

APPLICATION REPORT - PA/341416/18

Planning Committee, 13 March, 2019

Registration Date: 15/02/2018
Ward: Royton South

Application Reference: PA/341416/18
Type of Application: Full Planning Permission

Proposal: Erection of 77 dwellings, open space, associated works and infrastructure.

Location: Land to the east of Hebron Street and Brownlow Avenue, Royton, Oldham

Case Officer: Matthew Taylor

Applicant: Grasscroft Homes and Property Limited, Annice Dransfield
Douglas & Matthew Drans

Agent : Hourigan Connolly

THE SITE

The application site is 1.93 hectares of greenfield land that is irregular in shape and generally flat.

The site is bounded by both Heyside Park and other protected open land to the north.

The eastern boundary of the site is open fields, whilst to the west is a public right of way. Existing residential dwellings both on Hebron Street and Brownlow Avenue adjoin the site.

To the south of the site is an existing employment area that is occupied by commercial premises and is generally enclosed by palisade fencing.

The site is located within:

- land reserved for future development (LRFD); and,
- other protected open land (OPOL)

on the Local Plan Proposals Map.

The site also forms part of a wider proposed site allocation, named '*Broadbent Moss*' within the Greater Manchester Plan for Homes, Jobs, and the Environment, Greater Manchester Spatial Framework (GMSF), Revised Draft, January 2019. This draft plan is currently out for public consultation.

THE PROPOSAL

This application proposes the erection of 77 two-storey houses of ten different house types. 15 Affordable Houses and 0.4 hectares of public open space are also proposed on site.

Access to the site will be via Hebron Street.

Each dwelling will be accessed from a private driveway and garden to the front. Each has a private garden to the rear.

Each dwelling would benefit from two car parking spaces.

RELEVANT HISTORY OF THE SITE:

No relevant planning history.

RELEVANT PLANNING POLICIES & GUIDANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF).

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is a Land Reserved for Future Development and Other Protected Open Land on the Proposals Map associated with this document.

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

Joint Development Plan Document

Policy 1 - Climate change and sustainable development;
Policy 3 - An address of choice;
Policy 5 - Promoting Accessibility and Sustainable Transport Choices;
Policy 9 - Local environment;
Policy 11 - Housing;
Policy 16 - Local Services and Facilities;
Policy 20 – Design;
Policy 21 - Protecting Natural Environmental Assets; and,
Policy 23 - Open space and sports.

CONSULTATIONS

Environmental Health - Recommended conditions and informative notes.

LLFA and Drainage - No objection.

Environment Agency - No objection.

Greater Manchester Ecology Unit - No objection.

Greater Manchester Police Architectural Liaison Unit - Raised no objection, but recommended some amendments to the scheme to deal with potential graffiti and security issues.

The Ramblers Association - Originally raised concerns about footpath 48 not being shown on the plan. The amended site layout has addressed this concern with the retention of the Public Right of Way.

REPRESENTATIONS

This application was publicised by way of a site notice, press notice and neighbour notification letters.

A total of 54 letters of objection were received (43 to the original scheme and a further 11 to the amended plans consultation).

The objections are summarised as follows:

Land Use

- Development should not take place on this greenfield site when brownfield land is available;
- Proposed development would result in the loss of an OPOL; and,
- Proposed development would have an adverse impact on local infrastructure, such as schools and doctors.

Amenity

- Proposed development would cause unacceptable noise and disturbance to local residents; and,
- Proposed development would result in a loss of outlook.

Highways

- Exiting and entering Hebron Street for residents is dangerous due to two blind bends on Heyside;
- Hebron Street is not capable for dealing with the additional volume of traffic; and,
- Hebron Street is double parked currently, as such the traffic flow would not be safe.

Other

- Proposed development would exacerbate localised surface water flooding; and,
- Proposed development would be harmful to local wildlife.

PLANNING CONSIDERATIONS

The main issues to consider are:

- Land use;
- Loss of open space;
- Design;
- Residential amenity;
- Highway safety and amenity;
- Ecology; and
- Contamination and Landfill Gas.

Land Use

Policy Background

Policy 1 of the DPD, in the context of this application, seeks the effective and efficient use of land and prioritises development on previously developed land. Policy 3 also gives preference to the use of 'previously developed sites' for residential development. Explaining that the use of previously developed land and vacant or underused buildings is the Council's first preference for residential development and the availability of such land, both in the locality and boroughwide, will be the first consideration regarding applications on greenfield sites. However, this is not synonymous with a position that all development of previously developed land is unacceptable especially if it achieves sustainable development objectives.

Policy 3 explains that in the case of proposals on non-allocated sites such development will only be considered favourably where a deliverable 5-year supply of housing land cannot be demonstrated, where it contributes towards the delivery of the borough's regeneration priorities, or where it contributes to the delivery of affordable housing needs.

The guidance within the National Planning Policy Framework (NPPF) is also a material planning consideration.

With respect to the criteria in Policy 3, it is apparent, from the type and density of housing shown in the proposed layout, that the development would deliver an acceptable mix of new homes that would be a mixed and sustainable development. It would help meet the

Council's five-year housing land supply target and deliver affordable housing as well as the economic and social benefits that typically come with new housing development, including investment in the locality, an increase in spending in shops and services and construction jobs. As such, these factors must be given significant weight in the determination of this application.

Land Use Consideration

The case for new housing

It is recognised that a scheme for new housing has significant economic and social benefits and a failure to deliver new housing development in Oldham will contribute to and exacerbate the economic and social problems that stem from the under-supply of housing (e.g. lack of housing supply and choice, affordability, less labour movement and overcrowding amongst other things).

Given the significant economic and social benefits new housing brings, the benefit of providing much needed housing weighs heavily in favour of the scheme.

The Council's 2016-17 Monitoring Report indicates that, as of 1 April 2017, the Council has a five-year supply of 2,743 dwellings, which provides a 6.55 year supply of deliverable housing land against the housing requirement set out in the Local Plan (289 dwellings per year), with 809 being on previously developed land.

A partial update of the council's Strategic Housing Land Availability Assessment (SHLAA) also illustrates that there is a potential housing land supply (11,233 dwellings) to meet the borough's housing requirements over a 20 year plan period (2018-2038) based on the levels set out in the Local Plan.

However, the current five-year supply would not meet the emerging housing requirements in the original draft GMSF (685 dwellings per annum) or the current version (752dpa). The NPPF requires local planning authorities to apply the standard national methodology when identifying the local housing need for the area. Whilst it is important to note that the GMSF housing targets are still in draft / consultation form, the evidence supporting the GMSF consultation indicates it is likely that a housing requirement for Oldham of between 685 and 752dpa will need to be considered in the assessment of applications. Consequently, the Council is unlikely to be meeting its housing needs in the immediate future as it ramps up its housing delivery and, subsequently, there is a strong presumption in favour of granting housing schemes that are sustainable development that help meet the Boroughs housing needs.

To be clear, paragraph 11 of NPPF sets out the presumption in favour of sustainable development, which for decision-taking means:

" - approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

If a five-year housing land supply cannot be demonstrated against the ministerial housing need figures, the proposal will need to be assessed against this presumption as housing policies are out-of-date. Members therefore should give weight to this in their assessment of the application.

Whilst the GMSF is an emerging plan, it provides the most up-to-date evidence with respect to Objectively Assessed Need (OAN) for each district in Greater Manchester and these targets have been utilised by Inspectors when assessing whether a Council is able to demonstrate an adequate supply of housing land.

In particular, in allowing an appeal in Bolton following a Public Inquiry (ref APP/N4205/W/15/3136446), paragraph 24 of the Inspector's decision states that:

"Consultation on the draft vision, strategic objectives and strategic options for the GMSF along with the evidence base took place between November 2015 and early January 2016. A detailed analysis of housing need is included within the evidence base. This identifies a scenario which it indicates is considered to represent the Objectively Assessed Need for Greater Manchester and its individual districts. It explains that, because of the complex functioning of housing and labour markets within Greater Manchester, the relatively small distances involved in most migration and commuting, the issues of district identity and the availability of population and household data, the most appropriate unit of analysis below the Greater Manchester level is the individual districts. It indicates that the need in Bolton is for 965 dwellings per year over the period 2012 to 2035. The Council agrees that this figure is the outcome of a PPG compliant exercise and amounts to the best evidence of [a full, objective assessment of need] figure for Bolton."

The GMSF is at an early stage of preparation. It has not been through the full public consultation exercise and has not been subject to independent examination. Accordingly, it can carry only limited weight in the decision making process. Nevertheless, having regard to the appeal example from Bolton above, it is apparent that the evidence base which informs the GMSF is being applied by Inspectors during the appeal process.

The GMSF identifies a housing target for Oldham which is more than double that set out in DPD policy 3. Whilst the applicant has not provided any objective assessment which attempts to demonstrate that the Council is unable to demonstrate a five year supply of housing, the delivery of a significant number of new dwellings on the site would contribute to boosting the supply of housing land in the borough. Consequently, this is a factor which weighs significantly in favour of the scheme for the purposes of paragraph 73 of the NPPF (2018) and must be given significant weight in the determination of this scheme.

Affordable Housing

All residential development of 15 dwellings and above, in line with national guidance, will be required to provide an appropriate level of affordable housing provision. The current target is for 7.5% of the total development sales value to go towards the delivery of affordable housing, unless it can be clearly demonstrated to the Council's satisfaction that this is not viable, in accordance with DPD Policy 10.

The proposed scheme includes the provision of 15 on-site affordable units (19.5%) made up of 6 two-bed semi-detached units, 3 detached three-bed units and 6 semi-detached three-bed units. This level and mix of affordable units is considered acceptable and weighs heavily in favour of this scheme.

Is the site within a sustainable location?

DPD Policies 3, 5 and 11 are concerned with ensuring that new dwellings are provided in sustainable locations which are defined as being within 480 metres or a ten minute walk of at least three 'key services'. The site is positioned within the prescribed walking distance of Blackshaw Lane Primary School, Royton and Crompton School, Duke of York and Bulls Head public houses and Heyside Cricket Club, whilst also being located on a main bus route operating along Shaw Road for purposes of compliance with DPD Policy 5. The site is also located adjacent to established residential areas.

Having regard to the above factors, alongside the contribution the proposed development would make to the Council's housing land supply, it is considered that the principle of the proposed development is acceptable and that the land is suitable for housing, if the loss of

OPOL and LRFD does not outweigh the benefit of new housing.

Loss of Land Reserved for Future Development (LRFD) and Other Protected Open Land (OPOL)

Loss of LRFD

DPD Policy 22 states that the development of LRFD will only be permitted where it would not prejudice the later development and would be acceptable in the green belt. However, in reference to the Bullcote Lane LRFD it goes on to outline that in future reviews of the LDF, this land will be considered for development if other allocated land and brownfield is insufficient to meet the future development needs.

Having regards to the available evidence it is fair to consider that the current LDF allocated land and brownfield sites are insufficient to meet the need for future development of homes within the borough. Therefore, the development of the whole LRFD is in accordance with DPD Policy 22.

Loss of OPOL

OPOL land is open land which, while not Green Belt, is locally important because it helps preserve the distinctiveness of an area.

DPD Policy 22 states that development on OPOL will be permitted:

"where it is appropriate, small-scale or ancillary development located close to existing buildings within the OPOL, which does not affect the openness, local distinctiveness or visual amenity of the OPOL, taking into account its cumulative impact."

The development would result in the loss of 0.65 hectares of OPOL land that the applicant notes is in private ownership with no public access.

In regards to the loss, the applicant states it is small in size when considered in the wider context of the Borough. Furthermore they consider the publically accessible open space provision on site (0.4 hectares) would offset the loss of the private OPOL land. Moreover, the OPOL land at Bullcote Lane, as a whole, is proposed to be lost as part of the draft GMSF land allocation. As such, they consider that the weight applied to the loss of OPOL is less than substantial and not sufficient to outweigh the substantial benefits this housing scheme delivers. Moreover, it should be noted that this OPOL land is not designated with any form of landscape protection. Nevertheless, these mitigating factors are not exemptions outlined by the policy. Therefore, the loss of OPOL is contrary to the DPD Policy 22 and considered a negative impact of the proposal.

Open Space and Sports

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

The proposed scheme includes the provision of 0.4 hectares of on-site open space and is considered to be in accordance with the Policy 23.

Land Use Conclusion

In this instance, negative weight is attached to the proposal resulting in a loss of OPOL land. However, the harm associated with its loss is considered to be outweighed by the positive economic and social impacts brought about by new housing within the area and the scheme delivering much needed market and affordable housing. Significant weight is also given to the new housing in view of the presumption in favour of development given if the Council is not delivering the numbers required to meet its housing needs. This view is reinforced given

the application site is suitable for residential development, in terms of its location within a sustainable area, on land capable of being developed for housing, and in an area with identified housing need.

The release of this LRFD is considered acceptable, given the borough does not have sufficient land to meet the need for future development.

Overall, on balance, the housing use of the site is considered acceptable in principle on this site.

Design

DPD Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment. DPD 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. DPD Policy 20 is also relevant, as it seeks to promote high quality design.

The amended layout of the proposed development has been designed in accordance with DPD Policy 20 to avoid adverse impacts on the amenity of future occupants and the occupants of existing neighbouring properties.

The design and materials proposed for the dwellings has been designed to be in keeping with the design of the dwellings within the surrounding area.

The proposed hard and soft landscaping, that will form part of the development, is considered to be acceptable, incorporating areas of green space, as well as landscaping forward of the front elevation of the proposed dwellings. Overall, it is considered that the high quality design of the proposed development would have a positive impact on the character of the area, in accordance with DPD Policies 9 and 20.

Residential Amenity

DPD Policy 9 states it is necessary to consider how the proposal impacts on the amenity of the occupants of adjoining residential properties from the impacts likely to be associated with the proposal.

Impact on adjoining dwellings

Relationship with 19 to 25 Hebron Street and 6 to 12 Brownlow Avenue:

It is considered that the 10m separation distance between the rear elevations of proposed units 66 to 72 and the rear private gardens of these neighbouring dwellings is adequate. Moreover, across this distance is the public right of way that runs along the site west boundary. As such, the Council are satisfied that the development would not result in a significant loss of privacy.

In regards to the rear elevation to rear elevation separation, it is noted that these neighbouring dwellings are all orientated at oblique angles to the proposed units, resulting in limited direct visibility between windows. As such, the development would not appear overly oppressive to the occupiers of these dwellings.

Relationship with 58 Hebron Street:

The site is orientated favourably and a separation distance exceeding 18m would exist between the offset front elevation of Unit 1 and this neighbouring property. As such, the development would not appear overly oppressive and would not result in a significant loss of

light to the habitable rooms of this neighbouring property.

Relationship with 15 Brownlow Avenue:

It is noted that this neighbouring dwelling has a number of east facing side elevation windows that will overlook the rear private garden and side elevation of Unit 65 of the proposed development.

However, given that this neighbouring dwellings side elevation windows are directly visible from the public right of way that runs along the side common boundary of the property, and the proposed unit is orientated at an angle to this neighbouring property, the development would not appear overly oppressive to the occupiers of this dwelling or result in an additional loss of privacy.

As such, it is considered the impact on residential amenity would not be significant enough to warrant a refusal.

Impact of the adjoining employment site on future occupiers

The south boundary of the site adjoins both a Business Employment Area and a Business and Industry Allocation. This is noted within the applicant's submission and an objection to the development has been received from Dronsfield, a vehicle maintenance and breakers firm (which directly adjoin the site).

National Planning Policy Framework (NPPF) paragraph 123 states that planning decisions should aim to:

'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development'

Given that the uses within this area have potential effects of noise and disturbance to the future occupiers of the dwellings, the applicant has provided a noise impact assessment in support of the application, undertaken in accordance with BS4142:2014.

The assessment notes the activities associated with the service yards of the Dronsfield site and the adjacent engineering works. A small vehicle crusher is located approximately 120 m from the nearest proposed dwelling and this activity was also found to occur infrequently and for short duration.

It is noted that the noise impact assessment does not make reference to Howarth Brother LTD haulage yard, and they were not directly notified by a neighbour consultation letter. However, it is clear that Howarth Brother LTD closest neighbouring dwellings to this neighbour are 48 to 58 Hebron Street and the proposed open space will provide a separation buffer from the proposed dwellings.

The results of the noise assessment indicate that, during both daytime and night-time periods, the site is predominately of low to negligible noise risk. In addition, the applicant has had a detailed Acoustic Design Statement (ADS) prepared. This details mitigation measures to reduce the effects of noise.

The following mitigation measures are proposed:

- a) Minimum 2.5 m acoustic barrier to the south-eastern site boundary with the Dronsfield site, located as close as practicable to the boundary.
- b) 2.1 m high barrier to the southern site boundary near to the skip storage area.
- c) Minimum 1.8 m close boarded fencing provided to all other gardens.
- d) Glazing to be minimum 29 dB Rw + Ctr (e.g. 4-16-4); and
- e) Ventilation to be provided via an EnviroVent PIV (positive input ventilation) system to each dwelling.

Subject to these mitigation measures being implemented, the applicant is of the opinion that

suitable internal sound level levels can be achieved in all plots across the site. Officers concur with this view.

With regards to outdoor amenity, the assessment indicates that all external amenity spaces would be below the lower guideline value of 50 dB LAeq,16h.

Having regards to this submitted supporting information; the Council's Environmental Health Department has raised no objection to the scheme.

As the applicant has demonstrated that the adjoining commercial uses would not have a significantly detrimental impact on the amenity of the future occupiers and taking into account the absence of an objection from Environmental Health, on balance, it is considered that, with appropriate mitigation, the proposed site is suitable for residential development. As such, the scheme is in accordance with DPD Policy 9.

Amenity of the future occupiers

Policy 9 of the Oldham LDF states that the Council will ensure development does not cause significant harm to the amenity of the occupants and future occupants of the development.

Having considered the amended layout of the development, it is considered that the relationship between the buildings within the site are acceptable since none of the windows proposed within the site would result in detrimental overlooking or loss of privacy to the occupiers of each of the proposed dwellings. Moreover, given each of the proposed units will benefit from both a front and rear garden area, it is considered the development would provide adequate amenity space for the future occupiers.

In regards the internal living space provided by the house types, the development has been assessed against the 'Technical housing standard- nationally described space standards', March 2015 (NDSS) and concerns have been raised with the applicant that every house type proposed originally did not meet the overall floor space required by the NDSS.

In reply, the applicant notes that DPD Policy 9 does not require developments to conform with NDSS, given it was adopted in advance of the standards being first published. As such, given the Planning Practice Guidance makes it clear that, where LPA's want to apply them, they should only do so by specific reference to the standards within the Local Plan. As such, they in principle consider the request unreasonable. To reinforce the point they make reference to the approved scheme at Rose Mill (Ref: PA/338634/16); development which includes similar house types.

Notwithstanding this position, the applicant has amended the layout to show that all fifteen affordable units meet the NDSS. In order to accommodate this request, the layout has been amended and three units have been lost across the site.

Whilst the Council understand that the Written Ministerial Statement of 25 March 2015 makes it clear that NDSS can only be applied where there is a relevant current local plan policy, a core planning principle of the National Planning Policy Framework (NPPF) is to ensure a good standard of living conditions for all existing and future occupants. Therefore, whilst non-compliance with the NDSS is not decisive, the scale and configuration of internal living space provided remains an important factor in determining whether a good standard of accommodation is achieved.

To this end, negative weight is given to the fact that some of the units on site, which are proposed to be for private rental, fall short of what has nationally been set as minimum internal space standards. Accordingly, the some of the units proposed would be conflict with Policy 9.

Overall, whilst the affordable units meeting the national size standards is a net improvement, Officers consider it disappointing that some of the units are not built to national house size standards and consequently consider that this weighs against the scheme.

Highways

The proposed development is situated within a well established residential area with access to a range of local amenities, access to public transport and opportunities for walking and cycling.

TfGM have been consulted, and they are satisfied that the proposed development will not have a significant or severe impact on traffic generation or flow in the area.

Concern has been raised that the intensification of the use of the Hebron Street junction will result in an increase in the risk of accidents as vehicles wait on Oldham Road to enter Hebron Street or emerge from Hebron Street. However, the junction has operated relatively safely for a number of years. However, a cluster of accidents have occurred at the Perth Street junction on the approach to the Hebron Street junction, a little distance away. In these circumstances, the applicant has offered highway improvement works in the form of additional advance warning signs, roadmarkings, waiting restrictions and pedestrian crossing facilities at the Oldham Road / Hebron Street junction to address this concern. A Section 106 contribution of £15,000 is required for these works to be undertaken. Subject to these works being undertaken, no concerns are raised in relation to this matter.

Officers have worked with the applicant to ensure that the access to the development is acceptable to the Local Highway Authority. The main access to the site will now be taken from Hebron Street and not Brownlow Avenue. There is an existing turning area on Hebron Street which allowed vehicles to be turned in what is currently a cul-de-sac. This will not be required once the development is built and Officers have therefore requested that this area of highway is stopped up and reinstated as footway.

Officers are satisfied that the internal layout of the site accords with the Local Highway Authority standards for adoption and that there is adequate parking provision provided on the site. The amount of traffic generated by this development will not have a significant effect on the local highway network or be detrimental to highways safety. As such, the scheme is acceptable in highways grounds.

Ecology

DPD Policies 6 and 21 are concerned with protecting, conserving and enhancing our local natural environments.

The Greater Manchester Ecology Unit has been consulted and notes that no significant ecological constraints were identified by the developers consultants. Measures will be required during construction to ensure the developer complies with statutory required to protect birds and other species.

Other protected species

No evidence of any other protected species was found on the site (badger, water vole, brown hare etc).

Invasive Species

Japanese knotweed was recorded approximately 10m, outside the proposed development area. Himalayan balsam was recorded along the river in the area that the surface drain outfall is proposed. To this end, it is recommended a management plan for invasive species is submitted for approval.

Contamination and Landfill Gas

It is considered appropriate to impose conditions requiring intrusive site investigations and the submission of a remediation strategy before any development takes place. The needs for such conditions are also identified by the Council's Environmental Health Department. Appropriate conditions have been recommended in this regard in order to ensure that the

development does not conflict with the requirements of the NPPF.

CONCLUSION

Paragraph 38 of the NPPF states that:

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible'.

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. Where the development plan is absent, silent, or the relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Alternatively, specific policies in the Framework may indicate development should be restricted.

There is no doubt that the additional housing arising from this scheme would be a significant public benefit for the area. It would introduce much needed housing for local people. It would boost the supply of housing, in accordance with the Framework, contributing 77 dwellings. It would bring about additional housing choice and competition in the housing market. Additionally, the proposal would lead to the provision of 15 affordable units and an area of on-site open space measuring 0.4 hectares in area. As such, these benefits are given substantial weight in the planning balance.

Additionally, the scheme would generate other economic and social benefits. It would create investment in the locality and increase spending in shops and services. It would result in jobs during the construction phase. It is acknowledged that the site is in a sustainable location, with a range of the shops, services, schools and the other facilities in Royton and Shaw available. There are bus and rail services available in the locality. A range of employment opportunities exist nearby. In all these respects, the scheme would comply with the economic and social dimensions of sustainability.

Some environmental benefits would also occur. There is the potential for biodiversity enhancement through additional planting. This coupled with the proposed landscape mitigation means that there are substantial environmental benefits associated with the scheme. The potential improvements to biodiversity are significant and can be given positive weight in the planning balance.

As stated in the design section of this report, 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 DPD Policies 9 and 20.

Importantly, the Council needs to significantly boost the supply of housing. The requirement to significantly boost the supply of housing in the district attracts substantial weight in favour of granting permission for the proposals. However, the need to boost the supply of housing does not necessarily override all other considerations.

In this case, there are concerns in respect of the loss of OPOL land and size of the market units.

However, given the significant economic and social benefits associated with the scheme and the positive weight that is given to the environmental benefits of the scheme, the fact that the site is part allocated for future development, it has no significant design, ecology, amenity, flood risk, drainage, highways or other impact that would sustain a reason for refusal, conditional planning permission is recommended to be granted, since the benefits of new housing and presumption in favour of it outweigh the limited harm caused in this case.

RECOMMENDATION

It is recommended that Committee resolves to grant permission subject to:

i) A Section 106 agreement for highways improvement works at the Oldham Road / Hebron Street junction in the form of additional advance warning signs, roadmarkings, waiting restrictions and pedestrian crossing facilities.

ii) The inclusion of the following conditions:

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

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

2. The development hereby approved shall be fully implemented in accordance with the amended plans and specifications, which are referenced as follows:

SK534-PL-01, Rev. N, received 27/02/2019.
SK534-BP-01, Rev. B, received 31/01/2019.
1661-F03, received 15/02/2019.
NSD 9102, received 15/02/2018.
NSD 9001, received 15/02/2018.
WEAV-01, received 15/02/2018.
DEE-01, received 15/02/2018.
ELUP-01, received 15/02/2018.
IRWE-01, received 15/02/2018.
ELLE- 01, received 15/02/2018.
DEE SA-01, received 15/02/2018.
WEUP-01, received 15/02/2018.
GRAN-01, received 15/02/2018.
ARUN - 6.0- SEMI, Rev A, received 07/01/2019.
BRNE-6.0-SEMI, Rev A, received 07/01/2019.

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

3. Prior to any walls being constructed of the development hereby approved, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. 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 samples.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located.

4. Prior to any walls being constructed of the development hereby approved, full details of both soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved (such scheme to include any subsequent amendments as required by the 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.

Reason - To ensure that the development site is landscaped to an acceptable standard in the interests of protecting the visual amenity and character of the site and its surroundings.

5. Prior no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority:

- a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land;
- b) details of any to be retained, together with measures for their protection in the course of development;
- c) a schedule of proposed plant species, size and density and planting locations;
- and,
- d) an implementation programme.

All planting, seeding or turfing comprised in the approved landscaping details 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.

6. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's 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.

7. 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.

8. No works to trees or shrubs shall occur 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.

9. Prior to commencement of any phase development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved shall be adhered to throughout the construction of that phase. The construction management plan shall provide for: (i) The means of highway access and parking for construction vehicles, plant and construction workers' vehicles and

sustainable travel methods for construction workers, (ii) loading and unloading of plant and materials, (iii) wheel cleaning facilities.

Reason - In the interests of highway safety.

10. No above ground works shall take place until a scheme for the provision of affordable housing on the site has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework (or any future, equivalent guidance that replaces it) and shall include details of:

- (i) the type, tenure and location of the affordable housing provision, which shall consist of not less than 15 housing units;
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) the arrangements for the transfer of the affordable housing to a registered affordable housing provider or the management of the affordable housing (if no registered provider is involved);
- (iv) the arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy shall be enforced.

The affordable housing shall thereafter be provided in full accordance with the details, phasing and timetable contained within the duly approved scheme.

This condition shall not be binding on a mortgagee or chargee (or any receiver including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver.

Reason: To ensure that the contribution towards affordable housing put forward by the applicant is delivered on the site in an appropriate manner which meets local need and to ensure that any affordable housing remains affordable in perpetuity in accordance with the requirements of Joint Core Strategy and Development Management Policies Development Plan Document policy 10 and the National Planning Policy Framework.

11. No dwelling shall be brought into use unless and until the access road and car parking space for that dwelling has been provided in accordance with the approved plan received on 1st March 2019 (Ref: Dwg No.SK534-PL-01 Rev P).

The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works to the access road or parking spaces. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety.



