been removed.

Biodiversity:

- 19.3 The EA have noted that the proposals to enhance the retained semi-natural greenspaces, and in particular along the Diggle Brook corridor, as outlined through submitted Landscape Proposals 6987.03A, 04A & 05A, (TBA, 22 Mar 2023), Tree protection plan 6987.02B (TBA, 17 Mar 2023), Biodiversity Enhancement Scheme (R.Hacking, 02/03/2023), Landscape and Ecological Management Plan (R.Hacking, 02/03/2023), and Invasives Species Methodology (R.Hacking, 10/02/2023) are welcomed. However, it remains unclear as to schedule of invasives control methodology, and site specific and INNS specific control methodology to be adopted for the Huddersfield Road development site. The proposed INNS control methodology and timing of these operations, will then dictate as to when proposed new replacement native planting and enhancements proposed; as outlined in LEMP and Landscape Plan 6987.06 (T.Bridge, Aug 22), and Landscape proposals can be implemented.
- 19.4 Therefore, an appropriately worded planning condition has been attached to the recommendation which requires the applicant to provide details for one overall and integrated site invasives control strategy and landscape reinstatement package of works for the Huddersfield Road development site, to ensure each element is appropriately coordinated and timed. As the EA consider this would then maximise success of proposed ecological enhancements planned for riparian development site and avoid any potential issues of invasives control conflicting with overall biodiversity and landscape reinstatement proposals for the site.

20. TREES

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

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

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

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

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

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

- 20.2 It is clear from the Arboricultural Impact Assessment and Method Statement Rev A (Ref: MG/6987/AIA&AMS/REV A/AUG22) and Tree Protection plan (Dwg no 6987.02 Rev A) that existing trees within the development footprint on site are to be removed, however, the majority of the trees located on the riverbank boundary within the buffer zone are to be retained. Given that the scheme includes mitigation planting, as indicated on the submitted landscaping proposal plans, it is considered that the overall loss will be adequately addressed having regard to the onsite areas of landscaping and the extant planning permission for the site. Moreover, the Council's Arboricultural Officer has been consulted and raised no objection, subject to conditions that require the implementation of the submitted tree protection measures and the provision of proposed replacements.
- 20.3 Therefore, the loss has been mitigated for and the scheme accords with the requirements of saved UDP Policy D1.5.

21. ECOLOGY

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

Designated Sites:

- 21.2 The application site is within 1.5km of the South Pennine Moors Special Area of Conservation and Site of Special Scientific Interest, although it lies outside the identified risk zones for impacts on the SPA/SSSI as prepared by Natural England. The site is separated from the designated sites by the new school site currently under construction and by the Huddersfield Narrow Canal. While it may be used by bird species associated with the SPA (e.g. Lapwing, Skylark) it is very unlikely to be

considered to be functionally linked to the SPA because of the small numbers of birds involved and because the application site is subject to significant levels of human disturbance and probable predation pressures. The value of the site for breeding and foraging birds is further discussed below.

- 21.3 There is an issue as to whether the development of the site for housing could have an indirect effect on the SPA by increasing public recreational use of the SPA, which could in turn lead to increased disturbance to habitats and species within the SPA. However, given the lack of direct connectivity between the application site and the SPA, the relative size of the development and the very large area of the SPA it is not expected that there would be significant effects on the SPA to arise from this source.
- 21.4 The application site is also within 100m of the Huddersfield Narrow Canal Site of Biological Importance, a Local Wildlife Site. The Canal has been designated because it supports important populations of aquatic plant species. The proposed development will not have any direct impacts on the Canal although there may be indirect hydrological connectivity via the watercourse which runs along the eastern boundary of the site. To avoid any indirect impacts from surface water pollution on the Canal, a Construction Environmental Method Statement condition has been attached to the recommendation requiring the details of measures to be taken to prevent water pollution during the construction and operation of the development.

Notable Habitats:

- 21.5 The site generally supports unremarkable habitats, although the areas of broadleaved woodland and trees and the small watercourse at the eastern boundary are of local nature conservation value. These habitats are capable of being retained and protected if permission is granted to the development. The grassland which dominates the site does not appear to be subject to intensive farming practice or heavy grazing pressures, which will improve its value to wildlife.

Protected and Notable Species:

- 21.6 The site is considered to have only low potential to support any specially protected species, although the tree-lined watercourse is likely to be of value for foraging bats, these are to be retained within the 8 metres buffer from them the river.
- 21.7 Fields in the wider area are known to be of value for ground nesting birds, including Lapwing. Lapwing are a Red list species in the UK because they have suffered from significant declines, probably as a result of agricultural intensification. The fields which are the subject of this application are relatively small, subject to public disturbance and likely predation pressures, but nevertheless they remain suitable for use by the species.
- 21.8 Under the Wildlife and Countryside Act 1981 it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. However, given that the proposed development includes both site clearance and the removal of existing trees, a condition to address the protection of birds has been attached to the recommendation.
- 21.9 Moreover, it is clear following negotiations that the scheme can support a contribution to mitigate the loss of suitable ground nesting bird habitat, this will be commuted sum towards off-site habitat enhancement. There is extensive land nearby which could be enhanced for Lapwings and other ground nesting birds. On the site, bird nesting boxes

and bat roosting boxes can be placed close to the Diggle Brook within the buffer, and this is required by a condition attached to the recommendation.

Invasive Plant Species:

- 21.10 There are extensive areas of invasive plants on the application site, including Himalayan balsam and Japanese knotweed. Under the terms of the Wildlife and Countryside Act 1981 (as amended) it would be an offence to spread these plants in the wild.
- 21.11 The Method Statement for the control of invasive species, combining herbicide control and mechanical control, is considered to be acceptable by the Officers at GMEU.

Enhancement for Nature conservation and Biodiversity Net Gain:

- 21.12 Para. 170(d) and 175(d) of the NPPF strongly encourage development to achieve a net gain for Biodiversity, and government will soon make the achievement of Biodiversity Net Gain mandatory within the planning system.
- 21.13 This development, akin to the previously approved scheme, will result in the loss of open grassland of use to nesting and foraging birds, habitats which cannot be recreated on site if the development goes ahead. As noted above, compensation for the loss of habitat, and as a way of achieving net gain, a contribution is to be made towards off-site habitat enhancement of grassland habitats nearby, particularly for Lapwing.
- 21.14 Moreover, it noted that a site-specific biodiversity enhancement plan and a Landscape and Ecological Management Plan, have been submitted in support of this development. These have been considered by GMEU and are regarded as being acceptable, provided they are implemented in full, this is addressed with an appropriately worded planning condition.

22. DRAINAGE

- 22.1 Policy 19 of the Oldham LDF Joint DPD is concerned with ensuring that new developments do not result in an unacceptable flood risk or increased drainage problems by directing developments away from flood risk areas.
- 22.2 United Utilities have considered the submitted Drainage Strategy, and have raised no objection. However, they have recommended the imposition of a condition requiring relating to the sustainable drainage management and maintenance plan for the lifetime of the development. As without effective management and maintenance, sustainable drainage systems can fail or become ineffective.
- 22.3 Any comments received from the Council's Drainage section will be reported on the Late List.

23. CONCLUSION

- 23.1 For the reasons set out above it is considered that the amended scheme complies with all relevant planning policies and material planning considerations. It will provide a significant and positive contribution towards the Council's identified housing needs in a sustainable location and, together with the mitigation to be secured through the imposition of conditions and a Section 106 agreement to secure on site affordable

housing, off site open space improvements and provision of compensation for the loss of suitable ground nesting bird habitat off-site, comprises sustainable development and is therefore recommended for approval.

24. RECOMMENDATION

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

- The provision of 12.86% on site Affordable Housing (at transfer values of 80% OMV or as Discount Market Sale);
- A financial contribution of £378,747.20 towards the enhancement of existing Open Space provision within the locality; and,
- A financial contribution towards the provision of compensation for the loss of suitable ground nesting bird habitat by off-site habitat enhancement (details to be clarified on the Late List).

Conditions:

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

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

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

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

3. 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. The biodiversity enhancement plan and a Landscape and Ecological Management Plan shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the Local Planning Authority) and shall be retained thereafter.

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

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

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

6. The development hereby approved, shall be carried out in accordance with the submitted Energy and Sustainability Statement by AES Sustainability Consultants LTD, dated August 2022, and/or any other future improvements in Building Regulations.

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

7. No dwelling shall be occupied unless and until the insulation and ventilation scheme as hereby approved in the submitted Noise Assessment (ref: J003960-5741-TD-03), dated August 2022, by PDA acoustics ltd, has been fully implemented and shall be retained at all times thereafter.

REASON - To protect the future occupiers of the properties, having regard to Policies 9 and 20 of the Local Plan.

8. The development hereby approved shall be carried out in accordance with the physical security specifications set out in Section 4 of the submitted Crime Impact Statement Version D: 22/09/2022 - Ref: 2022/0899/CIS/02.

REASON - To ensure a safe form of development in accordance with Policy 9 of the Oldham Local Plan.

9. Prior to the commencement of any part of the development hereby approved, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, all existing retained trees and hedges on and adjacent to the site, other than those indicated for removal on the approved plans, shall be physically protected from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause on accordance with the hereby approved Arboicultural Impact Assessment and Method Statement Rev A (Ref: MG/6987/AIA&AMS/REV B/Mar23) and Tree Protection plan (Dwg no 6987.02 Rev B). The protective measures shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas.

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.

10. All planting, seeding or turfing comprised in the approved landscaping detail Dwg No's: 6987.03A sheets 1 and 3, 6987.05A sheets 2 of 3, 6987.05A sheets 3 of 3 and 6987.06A shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless, the Local Planning Authority gives written consent to any variation.

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

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

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

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

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

13. No dwelling shall be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan Ref: 4485-DSL-01Rev J and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

14. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 4485/Eng/101, Rev A - Dated 18/08/2022 which was prepared by Redrow. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

15. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. 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 resident's management company; and b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

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

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

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

REASON - In the interest of highway safety, in accordance with Policies 5, 9, 19 & 21 of the Local Plan.

17. No development shall take place until one overall and integrated site invasives control strategy and landscape reinstatement package of works for the site on the site shall be submitted to and approved in writing by the local planning authority.

REASON - To ensure each element is appropriately coordinated and timed to maximise success of proposed ecological enhancements planned for riparian development site and avoid any potential issues of invasives control conflicting with overall biodiversity and landscape reinstatement proposals for the site, having regard to policy 6, 19 & 21 of the Local Development Framework Core Strategy.

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

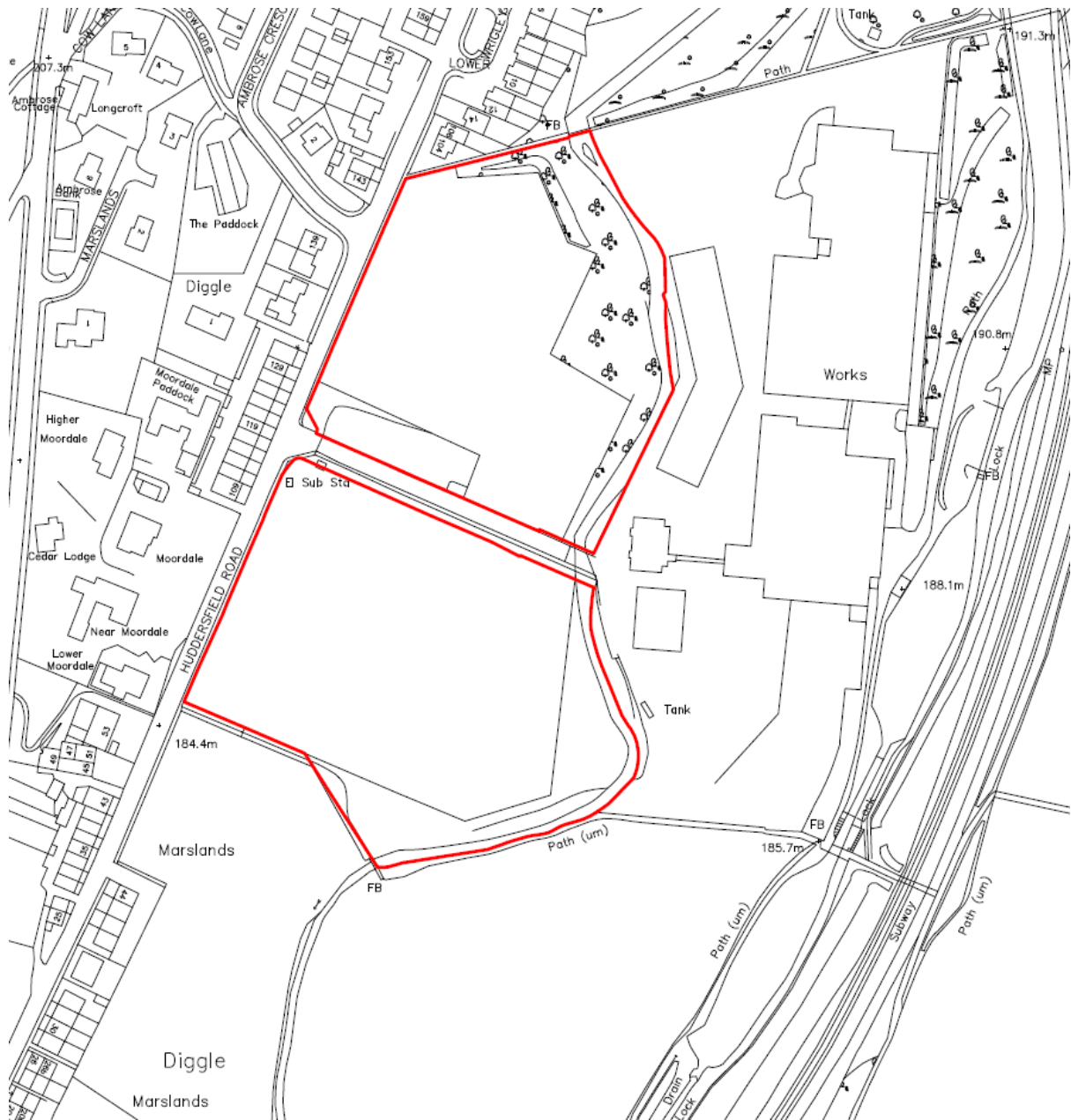
- details of maintenance regimes;
- details of all newly introduced soft landscaping including planting schedule;
- predominantly based on native species;
- details of any new habitat created on site;
- details of treatment of site boundaries and/or buffers around water bodies;
- details of invasive non-native monitoring regime; and,

- details of how semi-natural habitats will be sensitively managed over the longer term including adequate financial provision and named body responsible for management.

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

No development shall take place until a detailed method statement for removing or the long-term management / control of Japanese knotweed, Himalayan Balsam,

SITE LOCATION PLAN (NOT TO SCALE):



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APPLICATION REPORT – FUL/349908/22 Planning Committee 7th June 2023

Registration Date: 04.10.2022
Ward: Chadderton North

Application Reference: FUL/349908/22
Type of Application: Full

Proposal: Conversion of existing floodlit grass stadium football pitch to a new floodlit 3g artificial grass pitch with storage container, improved access, parking and perimeter fencing.

Location: Chadderton A F C Ltd, Andrew Street, Chadderton, Oldham, OL9 0JT

Case Officer: Matthew Taylor
Applicant: Mr Bob Sopel
Agent: Mr Steve Wells

1. INTRODUCTION

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

2. RECOMMENDATION

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

3. SITE DESCRIPTION

- 3.1 The application site comprises an established football ground enclosed by fencing, the majority of which is concrete panel fencing approximately 1.8 metre high. The site is used by Chadderton FC, an England Football Accredited Club with over 250 players across all age groups.

4. THE PROPOSAL

- 4.1 Planning permission is sought for the replacement of the existing floodlit grassed pitch with a floodlit 3G artificial grass pitch, the siting of a storage container, improved site access, increased car parking provision, and new perimeter fencing.

5. PLANNING HISTORY

- 5.1 PA/339600/17 - Erection of 2.4m high galvanized and powder coated green paladin mesh fence of approximately 22m in length – Granted 08.03.2017

5.2 PA/336196/14 - Erection of boundary fencing – Granted 14.01.2015.

6. RELEVANT PLANNING POLICIES

6.1 The adopted 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 Green Corridor and Link. As such, the following policies are considered 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 6 -Green Infrastructure
- Policy 9 - Local Environment;
- Policy 14 - Supporting Oldham's Economy;
- Policy 20 – Design;
- Policy 21 - Protecting Natural Environmental Assets; and,
- Policy 23 'Open Spaces and Sports.

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	No objection.
Drainage/LLFA	No response received.
Highways	No objection subject to a condition relating to the details of construction, levels and drainage of the parking and access, and cycle storage provision.
Coal Authority	No objection following receipt of amended plans.
Trees	No objection following receipt of amended plans.
Street Lighting	Raised no objection to the amended lighting design.
Sports England	Raises no objection to this application which is considered to meet Exception 5 of our adopted Playing Fields Policy, subject to a planning condition relating to securing community use through a Community Use Agreement.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.

8.2 In response, one representation has been received raising the following (summarised) comments in support of the application:

- This will be an excellent addition for the use of the community of Chadderton. A facility that will help promote a healthy lifestyle is essential these days to counter the upsurge in obesity and lack of exercise both in children and adults.
- I have seen the plans and welcome the intentions of opening up the facility to both club members, which includes over 300 girls and boys from a number of cultural backgrounds along with community groups and local residents.
- There is a lack of organised sporting activity for a number of age groups and genders in the area as most Astro facilities have limited opening times due to being school based.
- This facility will facilitate "casual" sport for older residents such as walking football and accelerate the growth of female football in the area, be it competitive against other clubs or a friendly game between friends.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

Green corridor and links:

- 9.1 Policies 6 and 21 seek to avoid development which would have the effect of severing the open land corridor or link into sections, or harming the potential for wildlife and people to move along it, where appropriate.
- 9.2 It is clear the site is already supported by floodlighting, and whilst the loss of natural grass vegetation to an artificial pitch will have effects on the soil structure and the invertebrate community it supports, this is not a matter which is substantive.
- 9.3 With regards to the increase in the parking area, it is noted that that on site landscaping is to be improved with the planting of 30no. additional native trees. The proposal is therefore considered acceptable in principle.

Sports Provision:

- 9.4 Policy 23 states that the development of a site that is currently or was most recently used as open space or for sport and recreation will be permitted provided it can be demonstrated the development brings significant benefits to the community that would outweigh the harm resulting from the loss of open space; and 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.
- 9.5 To this end, the proposed new artificial playing pitch would result in a more varied age range of people being able to use it in competitive football matches. Therefore, it is considered in this instance that the loss of one of the grass pitches is acceptable given the resultant facility would achieve a significant community benefit and provide an improved facility for existing or future users.
- 9.6 Nevertheless, it is a statutory requirement for local planning authorities to consult Sport England, the Government's advisors on matters of sport, on development proposals affecting all playing fields.

- 9.7 As the scheme relates to the provision of a new outdoor sports facility on the existing playing field at the above site, Sports England have confirmed that the scheme must be considered against Exception 5 of its own Playing Fields Policy (which is consistent with the NPPF), which states:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

- 9.8 They have assessed the potential benefit of a new or extended sports facility by taking into account a number of considerations including matters such as strategic need, benefits for a local community, compliance with Sport England and NGB design guidance, and accessibility.
- 9.9 The proposal would replace an existing natural turf pitch used for football with a new facility meeting current Football Foundation standards, enhancing its attractiveness and delivering a fit for purpose modern football facility enabling more sport (football) development to take place, local clubs and the local community to access the site for football activity. The site is a long-standing community football club and is referenced in the Football Foundation's 2018 Local Football Facilities Plan for Oldham.
- 9.10 The application documentation advises that the facility would be available for community use. To secure this, a condition is attached to the recommendation for a community use agreement.
- 9.11 The proposal would replace an existing natural turf grass pitch facility enabling more development of football. The need for the 3G pitch has been identified and it would be accessible to the local community through the imposition of a planning condition requiring a community use agreement to be in place. Therefore, development of the facility would meet Exception E5 of Sport England's Playing Fields Policy, paragraph 99 of the NPPF and Policy 23 of the Local Plan.

10. RESIDENTIAL AMENITY

- 10.1 Policy 9 of the Local Plan requires that new development does not result in a significant, adverse impact on the visual amenity of the surrounding area or significantly harm the amenities of occupiers of existing or future neighbouring properties, whilst Policy 20 includes the requirement that development proposals should reflect local character.
- 10.2 The closest neighbouring dwellings are located on Cypress Ave and Andrew Street. Given that the proposed artificial pitch and floodlighting are to be sited in the same position as the grass pitch and existing flood lighting, it is considered the proposed pitch will not have such any detrimental impact on the outlook, noise and privacy of local residents to warrant a recommendation of refusal. It is acknowledged that a 3G pitch could be used more frequently than a grassed pitch but it is not anticipated that any additional activity would result in significant amenity issues for those living closest to the site. Furthermore, no objections have been received to the application, and Environmental Health have raised no issues about noise in their consultation response.
- 10.3 Lighting calculations and a lighting scheme have also been submitted in conjunction with this planning application in order to demonstrate the proposed floodlighting will not detrimentally impact neighbouring properties. This has been assessed by the Council's

Street Lighting section, and they have confirmed the design will not result in intrusive lighting to neighbouring properties.

10.4 The Council's Environmental Health team have been consulted and have not raised any objections provided the floodlighting design is agreed with the LPA prior to operation.

10.5 As such the scheme accords with DPD Policies 9 and 20 of the Local Plan.

11. DESIGN AND INTEGRATION WITH LOCAL CHARACTER

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

11.2 The amended proposed development has been designed in accordance with Policy 20 as the scheme is in keeping with the design of the sports facility. Moreover, the proposed hard and soft landscaping, that will form part of the development, is considered to be acceptable. Overall, it is considered that the high-quality design of the proposed development would have a positive impact on the character of the area, in accordance with Policies 9 and 20 Local Plan.

12. HIGHWAY SAFETY

12.1 Policy 5 of the Local Plan requires that developments do not compromise pedestrian or highway safety and Policy 9 of the Local Plan states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users. Crucially, NPPF paragraph 111 requires that, in considering planning applications, *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* This therefore provides the key test for considering this (and other) proposal in relation to highway safety.

12.2 Having consulted the Council's Highway Engineer, it has been confirmed the amended plans will not have any adverse impact on the local or strategic highway network and therefore do not object to planning permission being granted for highway safety reasons

13. TREES

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

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

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

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

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

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

- 13.2 Following the submission of amended plans, the Council's Arboricultural Officer has confirmed the development is acceptable and therefore it is considered that the scheme complies with the requirements of saved UDP Policy D1.5.

14. COAL MINING LEGACY CONSIDERATIONS

- 14.1 Paragraph 178 of the National Planning Policy Framework requires the planning system to prevent new development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.
- 14.2 During the consideration of the application amended plans were submitted omitting the additional stands that were originally proposed. Following this amendment the proposals meet with the Coal Authority's exemption criteria and therefore a Coal Mining Risk Assessment is not required. It is on this basis that the Coal Authority has withdrawn its objection to the application.

15. CONCLUSION

- 15.1 With the above in mind, it is felt that the application, as amended, fully complies with the Local Plan policies identified in this report (including the National Planning Policy Framework) and is recommended for approval accordingly.

16. RECOMMENDED CONDITIONS

- 1 The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
- 3 The development hereby approved shall not be brought into use until the access to the site, car parking space, turning areas and pedestrian routes have been provided in accordance with the approved plan and with the details of

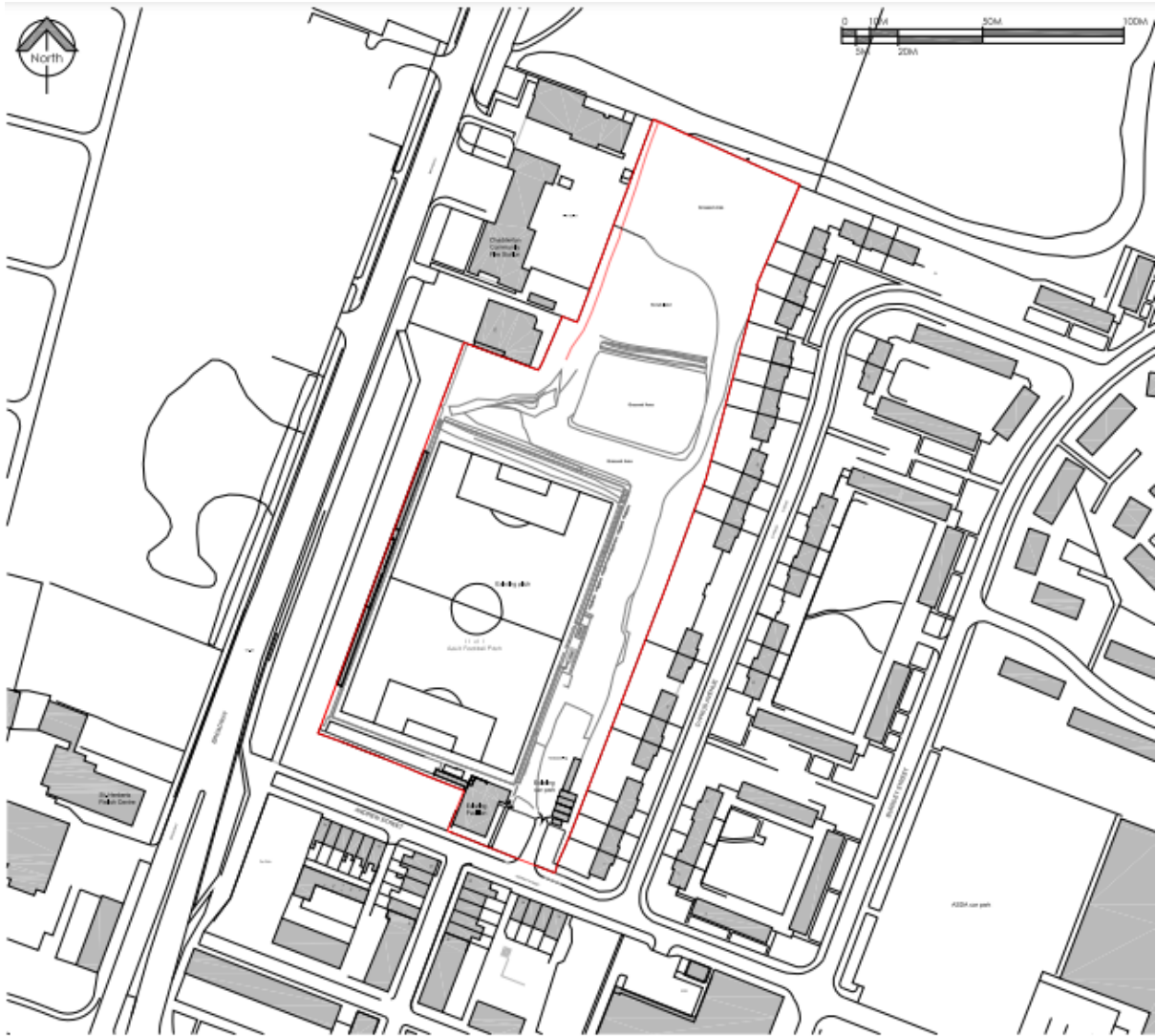
construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces, turning areas and pedestrian routes shall not be used for any purpose other than the parking and manoeuvring of vehicles and passage of pedestrians. Reason - To ensure adequate off-street parking facilities including pedestrian facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

- 4 The use of the 3g pitch hereby approved shall not commence until a scheme for the provision of secure cycle parking has been implemented in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The approved facility shall remain available for users of the development thereafter. Reason - In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.
- 5 Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to [describe facilities forming part of the development] and include details of pricing policy, hours of use, access by non-members] management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement. Reason -To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy 23 of the Oldham Local Plan.
- 6 Prior to the commencement of any part of the development hereby approved, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, all existing retained trees and hedges on and adjacent to the site, other than those indicated for removal on the approved plans, shall be physically protected from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause on accordance with the herby approved Tree protection plan Dwg No. 1462 – 003 Rev A. The protective measures shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas. REASON - Prior approval of such details is necessary to protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.
- 7 All planting comprised in the approved landscaping detail 'Replacement Tree Planting for the Proposed 3G Stadium Pitch Development at Chadderton FC' and Dwg no. 205-081-1003 Rev B shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless, the Local Planning Authority gives written consent to any variation. REASON - In order to avoid damage to trees/shrubs within the site, which are of important amenity value to the area having regard to saved UDP Policy D1.5 and Policy 20 of the Oldham Plan.

- 8 The use of the sport pitch and floodlights hereby approved for sporting activities shall be restricted to the hours of 08.00 to 22.00 hours Monday to Saturday and 9.00 to 21.00 hours on Sundays. Except for in the event of mid-week cup games whereby the pitch and floodlights can be used until 22.30 hours. Reason - To protect the amenities of occupiers of nearby residential properties, having regard to Policy 9 of the Oldham Local Plan.
- 9 The lighting installation hereby approved shall be installed in accordance with the following plans and details:
- HLS4264/REV2-P+C-H
 - HLS4264/REV2-P+C-V
 - HLS4264/REV2 – AA
 - Siteco- Floodlight FL 11- LED lamp details
 - HL250 15M RL C/W 2no LED
 - Car Park lighting -5XE3C42B08NA (5)
 - Floodlighting - LED lamp details
 - Floodlighting - calcs HLS4264 Calculux Report (3)
 - FL11 MAXI PL33T 3 module BLC full datasheet
 - FL11 MAXI PL33T 2 module BLC full datasheet
 - Car Park lighting -5XE3C42B08NA (5)

Reason - In the interest of protecting residential amenity, having regard to Policies 5, 9 and 20 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE):



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APPLICATION REPORT – FUL/350330/22 Planning Committee 7 June 2023

Registration Date: 28th December 2022
Ward: Waterhead

Application Reference: FUL/350330/22
Type of Application: Full

Proposal: Erection of a single storey dwelling with parking and associated external works

Location: 250-252 Huddersfield Road, Oldham, OL4 2RB

Case Officer: Sophie Leech
Applicant: Mr T Mushtaq
Agent: Mr Lee Hollingworth

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination because the applicant is a familial relation of an elected councillor (Councillor Shaid Mushtaq).

2. RECOMMENDATION

- 2.1 It is recommended that the application be refused for the reasons set out in this report and that the Head of Planning be authorised to issue the decision.

3. SITE DESCRIPTION

- 3.1 The site relates to a parcel of land sited to the rear of an end terrace property formerly known as 'The Farmers Boy' public house, located on the southern side of Huddersfield Road, Oldham. The site is neighboured by ASDA supermarket to the east and retail units to the west along the terraced row. To the front of the site lies residential properties on Palm Street.
- 3.2 The parcel of land is currently vacant.

4. THE PROPOSAL

- 4.1 The application proposes the erection of a single storey dwelling with parking and associated external works.
- 4.2 Planning permission has previously been granted for a bungalow on the land through application ref: PA/336292/14, however, this permission has now expired and is therefore not extant. The previous red line for the site accommodated a rear garden area and a garage area for the parking of one vehicle. This application now has a red line smaller than the earlier approval, which has resulted in a smaller curtilage area.

5. PLANNING HISTORY

FUL/349701/22 - Change of use of Public House to 11 bed HMO (house in multiple occupation) - Approve 08.12.22

PA/336292/14 – Erection of 1no bungalow – Approve 23.03.15

6. RELEVANT PLANNING POLICIES

6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is unallocated in the Proposals Map associated with this document. As such, the following policies are considered relevant to the determination of this application:

- Policy 1 Climate Change and Sustainable Development
- Policy 3 An Address of Choice
- Policy 5 Promoting Accessibility and Sustainable Transport Choices
- Policy 9 Local Environment
- Policy 11 Housing
- Policy 20 Design
- National Planning Policy Framework

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	No comments received
Highways Engineer	No objections to the amended parking layout

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a minor development by neighbour notification letters.

8.2 In response, two objections have been received raising the following summarised issues:

- The site is not big enough for construction to take place wholly within the land (see section 11)
- Issues with future parking on Palm Street (see section 12)
- Issues with sewers and waste disposal (arrangements for connections to sewers / waste disposal would be a post-decision matter for the developer to address in the event that the application is approved).

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Policy 1 promotes development which supports the vitality and viability of designated Centres such as Oldham and residential uses in these areas can help support the shops and services they host. Furthermore, Policies 3 and 5 aim to ensure residential uses are located in highly sustainable locations in respect of access to key services and public transport options. In this regard, the site is within a 10-minute walk to shopping areas and a few minutes' walk to the nearest bus stop on Huddersfield Road. Therefore, for the purposes of Policy 5, the site is 'very highly accessible'.
- 9.2 Policy 11 states that all residential development must be appropriate to the area, accessible to public transport and key services, and have regard to the council's plans for the area. It must also be demonstrated that the proposal does not adversely affect the local character of the area, the residential and workplace amenity of current, future and neighbouring occupants, and traffic levels and the safety of road users.
- 9.3 Policy 9 and 20 state that the council will protect and improve local environmental quality and amenity and promote community safety across the borough. Policy 9 states that proposals must not be located in areas where it would be adversely affected by neighbouring land uses; and does not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on privacy, safety and security, noise, pollution, the visual appearance of an area, access to daylight or other nuisances.
- 9.4 Both Policy 9 and 20 state that proposals must not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape; and do not result in unacceptable level of pollutants or exposure of people in the locality or wider area, minimises traffic levels and does not harm the safety of road users.
- 9.5 Subject to the consideration of the policies referred to above in the following sections of the report the principle of development is considered to be acceptable in land use terms.

10. RESIDENTIAL AMENITY

- 10.1 Policy 9 seeks to protect the amenities of the occupants of residential properties by ensuring adequate outlook, levels of natural light and privacy. It states that consideration must be given to the impact of a proposal on the local environment. It seeks to ensure that development, amongst other matters, is not located where it would be adversely affected by neighbouring land uses, does not cause significant harm to the amenity of the occupants of the development or to existing and future neighbouring occupants or users through impacts including safety, security and noise.
- 10.2 The original plans showed high level habitable room windows on the rear, directly facing the newly approved house in multiple occupation at no.250-252 Huddersfield Road (the previous public house on site). Following amended plans, the dwelling now has just windows on the sides and front and these windows will serve habitable rooms. The lounge, kitchen and bedroom have sufficient windows that would provide the necessary outlook and light which is considered acceptable.
- 10.3 It is important to consider the amenity of future occupiers of the proposal. In this regard, the footprint of the dwelling complies with the National Space Standards Document

(DCLG, 2015), requiring 37 square metres with 1 square metre as storage for a 1 person dwelling. Therefore, the proposed dwelling is considered a suitable size to meet the needs of the future occupier.

Impact upon 250-252 Huddersfield Road (HMO)

- 10.4 Prior to this application, a house in multiple occupation (HMO) has been approved directly behind the site in the two storey end terrace building. The rear bedroom windows of the future HMO will have a view directly facing the new dwelling at a distance of only 8 metres and 10 metres respectively. This applies to bedrooms on the rear of the ground floor and on the rear of the first floor. These rooms previously served a kitchen and bathroom when the building was a public house. These rooms are considered non-habitable; therefore, it is clear why the earlier bungalow on site was approved in 2015.
- 10.5 The land levels on site would effectively result in two storey development directly behind the HMO building at between 8 and 10 metres separation distance. The impact of this and the proximity of the build to bedroom windows is considered would have an unacceptable impact upon the outlook to future occupiers of the HMO.
- 10.6 In addition, there is likely to be some degree of overshadowing but not significant enough to pose a severe impact on light levels to these bedrooms.
- 10.7 Following the above assessment, the proposed development does not comply with Policy 9 in regard to the amenity of future occupiers of the dwelling along with the amenity of future occupiers of the HMO.

11. DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 11.1 Policy 20 states that new development must have a positive impact upon an area and be well designed. Externally, the dwelling is of a typical bungalow design with a single storey height and a pitched roof. The materials would reflect existing materials seen around the site which consists of slate and red brick.
- 11.2 The dwelling's footprint originally covered the majority of the plot, extending to the front, side, and rear boundaries of the plot, resulting in cramped and overdeveloped site. The Agent has resolved this matter by reducing the size of the bungalow to minimum standards (37sqm in footprint to comply with the national space standards) in order to provide a small garden area and a parking space. This is considered sufficient given the terraces immediately joining the area have small rear gardens, therefore the character of the area will be maintained on this site. As such, in this regard, the proposal is now compliant with Policy 20 which requires amongst other things that new development is well designed having appropriate regard to its surroundings and local character.

12. HIGHWAY SAFETY

- 12.1 The amended proposed plan demonstrates a safe and legal parking space can be provided on site and the Council's Highways Engineer has raised no objections to this.
- 12.2 As a result, the proposed development would provide 1no off road parking space to serve the new dwelling, of which is supported. As such, the proposed development complies with Policy 9.

13. CONCLUSION

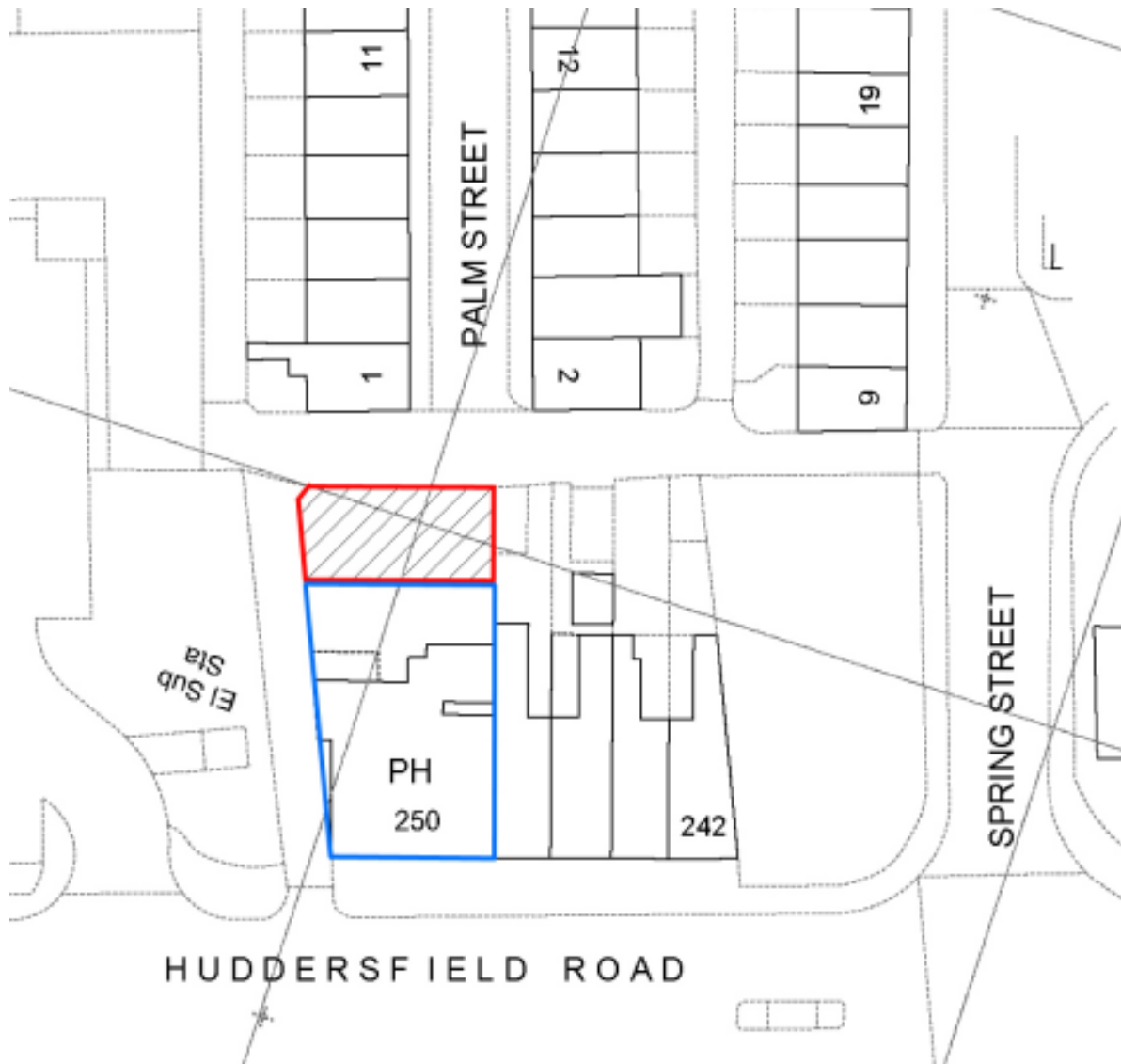
- 13.1 It is considered that the erection of a new dwelling would be unacceptable in this location due to the poor outlook that would be received by future occupiers of the HMO towards the rear of the site (the building known as 250-252 Huddersfield Road). As such, the application is recommended for refusal.

14. RECOMMENDATION

Refuse planning permission for the following reason(s):

1. The proposed dwelling would provide a poor outlook when viewed from the bedroom windows on the rear elevation (ground floor and first floor) of the house in multiple occupation to the rear of the site (no.250-252 Huddersfield Road, Oldham) due to the significant land level difference, resulting in harm to the amenity of future occupiers of this building. It is therefore contrary to Policy 9 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE):



APPLICATION REPORT – VAR/350474/23 Planning Committee 7 June 2023

Registration Date: 07/02/2023
Ward: Waterhead

Application Reference: VAR/350474/23
Type of Application: Full / Removal of condition

Proposal: Removal of condition 6 attached to planning permission granted under PA/032610/94 which restricted further development under permitted development rights

Location: Former Clarksfield House – Clarksfield Street and Glenfield Close

Case Officer: Abiola Labisi
Applicant: Mr Amanat Ali
Agent: Simon Plowman

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination because the proposal relates to a Major application which was determined by the Planning Committee.

2. RECOMMENDATION

- 2.1 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.

3. SITE DESCRIPTION

- 3.1 The overall site comprises of a residential development of twelve dwellings which is accessed off Glenfield Close and forms the first phase of a larger residential scheme. The scheme was approved under planning ref. PA/032610/94 and the dwellings have now been completed and fully occupied.
- 3.2 The development comprises two storey detached dwelling within an area of undulating topography and it is noted that there are many trees within the area, particularly to the rear of the dwellings. Some of the trees are covered by Tree Preservation Orders.

4. THE PROPOSAL

- 4.1 The application proposes the removal of Condition 6 attached to planning ref. PA/032610/94. The condition removes permitted development rights relating to enlargement of the dwellings.

4.2 Specifically, the condition states:

“Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order, 1988 (or any Order amending or replacing that Order), no extensions, dormers, garages, outbuildings, sheds, greenhouses or porches shall be erected within the curtilage of (any of) the approved dwellinghouse(s), other than those expressly authorised by this permission, if any, without further approval of the Local Planning Authority.”

4.3 The reason for the above condition states:

“The Local Planning Authority considers it expedient, having regard to the density, type and appearance of the development, to regulate any future alterations/extensions to ensure that the amenity of the occupiers of neighbouring dwellings and the character and appearance of the area are not detrimentally affected.”

4.4 Apart from the removal of the above condition, the application does not seek any physical alteration to the development.

5. PLANNING HISTORY

5.1 The main planning history relates to planning ref. PA/032610/94 under which permission was granted on 20/04/1995 for the erection of twelve detached dwellings on the site.

6. RELEVANT PLANNING POLICIES

6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is unallocated in the Proposals Map associated with this document. As such, the following policies are considered relevant to the determination of this application:

- Policy 1 - Climate Change and Sustainable Development;
- Policy 3 – Address of Choice,
- Policy 5 - Promoting Accessibility and Sustainable Transport;
- Policy 9 - Local Environment;
- Policy 10 – Affordable Housing,
- Policy 11 - Housing;
- Policy 20 – Design, and,
- Saved Policy D15 – Protection of Trees on Site.

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Tree Officer	Formal response received. Tree Officer raised objections on grounds that the proposal could trigger development that may impact on protected trees.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.
- 8.2 In response, two representations have been received, both objecting to the proposal and raising the following (summarised) issues:
- Proposal likely to lead to development that would be detrimental to amenity (addressed under paras 13.1 and 13.2)
 - Proposal likely to lead to development that would be detrimental to the character of the area (addressed under paras. 13.1 and 13.2)
 - Proposal is to facilitate a particular development (Not a material consideration).

ASSESSMENT OF THE PROPOSAL

9. RELEVANT PROVISIONS RELATING TO PLANNING CONDITIONS

- 9.1 In assessing this proposal, it is considered pertinent to set out relevant legislations relating to planning conditions. Para 55 of the NPPF addresses planning conditions and obligations and provides that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.
- 9.2 Para 56 of the NPPF however stipulates that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 9.3 Further on the use of planning conditions, the National Planning Practice Guidance (NPPG) provides that the objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls (Paragraph: 001 Reference ID: 21a-001-20140306).
- 9.4 In addition, the NPPG lists instances where planning conditions should not be used and these include instances where such conditions require compliance with other regulatory requirements (e.g., Building Regulations, Environmental Protection Act): and in this regard, the NPPG states that "Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Use of informatives to remind the applicant to obtain further planning approvals and other consents may be more appropriate" (Paragraph: 005 Reference ID: 21a-005-20190723).
- 9.5 Significantly, the NPPG also provides that permitted development rights do not override the requirement to comply with other permission, regulation or consent regimes. (Paragraph: 022 Reference ID: 13-022-20140306).

10. CONDITION 6 AND COMPLIANCE WITH RELEVANT TESTS

- 10.1 As set out under para 56 of the NPPF, conditions are required to meet certain tests and these include being necessary, relevant to planning and the proposed development, enforceable, precise and reasonable in all other respects. In assessing whether the condition meets these tests, the reason for the condition needs to be examined. The main reason for attaching Condition 6 to the permission was in the interest of protecting the amenity of the occupiers of neighbouring properties and the character and appearance of the area.
- 10.2 It has not been demonstrated that an enlargement of every single dwelling within the residential development would lead to a detrimental impact on the amenity of the occupiers of other dwellings in the area. As such, a blanket condition removing permitted development rights relating to the enlargement of all the dwellings is considered unnecessary. One of the tests to be met is that the condition must be precise. In this instance, it is considered that the condition is not precise as it does not focus on a specific problem but rather serving as a broad, blanket control on development within the entire site. The NPPG states that such conditions are unnecessary.
- 10.3 Similarly, with regard to impact of any enlargement of any of the dwellings on the character and appearance of the area, it is considered that a broad control on development as dictated by this condition fails to meet the requirements under the 'necessary' and 'precise' tests. Given the layout of the site, as well as the plots not being of the same size, it is difficult to demonstrate that an enlargement of one dwelling would have the same impact on the character and appearance of the area as an enlargement of any other dwelling.
- 10.4 It is also important to point out that since the permission for the development of the site, removal of permitted development rights has become more and more difficult as there is a requirement that such rights should only be removed in very exceptional circumstances.

11. PLANNING HISTORY / PATTERN OF DEVELOPMENT

- 11.1 Notwithstanding the relatively small size of the estate, a review of planning history in the area shows that no less than twenty approvals have been granted for extensions and outbuildings within Glenfield Close. A significant number of the dwellings have thus been extended over the years.
- 11.2 Having regard to the number of planning permissions that have been given for enlargements in the area, and many of which have actually been implemented, it is not unreasonable to conclude that there is no demonstrable general harm to either amenity or the character and appearance of the area as to warrant a blanket condition removing permitted development rights relating to extensions and outbuildings.

12. RESPONSE TO TREE OFFICER'S COMMENTS

- 12.1 The Council's Tree Officer recommended that the application be refused as the proposal is likely to lead to uncontrolled pattern of development that could cause harm to trees which are subject of Tree Preservation Orders.

- 12.2 Whilst the concerns of the Tree Officer are considered to be genuine, it should however be noted that permitted development rights do not override any other legislative requirements such as the requirement to ensure that development does not cause harm to a tree with a preservation order. As such, notwithstanding any permitted development rights, a developer is still required to carry out their development in a way that they do not cause unacceptable harm to protected trees. Such acts constitute an offence that is addressed under other relevant legislations. Removal of permitted development rights is therefore not necessary in order to ensure that no damage is caused to the protected trees in the area and as such, the condition is not necessary.

13. RESPONSE TO ISSUES RAISED IN LETTERS OF OBJECTION

- 13.1 The main issues raised in the two objections are that the condition was imposed in order to protect the amenity of neighbours and the character of the area and therefore, the condition should not be removed. Notwithstanding the purpose of the condition, it has been demonstrated in the assessment above that the condition does not meet the tests and requirements set out within the NPPF and as such, should not have been attached to the permission in the first instance.
- 13.2 Furthermore, the resulting pattern of development in the area, with a significant number of properties having been extended, is an indication that such condition is not necessary.

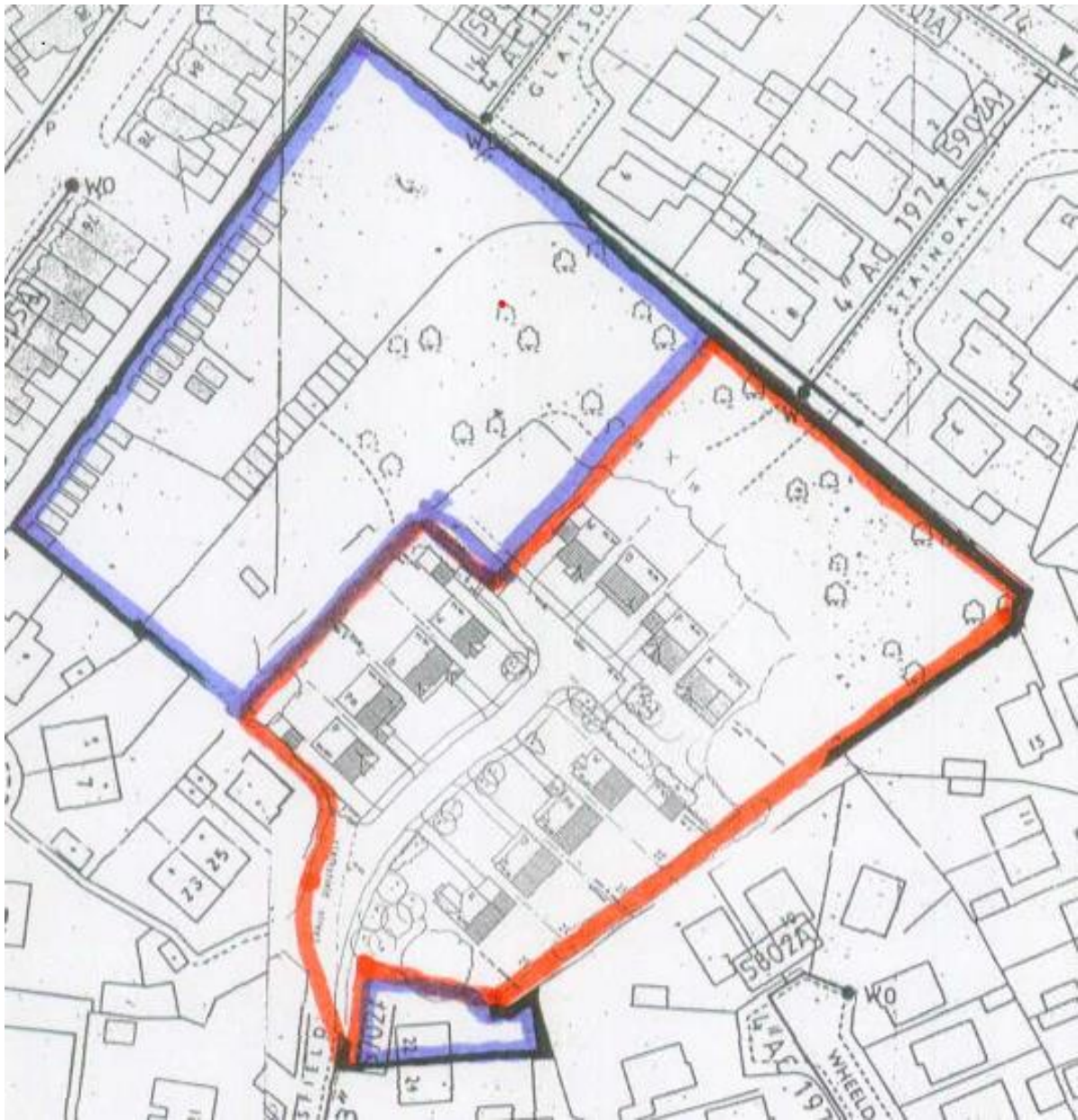
14. CONCLUSION

- 14.1 Condition 6 attached to planning ref. PA/032610/94 would not be in compliance with all relevant tests that planning conditions are required to meet as set out in the NPPF. In addition, the general pattern of development in the area, whereby a significant amount of extension works have been undertaken on many of the properties in the area, detracts from any justification for such a blanket restriction on development.
- 14.2 Accordingly, it is recommended that the condition be removed.

15. RECOMMENDED CONDITIONS

1. The development shall be implemented in accordance with relevant terms and conditions attached to the original planning permission (Planning ref. PA/032610/94) except as modified by this permission for the removal of Condition 6 of PA/032610/94.

SITE LOCATION PLAN (NOT TO SCALE):



Planning Appeals Update

Planning Committee

Report of Head of Planning and Infrastructure

DATE OF COMMITTEE

7 June 2023

An update on Planning Appeals was last provided to the Planning Committee at the meeting on 5 April 2023. The table below provides a comprehensive list of appeals submitted and decisions taken on appeals between 23 March 2023 and 24 May 2023 which is to be noted by the Committee.

Application No.	Site Address	Appeal Decision	Appeal Lodged Date	Description
LBC/347521/21	1A Lower Tunstead, Greenfield	Dismissed 04/11/2022	12/08/2022	Single and two storey rear extensions
ADV/348554/22	Middleton Road Mills Hill Bridge M24 2EH	Allowed 24/04/2023	19/12/2022	Replacement of an existing 96 panel static display with a smaller 48 panel "D-poster".
FUL/348900/22	119 Broadbent Road, Oldham, OL1 4HY	Ongoing	27/01/2023	Change of use from C3 dwelling to C2 residential institution
HOU/349861/22	8 Fernlea Avenue, Chadderton, Oldham, OL1 2QH	Dismissed 18/04/2023	03/02/2023	Raising of roof to accommodate a new rear dormer.
HOU/349862/22	6 Fernlea Avenue, Chadderton, Oldham, OL1 2QH	Dismissed 18/04/2023	03/02/2023	Raising roof to accommodate rear dormer extension.
FUL/347294/21	Land adjacent to Maltby Court, Lees, Oldham	Ongoing	09/02/2023	Construction of 40 residential properties with associated access, landscaping and ancillary works
FUL/348637/22	Land Off	Ongoing	21/02/2023	Retention of storage

	Middleton Road (rear of 867-877 Middleton Road) Oldham			containers, boundary fencing and landscaping. Amended application relating to FUL/347337/21
HOU/349508/22	74 Wellington Road, Greenfield, Oldham, OL3 7AQ	Dismissed 18/04/2023	08/02/2023	Retrospective application to raise wall at the front of property with integrated decking area, sliding electric gate for drive-way with brick pillars and a separate hinged access gate.
HOU/349758/22	97 Belgrave Road Oldham OL8 1LU	Ongoing	10/02/2023	Erection of a two storey rear extension, rear dormer (with Juliette balcony), and side dormer.
ADV/348443/22	396 Manchester Road Oldham OL9 7PQ	Ongoing	13/03/2023	Erection and display of an LED Billboard with brightness levels and light sensor (4,500 cd/sqm is a maximum luminance level).
HOU/350193/22	2 Jarvis Street Oldham OL4 1DT	NEW	27/03/2023	Front dormer
HOU/350137/22	6 Huddersfield Road Delph Oldham OL3 5EG	NEW	24/04/2023	Rear dormer to existing loft conversion with Juliet balcony.
FUL/348539/22	West End House West End Street Oldham OL9 6DW	NEW	11/05/2023	Change of use of land and erection of shipping containers for storage purposes (retrospective application).
FUL/348150/21	Land Off Springmeadow Lane Uppermill OL3 6EP	NEW	12/05/2023	Erection of one detached dwelling

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.

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

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