

**REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT MANAGEMENT**

**SITE:** LAND AT KNOWLS LANE, OLDHAM

**WARD:** SADDLEWORTH WEST AND LEES

**PLANNING COMMITTEE:** 1<sup>ST</sup> JULY 2019

**Application:** PA/343269/19

Hybrid Planning Application comprising of:

Part A - Full Planning Application for the development of a new link road between Knowls Lane and Ashbrook Road and associated works; and,

Part B - Outline Planning Application for the development of up to 265 dwellings, open space and landscaping, with all matters reserved except for access.

The application is a resubmission of Planning Application PA/340887/17.

**Registration Date:** 26/4/19

**Agent:** Barton Willmore

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## **1. INTRODUCTION**

- 1.1. This application is for a hybrid planning application for a new Link Road between Lees New Road to Ashbrook Road and the development of up to 265 new homes at land off Knowls Lane, Lees.
- 1.2. The current planning application is the resubmission of a hybrid application (Reference: PA/340887/17) that was submitted to the Council in October 2017 and was subsequently refused on 7th December 2018. The refusal notice identified a single reason for refusal on loss of OPOL and landscape harm grounds (in terms of impact on openness, local distinctiveness and visual amenity).
- 1.3. Following further work post-determination, the applicant considers that the reason for refusal is invalid as it is based on an incorrect landscape position and did not take into account the Council's worsening housing land supply position.
- 1.4. This report explains the additional information and change in circumstances since the original application was refused in December 2018.
- 1.5. In addition, the report assesses the case for the proposed development and reaches a conclusion on the planning balance of this application.

## **2. SITE AND SURROUNDINGS**

### **Site**

- 2.1 The site comprises an irregular shaped area of land on the south eastern edge of Lees that is enclosed by existing development to the north, east and west, with highways infrastructure (Knowls Lane and Thornley Lane) to the south. It is located approximately 2.95km to the east of Oldham Town Centre. Junction 22 of the M60 is located approximately 5.35km to the south west of the site.
- 2.2 The site itself has no buildings on it.
- 2.3 The site is approximately 15.79ha in size.
- 2.4 Most of the site comprises vacant open grassland which was historically used for agricultural purposes. The valley of Thornley Brook and land to the north is wooded and accessible to the public. A footpath runs alongside the brook. At the western boundary of the site, an area alongside Thornley Brook has been enclosed as garden space, though the public footpath still crosses through it to Hartshead Street.



- 2.5 Pedestrian access to the site can presently be achieved from Ashbrook Road on the northern boundary. There is no formal vehicular access to the site. However, agricultural vehicular access can be achieved via gates at Manor Farm and from Thornley Lane.
- 2.6. Most of the site is located within Flood Zone 1 as indicated on the Environment Agency flood map. The areas of the site that lie immediately adjacent to the Thornley Brook are located within Flood Zone 2 and Flood Zone 3.
- 2.7 The site is not located within, or adjacent to a conservation area and contains no listed buildings or any other designated heritage assets. Similarly, the site does not form part of any statutory, or non-statutory, ecological or wildlife designation. The site lies adjacent to the Spade Mill Biological Heritage Site. The site does not lie in any area of nationally or locally protected landscape.

### **Site Surroundings**

- 2.9 Topographically the site falls from south to north, becoming steeper as you approach Thornley Brook. Thornley Brook itself is located within a shallow but steeply sided valley, generally contained by vegetation. A further unnamed brook flows south to north through the middle of the site. Land near to this brook is also subject to steeper topography. The source of a minor tributary which flows into the unnamed brook is located within the eastern most field of the Site.
- 2.10 St Agnes Church of England Primary School (and associated playing field), and St Agnes Church (and grounds), are located along the north of Knowls Lane / Thornley Lane, to the south of the site.
- 2.11 The Grade II listed buildings of Knowls Lane Farm, Knowls Lane Farmhouse, Manor House (and attached cottage), and Flash Cottage are located west to east respectively along Knowls Lane / Thornley Lane.
- 2.12 Public Right of Ways (PROW) cross through or run close to the site. PROW 27 crosses the eastern most field in a south east to north west direction leading from Thornley Lane in the south to PROW 25 close to Thornley Brook in the north. PROW 25 crosses through the central part of the site in a roughly north to south direction. The route connects close to Hirons Lane, where it meets PROW 197. The route then heads southwards, crossing Thornley Brook and into the site, providing links to PROW 26 and PROW 27. PROW 25 cross the site towards Manor Farm, where it meets Knowls Lane.
- 2.13 The site is 900m from the centre of Lees. There are a range of shops, services and facilities within a walking and cycling distance including a primary school, convenience store, playground and amenity space, community centres, youth

centres and a shopping parade. Additional services available within Lees include Lees Library, Leesbrook Surgery, Lees Medical Practice, Lees Dental Centre, Barclays Bank, Co-operative Supermarket, and Rowlands Pharmacy.

- 2.14 There is a bus stop located close to the site is located on Rhodes Hill (between Knowls Lane and Hartshead Street) beyond the western boundary of the site for bus service 81A (where 2 services per hour run Monday to Saturday) and 775b. There are also multiple services running from bus stops located on Oldham Road (81a, X84, 180, 184, 340, 343, 418a, 558, 775b and 803b) where services run throughout the week.

### **Policy Designation**

#### The Western Part of the Site - Allocation H1.2.10

- 2.15 The allocation H1.2.10 relates to the western part of the application site.
- 2.16 Policy H2.1 was based on the principle that the site holds an indicative capacity for 232 dwellings at an approximate density of 40 dwellings per hectare. It confirmed that the new housing should come forward alongside the delivery of a Link Road, as defined as a development plan commitment in Policy T1.1 of the UDP.
- 2.17 Policy T1.1 of the UDP required the development of a new link road between Lees New Road and Ashbrook Road. This is now reflected as a Development Plan commitment in Policy 17 of the Core Strategy and Development Management Policies Development Plan Document, under Transport Infrastructure (g), along with the release of H1.2.10 for development.
- 2.18 The Council considers that the housing allocation and commitment for delivery of the link road remains a valid policy requirement.

#### The Eastern Part of the Site

- 2.19 The eastern parcel of the site was identified as Other Protected Open Land (OPOL) by Policy OE1.10 (Thornley Brook East) on the Proposals Map of the UDP.
- 2.20 UDP Policy OE1.10 has since been replaced by Policy 22 (Protecting Open Land) of the Oldham Core Strategy and Development Management Policies Development Plan Document.

### **3. THE PROPOSAL**

- 3.1. This application seeks planning permission for a new Link Road (between Knowls Lane and Ashbrook Road) and development of up to 265 dwellings at land off Knowls Lane, Lees. It is a re-submission of planning application PA/340887/17.

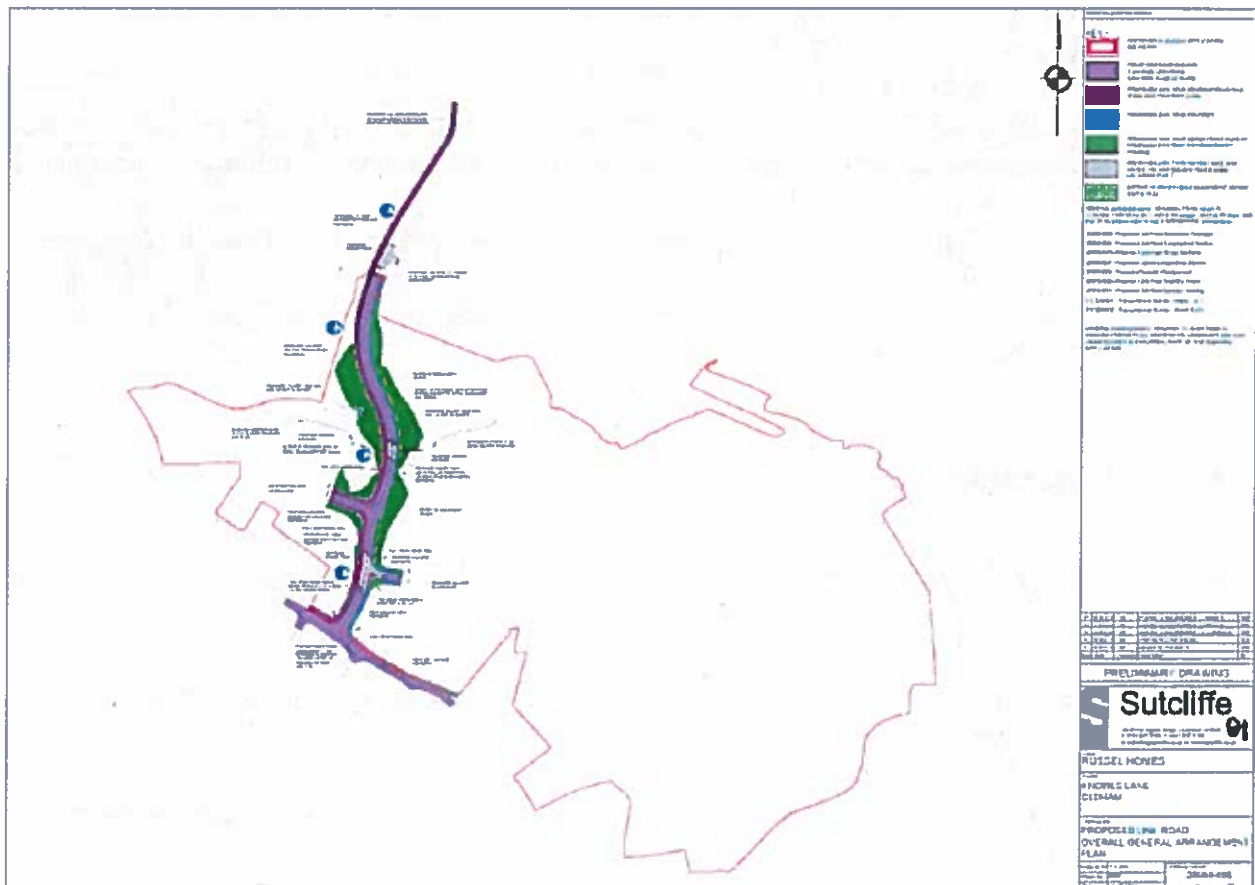
#### **Outline Application**

- 3.2. This application seeks outline planning permission to develop land north of Knowls Lane, Lees for housing (Use Class C3), with associated infrastructure and open space provision.
- 3.3. The proposed development will provide for up to 265 new dwellings, including 23% affordable housing (60 dwellings). The mix of the size, type, and tenure of new dwellings will be determined during a later Reserved Matters application. However, indicatively the applicant has illustrated that the site can accommodate a broad range of house types, sizes and tenure which responds to Oldham's housing needs.
- 3.4. Matters of scale and massing are not yet sought for detailed planning consent. Nevertheless, the submitted Illustrative Masterplan shows in broad terms how it is proposed that the site will be developed, establishing principles of the development of the site, including setting out the key developable areas, the location of public open space, indicative density, and key routes through the site (vehicle and pedestrian).
- 3.5. The appearance of proposed new homes along with the detailed, layout and public open space provision will be submitted to the Council for consideration through a subsequent Reserved Matters application.

#### **Link Road**

- 3.6. Full Planning Permission is sought for a new link road which will extend from Knowls Lane to Ashbrook Road.
- 3.7. At the southern end of the Link Road, a new junction will be created from Knowls Lane, creating a staggered arrangement 30m to the east of its existing junction with Lees New Road. The junction will accommodate sufficient visibility splays of 59m. Plan Reference 2123-01-GA-101 Rev. A provides details as to the proposed layout of this junction.

- 3.8. To the north the new road will connect directly with the currently terminating point of Ashbrook Road. No amendments are proposed to the existing junction between Ashbrook Road and Oldham Road to the north.
- 3.9. The new road will be a two-lane single carriageway and 7.3m wide. This is enough width to accommodate a diverted bus route. A 2m wide footpath will be created on eastern side of the road. A 3.5m combined footpath and cycleway will be created on the western side of the road. The cycleway will extend along the link road and Ashbrook Road up to Oldham Road. Plan References 28959-626 P7 and 28959-625 P8 shows the proposed route of the link road together with ground works required to facilitate its delivery.
- 3.10 The location of the proposed Link Road is illustrated below.



- 3.11 To accommodate a new link between Ashbrook Road to Knowls Lane, there is a requirement for the road to cross Thornley Brook.
- 3.12 The scheme crosses the brook by way of a raised embankment, requiring Thornley Brook to be culverted.





- 3.13 The road deck will be located more than 10m above the watercourse at this crossing. The proposed design of the link road has been influenced through discussions with the Council, the Environment Agency and the Greater Manchester Ecology Unit (GMEU). This is shown on plan reference on 28959-627 P6.
- 3.14 At its highest point, the new road will be 10m above brook. The embankment will be at a gradient of 1:3. The embankment will be planted to allow the road to blend in with the wider valley once developed, with any trees lost to accommodate its provision mitigated with replanting. To accommodate the link across the brook, the road will reach a maximum gradient of 1:15, allowing for pedestrian and cycle use, and has been pre-agreed with the Council's highways team.
- 3.15 The culvert will be 70m long and during construction require the diversion of the brook, from its natural course. The culvert will be approximately 3m in width and 2.7m height. The culvert will be made from reinforced concrete and will feature a natural bed to encourage use by waterborne animals.
- 3.16 The new link road will feature two slight curves. This allows the road to closely follow existing contours on site reducing the area required for embankments and amount of fill.
- 3.17 In order to accommodate the culvert and embankments, there will be a requirement to divert the existing Public Right of Way to the south of Thornley Brook. The new route will safeguard the overall route of this public right of way providing stepped access up and over the link road from existing provision.

## **4. RELEVANT PLANNING HISTORY**

- 4.1. There is no relevant planning history preceding the application that is currently the subject of an appeal (reference PA/340857/17).
- 4.2. This scheme was similar to that being considered in this report it being a hybrid planning application comprising of:
- Part A - Full Planning Application for the development of a new link road between Knowls Lane and Ashbrook Road and associated works, and,*
- Part B - Outline Planning Application for the development of up to 265 dwellings, open space and landscaping, with all matters reserved except for access.*
- 4.3. Officers prepared a report for Oldham Council's Planning Committee that was presented to Members on 14<sup>th</sup> November 2018. It recommended the grant of planning permission for the development subject to:



- the imposition of conditions; and,
- a section 106 agreement.

- 4.4. Contrary to the Officers' recommendation, Members of the OMBCs Planning Committee voted 9 to 1 in favour of refusing the planning application for the single reason identified below:

*"The proposal would result in the loss of OPOL 12 land and subsequent landscape harm and harm to the visual amenity of the Wharmton Undulating Uplands (Area 7a) LCA and Thornley wooded valley landscape since the development will result in a significant fragmentation and loss of Green Infrastructure assets and open landscape, as well as having a transformative effect on the openness, local distinctiveness and visual amenity of OPOL12 and the Wharmton Undulating Uplands (Area 7a) LCA. This harm significantly and demonstrably outweighs the acknowledged benefits of the scheme when weighed against the Local Plan and NPPF policies taken as a whole.*

*As such, the proposal is contrary to:*

- *Policy 6 - Green Infrastructure;*
- *Policy 21 – Protecting Natural Environmental Assets; and,*
- *Policy 22 – Protecting Open Land*

*of the Oldham Local Development Framework, Development Plan Document (November 2011) that seek to protect valued landscapes and OPOL land".*

- 4.4 The meeting can be viewed via this hyperlink:

<https://www.youtube.com/watch?v=-LQ3PJM4KBM>

- 4.5 The officer report to Oldham's Planning Committee of the 14<sup>th</sup> November 2018 meeting is attached at Appendix 1 for information.

## **5. PLANNING POLICY BACKGROUND**

- 5.1. The following policies of the Council's LDF are considered relevant to the determination of this application:

**Joint Core Strategy and Development Management Policies Development Plan Document adopted 9 November 2011 (the 'Joint DPD')**

Core Strategy

- Policy 1 - Climate Change and Sustainable Development
- Policy 2 - Communities
- Policy 3 - An Address of Choice
- Policy 5 - Promoting Accessibility and Sustainable Transport Choices
- Policy 6 - Green Infrastructure

#### Development Management Policies

- Policy 9 - Local Environment
- Policy 10 - Affordable Housing
- Policy 11 - Housing
- Policy 18 - Energy
- Policy 19 - Water and Flooding
- Policy 20 - Design
- Policy 21 - Protecting Natural Environmental Assets
- Policy 22 - Protecting Open Land
- Policy 24 - Historic Environment
- Policy 25 - Developer Contributions

#### Saved Policies of the Oldham Unitary Development Plan (2006)

- 5.2 The Unitary Development Plan (UDP) was adopted by the Council in 2006 and had a plan period to 2011. In May 2009, a number of the policies of the UDP were retained by a Saving Direction of the Secretary of State.
- 5.3. The western part of the site is identified as an allocated site for Phase 2 Housing Land Release by Policy H1.2.10 of the Oldham UDP (2006). Therefore, the principle of residential use of that part of the site is clearly established.
- 5.4. Policy H1.2 identifies a total of eight sites as Phase 2 allocations for housing. Phase 2 allocations were to be brought forward if monitoring activity shows a potential shortfall in supply in relation to the required building rate of 270 dwellings (net) a year.

#### The Western Part of the Site - Allocation H1.2.10

- 5.5. The allocation H1.2.10 relates to the western part of the application site.
- 5.6. Policy H2.1 was based on the principle that the site holds an indicative capacity for 232 dwellings at an approximate density of 40 dwellings per hectare. It confirmed that the new

housing should come forward alongside the delivery of a Link Road, as defined as a development plan commitment in Policy T1.1 of the UDP.

- 5.7. Policy T1.1 of the UDP required the development of a new link road between Lees New Road and Ashbrook Road. This is now reflected as a Development Plan commitment in Policy 17 of the Core Strategy and Development Management Policies Development Plan Document, under Transport Infrastructure (g), along with the release of H1.2.10 for development.
- 5.8. The Council considers that the allocation and commitment for delivery of the link road remains a valid policy requirement.

#### The Eastern Part of the Site

- 5.9 The eastern parcel of the site was identified as Other Protected Open Land (OPOL) by Policy OE1.10 (Thornley Brook East) on the Proposals Map of the UDP.
- 5.10 UDP Policy OE1.10 has since been replaced by Policy 22 (Protecting Open Land) of the Oldham Core Strategy and Development Management Policies Development Plan Document.

#### Emerging Local Plan

- 5.11 The Council has commenced on the production of a new Local Plan. The Local Development Scheme (2016) sets out the expectation that the Council expects to submit the draft Local Plan to the Secretary of State for examination in public in Summer 2019, with adoption in 2020. However, these timescales have been delayed by the lack of progress in relation to the Greater Manchester Spatial Framework. Nevertheless, the Council confirmed that the new Local Plan would be progressed to sit alongside the Greater Manchester Spatial Framework (GMSF).

#### National Planning Policy Framework

- 5.12 The policies in the NPPF are material considerations which should be considered when determining applications from the day it was published (paragraph 212).
- 5.13 The following sections of the NPPF are relevant in the context of this application:
- Achieving sustainable development (paragraphs 7-10)

- The presumption in favour of sustainable development (paragraph 11)
- Decision-taking (paragraphs 47 and 48)
- Planning Conditions (paragraphs 54 and 55)
- Housing – Maintaining supply and delivery (paragraphs 73, 74 and 75)
- Supporting economic growth and productivity (paragraph 80)
- Supporting the role of town centres (paragraph 85)
- Transport issues and sustainable travel (paragraph's 103, 104 108 to 111)
- Efficient use of land (paragraph 118)
- Achieving Appropriate Densities (paragraph 122)
- Achieving well-designed places (paragraphs 124, 127, 130 and 131)
- Flood risk (paragraph 163)
- Conserving and enhancing the natural environment (paragraphs 170 and 175)
- Ground conditions (paragraph 178)
- Conserving and enhancing the historic environment (paragraphs 189, 190, 192, 193 and 196)

5.14 In accordance with paragraph 212 and 213 of the NPPF, the weight to be attached to the policies in the development plan should be determined according to their degree of consistency with the NPPF (2018) and National Planning Practice Guidance (2014 as amended).

Greater Manchester Spatial Framework (2018)

- 5.15 The Council is working in partnership with the nine other Greater Manchester Local Planning Authorities to develop the Greater Manchester Spatial Framework (GMSF). This aims to be the new regional plan for Greater Manchester. Amongst other things the GMSF will define the future housing and employment requirements of each local authority, identify strategic sites and set out strategic approaches to key issues over the plan period of 2018 to 2037.
- 5.16 The 2019 draft Greater Manchester Spatial Framework (GMSF) was issued for consultation on the 21<sup>st</sup> January 2019 and comments were invited until 18<sup>th</sup> March 2019. The GMSF will be treated as a joint development plan document (DPD) under this phase of consultation.
- 5.17 The GMSF proposes that a minimum of 201,000 new homes are built between 2018 and 2037. For the Council, the draft GMSF determines that a housing requirement of 752 dwellings per year is necessary for Oldham over the plan period. However, this is stepped over time, with 450 dwellings per year being required between 2018 and 2023 and 860 dwellings per year being required between 2024 and 2037. The adoption of this as the minimum housing requirement for Oldham over the plan period would represent an uplift of 463 dwellings per year from the adopted requirement of the Core Strategy (289 dwellings per annum).

Standardised methodology for the calculation of objectively assessed housing needs

- 5.18 The Secretary of State for Communities and Local Government announced on 14<sup>th</sup> September 2017 the Government's intention to introduce a standardised methodology for the calculation of objectively assessed housing needs. This follows on from the 'Fixing the Housing Market' White Paper published in February 2017.
- 5.19 The implication of the standardised methodology for Oldham is to result in a housing requirement of 692 dwellings per annum.

Saddleworth Neighbourhood Plan

- 5.20 An emerging Saddleworth Neighbourhood Plan (SNP) is being prepared to cover the geographical area of Saddleworth Parish Council. The designated SNP area includes land falling to the north of Thornley Brook. As such, whilst no new homes are proposed within the small area covered by the SNP, the northern part of the Link Road connecting to Ashbrook Road, is within the SNP boundary.
- 5.21 The SNP is at an early stage of its preparation, with no draft document yet published. Currently, it is not clear what the spatial approach for new development within the SNP will be. Consequently, the SNP has no planning weight in the consideration of this application.

Additional Planning Guidance

- 5.22 The Council consider that the following planning guidance is also relevant to this application:
- Oldham and Rochdale Residential Design Guide.
  - Oldham and Rochdale Urban Design Guide.
  - National Planning Policy Guidance.

## **6. CONSULTATION AND REPRESENTATIONS**

### **Consultations**

- 6.1 An overview of the consultation responses received is provided below.

**St Agnes Church of England Primary School**



Having considered the application and the land that has been made available – at no charge - to the school for future use and/or expansion, the school is fully supportive of the scheme

**Highways England**

No objection.

**OMBC Highway Engineer**

As the scheme is that same that was submitted under PA/340887/17 there are no objections to the proposal, subject to conditions in relation to the design of the link road, the junctions at both Oldham Road / Ashbrook Road and Knowls Lane and a Section 106 contribution in the region of £115,000 in order to facilitate the link road and associated works around the proposed junctions.

**Greater Manchester Ecology Unit (GMEU)**

Do not object to the proposal, subject to a scheme securing a variety of biodiversity improvements via conditions and any design code.

**Natural England**

No objection.

**Conservation Officer**

Based on the response from the previous application (PA/340887/17), on the information before them, they consider the proposal would cause '*less than substantial harm*' to the significance of the Grade II listed buildings: Knowls Lane Farmhouse, Knowls Lane Farm, Manor Farm and Flash Cottages.

They also consider it would cause '*less than substantial harm*' to Lydgate Conservation Area.

They consider the construction of the link road would cause '*less than substantial harm*' to Knowls Lane Farmhouse.

They also consider the proposal would result in a loss of local distinctiveness.

Nevertheless, whilst they have identified a '*less than substantial*' level of harm, they have not considered the public benefits of the proposal. It is suggested that these comments are considered with reference to Section 16 of the NPPF and particularly the balancing exercise it sets out.

They would also draw attention to the recommendations for the inclusion of a recording condition contained within the archaeological report if members were minded to support this application.

**Environment Agency**

As the application is the same as PA/340887/17, there is no objection to the proposal subject to conditions in relation to the design of the link road and culvert, measures to protect and increase biodiversity along Thornley Brook and the provision of a SUDS scheme.

**Greater Manchester Police Architectural Liaison Officer**

No objection.

**Environmental Health**

No objection, subject to conditions in relation to landfill gas investigations, contaminated land, refuse storage and the control of construction noise.

**Transport for Greater Manchester**

As the application is the same as that which was submitted under PA/340887/17, there is no objection, subject to conditions in relation to sustainable transport measures.

**The Coal Authority**

No objection, subject to conditions in relation to mine shaft investigations.

**OMBC Drainage**

No objection, subject to the submission of a drainage plan and SUDS scheme as part of any reserved matters application and/or design code.

**OMBC Regeneration**

No comments received.

**LLFA**

No response received.

**Education**

No response received.

**United Utilities**

No objection to the proposal, subject to conditions in relation to foul and surface water drainage.

**Greater Manchester Fire and Rescue**

No objection.

**Greater Manchester Archaeology Advisory Service**

No objection, subject to conditions in relation to a watching brief and archaeological examinations of the site before construction.

**Tameside MBC**



No response received.

### **Historic England**

No objection.

### **Saddleworth Parish Council (SPC)**

SPC recommended refusal on the basis that the proposal would result in:

- a loss of visual amenity;
- an increase in traffic and subsequent road safety concerns;
- a loss of open space, particularly OPO; and,
- a detrimental impact on the environment.

It added that the application does not consider the lack of infrastructure planning for communities around this site and the Parish Council has concerns in respect of the landfill to create the road embankment.

6.2. The application has been advertised by site notice, neighbour notification on the Council's website and in local newspapers. To date, 242 objections and 1 letter of support have been submitted in relation to this proposal.

6.3. The objections are summarised below:

### **Land Use**

#### Sustainable Location

- The site is not in a sustainable location and will exacerbate the use of the private motor car.
- Lees, Grotton and Springhead are referred to as villages. By allowing the development to proceed, it will result in the loss of village like feel of the area.

#### School Land Transfer

- The transfer of land to the school does not make the scheme acceptable.

#### Allocations

- A previous inspector stated that if the allocated housing site was developed, then it was 'imperative' that the OPOL site remained open as it serves to separate Grotton and Lees.
- There are a number of Phase 1 and Brownfield sites that are undeveloped, and these should be used before the release of this OPOL site is considered.

#### Housing Land Supply

- The Council can currently demonstrate a 5.1 year supply of housing land. Therefore, there is no need to develop the OPOL land.
- The 5-year housing land supply argument is misleading.
- There are more than 80 houses currently for sale in the immediate locality.

#### OPOL Land

- The OPOL site is a valuable natural resource for recreation and should be kept for future generations.
- The loss of the open space will have negative consequences for people's mental health, given the positive role that the area plays in terms of walking etc.
- The proposal is contrary to Policy 22 of the DPD as it is not small scale, or ancillary.
- The development of the site will irreversibly alter the rural feel of the area.
- Oldham Council have wanted to build the road for years but haven't for monetary reasons. Residents should not have to suffer the loss of the OPOL site to help boost developer profits so that they can afford to build the road.
- Previous small-scale applications have been refused in the same area due to the perceived harm that they would have on the OPOL classification – how then can a proposal for 265 dwellings now be considered appropriate?
- The development of OPOL land should not be allowed in order to boost developers' profits.

#### Wharmton Undulating Uplands

- The proposal would have an unacceptable impact on the Wharmton Undulating Uplands Landscape Character Area by irreversibly altering the open character of the area and replacing it with an urban hinterland.
- There should be a lot less development than proposed rather than creating a hard border of a built-up area against the Green Belt and Wharmton Undulating Uplands Landscape Character Area.

#### Public Rights of Way

- The proposal will lead to a loss of Public Rights of Way.
- The development of the OPOL site would be against the wishes of the local community.

#### **Heritage**

- The proposal will have a negative impact on existing Grade II listed heritage assets.

#### **Landscape Impact**



- The issue of whether or not the proposal is within the Wharmton Undulating Uplands is misleading – it cannot be argued that the proposal would not have a detrimental impact on the character and setting of the landscape.
- The proposal will lead to the loss of the last remaining “green lung” separating Lees from Grotton.

### **Amenity**

- The proposal will lead to an increase in car usage and subsequently air pollution would worsen.
- The proposal will result in the loss of a large amount of green space and trees / hedges. How will this improve air quality in the area in line with DEFRA guidance and the aims of the Greater Manchester Combined Authority.
- The proposal will lead to an unacceptable level of light pollution in the evenings.
- The proposal will lead to an increase in noise pollution from passing cars at all times of the day in what is usually a quiet part of Oldham.

### **Highways & Traffic**

- The link road will have a detrimental impact on Hartshead Street, Oldham Road and Lees New Road.
- The nature of the link road will encourage speeding.
- The traffic survey was carried out in the school holidays and is not a true reflection of the level of congestion in the area.
- The proposal will encourage traffic on Thornley Lane which is narrow and winding.
- The junction designs are unsafe as is the road as it encourages high speeds.
- The only benefit of the road will be for the people who live on the proposed estate.
- The development will lead to over 500 cars trying to use the main road into Oldham.
- The proposal does not and cannot promote any ‘sustainable’ modes of transport due to the site and its inappropriate location.
- The submitted documents highlight safety concerns raised by the residents which have been dismissed by the applicant.
- Traffic noise will harm the quality of life of the residents in the area.
- There are no bus routes within 400m of the site that would be easily accessible, thus forcing people to use cars.
- Reports in The Guardian show that bus usage is down 40% in Oldham and fares cost three times as much in London, again showing that people will be relying on the private motor car to move around the area.
- The design of the link road, and specifically the area around the culvert, could lead to a dangerous environment for drivers and pedestrians.
- Where will the rainwater from the road drain into?
- There are no measures to reduce traffic flow from Oldham Road.

### **Ecology**

- The development would result in a loss of pipistrelle bats, foxes, badgers and over 20 species of birds.
- The Environment Agency objected to the previous scheme on biodiversity grounds.
- Culverting the brook will result in a loss of wildlife and fauna.
- The Environmental Assessment has not been properly carried out and the development will result in a loss of protected species that are S41 protected species, BRd Red list and Bam amber listed species.
- No survey work has been undertaken to assess the impact on macro-invertebrates.

#### **Flood Risk & Drainage**

- The culverting of Thornley Brook would increase the risk of flooding elsewhere.
- The EA previously asked for a freestanding bridge to be constructed which would protect Thornley Brook.
- The Environment Act 1995 and the Water Framework Directive 2000 means that the EA have a legal duty to ensure that this is protected.
- The proposal will lead to an increase in flooding of Thornley Brook.

#### **Infrastructure / Services**

- Schools are already oversubscribed as are dentists and doctors. How is this scheme going to improve the situation?
- Car parking outside schools will be dangerous.
- It takes weeks to get a doctor's appointment already.
- There is a lack of dentists in the area, with people having to travel outside the Oldham area to reach a dentist who has capacity.
- Any additional spending power brought in by the development will not be spent in the local area.
- There is no evidence that the proposal will have a beneficial impact on existing services.
- The proposal will bring additional strain to healthcare services.

- 6.4. The support for the proposal states that, as a young girl working part-time, the supporter wants to move out of living with her parents. However, there isn't much opportunity for her to do this with only costly private rented houses being available.

## **7. PLANNING CONSIDERATIONS**

### **Land Use**

- 7.1 Officers consider that the principle of the proposed residential land use of the site is acceptable in many ways. They say this for the following reasons.

#### Sustainable Location

- 7.2. Officers consider that the site is set in a sustainable location and that the site is located within a walking distance of numerous services and local amenities including a primary school, nurseries, convenience stores, public houses/bars, restaurants, a bank and numerous bus stops. The proposal will have no adverse impact on local services.

#### School Land Transfer

- 7.3 The scheme provides for the transfer of land to St Agnes Church of England Primary School in order to accommodate future school growth. This transfer of land to the local school is a benefit of the scheme.

#### Allocations

##### *Western Part of the Site*

- 7.4 The western part of the site is identified on the Proposals Map of the Oldham UDP as a Phase II Housing Allocation (Saved UDP Policy H1.2.10) that can accommodate up to 232 new homes. Therefore, it is clear that the residential development of the western area of the site is acceptable in principle.

##### *Link Road*

- 7.5 The proposed link road (between Lees New Road and Ashbrook Road) is a requirement of UDP Policy H1.2.10, Policy T1.1 and now Policy 17(g) of the Core Strategy. The additional information set out in the UDP to support the Phase 2 Housing Site confirms that the Phase II Allocation H1.2.10 can only be developed in conjunction with the proposed extension to Lees New Road. It is therefore clear that the provision of the Link Road is in accordance with the Development Plan and represents a benefit to which weight should be attached when considering this application.

*Eastern part of the Site / OPOL Land*

- 7.6 The eastern part of the site forms part of Other Protected Open Land (OPOL) by Policy OE1.10 (Thornley Brook East, Lees) on the Proposals Map of the UDP. UDP Policy OE1.10, which was replaced by Policy 22 (Protecting Open Land) of OMBC's adopted Joint Core Strategy and Development Management Policies Development Plan Document (2011).
- 7.7 Policy 22 of the Local Plan sets out the Council's approach to protecting open land. It 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.
- 7.8 OPOL is open land which, while not serving the purposes of the Green Belt, is locally important because it helps preserve the distinctiveness of an area. As well as providing attractive settings, it provides other benefits, such as informal recreation and habitats for biodiversity, therefore helping to deliver sustainable communities and help mitigate climate change.
- 7.9 The proposed development for up to 265 houses is not small scale or ancillary. It would have an impact on the openness, distinctiveness and visual amenity of the OPOL, particularly given its setting and proximity to the wider Green Belt beyond and the nearby listed buildings. This view is supported by the Inspector's examining the 2011 UDP plus their comments in relation LGG12 – East of Knowls Lane (now referred to as OPOL) at the UDP examination, in which they conclude that:
- 'This is a substantial area of attractive open land which has much in common with the open countryside to the south. It serves to separate the extensive suburbanised area of Grotton to the east and the existing and proposed housing areas to the west'.*
- 7.10 The UDP Inspector at the 2011 UDP inquiry, went on to emphasise that if the housing site (Knowls Lane – H1.2.10) is developed it is imperative that LGG12 (now OPOL12) remains open.
- 7.11 Given the protections that the OPOL allocation gives to part of the site, Officers consider that it was important to review the circumstances the applicant put forward in support of the development of the site to justify the loss of OPOL land. In summary, these were:
- The delivery of a UDP housing allocation;



- Oldham's lack of a five-year housing land supply and the need for housing in Oldham;
- The economic benefits of the scheme;
- The social benefits of the scheme;
- The environmental benefits of the scheme;
- The delivery of the Lees New Road extension, as set out in the Local Plan; and,
- Gift of school land.

7.12 Officers consider that the benefits outlined by the applicant above must be given significant weight in the decision-making process.

7.13 However, Members previously felt that these benefits did not significantly and demonstrably outweigh the loss of OPOL land and the landscape buffer value it provides in this location. Instead, they felt that the residential development of the eastern land parcel is in non-compliance with adopted Core Strategy Policy 22 in respect of the proposed development of an area of Other Protected Open Land (OPOL) and that the harm this caused weighed against the scheme and was significant enough to support a refusal of the scheme.

7.14 Officers do not consider this position is now justifiable for the following three reasons:

*i) The Council's housing land supply position*

7.15 Since the previous application, the applicant has argued that insufficient weight has been applied to the Council's housing land supply position when considering this matter.

*Demand for housing in Saddleworth West and Lees*

7.16 In the last ten years, there has only been one permission of any significant size (major application) that has been built out in this ward. This was for 25 dwellings (Application PA/332639/12: Land at Acorn Street).

7.17 The application at Acorn Street proposed 100% affordable housing provision (20 units for social rent and 5 intermediate units), being the largest permission that has been built out in the ward over the past 10 years. The other schemes completed in the local area have been relatively minor development proposals in comparison to this proposal that have not been required to make provision for affordable homes. Set against this context, it is clear that a low rate of affordable housing delivery over recent years has occurred.



7.18 The more recent Greater Manchester SHMA compounds this point, also highlighting a substantial gap between the amount of affordable housing available and the amount required. The SHMA indicates that only 14 affordable units are available, against a net annual need of 422 dwellings. Consequently, based upon the up-to-date information available within the Greater Manchester SHMA, the Council is not currently delivering enough affordable housing to meet the needs of the Borough in the period up to 2037.

7.19 On 8<sup>th</sup> June 2018, there were 418 households in housing need on the Council's Housing Register. The vast majority of these are not from Springhead but have indicated on their application that they would like to be rehoused in this area. Records indicate less than 30 applications from Springhead. Demand among singles and couples is the highest, with more than 260 households looking for one-bedroom accommodation and rest are looking for two-bedrooms or more accommodation.

**Table 1: Type of property being sought in Springhead**

Type of Property	Household
One Bedroom	260
Two Bedroom	100
Three Bedroom	53
Four Bedroom or more	5

7.20 In relation to existing stock, there are only 135 social housing units in Springhead. The main landlord is Oldham Council which owns 84 units, First Choice Homes own 43 units and Great Places Housing Group owns 8 units. Their types are set out below.

**Table 2: Type of affordable housing in Springhead**

Landlord	Units	Type
Oldham Council	84	Sheltered and Extra Care
First Choice Homes	43	General Needs
Great Places	8	General Needs

**Table 3: Affordable property types in Springhead**

Type	Number
Bungalow	6
Flats	95
Houses	34

7.21 In relation to affordable housing turnover, since March 2016 only 48 properties have become available for re-letting in Springhead. Given the low number of social housing

stock and turnover, demand is unsurprisingly high, with houses attracting on average over 300 bids, bungalows attracting 100 and flats 60 bids.

**Table 4: Bids for affordable housing in Springhead since March 2016**

Type	Turnover	Bids
Bungalow	2	100
Flats	41	60
House	5	303

7.22 Overall, the above indicates that there is significant demand for affordable housing units in the area, particularly for houses, and a lack of affordable housing stock.

7.23 Within the Saddleworth West and Lees ward itself, between 2008/9 and 2017/18 just 161 dwellings have been completed. Officers consider that this illustrates a low level of delivery of housing in this area. A table showing this is set out below.

**Table 5: Saddleworth West and Lees Completions 2008/9 to 2017/18**

Year	Gross Completions
2008/9	30
2009/10	11
2010/11	12
2011/12	8
2012/13	33
2013/14	37
2014/15	6
2015/16	11
2016/17	8
2017/18	5
<b>Total</b>	<b>161</b>

#### *Council's Housing Land Requirements*

7.24 As stated earlier, the standard methodology sets out a current requirement for 692 homes per annum for Oldham based on the 2014 ONS household projections.



- 7.25 The GMSF 2019 requires Oldham's overall housing requirement to be 752 units per year from 2018-2037. However, this is stepped over time, with 450 dwellings being required between 2018 and 2023 and 860 dwellings being required between 2024 and 2037.
- 7.26 The Council's most recent Strategic Housing Land Availability Assessment (SHLAA) confirms that housing completion data only exists for a single year of the GMSF plan period with 313 dwellings (net) completed in 2017/18. A table showing the Council's past housing delivery from 2008/9 is set out below for information.

**Table 6 – Oldham Housing Completion Data 2008/9 to 2017/18**

<b>Year</b>	<b>Completed</b>	<b>Cleared</b>	<b>Net Completions</b>
2008/09	503	102	401
2009/10	227	307	-80
2010/11	387	324	63
2011/12	228	220	8
2012/13	329	77	252
2013/14	355	4	351
2014/15	564	2	562
2015/16	277	1	276
2016/17	358	1	357
2017/18	316	3	313
<b>Total</b>	<b>3544</b>	<b>1041</b>	<b>2503</b>



- 7.27 The Council's Housing Delivery Test (HDT), published in February 2019, showed that the total number of homes required in Oldham between 2015-2018 was 1,394 and that it delivered 899 dwellings (or a 64% housing delivery test result<sup>1</sup>).
- 7.28 The housing completion and Housing Delivery Test data shows quite clearly that the Council needs to increase its delivery of housing to meet its standard methodology, GMSF 2019 and Housing Delivery Test targets.
- 7.29 Whether the Council apply either the GMSF or Standard Methodology housing requirement figure, it is currently unable to demonstrate a five-year supply of deliverable housing sites. Officers consider that it is not able to demonstrate more than a three-year supply of land for housing. As such, the shortfall in housing supply is significant. Consequently, in the absence of a five-year supply of land for housing, Members have to recognise that the proposed new market and affordable housing carries very significant weight in favour of this application and that this weight is required to be applied by current planning legislation.
- 7.30 Overall, the above shows:
- There have been almost no major planning applications in this ward for the last decade;
  - There has been under-delivery of housing and affordable housing within the Saddleworth West and Lees Ward over the past ten years when measured against the historic requirement, current requirement and delivery in other wards within the Borough; and,
  - The Council cannot show a five-year housing land supply;
- 7.31 In these circumstances, the delivery of up to 265 dwellings on the site would make a significant contribution to the supply of housing and affordable housing and this is a factor which must weigh in favour of the scheme and should be given weight in the determination of this scheme.

ii) Weight that can be applied to the Council's OPOL policy.

- 7.32 The NPPF (2018) has superseded NPPF (2012) as a material consideration and the NPPF (2018) should be afforded significant weight in the determination of the application.

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<sup>1</sup> 2015/16 number of homes required = 289 + 2016/17 number of homes required = 446 + 2017/18 number of homes required = 660 = 1,394 homes required 2015-2018.

- 7.33 In summary, the NPPF is clear that:
- a) Local Planning Authorities should approve proposals which accord with an up-to-date development plan without delay.
  - b) Where there are no relevant development plan policies or where policies most important for determining the application are out-of-date, a proposal should be approved unless:
    - i) the application of policies in the NPPF that protect areas or assets of particular importance provide 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 NPPF policies taken as a whole.
- 7.34 Paragraph 11 of the NPPF means that that those parts of the proposal that accord with the Council's adopted plan - namely the delivery of the Link Road and the development of the western allocated part of the site - should be approved without delay.
- 7.35 Footnote 7 to paragraph 11 of the NPPF notes that, for applications involving the provision of new housing like this one, where the Council cannot demonstrate a five-year supply of deliverable housing sites, it is a requirement that some policies should be considered out-of-date.
- 7.36 In these circumstances, it is clear that the Council's OPOL policies - and indeed any other policies that restrict development of this land - are out-of-date.
- 7.37 The result of this is that there is subsequently a presumption that the eastern part of the development should be approved unless either of the two exceptions, set out in paragraph 11d) of the NPPF apply.
- 7.38 The NPPF (2018) specifically refers to the policies to '*protect areas or assets of particular importance*' and these are now exclusively defined at footnote 6 and 7 of paragraph 11 of the NPPF (2018).
- 7.39 Footnote 6 states the policies referred to are those in the NPPF relating to:



- Habitats sites (and those sites listed in paragraph 176) and / or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt,
- Local Green Space,
- An Area of Outstanding Natural Beauty,
- A National Park (or within the Broads Authority) or defined as Heritage Coast;
- Irreplaceable habitats;
- Designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and,
- Areas at risk of flooding or coastal change.

7.40 Footnote 6 is therefore a 'closed list'. It does not include '*valued landscape*' as a protected area or asset of importance. An OPOL site is not on this closed list. As such, even if it is thought that the site or any landscape around it forms part of a 'valued' landscape, it does not affect the operation of the presumption in favour of sustainable development set out under paragraph 11 of the NPPF (2018).

7.41 In view of this, Officers consider that there are no policies in the NPPF protecting areas or assets of importance which provide a clear reason for refusing the development proposed. Therefore, the first exception set out Paragraph 11 d) of the NPPF is not applicable to this application.

7.42 Regarding the second exception, it is considered that the presumption in favour of approving the development on the OPOL land can only be displaced if the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits of such development, when assessed against the policies of the NPPF 2018 as a whole.

7.43 Overall, Officers do not consider that a reason for refusal can be established that any adverse impacts, in terms of effect on landscape character and visual impact, significantly and demonstrably outweigh the identified benefits of the development when assessed against the NPPF 2018 as a whole. We say this particularly when considering that the Council's OPOL policy is clearly '*out-of-date*' and therefore carries less weight than it would if the Council could show a five-year land supply. Moreover, it is this fact which means that the UDP Inspectors view at the 2011 UDP inquiry – that it is imperative that the OPOL12 land remains open - cannot be given enough weight to sustain a reason for refusal since this view was taken under a different policy regime when weight applied to having or not having a five-year housing land supply was not a material planning consideration.

iii) The site not in Wharnton Undulating Uplands (Area 7a) LCA

7.44 The Council's previous reason for refusal refers to:

*"landscape harm and harm to the visual amenity of the Wharmton Undulating Uplands (Area 7a) LCA"*

and that allowing the proposal would have:

*"a transformative effect on the openness, local distinctiveness and visual amenity of ..... the Wharmton Undulating Uplands (Area 7a) LCA".*

7.45 The Wharmton Undulating Uplands was one of seven landscape character areas identified in the Council's Landscape Character Assessment document published in 2009 ("the 2009 LCA") in connection with the preparation of the Council's Local Development Framework.

7.46 Each landscape character area was then further sub-divided into separate landscape character types. The relevant sub-division of the Wharmton Undulating Uplands LCA for present purposes is Type 7(a): Urban Fringe Farmland.

7.47 The position of the applicant in submitting this second application was that the site lay outside the Wharmton Undulating Uplands and consequently the weight applied to landscaping harm by Members was overstated in the assessment of the planning balance in the original application.

7.48 Having considered the matter in some detail and taken legal advice, the Council consider that, in this respect, the boundaries of the character areas with the urban area have been set to correspond with inner Green Belt boundaries. This is unsurprising given that the scope of the 2009 LCA was to characterise Green Belt areas. As these are Green Belt boundaries, they were clearly defined and not simply gradual transition lines or elastic concept. This site is not in the Green Belt. As such, it is clear that this site lies outside the Wharmton Undulating Uplands.

7.49 Green Belt is, of course, not a landscape characterisation. However, the point is that the 2009 LCA set out to characterise only Green Belt areas and thus it is appropriate that the boundaries it incorporates, where corresponding with the extent of the Green Belt, should be understood to have been drawn accordingly and accorded due precision.

7.50 Secondly and bringing the previous point to bear on this assessment, it is clear from the relevant plans that the boundary of the Wharmton Undulating Uplands (type 7a) aligns consistently with the inner boundary of the Green Belt in the vicinity of the site. The applicant's analysis shows this to be the case. Moreover, the scale of the assessment in





the 2009 LCA does not occasion any difficulty on the facts of the present case in reaching the conclusion that follows from this that the site is outside the Wharmton Undulating Uplands (type 7a).

- 7.51 Thirdly, the fact that the site can be said to be close to, or even at, the relevant Green Belt boundary does not mean that it falls within the Green Belt and is thus within the Wharmton Undulating Uplands (type 7a). The acknowledgment that the site is close to, or at the boundary with another area is, in fact, an acknowledgment that it lies outside that other area.
- 7.52 Finally, the fact that the site (or parts of it) may share characteristics of the Wharmton Undulating Uplands (type 7a) is not a reason for regarding the site to be within that area if it is otherwise clear that it is outside it. It might be a reason for thinking that landscape impacts of the development would not be dissimilar on the basis that they would fall on land with similar characteristics, but that is a conceptually separate point. Moreover, if the site is outside the Wharmton Undulating Uplands (type 7a), that does not, of course, mean that there could not be landscape effects on it from the development but that they will not be direct effects.
- 7.53 In the light of the above, that it would not be reasonable for the Council to argue that the site is within the Wharmton Undulating Uplands. As such, a significant part of the previous reason for refusal is felt to be weak and now has less weight to support it.

#### Agricultural Land

- 7.54 The proposal will result in the loss of low-quality agricultural land, 52% of which is allocated for residential development.
- 7.55 As such, it is considered by the Council that the proposed development will not result in the loss of the best and most versatile agricultural land. Consequently, it is felt that there are no grounds on this issue that would sustain a reason for refusal in relation to the agricultural quality of the land.

#### Transfer of land to St Agnes Church of England Primary School

- 7.56 The illustrative masterplan identifies 0.3 acres that is to be transferred to St Agnes Church of England Primary School to accommodate its future school growth / expansion. The use of this land in this way is subject of an agreement between Russell Homes and the St Agnes Primary School.



- 7.57 Officers consider that the proposed land transfer is a benefit of the scheme and would be secured via the terms of a Section 106 agreement. As such, this weighs in favour of the scheme.

#### Housing Types

- 7.58 It is apparent from the type and density of housing shown on the indicative layout that the development would deliver larger family homes and higher-value housing which meet the needs and aspirations set out in criteria (a) and (c) of Joint DPD Policy 11. As such, this factor should be given weight in the determination of this application.
- 7.59 The proposed development will provide for up to 265 new dwellings, including 60 affordable dwellings. The mix of the size, type, and tenure of new dwellings will be determined during a later reserved matters application. However, the site can accommodate a broad range of house types, sizes and tenure which is responsive to locally assessed need. This weighs in favour of the scheme.

#### Viability

- 7.60. A key consideration of the scheme is the need to ensure that the future development of the site is deliverable. To assess this, the applicant has provided viability evidence which demonstrates how the viability of the development is affected by costs associated with the construction of the development – including the policy requirement to develop a link road between Knowls Lane and Ashbrook Road (approx. £3.5m) and other key infrastructure to ensure that the development is of a sufficiently high standard and is sustainable.
- 7.61 The viability assessment demonstrated how the quantum of development proposed through this planning application is necessary to provide a viable and deliverable scheme. In particular, it illustrates that any requirement to lower the number of dwellings proposed on site would result in:
- The failure of the scheme to support the delivery of the link road between Knowls Lane and Ashbrook Road – which is a long-term aspiration of the Council as set out in Policy 17 of the Core Strategy. The Link Road is required to facilitate the development of the site and will also help to address / alleviate local highway capacity and safety problems; and
  - The failure of the application to respond to the policy requirements of the plan which assist in providing a sustainable development. This includes the provision of affordable housing, open space and education enhancements / contributions.



- 7.62 Without the OPOL land being incorporated into the development proposal because it is necessary to help fund the link road, the western land parcel and allocated site could not viably come forward as the costs to deliver the Link Road would be too great for this land parcel.
- 7.63 Overall, Officers consider that the proposed 265 new homes represent the minimum capacity required to secure the viable delivery of the Link Road and a high-quality housing development that, subject to details, is respectful of its context and will integrate with the existing built development to the south and east of Lees.

#### Overall Land Use Conclusion

- 7.64 In conclusion, the proposal, if approved, would lead to the development of an allocated housing site and delivery of a policy compliant link road. The principle of developing part of the site for residential use is therefore in accordance with the Development Plan for the borough.
- 7.65 Moreover, a review of the housing evidence available to the Council shows:
- There have been almost no major planning applications in this ward for the last decade;
  - There has been under-delivery of housing and affordable housing within the Saddleworth West and Lees Ward over the past ten years when measured against the historic requirement, current requirement and delivery in other wards within the Borough; and,
  - The Council cannot show a five-year housing land supply;
- 7.66 In these circumstances, the delivery of up to 265 dwellings would make a significant contribution to the supply of housing and affordable housing and this is a factor weighs significantly in favour of the scheme and should be given weight in the assessment of this scheme.
- 7.67 The proposed land use of the site also delivers the following benefits.

#### The Economic Benefits of the Scheme

- £11.3 million extra in the Oldham economy by the prospective new residents;
- Annual commercial expenditure (convenience, comparison, leisure, goods and services) by residents of £4.3 million to support and sustain the local community;
- New Homes Bonus of £1.3 million to support Council Services;
- Around 150 construction Jobs (on and off-site) over the lifetime of the build programme (estimated at 7 years);
- Indirect jobs through the local supply chain via the purchase of goods and services;
- Annual council tax contributions of £416,300;
- Total economic output (construction spend, by Russell Homes) over the construction phase of £37.4 million; and
- Development of a new link road between Ashbrook Road and Knowls Lane estimated to cost £3.5 million, meeting a Local Plan requirement.

#### The Social Benefits of the Scheme

- Creation of a high-quality residential environment of up to 265 dwellings which contributes to the Borough's housing needs (existing and emerging), sub-area housing needs, and the maintenance of the five-year housing land supply;
- Development of housing in a sustainable location;
- Delivery of 60 much needed affordable housing units;
- Improvement in housing mix and choice which meets local need;
- Delivery of new link road improving public transport, bicycle and pedestrian connections in the area, and addressing the problem of a dangerous junction situated within Lees;
- Sustainable increase in population of Lees to support to continued vibrancy and vitality of services in the local area;
- Extension to and enhancement to public open space and footpath connections;
- Highway Safety improvements to Hartshead Street/Oldham Road Junction; safe all-weather footpath connections between Knowls Lane and Oldham Road; footpath along Knowls Lane; and widening of Knowls Lane; and,
- Gift of school land to the adjacent primary school.

#### The Environmental Benefits of the Scheme

- Well-connected site to existing services and facilities reducing the need to travel by car;
- Accessible by foot, bicycle and public transport, with proposed infrastructure enhance connections for the wider community;
- Ongoing management of wooded areas along the course of Thornley Brook;
- New areas of landscaping and open space providing additional habitats for wildlife to flourish.



- 7.68 Officers feel that significant weight must be given in the decision-making process to these benefits. In officer's opinion, these benefits significantly and demonstrably outweigh the loss of OPOL land and the landscape buffer value it has in this location. We say this particularly in view of:
- the lack of weight the Council's OPOL policy has because of the Council not having a five-year land supply; and,
  - the fact that Members previous concerns about the impact of the scheme on the Wharmton Undulating Uplands (Area 7a) LCA are lessened since the site sits adjacent to, but not in it.
- 7.69 Overall, the developments land use is consistent with policies and objectives of the development plan to which material weight should be afforded and any conflict with them is clearly outweighed by other material considerations. Officers consider the proposal is sustainable development and that its significant benefits outweigh its limited adverse impacts in land use terms. As such, Officers feel the scheme is acceptable in land use terms, particularly since the proposal would also result in the transfer of land to the adjacent school for their use, the scheme would provide a mix of housing types (and subsequent mixed and balanced community), there is no loss of high quality agricultural land and the scheme is viable enough to meet policy requirements.

### **Heritage Impact**

- 7.70 There are no heritage assets within the site boundaries.
- 7.71 There are a small number of Grade II Listed Buildings located to the south of the site. These are the Knowls Lane Farmhouse, Knowls Lane Farm, Manor Farm and Flash Cottages. They are all grade II listed buildings.
- 7.72 The Lydgate Conservation Area is located between 1km and 1.5km to the east of the site.
- 7.73 The applicant's heritage statement and supplementary briefing note considered each of the heritage assets affected and the contribution that its setting makes to their significance. They also assessed the impact of the proposed development on that significance. They concluded that, on balance of considerations, there will be some limited harm to the significance of Knowls Lane, Knowls Lane Farmhouse and Flash Cottage.
- 7.74 The Council's former Conservation Officer concluded that such harm is 'less than substantial'.

- 7.75 In accordance with paragraph 196 of the NPPF, whilst giving the heritage harm great weight, Officers consider that it did not outweigh the wider public benefits generated by the proposal. Both the applicant and the Council agree that the public benefits outweigh the less than substantial harm that would be caused to any heritage assets and the effect of the development on those heritage assets is not a reason for refusing the scheme.
- 7.76 For the record, the public benefits of the scheme, weighed against the '*less than substantial*' harm include the following:

#### Economic Benefits

- £11.3 million gross value added generated by residents of the proposed development per year;
- Annual commercial expenditure (convenience, comparison, leisure, goods and services) by residents of £4.3 million to support and sustain the local community;
- New Homes Bonus of £1.3 million to support Council Services;
- Around 150 construction jobs (on and off-site) over the lifetime of the build programme (estimated at 7 years)
- Indirect jobs through the local supply chain via the purchase of goods and services;
- Annual Council Tax contributions of £416,300;
- Total economic output over the construction phase of £37.4 million; and,
- Development of a new Link Road between Ashbrook Road and Knowls Lane, estimated to cost £3.5 million.

#### Social Benefits

- Creation of a high-quality residential environment of up to 265 dwellings which contributes to the Borough's housing needs (existing and emerging), sub-area housing needs, and the maintenance of the five-year housing land supply;
- Development of housing in a sustainable location;
- Delivery of affordable housing;
- Improvement in housing mix and choice which is responsive to local need;

- Delivery of new link road improving public transport, bicycle and pedestrian connections in the area, and addressing the problem of a difficult junction situated within Lees;
- Sustainable increase in population of Lees to support to continued vibrancy and vitality of services in the local area;
- Extension to and enhancement to public open space (including provision of a LEAP) and footpath connections; and,
- Highway safety improvements to Hartshead Street / Oldham Road Junction; safe all-weather footpath connections between Knowls Lane and Oldham Road; footpath along Knowls Lane; and widening of Knowls Lane.

#### Environmental benefits

- Well-connected site to existing services and facilities, thereby reducing the need to travel by car;
- Accessible by foot, bicycle and public transport, with proposed infrastructure
- Enhance connections for the wider community; and,
- Ongoing management of wooded areas along the course of Thornley Brook.

7.77 Overall, the proposed development would result in a limited level of harm at the lower end of the scale to the listed heritage assets. Such harm is '*less than substantial*'. As set out at paragraph 196 of the NPPF, this harm has been weighed against the public benefits of the proposal, whilst acknowledging the considerable importance and weight to be applied to the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.78 The public benefits associated with the proposed development clearly and demonstrably outweigh the less than substantial harm that would be caused to the listed buildings. It is therefore felt that the effect on heritage assets is not a reason for refusal of the application that could be sustained.

7.79 Officers also considered the significance of the Lydgate Conservation Area and the contribution made by setting to that significance. They conclude that the proposed



development would not harm the conservation area and that its significance would be sustained.

7.80 As a consequence of the above, the scheme is considered acceptable in heritage terms.

### **Landscape Impact**

7.81 The proposal will involve the loss of an OPOL allocation on the eastern part of the site, with the removal of large parts of low-level vegetation. Some trees will also be lost. However, in mitigation and in conjunction with the work that has been done with the Council's appointed landscape architect, the following is proposed as part of the development:

- The principal footpath links through the site, including the two existing Public Rights of Way, and new paths now provide broad green corridors with ample room for the planting of larger, native trees.
- The width of the green space along Thorley Lane is increased (to a minimum of 30m). This provides the opportunity for both strong tree planting and areas of open grassland - delivering visual impact mitigation and space for an appropriate ecological offer.
- Existing PROW's are retained and enhanced so that they are incorporated into the layout of the site and are attractively overlooked via natural surveillance.
- The character of the layout on the western parcel is more urban in nature - the principal route to the east being a more formal avenue lined with traditional front gardens. Principal routes in the eastern parcel are more organic and contain a variety of street sections characterised by varying relationships between linear green space, road, footpath and building lines. Boundary treatments are more varied including stone walls, hedgerows, and buildings built along back of pavement.

7.82 Officers consider that the site is a 'valued landscape' as defined in paragraph 170 of the NPPF for the following reasons:

- The site itself is an open agricultural field sloping gently down to a wooded brook, with a well-used byway along its northern boundary, set within open countryside to the south and Green Belt beyond, coupled with the Wharmton Undulating Uplands character area. It is considered that this combination of attributes takes the landscape 'out of the ordinary'.



- It is obvious from the representations received from the public that the byway and footpath network is a popular route for access to and from the wider area for families and dog walkers for instance. Recreational users would find that the current views of the open fields would be irreversibly lost and it these views that adds to the outdoor experience.
- The application site is valued locally because it is part of the open countryside that provides a rural context for the urban area. It is the combination of the physical attributes of the area with how it is perceived that makes this a valued landscape.

### Policy Background

- 7.83 Guidance within Section 12 ('Achieving well-designed places') of the NPPF (2018) document is relevant, together with policies 1 (Climate Change and Sustainable Development), 6 (Green Infrastructure), 9 (Local Environment), 17 (Gateways and Corridors), 20 (Design) and 24 (Historic Environment), which provide guidance on the design of new development.
- 7.84 The application was accompanied by a Landscape & Visual Impact Assessment (LVIA) compiled by IBI Group. Bearing in mind the landscape sensitivities associated with the site, the Council determined that it was prudent for it to appoint its own landscape architect to assess the landscape impact of the scheme.
- 7.85 The 2013 GVLIA3 guidelines defines Landscape and Visual Impact Assessment (LVIA) as a tool used to identify and assess the importance of effects of change resulting from developments on people's views and visual amenity.

### Site Background

- 7.86 The site is located south-east of Lees town centre and south of Oldham Road (A669). It is currently an area of open pasture, between the Thornley Brook Valley and Knowls Lane / Thornley Lane which defines its southern boundary.
- 7.87 The settlement of Lees originates from its historic core to the west of the site, where mill buildings, chimneys and Victorian terraces remain part of the character and skyline of the former mill town. The Oldham Road (A669), a key east-west link between the mill towns, is flanked by two to three storey Victorian terraces and (notably) the Liberal Club between Lees and Springhead. South of the routeway on the falling ground associated with Thornley Brook Valley, newer, lower density suburban development has extended to form the residential areas of Leesfield, County End and Station Road. Grotton and Holts continue this settlement on to the north facing the slopes of the valley.



- 7.88 There are significant heritage assets that are materially affected by the proposal, which in turn, has an impact on the landscape, including the Lees Conservation Area, Lydgate Conservation Area and the Church of St Anne (Grade II listed). In relation to the site itself, Knowls Lane Farm and Knowls Lane Farmhouse (Grade II listed) and Flash Cottages (Grade II listed) are also materially affected in landscape impact terms.
- 7.89 There are no National Trails within the site area. The borough circular route of the Oldham Way (RR3) passes through the study area from Greenfield in the east, crossing the River Tame at Quick before scaling Quick Edge and dropping into the residential area of Grotton within the Thornley Valley and along the southern boundary of the site before climbing again southwards to Hartshead Pike and on to Pitses in the west.
- 7.90 The Oldham – Lees Recreational Route runs along the former railway line (RR5). Both are confirmed as Strategic Recreational Routes in the context of GI assets in the Core Strategy.
- 7.91 The PROW network is extensive to the south of the site - with PROWs 197, 25 and PROW 27 providing key linkages from the residential areas in the north and east of the borough to the open landscapes to the south via the Oldham Way for example.
- 7.92 The PROWS and permissive routes within the Thornley Brook Valley are well used. Whilst the valley is heavily wooded, the open pasture of the plateau landscape above the riverbanks are perceived as a strong contrast to the wooded valley and suburban housing areas to the north and west.

#### Strategic Landscape Character Areas

- 7.93 At a national level, the site falls within the NCA 54 – Manchester Pennine Fringe. At a regional level, a Landscape Character Assessment has recently been commissioned for the Greater Manchester Conurbation.
- 7.94 OMBC's Landscape Character Assessment (2009) does not include the site within the Wharmton Undulating Uplands area (Area 7). However, it is adjacent to it.
- 7.95 The description the Wharmton Undulating Uplands is as follows:
- This open upland area sits between the urban fringe of Oldham and the settlements of the Tame Valley whilst providing long views out over the nearby urban areas. Scattered settlements and farmsteads are dispersed throughout the area and are linked by a network of narrow winding lanes. The area is predominantly farmland



consisting of improved grassland managed for grazing and silage, although some areas are unmanaged and becoming rushy. These pastures are defined by a distinctive field pattern of gritstone walls. The farms of the area contain a significant number of horse paddocks whilst makeshift farm buildings associated with diversification are evident throughout the area.

7.96 The key landscape characteristics of the Wharmton Undulating Uplands are as follows:

- Open, upland landscape character created by the altitude, scarcity of trees and long views.
- A characteristic patchwork of upland pastures including small irregular fields and larger rectangular fields of moorland enclosure.
- A network of gritstone walls.
- Extensive network of footpaths and public rights of way.
- Dispersed settlement pattern comprising scattered farmsteads.
- A network of narrow winding lanes connects the farmsteads and settlements.
- Distinctive vernacular architecture dominated by the millstone grit building stone.
- Frequent long views across the intersecting valleys.

7.97 The site is adjacent to Type 7a Urban Fringe Farmland. The key features of this area are:

- An open upland landscape character created by the altitude, scarcity of trees and long views.
- Frequent long views out over the urban settlements confined within the valleys below.
- A characteristic patchwork of upland pastures including small, irregular fields.
- Dispersed settlement pattern comprising scattered farmsteads sometimes in fairly close proximity.
- A network of narrow winding lanes connecting the farmsteads and settlements.
- Stone walls without grass verges often bound the lanes.

7.98 Based upon the analysis work that was carried out by Camlin Lonsdale, the following key landscape receptors (viewpoints) were identified:

- LLCAs 1 to 5;
- Knowls Lane Farm & Farmhouse, Manor House & associated Cottages;
- St Agnes School & Flash Cottages;
- Lees Conservation Area;
- Lydgate Conservation Area;
- OPOL LGG12;
- Listed Structures & Buildings;
- Public Rights of Way;
- Wharmton Undulating Uplands (Area 7a);

- Green Infrastructure Assets at the sub-regional level; and,
- Oldham Green Belt.

### Landscape Effects

7.99 The table below lists the identified landscape receptors (viewpoints), and the impact on the landscape character of these receptors, based upon the work of the council's own appointed landscape architect.

<b>Receptor</b>	<b>Landscape Impact at Year 1 of the proposal</b>	<b>Landscape Impact at Year 15 of the proposal</b>
LCA1- Open Pasture (West)	Major-moderate adverse	Moderate adverse
LCA2 – Open Pasture (East)	Major-moderate adverse	Moderate adverse
LCA3 – Thornley Brook Wooded Valley	Moderate adverse	Moderate-minor adverse
LCA4 – Ashes Brook Valley	Minor adverse	Negligible adverse
LCA5 – L&NWR railway corridor	Minor adverse	Negligible adverse
Knowls Lane Farm & Farmhouse, Manor House & associated Cottages	Major adverse	Major adverse
St Agnes School & Flash Cottages	Major adverse	Major adverse
Lees Conservation Area	No determinable effect	No determinable effect
Lydgate Conservation Area	Minor-negligible effect	Negligible adverse
OPOL LGG12	Major adverse	Major-moderate adverse
Public Rights of Way	Moderate adverse	Moderate adverse
Wharmton Undulating Uplands (Area 7a)	Major-moderate adverse	Moderate adverse
Green Infrastructure Assets	Moderate adverse	Moderate adverse
Oldham Green Belt	Moderate adverse	Minor adverse

7.100 Notwithstanding the objections raised by the applicant in relation to the setting of the site and its location within the Landscape Character Assessment, the proposed development would clearly change the landscape character of the area from rural to urban. It is therefore felt that the proposal would have an adverse effect on the landscape resource of major / moderate significance based on the above table.

### Landscape Visual Impact



- 7.101 Turning to the visual effects, it is considered that the views from Thornley Lane and Knowls Lane would be transformed with built form in near and middle-distance views, replacing middle and longer distance views over open countryside. Mitigation by additional planting would not diminish the likely adverse visual impact from various viewpoints. However, whilst the scheme would alter views from nearby residential properties and so adversely affect the visual amenity of the area, it would not be so dominant or overbearing that it would impair the living conditions of existing occupiers by reason of its impact on outlook. Nevertheless, with high sensitivity receptors and medium / high magnitude of visual effect, it is considered that the scheme would have an adverse impact on visual amenity of major / moderate to major significance, both on completion and beyond 15 years post construction.
- 7.102 The scheme would have significant urbanising effects in Year 1, although many of these effects diminish in Year 15 as the proper mitigation strategies mature. The loss of open landscape, the fragmentation of a strategic landscape feature (the Thornley Brook Wooded Valley) and encroachment of development on to the northern slopes of the Pennine foothills is expected to have a tangible effect on the adjacent Wharmton Undulating Uplands (Area 7a) LCA and wider Greenbelt areas, as well as reducing accessibility to the open countryside and potential diminution of its role as a Green Infrastructure corridor.
- 7.103 With regards to visual effects, the assessment has concluded that significant effects in Year 1 relate to effects on the PROW network both within the proposal area as well as the Green Belt locations to the south of the site. This effect is also expected to be experienced in the context of the rural lanes. However, with proposed mitigation, these effects are assumed to diminish with time.

#### Conclusion of Landscape Impacts

- 7.104 The identified moderate adverse effects on the adjacent Wharmton Undulating Uplands (Area 7a) LCA is contrary to UDP policy 6 – Green Infrastructure. The development will result in significant, loss and fragmentation of GI assets, namely the Thornley Wooded Valley landscape feature and open landscape of the adjacent Wharmton Undulating uplands (7a). Both features are important to the physical integrity of the identified GI corridor and network which is already significantly eroded by former residential development within the valley landscape.
- 7.105 The identified moderate adverse effects on the adjacent Wharmton Undulating Uplands (Area 7a) LCA is contrary to UDP Policy 21 – Protecting Natural Environmental Assets. The development has been found to not protect and conserve the local natural environments functions or provide new and enhanced functional GI; the policy stipulates that development proposals must extend or link existing green corridors as well as conserve and reinforce the positive aspects and distinctiveness of the surrounding landscape character.



- 7.106 The identified moderate adverse effects on the adjacent Wharmton Undulating Uplands (Area 7a) LCA is contrary to UDP Policy 22. However, these impacts are indirect, rather than direct impacts. Furthermore, the scale, form and layout of the development is considered to have a transformative effect on the local distinctiveness and visual amenity of OPOL 12. However, the OPOL policy is out of date in view of the Council's lack of a five-year housing land supply. As such, this policy does not have significant weight.
- 7.107 Nevertheless, on the issue of landscape impact, it is considered that the proposal would harm the character and appearance of the area and would conflict with the relevant development plan policies as outlined above. This landscape harm therefore weighs against the proposal somewhat.

## **Design**

- 7.108 Guidance within Section 12 ('Achieving well-designed places') of the NPPF (2018) document is relevant, together with policies 1 (Climate Change and Sustainable Development), 6 (Green Infrastructure), 9 (Local Environment) and 20 (Design), which provide guidance on the design of new development. Further guidance contained within the Oldham & Rochdale Residential Design Guide is also relevant in the determination of this application.
- 7.109 The NPPF (2018) states at para 124:

*"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process".*

- 7.110 Policy 9 of the DPD states that:

*"The council will protect and improve local environmental quality and amenity by ensuring development:*

- *is not located in areas where it would be adversely affected by neighbouring land uses; and*
- *does not have an unacceptable impact on the environment or human health caused by air quality, odour, noise, vibration or light pollution; 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; and*
  - does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape; and*
  - does not result in unacceptable level of pollutants or exposure of people in the locality or wider area. Developments identified in the Air Quality Action Plan will require an air quality assessment; and*
- c) *is not located in areas where an identified source of potential hazard exists and development is likely to introduce a source of potential hazard or increase the existing level of potential hazard; and*
- d) *minimises traffic levels and does not harm the safety of road users. Proposals to work from home must also ensure provision is made for access, servicing and parking”.*

7.111 Policy 20 of the DPD states that:

*“Development proposals must meet the following design principles, where appropriate:*

- Local Character (including a character appraisal as appropriate)*
- Safety and Inclusion*
- Diversity*
- Ease of Movement*
- Legibility*
- Adaptability*
- Sustainability*
- Designing for Future Maintenance*
- Good Streets and Spaces*
- Well Designed Buildings”*

7.112 The submitted Design and Access Statement contains information in relation to the outline element (the residential development) of the submitted scheme and is framed within certain parameter plans. Other elements are shown – such as the indicative masterplan. However, as stated, these are only indicative and do not form part of the approval. The detailed design of the site will be the subject of subsequent reserved matters applications.

7.113 There is a relatively brief section detailing the prevailing character of the surrounding areas, which detail the materials used for instance and it is welcomed that the applicants have detailed the historic character of the majority of the surrounding area. However, it is noted that the Oldham & Rochdale Residential Design Guide states that, when developing

concepts for sites it is important, amongst other things, to look at the existing layout of streets, block size, scale and massing of buildings and the relationship of the buildings to the street and it is not clear from the work that has been done to date, whether or not this has informed the indicative nature of the masterplan.

- 7.114 Russell Homes Design Team first considered development on the site in spring of 2014, initially considering the western part of the application site allocated for residential development, together with the construction of a link road. An initial masterplan was generated for the GMSF call for sites, which in turn informed the submitted 'indicative' layout.
- 7.115 The proposal is accompanied by a parameters plan which has been the subject of much revision based upon the comments that have been received by the Council's consulting Landscape Architect. This has resulted in an indicative scheme that is much improved than that which was originally submitted.
- 7.116 The proposal now takes into account the existing routes of the PROW and these will be incorporated in to the final design. The revised parameters also take into account the landscape buffer to the southern edge of the site, which results in a much-improved outlook whereby it is proposed that the reserved matters applications would 'feather' in to the edge of the site and thus prevent a hard edge to the development.
- 7.117 Turning to the design of the link road, the proposal has also been the subject to revision, based upon comments received from the EA, TfGM and OMBC Highways. This has resulted in the culvert being narrowed and more natural features added to it to help it blend in to the landscape. Furthermore, the design of the link road will feature many of the elements that are proposed to be used as part of the TfGM 'Beelines' programme, thus helping to promote more sustainable modes of transport within the immediate locality.
- 7.118 In relation to the design of the reserved matters, it is considered imperative that the design is of a high quality. It is important to ensure that what is built on the site – should permission be granted - be of a high quality, given the landscape sensitivities of the site and its semi-rural location on the edge of Grotton and Lees.
- 7.119 The NPPF (2018) at paragraph 126 it states that:

*"LPA's should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified".*



- 7.120 Given the particular circumstances of the site and the policy support given in the NPPF, it is considered that should permission be granted for the scheme, a condition is applied that stipulates that a Design Code be drawn up for the site, before the submission of any phase of the reserved matters applications. The Design Code, drawn up in conjunction with the LPA, applicant and subject to public consultation, will result in a higher quality scheme than which would otherwise be submitted.
- 7.121 It is considered that a condition requiring a Design Code is further supported at para 128 of the NPPF which states that:
- “Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community.”*
- 7.122 In taking account of the context and character of the site and surrounding area, it is considered that the overall design concept, the layout of the site and the scale and design of the associated infrastructure are acceptable. Bearing in mind that the detailed design will only be known at the reserved matters stage, it is considered that the commitment from the applicant to provide a high-quality scheme, backed up by a design code, can be given positive weight in the determination of this application.
- 7.123 Suitably worded planning conditions can be imposed to ensure that outstanding details are submitted to and approved in writing by the LPA.
- 7.124 Overall, the proposal is based on development parameters, supported by a detailed Design and Access Statement, which provides an illustrative masterplan that shows how the site could be developed.
- 7.125 Whilst the masterplan and supporting material is illustrative, Officers consider that this demonstrates that development in accordance with the parameters (to be approved) can create a high quality, sustainable residential scheme, which will improve permeability and be fully accessible on foot, by cycle and by public transport.
- 7.126 Set against this context, it is considered that there are no deign grounds to sustain a refusal in relation to the proposed design or the approach applied to the construction of the Link Road or the parameters plan which supports the development of up to 265 new homes. As such, it is considered that the visual and physical impact of the proposed development would be acceptable and in accordance with national planning guidance and local planning policy.

### Public Open Space Provision

- 7.127 The illustrative masterplan shows significant amounts of open space provision within the site that extend to more than 5 hectares of open space, landscaping and amenity areas. The proposed open space includes a locally equipped area for play (LEAP).
- 7.128 The applicant seeks outline approval for the proposed housing development and further consideration would be required at reserved matters stage in relation to the specific layout of formal open space and play space provision. Nevertheless, Officers consider that the site can sufficiently accommodate the development and related open space. Furthermore, play space provision is likely to be in excess of the requirements of Policy 23 of the Core Strategy. As such, subject to further details which can be secured by appropriate conditions or planning obligation, the site is capable of meeting local policy open space requirements. Consequently, the proposed open space provision and future maintenance and management of the space is acceptable and complies Policy 23 of the Core Strategy. As a result, there is no reason to refuse the development on the grounds of lack of open space provision.

### **Amenity**

- 7.129 Officers consider that the site can satisfactorily accommodate the development without adversely impacting on the amenity of existing nearby residential properties (including Knowls Lane Farmhouse, Knowls Lane Farm, Manor Farm and Flash Cottages) in terms of overlooking, noise and disturbance.
- 7.130 Details can be controlled by planning conditions at the reserved matters stage, when layout is further considered.
- 7.131 Officers consider that the development (both the Link Road and residential development) will not have a significant impact on air quality arising from the generation of additional traffic.
- 7.132 The impact of construction activity on the amenity of occupants of nearby properties can be satisfactorily controlled through the imposition of appropriate conditions including the submission of a construction environmental management plan [CEMP].
- 7.133 Overall, the proposed development will not have significant detrimental impact on existing dwellings and accords with Policy 9 and 20 of the Core Strategy.



- 7.134 There are no objections to the proposed development, subject to planning conditions from Environmental Health, in relation:
- to landfill gas investigations;
  - contaminated land;
  - refuse storage; and
  - the control of construction noise.
- 7.135 The site is not situated adjacent to any potential bad neighbour uses that would cause noise and disturbance to existing or future residents. The site is therefore suitable for residential development and it is agreed that there is no reason for refusal relating to noise.
- 7.136 The impact of road noise on the amenity of future residents has been assessed and mitigation is proposed.

## **Highways**

- 7.137 Guidance within Section 4 ('Promoting sustainable transport') of the Government's National Planning Policy Framework (NPPF) document is relevant, together with policies 5 (Promoting Accessibility and Sustainable Transport Choices), 9 (Local Environment), 13 (Employment Areas) and 20 (Design) of the Joint DPD. Guidance contained within the Oldham and Rochdale Design Guide set out the standards and criteria against which the highway implications of the development are assessed.

### Current situation

- 7.138 The development site is located approximately 700-900 metres to the south east of Lees district centre and the proposed road will form a continuation of Ashbrook Road forming a continuous link between the A669 Lees Road and Knowls Lane.
- 7.139 Knowls Lane, at the southern boundary of the site, leads to Rhodes Hill and Lees district centre to the west, and Thornley Lane to the east.
- 7.140 The new junction will be constructed off Knowls Lane, almost opposite the existing junction of Lees New Road. This is a local distributor road which provides access to a large residential area and leads to the B6194 Abbey Hills Road junction. To the south, Lees New Road continues to Ashton under Lyne, whilst to the west Abbey Hills Road continues towards Oldham town centre.

- 7.141 The west of the site frontage becomes Rhodes Hill, which becomes Hartshead Street, eventually forming a T-junction with the A669 Lees Road. The gradient at the junction is steep and the turn into and out of it at Lees Road is difficult, often leading to delays as traffic travelling along Lees Road is required to wait.
- 7.142 Ashbrook Road, which is accessed from the A669 Lees Road, currently serves a small residential development, ending in a small turning area with pedestrian links through the development site. The proposed link road will be constructed as a continuation of Ashbrook Road.

#### The Link Road

- 7.143 The detailed design of the link road will be finalised as part of the Section 38 Agreement with the Council. The local highway authority has worked with the applicant during the planning application process to ensure that a detailed design that is acceptable to them can be provided given the constraints of the site. This has resulted in an acceptance, in principle, that the link road can be constructed which will allow adequate and safe access to the proposed residential developments while also accommodating any traffic using the link road for access further afield.
- 7.144 A Transport Statement was prepared by Axis and submitted with the planning application. It assesses the implications of a new link road and the effect it will have on the local highway network, along with the potential trip generation of the proposed residential development. It assesses the sustainability of the site by examining the walking and cycling distances to a range of local amenities and the availability of public transport. The conclusion is that the site represents a sustainable location for residential development being located within acceptable walking and cycling distances to a range of amenities including schools and shopping facilities. The site was found to be accessible by bus services to and from local employment centres which should reduce the need for the utilisation of the private motor car for every day journeys.
- 7.145 Traffic counts were undertaken in May and June 2017 at a number of junctions that were potentially affected by the development. It was found that the peak local highway network peak hours were 07.30 - 08.30 and 16.00 - 1700 hours.
- 7.146 The Transport Assessment considers the effects of the development over these peak periods, as well as the 12-hour period of 07.00 - 19.00 hours.
- 7.147 The Transport Assessment acknowledged that the introduction of the link road would lead to a localised translocation of traffic movements from the A669 Lees Road junction with Hartshead Street.





- 7.148 Trip rates for the proposed residential development were derived from the TRICS database.
- 7.149 It was found that for a development of 265 dwellings:
- a total of 141 two-way trips would occur during the morning peak;
  - 163 two-way trips would occur during the afternoon peak periods; and,
  - during the core daytime 12-hour period, 1,330 two-way trips would occur.
- 7.150 This would equate to 2-3 additional vehicle movements every minute at peak time. Officers consider that this will be unlikely to result in any noticeable impact on the local highway network.
- 7.151 An assessment of the anticipated development traffic impact was also undertaken as part of the Transport Assessment. It was undertaken for the potential developments opening year of 2025, as well as the future design year of 2030 which would represent the worst-case assessment conditions. This study revealed that the proposed development scheme would be unlikely to result in any material rise in traffic across the junctions. Maximum development impact would occur along Ashbrook Road, but this is because it only serves a small number of residential dwellings at present.
- 7.152 A junction operational impact overview was also undertaken. This included junction modelling of all junctions within the study area. It was concluded that the proposed development would not result in any material adverse effect to local highway network capacity. The report concluded that the introduction of the link road would be likely to result in a significant positive impact at the junction between the A669 High Street and Hartshead Street.
- 7.153 The provision of a link road between Ashbrook Road / A669 Lees Road and Knowls Lane has been a long-term aspiration of the Council and is contained as an allocation within the Local Plan. Ashbrook Road was constructed with the intention of its continuation in the future. This planning application now presents the opportunity of realising this ambition.
- 7.154 To ensure it has no detrimental impact on the existing road network, the Council commissioned Transport for Greater Manchester (TfGM) to carry out an assessment and modelling in addition to the information presented by the applicant. The work was carried out in two stages. Firstly, a preliminary strategic assessment of the potential transfer of traffic onto the link road was carried out. Secondly, detailed micro-simulation modelling was undertaken to examine the impacts of development traffic and re-assignment of other traffic resulting from the completion of the link road based on a newly created model of the area.



- 7.155 The evaluation focussed on two specific areas: the link road itself and the Hartshead Street / A669 High Street junction.

*Stage 1 - Preliminary Assessment of the Proposed Link Road*

- 7.156 TfGM added a link road to the latest base year version of the GM SATURN model. This showed that the link road could attract over 300 vehicles two-way during the morning peak and over 250 during the evening peak periods. This test did not include any development traffic so potentially this provides an overestimate of the attractiveness of the new route and hence the potential transfer of traffic onto the new route.
- 7.157 This assessment suggested that the link road would provide some relief at the Hartshead Street / A669 High Street junction with traffic turning right from Hartshead Street onto the A669 falling to negligible amounts.

*Stage 2 - Detailed Assessment of the Proposed Link Road*

- 7.158 Once stage 1 was completed, a micro-stimulation model was carried out to provide a more detailed assessment of the potential transfer of traffic onto the new link road.
- 7.159 Results from this showed that the transfer of traffic would be like that shown by the Stage 1 work with a reduction in right turns onto the A669 from Hartshead Street. The link road was shown to attract a two-way flow of 150 vehicles during the morning peak and 300 during the evening peak.
- 7.160 A second detailed study was then carried out whereby the development traffic was added to the first scenario. It was revealed that there would be increased flows of traffic using the link road. This is due to the addition of trips generated by the new development. Traffic from Lees New Road begins to re-route northbound along the link road instead of using Rhodes Hill / Hartshead Street.
- 7.161 Overall, it was found that the addition of the link road causes a significant shift in the movement of traffic on the network. By allowing additional north-south movement through the network, there will be a significant reduction in the number of drivers choosing the Rhodes Hill / Hartshead Street route. Additionally, more traffic travels along the A669 High Street between the junctions with Hartshead Street to the junction of Ashbrook Road to access the link road.
- 7.162 The report reveals that there does not appear to be a material increase in congestion anywhere on the network due to the addition of the development traffic. There is a slight delay time increase for traffic emerging onto the A669 High Street from High Street.
- 7.163 The Highways Engineer is satisfied, having read both the Transport Assessment submitted by the applicant, and the report prepared by TfGM, that the additional traffic

generated by the residential development will not have an adverse impact on highway safety due to an increase in traffic generation.

- 7.164 Furthermore, both studies have revealed that the construction of the link road will have a positive effect on the existing highway network by reducing the amount of traffic using the Hartshead Street/ A669 High Street junction.
- 7.165 The Highways Engineer is also satisfied that, so long as the link road is constructed in accordance with the Local Authority's standards under a Section 38 Agreement, the access road and the residential developments it serves can be utilised safely by all users of the highway.
- 7.166 In order for the proposed link road to operate safely, and to link effectively with the existing highway network, some mitigation measures are required. This includes changes at the Ashbrook Road / A669 Lees Road junction. There will be an increase in the number of vehicles turning left and right into and out of Ashbrook Road. A highway improvement will be required to improve the pedestrian crossing facility across Ashbrook Road, along with the realignment of the kerbs to improve vehicular access.
- 7.167 Works will also be required on the A669 Lees Road to ensure that the highway is able to accommodate the additional vehicles turning into and out of the development, taking into account the alignment of the carriageway and the pedestrian crossing facility on Lees Road and any amendments required to existing Traffic Regulation Orders in the area.
- 7.168 New advanced directional signage associated with the link road will be required along with some additional street furniture on Knowls Lane.
- 7.169 The provision of the link road will lead to an increase in traffic along Lees New Road and the existing traffic calming features should be enhanced to ensure the continued safety of all users of the highway. This will include a refresh of existing road marking and the replacement of the existing painted roundabout domes with rubber bolt on raised domes.
- 7.170 Works to improve the onward cycle connectivity will also be included in the contribution.
- 7.171 The cost of the above-mentioned works is £115,000. The costings for the S106 contribution are broken down as follows:
- Realignment of kerb / verge on A669 Oldham Rd to accommodate additional traffic using the junction and any alterations required to existing TROs / crossing facility - £50,000
  - Realignment of existing pedestrian crossing facility on Ashbrook Rd to pedestrian desire line -£25,000.
  - Inclusion of a provision for amendments to TRO's - £5,000
  - Provision of new Advanced Directional Signage on A669 - £6,000
  - Refresh of road markings on Lees New Rd - £2,000

- Replacement of existing painted roundabout domes on Lees New Rd with rubber bolt on raised domes where applicable - £6,000
- Provision of Advanced Directional Signage associated with new link road junction (number, type and wording to be agreed) - £6,000
- Street furniture to be provided behind existing kerb line adjacent Knowls Lane Farm - £5,000
- Onward cycleway connectivity at Lees New Road - £10,000

7.172 In taking account of the conclusions of the transport statement and the additional documentation submitted, the scale and nature of the development, the technical advice given by the Council's highway engineer and, subject to the imposition of the recommended planning conditions, it is considered that the proposed use can be adequately accommodated on the local highway network.

7.173 Furthermore, there would be adequate access, servicing, circulation and car parking arrangements. Moreover, the proposal would not have any detrimental impacts upon pedestrian or highway safety. For these reasons, the proposal is considered to be acceptable when assessed against policies 5 (Promoting Accessibility and Sustainable Transport Choices), 9 (Local Environment) and 20 (Design) of the Joint DPD.

## **Other**

### Ecology

7.174 Guidance is contained within paragraphs 175, 176 and 177 of the NPPF (2018), together with policies 1, 6, 9 and 21 of the Joint DPD.

7.175 Since the planning application was originally submitted to Oldham Council, there have been design alterations to reduce the length of the culvert and further ecology surveys carried out along Thornley Brook, notably an aquatic invertebrate survey.

7.176 The applicants state that Thornley Brook is considered an average watercourse in terms of its biological quality and neither GMEU nor the EA disagree with this point. This was confirmed during the aquatic invertebrate survey. There were no protected, rare or uncommon species of invertebrate found. The assemblage shows healthy sample point results, with little difference in quality between the two.

7.177 Desktop records show evidence of water vole to the north (approx. 900m at two locations) and associated with the River Medlock and Wood Brook, both of which have connectivity to Thornley Brook. Surveys revealed no signs of this species.

7.178 There were also no records of otter and no signs of otter activity along the stretch of Thornley Brook passing through the site during the surveys.



- 7.179 Other than the distant records of water vole, no records of other riparian or aquatic species were provided in the data search.
- 7.180 There were no desktop records or evidence of kingfisher recorded along the brook during the breeding bird surveys in 2017.
- 7.181 Thornley Brook is very heavily shaded which limits growth of aquatic vegetation which in turn also restricts the use of the brook by some species including invertebrates and water voles.
- 7.182 There is a lack of bank structure suitable for protected species, including water vole and white-clawed crayfish. The lack of aquatic vegetation would also affect both these species. Mitigation was subsequently designed to satisfy the concerns of the Environment Agency (EA). The applicant accepts that most of these improvements are species-specific, as discussed with the EA, and it is recognised that GMEU wish to see additional mitigation for the riparian corridor itself.
- 7.183 The applicants have proposed the following methods of mitigation to support the application.
- 7.184 Firstly, it is proposed to create natural barriers to prevent dogs leaving the footpath and entering the watercourse to minimise disturbance. Some areas of natural planting are proposed to create thickets to provide cover for otter. Also, a number of habitat piles will be included which could be used as otter couches along with an artificial otter holt at either side of the culvert. A mammal ledge will be included within the culvert to allow passage through. Clearance of litter / fly tipping is proposed along with clearance of Himalayan balsam from the banks. Furthermore, the future management plan for the site can allow for additional management measures including leaving the root plates of any fallen trees in situ as otters will use cavities behind these to rest.
- 7.185 Secondly, the culvert is being designed with a 300mm natural bed. Proposals are to fix a mesh to hold silts and gravels in place to encourage growth and stability as well as placing small boulders to replicate the bed situation upstream. The bed will be included as part of the future management of the site and will be monitored to ensure it remains in place. The culvert will also be designed to ensure it does not impede fish movement.
- 7.186 Thirdly, in addition to the measures above, further mitigation options to enhance the riparian corridor have been discussed and agreed with the applicant. Selective thinning along the banks of Thornley Brook is proposed. Thornley Brook is currently heavily shaded with no aquatic vegetation so thinning will allow light to penetrate through the canopy which will encourage the growth of aquatic vegetation. Selective thinning will also reduce competition on more mature trees, allowing them the room to grow and mature. It is not the intention to remove any well-established trees, purely the younger self-seeded whips and potentially some pruning works to open-up the canopy.



- 7.187 Fourthly, having considered GMEU's request for flood berms / pooling areas, a location has now been identified which can be enhanced to create a flood berm area. The swamp / marshy area at the bottom of the footpath off Ashbrook Road will be reprofiled so that the brook can flow through this at times of high-water levels and this would then in effect act as a pool / flood berm. This area would also be subjected to some vegetation / scrub clearance and would form a woodland glade and wetland area. Any silts and soils arising from reprofiling would then be spread on the adjacent land and planted with reeds and other wetland species to enhance diversity. Footpath connectivity would be maintained through the installation of a wooden footbridge across the brook.
- 7.188 In addition to this, it is considered that the wet swales, albeit a drainage feature, will provide areas of enhancement. Swale features provide shelter and areas to forage and breed for invertebrates, birds and mammals. They can be planted with native wetland plants, as long as care is taken not to impede stormwater passage and visibility. Occasional shallow pools can also form which provide opportunities for wetland plants. The swales will assist in ensuring habitat connectivity is maintained across the site.
- 7.189 There are no proposals to repair the existing walls alongside Thornley Brook or to incorporate any bat roosting features into these. The walls already provide natural roosting features currently and the applicant will be incorporating bat roosting and bird nesting features throughout the development. As there are natural features present it is considered unnecessary to provide additional features. To remove the walls would cause more harm, both through the physical removal of the walls and through getting construction / repairing equipment down to Thornley Brook.
- 7.190 In addition to the enhancements along Thornley Brook, Knowls Brook (that crosses the site) has been considered. It is proposed to carry out scrub clearance works especially to the northern end where it joins Thornley Brook as it is particularly scrubbed over at this location. Scrub clearance will benefit the water flow and again allow light to penetrate down to allow aquatic vegetation growth. This will assist in enhancing connectivity through the site. Reprofiling of Knowls Brook is not a consideration; any works to this brook would cause drainage issues elsewhere.
- 7.191 The site has been the subject of a Phase 1 Ecology Assessment and supporting surveys. The Ecological Assessment provides an appraisal of the ecological value of the site and identifies potential ecological constraints to inform the proposal in specific areas. These areas are outlined below.

### Habitats

A Phase 1 Habitat Assessment was provided within the Ecology work provided as part of this planning submission. This Habitat Assessment notes the presence of a semi-natural broadleaved woodland in the northern part of the site which is a S41 priority habitat and provides a green corridor connecting land east and west (to be retained by the development less that required to accommodate the link road). This part of the site is



considered of ecological value and provides good foraging, nesting, commuting and sheltering opportunities. Thornley Brook and tributary also provide a good habitat for riparian species and commuting features for bats.

Himalayan Balsam and Rhododendron invasive species were found to occupy parts of the site.

The presence of native bluebell was also noted onsite with patches located within the footprint of the proposed link road. It was agreed between the Council, applicant and Greater Manchester Ecology Unit (GMEU) that the presence of bluebell can be addressed and / or mitigated via the imposition of planning conditions.

### Amphibians

A total of five waterbodies were noted within a 500m of the site. Two waterbodies on-site were assessed for the presence of Great Crested Newts. Neither were considered to provide for a suitable habit and are isolated from other waterbodies in the wider area due to intervening existing development. The three remaining ponds were completely dry. No desktop records of amphibians exist within a 1km radius of the Site. As a result, there are no implications for the development with regard to amphibians.

### Badger

A confidential badger survey was undertaken to determine badger activity and assess the site and immediate surroundings for setts. It raised no concerns.

### Bats

A total of eight trees on site were considered potential suitable to support bat roosts. Three of these trees will be impacted by the proposal. These three trees have been found not to support boosting bats. For the remaining five trees, it was recommended that a buffer 1.5 times the tree canopy diameter could be created around each tree to maintain the microclimate of each tree and protect their suitability for use as a roost.

A total of three bat surveys were undertaken to understand bat activity on the site. Bat activity observed during these surveys illustrates that activity was distributed across the site with the major concentration within the woodland and along the woodland edge. The majority of this will be retained by the development apart from that which is required to accommodate the proposed link road.

### Breeding Birds

Surveys were conducted on site to understand the value and use of the site for Breeding Birds. 25 species were recorded within the western land parcel representing a reasonably

low diversity of breeding birds. Many of the bird species identified are commonplace and widespread. 17 species were recorded within the eastern parcel again representing a low diversity of breeding birds.

Overall, the site was considered to be of less than local importance. Notable onsite breeders; song thrush, dunnock and willow warbler, are birds associated with hedgerows, trees, shrubs and scrub. The removal of this vegetation would reduce the amount of suitable breeding habitat available to these species. However, retained woodland to the north would also provide suitable habitat for these species and this will be largely retained by the proposed development.

### Winter Birds

The site is considered to have very low potential for wintering birds. As such, no further wintering bird surveys are considered necessary.

The site is low value to wintering waders and wildfowl taking into account the sites use for dog walkers and proximity to existing residential areas, limited opportunity for sightlines due to topography, small field pattern, scrub and woodland. The same observations apply to raptor species.

### Reptiles

The site is low value to reptiles. There are no records of reptiles within 1km of the site. As such, there are no implications for the development regarding reptiles.

### Water Vole and Otter

Water Vole and Otter Surveys revealed no signs of either species within Thornley Brook or its tributary. Consequently, there are no implications to development regarding riparian species.

#### 7.192 In summary:

- The scheme provides opportunities for foraging and sheltering for a range of common and widespread fauna, along with nesting opportunities for birds.

Green links provide both north-south and east-west through the site will allow for free movement of a wide range of wildlife to remain unhindered.

Trees lost within the woodland to the link road will be required to be replaced.





Retained woodland would be enhanced through management practices, including the diversification of trees with new planting, and retention of deadwood, restoration of streams and creation of ponds / wetland.

Replacement trees would ideally be native and include a variety of nectar and berry bearing species to enhancing foraging opportunity.

The majority of tree and scrub planting would be located along the site boundaries and north-south tributary, to maximise potential for providing commuting corridors for wildlife.

- All existing trees that have high potential to support roosting bats will be retained as part of the development. Likewise, existing landscape features which provide foraging and commuting habitats for bats will be retained. The retention of these features can be secured through the imposition of an appropriate condition.
- The retention of woodland corridors and the introduction of new trees (including a woodland buffer on the south and east and other landscaped areas throughout the site) will help to mitigate any impacts of the development.
- In ecological terms, the loss of those trees required to provide for the site can be effectively mitigated as part of the landscaping proposals for the development.
- No significant wildlife interests or constraints on the site that would prevent the site being developed on nature conservation/ecology/biodiversity grounds. It is further considered that protection and mitigation, including in relation to the adjacent biological heritage site, can be secured by way of planning conditions.

7.193 These positions are supported by the views of the Environment Agency, Natural England and Greater Manchester Ecology Unit on the proposal. As such, the proposal complies with the policies of the development plan in respect of biodiversity and there is no reason to refuse the development on the grounds of impact on ecology or biodiversity. Indeed, the biodiversity of Thornley Brook would be improved through proposals such as scrub clearance at its confluence with Thornley Brook. As such, the works proposed will assist opportunities for biodiversity benefits to arise.

### Trees

7.194 An Arboricultural Impact Assessment was submitted to assess the quantity and quality of trees located within close proximity of the development site and to consider the potential impact of the development upon existing trees.

7.195 It found that most trees located on site are not of a high-quality specimen or condition, with just 14 tree / tree groups found to be Category A or B.



- 7.196 A total of 13 tree / tree groups are proposed to be removed in part or in their entirety by the proposal. None of the trees to be removed are of Category A or B quality. Of these, 3 trees / tree groups are required to be removed for safety reasons.
- 7.197 Trees lost to accommodate the development will be replaced on-site at a rate of three new trees to each tree lost to mitigate for any loss. Trees found to be of ecological value are to be retained. Measures outlined within the submitted Arboricultural Method Statement will be implemented during construction to minimise the risk of adverse effects on retained trees.
- 7.198 In view of the above measures, Officers consider that the application is consistent with Policy 6 of the Core Strategy. As such, there is no reason to refuse the application in relation to the proposed loss of trees and proposed replacement strategy.

#### Flood risk and drainage

- 7.199 National guidance contained within Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the NPPF (2018), the NPPF technical guidance document and Policy 19 (Water and Flooding) of the Council's Joint DPD are relevant.
- 7.200 The EA 'Flood Map for Planning' shows that most of the site is located within an area considered to be outside of the extreme flood extent (Flood Zone 1), meaning it has a less than 0.1% (1 in 1000) annual probability of flooding. Areas immediately adjacent to Thornley Brook are located within Flood Zone 2 – an area considered to be at flood risk with between a 0.1% and 1% (1 in 100) annual probability of flooding from rivers, and Flood Zone 3 – an area considered to be at flood risk with a 1% annual probability or greater of flooding from rivers.
- 7.201 In accordance with the NPPF, the risk-based 'Sequential Test' should firstly be applied to steer new development into areas of lower probabilities of flooding. The site layout will be developed taking a sequential approach, with all development located within Flood Zone 1 and no development proposed in Flood Zones 2 and 3.
- 7.202 The indicative masterplan indicates that the proposed development will be sequentially located wholly within Flood Zone 1. As such, it is considered that the site passes the Sequential Test and the Exception Test does not need to be applied.
- 7.203 The risk of flooding from all sources has been assessed in the submitted FRA. The main potential source of flooding to the site is medium risk surface water flooding. The identified flood risk will be mitigated by considering site levels so that topographical low points are removed from site areas. Where buildings are proposed, buildings should not be placed within the identified medium surface water risk areas adjacent to the ordinary watercourses.
- 7.204 Hydraulic modelling has been undertaken. This shows that areas of the POS immediately adjacent to the Thornley Brook and Knowls Brook are identified as being at risk of fluvial



flooding. However, the proposed development areas of the Phase 1 & Phase 2 sites are unaffected. The proposed new access crossing Thornley Brook (Thornley Brook Culvert) and new spine road crossing Knowls Brook (Knowls Brook Culvert) are shown to remain flood free during all simulated events up to and including the most extreme 0.1% AEP event, and when considering blockages during the 1% AEP+35CC event. The hydraulic modelling shows that the proposed development does not result in an increase in flood risk off site.

- 7.205 The proposed development will introduce impermeable drainage area in the form of buildings and access. This will result in an increase in surface water runoff. In order to ensure the increase in surface water runoff will not increase flood risk elsewhere, flow control will be used and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 30% climate change event. The sustainable drainage strategy will be prepared by a third party.
- 7.206 The submitted FRA and the creation of the culvert has been assessed by the Environment Agency and the LLFA, both of which have stated that, subject to conditions, there are no objections to the proposal in principle. The conditions relate to the creation of a SUDS strategy and the construction of the culvert itself. Therefore, in taking account of the planning history of the site, the findings of the FRA and the comments of the technical consultees, it is considered that the proposal would not increase the flood risk at the site or within the wider area. Furthermore, subject to the imposition of planning conditions, the site will be adequately drained. The proposal is therefore considered to be acceptable when assessed against national planning guidance and local planning policy.

#### Land and groundwater conditions

- 7.207 National guidance within paragraphs 178 and 179 of the NPPF (2018) and policies 7, 8 and 9 of the Council's Joint DPD are relevant. These policies seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.
- 7.208 The submitted Phase II Geo-Environmental Statement states that, given the predominantly undeveloped nature of the site, it is likely there will be limited made ground fill deposits and obstructions. Any existing structures will require demolition, with all relic foundations grubbing out, prior to the construction of the proposed development. It goes on to state that a number of historically infilled ponds and reservoirs are present within the site which are potential sources of alluvial deposits, silts and possible organic peat deposits in addition to potential depths of made ground. Investigation will be required in order to assess these and undertake in-situ geotechnical testing to determine the likely foundation solution for plots in these areas.



- 7.209 The site undulates significantly with notable topographical variances. In order to construct low rise residential development, significant earthworks will be required to create a level developable platform.
- 7.210 Due to the largely undeveloped nature of the site, the report states that there are limited potential sources of contamination identified. However localised areas have been identified as being potentially impacted by heavy metals, SVOCs, VOCs and hydrocarbon compounds, such as the eastern sector of the site adjacent to the bleach works and the northern sector in the former location of Clough End Mill. Furthermore, localised areas of made ground may be present in the infilled reservoirs and infilled ponds and perhaps in the locality of field boundaries.
- 7.211 In relation to Ground Gas, the report states that former ponds, infilled reservoirs and field boundaries are present across the site which may be potential sources of alluvial / organic deposits which may be a source of carbon dioxide and methane.
- 7.212 Having reviewed the report and the application, both the Council's Environmental Health team and the Environment Agency have stated that, subject to conditions in relation to the submission of an intrusive Phase II report to accompany any reserved matters application, there are no concerns with the proposal in relation to land and groundwater conditions.
- 7.213 An informative will be added to the decision notice to advise the applicant that paragraph 180 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and / or landowner.

#### Land stability

- 7.214 Paragraphs 178 and 179 of the NPPF (2018) seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.
- 7.215 The Coal Authority concurs with the recommendations of the Phase I Geo-Environmental Site Assessment Report, that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development, in order to establish the exact situation regarding coal mining legacy issues on the site.
- 7.216 The Coal Authority recommends that the Council impose planning conditions, should planning permission be granted, requiring site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat a mine entry and any areas of shallow mine workings (to ensure the safety and stability of the proposed development), these should also be conditioned to be undertaken prior to commencement of the development.

### Archaeology

- 7.217 There are no archaeological concerns that would prevent the delivery of the site. Furthermore, appropriate monitoring, recording and preservation of any archaeological remains on the site can be secured by condition as appropriate.

### Environmental Impact Assessment

- 7.218 The proposed development does not constitute EIA development and a screening opinion has been issued to this end.

## **8. PLANNING BALANCE**

- 8.1. 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”.*

- 8.2. The proposal has been fully assessed against national and local planning policy guidance.

- 8.3. 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.

- 8.4. Because of the Council's lack of a five-year housing land supply, it is clear that the Council's OPOL policies - and indeed any other policies that restrict development of this land - are out-of-date. Consequently, it is considered that the presumption in favour of approving the development on the OPOL land can only be displaced if the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits of such development, when assessed against the policies of the NPPF 2018 as a whole.

- 8.5 Alternatively, specific policies in the Framework may indicate development should be restricted. The Framework is clear those relating to heritage assets do. As such, the 'public benefits' test of Paragraph 196 relating to heritage assets is engaged in this case.



- 8.6. Officers consider it is unarguable that additional housing arising from this scheme would be a significant public benefit for the area. It would introduce much needed private and affordable housing for local people. It would boost the supply of housing in accordance with the Framework, contributing up to 265 dwellings, of which 60 would be affordable. It would bring about additional housing choice and competition in the housing market. Additionally, the applicant has reached an agreement with St Agnes Church of England Primary School in order to gift a portion of the site to the school, for any future expansion of the school or for the creation of a playing field. As such, these benefits are given substantial weight in the planning balance.
- 8.7 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, amongst other things, jobs during the construction phase and, according to the applicant, result in construction spending of around £37.4 million. The new homes bonus would bring additional resources to the Council.
- 8.8. It is also acknowledged that the site is in a sustainable location, within range of the shops, services, schools and the other facilities of Lees. There are bus services available in the locality and, at a greater distance, a Metrolink station at Oldham. A range of employment opportunities exist in Lees and Oldham. In all these respects, the scheme would comply with the economic and social dimensions of sustainability.
- 8.9. Some environmental benefits would also occur. There is the potential for significant biodiversity enhancement through additional planting and provision of green infrastructure as well as the provision of a large SUDS. This coupled with the proposed landscape mitigation means that there are substantial environmental benefits associated with the scheme. A substantial area of public open space is also proposed. The potential improvements to biodiversity are significant and can be given positive weight in the planning balance.
- 8.10. As stated in the design section of this report, it is considered important that should a conditional approval be granted, then a Design Code condition be applied to any permission. The creation of a design code will ensure that the Council and the public are able to influence the form of development that is eventually built on the site. Whilst the indicative parameter plans and sections give a good indication on the level of quality that it is intended to be built on site, it is through a design code that the Council can ensure that the development is one that will stand the test of time and given the particular landscape sensitivities, it is considered a crucial element to any approval granted.
- 8.11 As noted above, Paragraph 196 of the Framework requires the harm to the significance of heritage assets to be balanced against the public benefits of the scheme. In addition, Paragraph 193 requires that, when considering the impact of a proposed development on the significance of heritage assets, great weight should be given to their conservation. However, for the reasons explained, it is considered that the level of harm to heritage assets would be limited and should be placed at the lower end of the 'less than



substantial' spectrum. In this case, it is found that any harm to heritage assets would be outweighed by the scheme's public benefits. Consequently, it is considered that the so called 'tilted balance' of Paragraph 11 of the Framework is not displaced in this instance.

8.12 Importantly, the Council needs to significantly boost the supply of housing to meet the Boroughs needs. The requirement to significantly boost the supply of housing in the district, coupled with the fact that there have been very few major planning applications for housing submitted to and approved by the Council in the past 10 years in the Saddleworth West and Lees ward, 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.

8.13 In this case, there are concerns in respect of the adverse effects on adjacent landscape and loss of OPOL land. It is considered that the scheme would cause harm to the character and appearance of the current valued landscape. However, the weight that can be applied to this landscape harm is limited because:

- Firstly, the land in question does not sit in an allocated landscape character area; and,
- Secondly, the Council's OPOL policy is out-of-date because of its lack of a five-year housing land supply.

In these circumstances, less than full weight must be applied to these concerns. Furthermore, it means that the Council's previous reason for refusal is not as robust as Members previously considered.

8.14 Ultimately, the key test in considering the planning balance of this application is whether the harm to the valued landscape is outweighed by the significant benefits new housing brings on an already part-allocated site and that enables the provision of a new link road sought in the Local Plan.

8.15 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 residential use;
- The site will deliver a long sought, policy compliant link road; and,
- The scheme has no design, ecology, amenity, flood risk, drainage, highways or other implications that would sustain a reason for refusal,

full planning permission is recommended to be granted for the link road and outline planning permission be granted for the residential use since the benefits of the scheme clearly outweigh the harm.



## 9. RECOMMENDATION

9.1. Grant full permission for the link road and outline planning permission for up to 265 dwellings, subject to the satisfactory negotiation of a Section 106 Legal Agreement for the following:

- 60 Affordable housing dwellings;
- Off-site highways work to the value of £115,000;
- Management of the open space to be provided on site; and
- The transference of land to St Agnes Church of England Primary School

9.2. Upon satisfactory completion of the above S106 Legal Agreement that the Planning Committee grant delegated approval for the decision to be issued by the Head of Planning and Development Management, subject to the following conditions:

### Full Element Only (Link Road)

1. The development of the link road 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. Prior to the commencement of development, scheme details of the new culverted link road and detailed mitigation package for this and the wider Thornley Brook river corridor shall be submitted to and approved in writing to the local planning authority.

Thereafter the culverted link road crossing shall be constructed as set out in the approved scheme.

The scheme shall include the following features for maximising the riverine habitat potential and retaining a high-quality ecological network:

- a) Detailed habitat reinstatement plans should reflect the updated culvert crossing designs.
- b) The outline Thornley Brook mitigation package (as per TEP drawings, March 2018) should be developed to a detailed design.
- c) Clear detail should be provided as to how the stated 300mm of natural bed will be achieved within the new culvert crossing.
- d) Details are to be provided of the mammal ledge and oversized culvert to maximise natural light and wildlife passage.
- e) Details of any bank re-profiling near the river.



- f) Where new soft landscaping is to be introduced to the river valley, that this be based on appropriate native species for this relatively shaded and damp location and look to introduce native woodland ground flora as well as new tree and shrub species.
- g) Appropriately locate any new habitat piles within the retained riparian woodland areas and outside of river high flow areas.

Reason – To ensure that the proposed major crossing of river and stated mitigation package (as per TEP drawings, March 2018) are developed and designed in a way that contributes to the nature conservation and fisheries value of the site, in accordance with the National Planning Policy Framework (NPPF) paragraph 170, which states that planning decisions should conserve and enhance the natural and local environment by minimising impacts on biodiversity.

3. Notwithstanding the features shown on the approved plans, agreement should be sought prior to the commencement of works to the new embanked road crossing and culvert for the following items:

- a) Detail of in-culvert 300mm natural stream bed including material size, retaining mechanism, projections of stability during flood events.
- b) The culvert design schedule should include for maintenance and remediation should the bed feature fail within 5 years of installation. The maintenance schedule should identify who is responsible for post construction / establishment / snagging monitoring and the date when the structure is passed over to the Local Authority.
- c) Lighting of road deck to provide details of best available industry standard lighting which accords with BS 5489-2: Code of Practice for the Design of Road Lighting to prevent light spillage and retain as much of a dark corridor as possible.
- d) Height of mammal ledge confirmed against heights during flood events of 1 in 100 year.
- e) The location of 6 bat boxes and bird boxes (dipper and pied wagtail) to be agreed and approved by the local planning authority to ensure the boxes provide a variety of conditions for bat and bird roosting.
- f) Planting and features on gabion edge specified and provided as amendment to Landscape Masterplan (TEP drawing no D6363.001).

Reason – To ensure the ecological interests of the site are fully considered and the detail of the requirement to divert / underdrain parts of the Link Road are submitted to and approved by the Local Planning Authority and carried out in compliance with the approved details. Any new diversion also needs to be sympathetic to natural landscape.

4. Prior to the commencement of development of the Link Road, a revised Landscape and Ecological Management Plan (LEMP) for habitat compensation works for the Link Road shall be submitted and approved in writing by the LPA. The revised LEMP should contain the following:



- a. Details of the landscape and habitat mitigation / compensation works for the culvert construction in Area 1 and the wooded valley of Thornley Brook. Details and further specification should follow the principles of the submitted plan - Riverbank Habitat Improvement Area 1 (TEP, drawing no D6363.003C).
- b. Location and design of the 2 artificial otter holts.
- c. Size height and location of habitat piles with all surplus cut material from trees and brash removed from the site. Location of access routes and temporary storage for silt & dredged material to be removed from the pond.
- d. Detail of any works to the pond outfall to make good or improve its functioning.
- e. Making good any construction / habitat compensation access routes that will be subsequently used by the public.
- f. Details and locations of other countryside management features or furniture including new / reinstated paths, gates or steps. Willow spilling, passive dog deterrents, signage, path drainage.
- g. Monitoring and management process for the sequential removal and treatment of INNS rhododendron, laurel and Himalayan balsam.
- h. Details of riverine reseeded and any other planting proposals to include locally native species and methods of remediation/reseeding if planting fails.
- i. Management plan for the retained and new woodland in the valley and the link road embankment. All matters of the LEMP should be included with mechanisms for resourcing and identification of responsibility in perpetuity. The LEMP and its initial implementation is the responsibility of the developer for a minimum of the 5-year establishment period.

Reason - To protect the natural environment and to ensure the LEMP is based on up-to-date information.

#### General Elements

5. Prior to commencement of the link road and each subsequent and separate phase of development, a detailed method statement for removing or for setting out the long-term management / control of Himalayan balsam and Rhododendron identified on the site shall be submitted to and approved in writing by the Local Planning Authority.

The method statement shall include proposed measures that will be used to prevent the spread of Himalayan balsam and Rhododendron during any operations (e.g. mowing) and shall also contain measures to ensure that any soils brought into the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended.

Development shall proceed in accordance with the approved method statement.

Reason – To prevent the spread of Himalayan balsam and Rhododendron which are invasive species.



6. Prior to the commencement of the link road and each subsequent and separate phase of development, updated bat and badger surveys shall be submitted to and approved in writing by the LPA. These should be undertaken no earlier than 6 months prior to the commencement of development, including any precautionary mitigation measures.

Reason – To ensure the protection of protected species (in line with the relevant legislation: Bats – Habitats Regulations 2017 and Badgers – Badger Protection Act 1992).

7. Prior to the commencement of the link road and each subsequent and separate phase of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the LPA. The construction of the embankment should be implemented according to a submitted Construction Environmental Management Plan, which provides the following details and is agreed prior to commencement of development:

- a. Location, boundary treatments and temporary lighting to any work compounds, locations for storage of materials and imported spoil to construct the embankment.
- b. Details and routes of any access / haul roads including protective measures to surrounding habitats, surfacing and / or temporary drainage requirements.
- c. Certification of clean spoil for construction of the embankment and biosecurity monitoring and management for Invasive Non-Native Species, particularly Japanese Knotweed. This should continue for a minimum of 5 years post completion of the works and be the responsibility of the construction contractor.
- d. Details of details of facilities for the storage and removal of refuse and waste material, working methodologies and measures to prevent spillage of materials, excess surface water run-off and increased sediments into Thornley Brook during construction.
- e. Details of temporary high visibility fencing to all retained trees and their root zones, woodland edge (to root zones) and 5m stand-off to retained watercourse.
- f. Vegetation removal (including undergrowth such as bramble). This should occur outside the bird nesting season (March – August inclusive).

Reason – To ensure the adequate handling of refuse and waste materials, to minimise any detriment to the natural environment through the risks of pollution and dangers to highways safety during the construction phase.

8. No phase of the residential development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority.

The landscape management plan shall be carried out as approved for each phase of development.

The scheme shall include the following elements:



- a) Details of the extent and type of new soft landscaping including planting schedule based on UK provenanced and native species.
- b) Details of retained BAP woodland, acid & marshy grassland habitats.
- c) Details of maintenance regimes.
- d) Details of any new habitat created on site.
- e) Details of any bluebell translocation areas.
- f) Details of sensitively designed and located SUDs features adjoining retained greenspace corridors.
- g) Details of treatment of site boundaries and/or buffers around steep valley stream corridors.
- h) Details of management responsibilities.

Reason - To ensure that a landscape / planting scheme is submitted and implemented in the interests of visual amenity and in compliance with the guidance set out in paragraphs 109 and 118 of the National Planning Policy Framework.

9. Prior to the construction of the Link Road a surface water drainage strategy, based on sustainable drainage principles and an assessment of the hydrological and topographical context of the development site, should be submitted to and agreed in writing by the local planning authority.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- a) Details of proposed new SUDs features which positively integrate with existing wildlife habitats and topography, particularly the steep stream valleys.
- b) Details of SUDs features that maximise the multiple environmental benefits including wildlife, water quality in combination with flood risk as outlined in CIRA guidance ([https://www.cira.org/Memberships/The\\_SuDs\\_Manual\\_C753\\_Chapters.aspx](https://www.cira.org/Memberships/The_SuDs_Manual_C753_Chapters.aspx)).
- c) Details of how the scheme shall be maintained and managed after completion.

Reason - To ensure that the site can be adequately drained and is connected to suitable drainage systems in order to protect the water quality of the adjoining Thornley Brook WFD waterbody and improve ecological value within retained greenspace corridors.

10. Prior to commencement of any residential development and any subsequent and separate phase of residential development, a foul and surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and topographical context of the development site, should be submitted to and agreed in writing by the local planning authority.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- a) Details of proposed new SUDs features which positively integrate with existing wildlife habitats and topography, particularly the steep stream valleys.
- b) Details of SUDs features that maximise the multiple environmental benefits including wildlife, water quality in combination with flood risk as outlined in CIRA guidance ([https://www.cira.org//Memberships/The\\_SuDs\\_Manual\\_C753\\_Chapters.aspx](https://www.cira.org//Memberships/The_SuDs_Manual_C753_Chapters.aspx)).
- c) Details of how the scheme shall be maintained and managed after completion.

Reason - To ensure that the site can be adequately drained and is connected to suitable drainage systems in order to protect the water quality of the adjoining Thornley Brook WFD waterbody and improve ecological value within retained greenspace corridors.

11. Prior to the construction of the Link Road and for each subsequent and separate phase of development, a site investigation and assessment in relation to the landfill gas risk should be carried out.

The consultant's report and recommendations should be submitted to and approved in writing by the Local Planning Authority.

Written approval from the Local Planning Authority will also 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 within 250m of a former landfill site.

12. Prior to the construction of the Link Road and each subsequent and separate phase of development, a site investigation and assessment to identify the extent of land contamination should be carried out. The consultant's report and recommendations should be 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 and to secure the satisfactory development of the site in terms of human health and the wider environment.

13. The access, alignment and standard of the Link Road and associated highways infrastructure will be developed in accordance with the following approved drawings:

- Proposed Link Road Schematic Drainage (Sutcliffe) Drawing No. 28959-620-P1;
- Proposed Link Road Longitudinal Section (Sutcliffe) Drawing No. 28959-625-P7;
- Proposed Link Road Cross Sections (Sutcliffe) Drawing No. 28959-626-P6;
- Proposed Culvert Longitudinal Section (Sutcliffe) Drawing No. 28959-627-P5;



- Path Realignment Works (Sutcliffe) Drawing No. 28959-628-P3;
- Proposed Link Road Visibility Check (Sutcliffe) Drawing No. 28959-629-P1;
- Proposed Link Road Vehicle Tracking (Sutcliffe) Drawing No. 28959-630-P1;
- Proposed Link Road Junction with Knowls Lane including Widening, New Footways and Visibility (Axis) 2123-01-GA-101;
- Proposed Development Site Access Locations from Proposed Link Road including New Footways and Visibility.

Reason – To ensure that the development is carried out in accordance with the approved plans and ensure a safe road design in accordance with the Manual for Street and the Design Manual for Roads and Bridges.

14. No demolition shall commence until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and,

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

Reason: To enable the recording of any matters of archaeological interest.

Outline Element

15. Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) of the residential elements of the proposal shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any residential development on the site. The development shall be carried out in accordance with the approved details.

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

16. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- i) The expiration of five years from the date of this permission; or,
- ii) The expiration of two years from the final approval of the reserved matters or in the case of different dates, the final approval of the last such matter to be approved.

Reason - To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

17. In the case of the reserved matters, an application for approval must be made not later than the expiration 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.

18. The submission of reserved matters application(s) shall include a detailed landscape environmental management plan (LEMP) for the open space to be provided within the site. The LEMP should consider the following:
- a) A landscape buffer to south (approx. 20m) and transition zones on the northern boundary should provide appropriate semi-natural habitat recreation, with an emphasis on grassland habitats including acid and marshy grassland types.
  - b) Habitat permeability that is to be incorporated into garden / property curtilages and other boundary features to allow passage of small mammals (e.g. hedgehog) and amphibians.
  - c) Features that benefit wildlife within the built development, such as bird and bat boxes and wildlife sensory ornamental garden planting. These measures are to be incorporated into at least 10% of the properties.
  - d) Long-term objectives, planting schedules, habitat management prescriptions, management responsibilities and maintenance schedules. This would also include the long-term management of the SuDS system for both its functioning as attenuation and its biodiversity.

Reason – To ensure adequate landscaping is provided and the LEMP is based on up-to-date information.

19. The submission of reserved matters relating to each phase of the development hereby approved shall include a Design Framework demonstrating how that phase complies with the approved Design and Access Statement (dated September 2017); Illustrative Masterplan (reference SK (90) 09 Rev B); and Site Parameters Plan (reference 6802\_SP (90)18 Rev E).

The Design Framework shall include details of the design process undertaken; justification for the design approach and architectural styles adopted; the core design principles guiding development of that phase and how the phase has been designed to accord with the design objectives and principles within the approved Design and Access Statement, Illustrative Masterplan and Site Parameters Plan.

The Design Framework shall include details of how the layout addresses the following considerations:

- i. Connection with the surrounding network of public rights of way.
- ii. Street types and movement throughout the scheme via car, cycle and by foot.
- iii. Boundary treatments, trees and hedgerows.
- iv. Lighting and street furniture.
- v. Public open space required for the development.

- vi. Alignment with proposed character areas.
- vii. Treatment of the development edge.
- viii. Housing mix.
- ix. Building heights.
- x. Parking strategy, including layout parking allocations for motor vehicles and cycles.
- xi. Street cross sections.
- xii. Palette of materials for housing and public realm works.
- xiii. Location of emergency services infrastructure.
- xiv. Environmental standards and sustainable design elements (to include electric vehicle charging infrastructure).

Reason – To ensure a high-quality designed scheme and in the interests of the visual appearance of the development.

20. No phase of the development shall take place until a phasing plan, which shall include the access arrangements for each specified number of dwellings for each phase relative to a site maximum of 265 dwellings, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved phasing plan.

Reason – To ensure highways safety.

**APPENDIX 1 – PLANNING COMMITTEE REPORT DATED 14<sup>TH</sup>  
NOVEMBER 2018**

# APPLICATION REPORT - PA/340887/17

Planning Committee, 14 November, 2018

**Registration Date:** 05/10/2017  
**Ward:** Saddleworth West and Lees

**Application Reference:** PA/340887/17  
**Type of Application:** Full Planning Permission

**Proposal:** Hybrid Planning Application comprising of:

Part A - Full Planning Application for the development of a new link road between Knowls Lane and Ashbrook Road and associated works, and

Part B - Outline Planning Application for the development of up to 265 dwellings, open space and landscaping, with all matters reserved except for access.

**Location:** LAND AT, Knowls Lane, Oldham  
**Case Officer:** Graeme Moore

**Applicant Agent :** Russell Homes UK Ltd  
Barton Willmore

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## THE SITE

The site comprises an irregular shaped area of land on the south eastern edge of Lees that is enclosed by existing development to the north, east and west, with highways infrastructure (Knowls Lane and Thornley Lane) to the south. It is located approximately 2.95km to the east of Oldham Town Centre. Junction 22 of the M60 is located approximately 5.35km to the south west of the site.

The site itself has no other buildings on it.

The site is approximately 15.79ha in size. The majority of the site comprises vacant open grassland which was historically used for agricultural purposes. The valley of Thornley Brook and land to the north is wooded and accessible to the public. A footpath runs alongside the brook. At the western boundary of the site, an area alongside Thornley Brook has been enclosed as garden space, though the public footpath still crosses through it to Hartshead Street.

Pedestrian access to the site can presently be achieved from Ashbrook Road on the northern boundary. There is no formal vehicular access to the site. However, agricultural vehicular access can be achieved via gates at Manor Farm and from Thornley Lane.

### Site Surroundings

Topographically the site falls from south to north, becoming steeper as you approach Thornley Brook. Thornley Brook itself is located within a shallow but steeply sided valley, generally contained by vegetation. A further unnamed brook flows south to north through the middle of the site. Land near to this brook is also subject to steeper topography. The source of a minor tributary which flows into the unnamed brook is located within the eastern most field of the Site.

St Agnes Church of England Primary School (and associated playing field), and St Agnes Church (and grounds), are located along the north of Knowls Lane/Thornley Lane, to the south of the site. The Grade II listed buildings of Knowls Lane Farm, Knowls Lane Farmhouse, Manor House (and attached cottage), and Flash Cottage are located west to east respectively along Knowls Lane/Thornley Lane.

Public Right of Ways (PROW) cross through or run close to the site. PROW 27 crosses the eastern most field in a south east to north west direction leading from Thornley Lane in the south to PROW 25 close to Thornley Brook in the north. PROW 25 crosses through the central part of the site in a roughly north to south direction. The route connects close to Hiron Lane, where it meets PROW 197. The route then heads southwards, crossing Thornley Brook and into the site, providing links to PROW 26 and PROW 27. PROW 25 cross the site towards Manor Farm, where it meets Knowls Lane.

## **THE PROPOSAL**

A hybrid planning application has been submitted comprising of:

- Part A - Full planning application for the development of a new link road between Knowls Lane and Ashbrook Road and associated works; and,
- Part B - Outline planning application for the development of up to 265 dwellings, open space and landscaping, with all matters reserved except for access.

In addition to the submitted plans, the following documents have been submitted as supporting information:

- A Planning Statement (PS);
- A Design & Access Statement (D&A);
- A Flood Risk Assessment (FRA);
- A Arboricultural Implications Assessment (AIA);
- An Ecological Assessment (EA);
- A Heritage Statement (HS);
- A Landscape and Visual Impact Assessment (LVIA);
- A Noise Impact Assessment (NIA);
- A Transport Statement (TS); and
- A Highway Design Report (HDR).

## **SCREENING OPINION**

A Screening Opinion was issued by the Local Planning Authority (LPA) on the 6<sup>th</sup> November 2017 confirming that the development does not constitute Environmental Impact Assessment (EIA) development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and therefore a full EIA is not required for the proposed development.

## **PLANNING HISTORY**

None relevant to the determination of this application.

## **ALLOCATION AND PLANNING GUIDANCE / POLICY**

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 2018). The revised National Planning Policy Framework was published on 24 July 2018 and the policies within the revised Framework are material considerations which should be taken

into account in dealing with applications

The site is allocated as part of a Phase II Housing Allocation and as Other Protected Open Land (OPOL) within the Council's adopted Local Development Framework (LDF).

The following policies of the Council's LDF are relevant to the determination of this application:

Joint Core Strategy and Development Management Policies Development Plan Document adopted 9 November 2011 (the 'Joint DPD')

#### Core Strategy

Policy 1 Climate Change and Sustainable Development

Policy 2 Communities

Policy 3 An Address of Choice

Policy 5 Promoting Accessibility and Sustainable Transport Choices

Policy 6 Green Infrastructure

#### Development Management Policies

Policy 9 Local Environment

Policy 10 Affordable Housing

Policy 11 Housing

Policy 18 Energy

Policy 19 Water and Flooding

Policy 20 Design

Policy 21 Protecting Natural Environmental Assets

Policy 22 Protecting Open Land

Policy 24 Historic Environment

Policy 25 Developer Contributions

#### Supplementary Planning Guidance

Oldham and Rochdale Residential Design Guide

Oldham and Rochdale Urban Design Guide

### **PUBLICITY AND REPRESENTATIONS**

The application has been publicised on the Council's web-site, by press advertisement and by site notice. Three separate periods of consultation were undertaken in October 2017 (when the application was initially validated), April 2018 (on the submission of revised information) and finally in September 2018 (further revised information submitted). In total 2,707 representations were submitted (136 via email, 100 via hard copy, 930 signatures on one petition and 1,541 on a second petition).

The objections received raised a number of material considerations, which are summarised below in order of the date of consultations.

#### **October 2017 Consultation**

##### **Land Use / Loss of OPOL Land**

- A previous inspector stated that if the allocated housing site was developed, then it was 'imperative' that the OPOL site remained open as it serves to separate Grotton and Lees;
- There are a number of Phase 1 and Brownfield sites that are undeveloped and these should be used before the release of this OPOL site is considered;

- The OPOL site is a valuable natural resource for recreation and should be kept for future generations;
- The loss of the open space will have negative consequences for people's mental health, given the positive role that the area plays in terms of walking etc.;
- The proposal is contrary to policy 22 of the DPD as it is not small scale, or ancillary;
- The Council can currently demonstrate a 5.1 year supply of housing land – therefore, there is no need to develop the OPOL land;
- The development of the site will irreversibly alter the rural feel of the area;
- Oldham Council have wanted to build the road for years, but haven't for monetary reasons. Residents should not have to suffer the loss of the OPOL site to help boost developer profits so that they can afford to build the road; and
- The proposal will lead to a loss of Public Rights of Way.

### **Highways & Traffic**

- The link road will have a detrimental impact on Hartshead Street, Oldham Road and Lees New Road;
- The nature of the link road will encourage speeding;
- The traffic survey was carried out in the school holidays and is not a true reflection of the level of congestion in the area;
- The proposal will encourage traffic on Thornley Lane which is narrow and winding;
- The junction designs are unsafe as is the road as it encourages high speeds;
- Why hasn't a bridge been considered?
- The only benefit of the road will be for the people who live on the proposed estate;
- The development will lead to over 500 cars trying to use the main road in to Oldham;
- The proposal does not and cannot promote any 'sustainable' modes of transport due to the site and its inappropriate location;
- There are no measures to reduce traffic flow from Oldham Road.

### **Biodiversity**

- The development would result in a loss of pipistrelle bats, foxes, badgers and over 20 species of birds;
- The Environment Agency object to the scheme on biodiversity grounds;
- Culverting the brook will result in a loss of wildlife and fauna;
- The Environmental Assessment has not been properly carried out and the development will result in a loss of protected species that are S41 protected species, BRd Red list and Bam amber listed species; and
- No survey work has been undertaken to assess the impact on macro-invertebrates.

### **Infrastructure / Services**

- Schools are already oversubscribed as are dentists and doctors. How is this scheme going to improve the situation?
- Car parking outside schools will be dangerous;
- It takes weeks to get a doctors appointment already;
- There is no evidence that the proposal will have a beneficial impact on existing services; and
- The proposal will bring additional strain to healthcare services.

### **Flood Risk**

- The culverting of Thornley Brook would increase the risk of flooding elsewhere.

### **Heritage**

- The proposal will have a negative impact on existing Grade II listed heritage assets.

### **Air Quality**



- The proposal will lead to an increase in car usage and subsequently air pollution would worsen.

#### **April 2018 Re-consultation**

##### **Land Use / Loss of OPOL**

- The proposal will have a negative impact on the character and appearance of the OPOL;
- An Inspector previously stated that the OPOL site should remain undeveloped;
- The proposal will result in a loss of a 'green lung';
- The OPOL site is only being used to boost the developers profits;
- The loss of the the OPOL is not outweighed by the benefits of the scheme;
- If the developers can't afford to build the road without building on the OPOL, then they should find somewhere else;
- The proposal will lead to a loss of the OPOL site;
- The Council can currently demonstrate a 5 year supply. Therefore, there is no need to develop the OPOL site; and,
- The development of the OPOL site would be against the wishes of the local community.

##### **Highways & Traffic**

- The proposal will introduce a dangerous 'dog leg' junction;
- The proposal will cause traffic congestion;
- The link road would 'induce' traffic; and
- Nobody wants the road or understands why it was put forward in the first place.

##### **Biodiversity**

- The proposal would being irreversible damage to the existing wildlife and habitats.

#### **September 2018 Consultation**

##### **Land Use / Loss of OPOL**

- The proposal for 265 houses is not small scale or ancillary and is therefore contrary to OPOL policy;
- The area acts as natural 'green lung' and should be maintained;
- A previous Planning Inspector has noted that if the allocated site is developed, it is imperative that the OPOL site stayed undeveloped – whats changed?;
- Residents enjoy the area for walking and recreation;
- The loss of the OPOL land cannot be justified when there is so much brownfield land available;
- The area is essential to break up the built up areas of Lees and Grotton;
- OMBC is currently meeting its housing targets – there is no need to develop the OPOL site; and

##### **Highways & Traffic**

- The proposed link road formed part of a wider by-pass for Lees in the 1990's and is no longer needed;
- The road does nothing to alleviate congestion;
- The proposed link road will only move congestion from Hartshead Street to Knowls Lane;
- No justification for the link road;
- Highways seem oblivious to the difficulties that the scheme will cause on Oldham Road;
- The T-junctions will lead to accidents at both ends of the link road;

- The traffic survey was taken on a Bank Holiday and is not accurate;
- Can the Council afford to maintain the road?;
- The road will affect the visual amenity of the area; and

### **Biodiversity**

- The proposal will result in a loss of biodiversity;
- The proposal will be an act of environmental vandalism;
- The proposal will run contrary to the 'City of Trees' principles that the Council has signed up to;
- The proposal will result in a loss of trees;
- The proposed culvert will create a barrier to wildlife;
- The area is a haven for wildlife such as deer, badgers, newts, bats and foxes;
- The Environmental Assessment has not been properly carried out and the development will result in a loss of protected species that are S41 protected species, BRd Red list and Bam amber listed species; and

### **Infrastructure / Services**

- St Agnes Church of England Primary School only takes 15 pupils per year and cannot expand – where will the children that the estate generates go to?;
- None of the schools within a 2 miles radius have spaces in years 1-5;
- The methodology that Russell Homes have used to calculate school places is flawed;
- The doctors surgery's are full;
- The benefits of the scheme are overstated;
- The suggestion that new residents will bring extra expenditure is not the case as many prospective buyers will already live in the Oldham area; and

### **Air Quality**

- The proposal will lead to an increase in air pollution from the increased number of vehicles using the road and the surrounding area.

### **CONSULTATIONS**

An overview of the consultation responses received is provided below. Detailed analysis is provided in the 'Assessment' section of this report.

**St Agnes Church of England Primary School:** Having considered the application and the land that has been made available – at no charge - to the school for future use and/or expansion, the school is fully supportive of the scheme

**Highways England:** No objections.

**OMBC Highway Engineer:** No objections, subject to conditions in relation to the design of the link road, the junctions at both Oldham Road/Ashbrook Road and Knowls Lane and a Section 106 contribution in the region of £115,000 in order to facilitate the link road and associated works around the proposed junctions.

**Greater Manchester Ecology Unit (GMEU):** Do not object to the proposal, subject to the scheme securing a variety of biodiversity improvements via conditions and any design code.

**Natural England:** No objections.

**Conservation Officer:** On the information before them, they consider the proposal to be such that it would cause 'less than substantial harm' to the significance of the Grade II listed buildings, Knowls Lane Farmhouse, Knowls Lane Farm, Manor Farm and Flash Cottages. They consider it would cause 'less than substantial harm' to Lydgate Conservation Area. They consider the construction of the road would cause 'less than substantial harm' to

Knowls Lane Farmhouse. They also consider the proposal would result in a loss of local distinctiveness.

Nevertheless, whilst they have identified a less than substantial level of harm, they have not considered the public benefits of the proposal. It is suggested that these comments are considered with reference to Section 16 of the NPPF and particularly the balancing exercise it sets out.

They would also draw attention to the recommendations for the inclusion of a recording condition contained within the archaeological report if members were minded to support this application.

**Environment Agency:** No objection, to the proposal subject to conditions in relation to the design of the link road and culvert, measures to protect and increase biodiversity along Thornley Brook and the provision of a SUDS scheme.

**Greater Manchester Police Architectural Liaison Officer:** No objection.

**Environmental Health:** No objection, subject to conditions in relation to landfill gas investigations, contaminated land, refuse storage and the control of construction noise.

**Transport for Greater Manchester:** No objection, subject to conditions in relation to sustainable transport measures.

**The Coal Authority:** No objection, subject to conditions in relation to mine shaft investigations.

## **DETERMINING ISSUES**

- Land Use / Loss of OPOL Land
  1. Landscape Impact
  2. Impact on Heritage Assets
  3. Design
  4. Ecology
  5. Amenity issues
  6. Environmental impact
    7. Flood risk and drainage
      - Land and groundwater conditions
      - Land stability
  - Highways and Traffic
  8. Conclusion and the Planning Balance

## **ASSESSMENT**

### **Land Use / Loss of OPOL Land**

It should be noted from the start that approximately 52% of the site is allocated as a Phase II Housing Allocation carried over from the previous UDP and allocated in the current Joint Core Strategy and Development Plan Document. As such, the principle of residential use is acceptable in principle for part of the site.

Furthermore, in the last 10 years there has only been one permission of any significant (major application) size that has been built out (for 25 dwellings; PA/3326396/12) within the Saddleworth West and Lees ward. Whilst there are other permissions (two in total), delivering 28 dwellings and a recent outline permission from 2016 for up to 36 dwellings at Birks Quarry (PA/337932/15), the evidence shows that there has been a persistent under-delivery of housing in this area of the Oldham district.

The Government published in 2018 a Housing White Paper entitled - 'Fixing Our Broken

Housing Market'. The document outlined, amongst other things, the government's commitment to boosting housing supply to 300,000 homes a year. In order to achieve this, the government committed to revising the NPPF, which was recently revised and published on the 24th July 2018.

Paragraph 11 of the NPPF (2018) makes clear that:

*"housing applications should be considered in the context of the presumption in favour of sustainable development [as set out in footnote 7 of the NPPF]. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

Paragraph 73 of the NPPF (2018) requires local planning authorities to:

*"identify and update annually a supply of specific deliverable sites the specific sites should, in addition, include a buffer:*

8. 5% to ensure choice and competition in the market for land; or
- 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plans, to account for any fluctuations in the market during that year; or
- 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply"

Policies 1(a) and 11 of the Joint DPD indicate that, when determining planning applications, the Council will ensure the effective and efficient use of land and buildings by promoting the reuse and conversion of existing buildings and development on previously developed land prior to the use of greenfield sites.

With respect to housing, Joint DPD policy 3 identifies a preference for residential development on previously developed land prior to the release of greenfield sites, with a target for 80% of housing to be constructed on previously developed land. However, the policy does, make an allowance for the remaining 20% to be delivered on greenfield sites and, accordingly, does not seek to impose a moratorium against the release of greenfield sites for residential development.

Joint DPD policy 3 sets out the Council's approach to assessing applications for residential development. The policy states that applications for residential development will be permitted where:

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

Policy 3 makes clear that proposals for residential development on non-allocated sites will be considered favourably where the three circumstances in criterion (b) are applicable, or it is for a small development, comprising a change of use or conversion or a site not identified in the Council's SHLAA.

Joint DPD policy 3 identifies an annual, boroughwide housing target of *"at least 289 dwellings per year, net of clearance, on average over the LDF plan period up to 2026."* The applicant

has contended that the council cannot currently demonstrate an up to date 5 year housing land supply, based upon recent appeal decisions and the draft GMSF. In view of the latest household projections and adjustments for economic growth and market signals, the applicant contends that the delivery of the new housing proposed by the development would provide a boost to the housing supply in the district.

The Councils current housing land supply position set out in the AMR and is based on the target of 289 dwellings per annum as set out in Joint DPD policy 3. However, Policy GM5 to Chapter 8 of the latest draft of the Greater Manchester Spatial Framework (GMSF), dated October 2016, identifies an objectively assessed housing need of 685 dwellings per annum for Oldham, some 396 above the figure set out in policy 3 of the Joint DPD. Additionally, the governments own standard housing methodology proposes a target of circa 716 dwellings per annum. Whilst the GMSF is an emerging plan, it provides the most up-to-date evidence with respect to 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:

- iii) *"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 an emerging policy document which 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.

It is acknowledged that the Council's current five-year supply is not certain to meet proposed housing requirements in the draft GMSF (685dpa) or that set out in the Government's 'Planning for the right homes in the right places' which has recently been consulted upon (716dpa). However, it is important to note that these are still in draft / consultation form. Nevertheless, the evidence supporting the draft GMSF and the recent Government consultation indicates a housing requirement for Oldham of between 685 and 716dpa.

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. 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 weight in the determination of this scheme.

With respect to the remaining criteria in Policy 3 (ii) and (iii), it is apparent from the type and density of housing shown on the indicative layout the development would deliver larger family homes and higher-value housing which meet the needs and aspirations set out in criteria (a)

and (c) of Joint DPD policy 11. As such, this factor must also be given weight in the determination of this application.

The proposed development will provide for up to 265 new dwellings, including 60 affordable dwellings. The mix of the size, type, and tenure of new dwellings will be determined during a later Reserved Matters application. However, indicatively the applicant can confirm that the site is capable of accommodating a broad range of house types, sizes and tenure which is responsive to locally assessed need. This weighs positively in favour of the scheme.

### Other Protected Open Land

Part of the application site falls within OPOL 12 Thornley Brook East, Lees.

Policy 22 of the Local Plan sets out the Council's approach to protecting open land. It 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 policy goes on to say that the Council will assess OPOL in the Site Allocations DPD (which will now form part of the emerging Local Plan review).

OPOL is open land which, while not serving the purposes of the Green Belt is locally important because it helps preserve the distinctiveness of an area. As well as providing attractive settings, they provide other benefits, such as informal recreation and habitats for biodiversity, therefore helping to provide sustainable communities and help mitigate climate change.

The proposed development for up to 265 houses is not small scale or ancillary and it would have significant impact on the openness, distinctiveness and visual amenity of the OPOL, particularly given its setting and proximity to the wider Green Belt beyond and the nearby listed buildings. This is supported by the Inspector's examining the 2011 UDP plus their comments in relation LGG12 – East of Knowls Lane (now referred to as OPOL) at the UDP examination, in which they conclude that:

*'This is a substantial area of attractive open land which has much in common with the open countryside to the south. It serves to separate the extensive suburbanised area of Grotton to the east and the existing and proposed housing areas to the west.'*

The UDP Inspector at the 2011 UDP inquiry, went on to emphasise that if the housing site (Knowls Lane – H1.2.10) is developed it is imperative that LGG12 (now OPOL12) remains open. Further consideration of the impact of the proposal is given in the landscape impact section of this report.

However, given the protections that the OPOL allocation gives to part of the site, it is important to consider what circumstances the applicant has put forward in support of the development of the site to justify this. In summary, these are:

- iv) The delivery of a UDP allocation;
- v) The lack of a 5 year housing supply and the need for housing;
  - The economic benefits of the scheme;
  - The social benefits of the scheme;
  - The environmental benefits of the scheme;
  - The delivery of the Lees New Road extension, as set out in the Local Plan; and,
  - Gift of school land

### Consideration of OPOL special circumstances

The first point to understand is that the proposal will lead to the development of an allocated

housing site. Whilst it is noted that the proposal is a Phase II housing site, it is allocated nevertheless. Indeed, it is one of the few allocated housing sites that have remained undeveloped to date. The principle of developing part of the site for residential use is therefore in accordance with the Development Plan for the borough.

In relation to the need for housing it is acknowledged that Oldham may have a shortage of available, deliverable and achievable brownfield land sites. Whilst work has recently commenced on identifying further land through the GMSF and the replacement Local Plan process, this is still at an early stage. The applicant states that elsewhere in Greater Manchester there are examples where the pressure for new housing has been found to outweigh the conflict and loss of land designated as OPOL. This is accepted by officers.

Additionally, the proposal must be given some positive weight for the delivery of both market and affordable housing in an area that historically has not delivered any volume of housing in the borough for a considerable period of time. Indeed, in the last 10 years, there has only been three 'major' applications submitted in the Saddleworth West and Lees ward, which were for more than 10 dwellings (of 12, 16 and 25 respectively). Therefore, opponents suggestions that demand has somehow been met have to be treated with scepticism, based on the evidence to the contrary.

### The Economic Benefits of the Scheme

The applicant considers the following are economic benefits of the scheme:

- £11.3 million extra in the Oldham economy by the prospective new residents;
- Annual commercial expenditure (convenience, comparison, leisure, goods and services) by residents of £4.3 million to support and sustain the local community;
- New Homes Bonus of £1.3 million to support Council Services;
- Around 150 construction Jobs (on and off-site) over the lifetime of the build programme (estimated at 7 years);
- Indirect jobs through the local supply chain via the purchase of goods and services;
- Annual council tax contributions of £416,300;
- Total economic output (construction spend, by Russell Homes) over the construction phase of £37.4 million; and
- Development of a new link road between Ashbrook Road and Knowls Lane estimated to cost £3.5 million, meeting a Local Plan requirement.

### The Social Benefits of the Scheme

The applicant considers the following social benefits will occur if permission is granted:

- Creation of a high quality residential environment of up to 265 dwellings which contributes to the Borough's housing needs (existing and emerging), sub-area housing needs, and the maintenance of the five-year housing land supply;
- Development of housing in a sustainable location;
- Delivery of 60 much needed affordable housing units;
- Improvement in housing mix and choice which meets local need;
- Delivery of new link road improving public transport, bicycle and pedestrian connections in the area, and addressing the problem of a dangerous junction situated within Lees;
- Sustainable increase in population of Lees to support to continued vibrancy and vitality of services in the local area;
- Extension to and enhancement to public open space and footpath connections;
- Highway Safety improvements to Hartshead Street/Oldham Road Junction; safe all weather footpath connections between Knowls Lane and Oldham Road; footpath along Knowls Lane; and widening of Knowls Lane; and,
- Gift of school land to the adjacent primary school.

### The Environmental Benefits of the Scheme



The applicant has contended the following environmental benefits of the scheme:

- Well-connected site to existing services and facilities reducing the need to travel by car;
- Accessible by foot, bicycle and public transport, with proposed infrastructure enhance connections for the wider community;
- Ongoing management of wooded areas along the course of Thornley Brook;
- The site is not at risk from flooding, and will not increase the risk of flooding elsewhere; and
- New areas of landscaping and open space providing additional habitats for wildlife to flourish.

In general, officers concur with the benefits outlined by the applicant above. Consequently conclude that significant weight must be given in the decision making process to these benefits. In officers opinion, these benefits significantly and demonstrably outweigh the loss of OPOL land and the landscape buffer value it has in this location.

### Lees New Road Extension

Policy 17 Gateways and Corridors states that the Council will continue to safeguard, or identify land for a number of future transport infrastructure proposals, including the extension of Lees New Road. Paragraph 6.90 goes on to recognise that the extension is necessary to unlock the housing allocation at Knowls Lane and that the provision of the highway link would be part of the development costs.

The principle of the creation of the link road is therefore considered acceptable and is supported via policy 17 of the DPD. As such, meeting this UDP policy requirement is given significant weight in the assessment of this application by officers.

### **Landscape Impact**

The proposal will involve the loss of a large OPOL designation, with the removal of large parts of low level vegetation, with some trees also lost. However, in mitigation and in conjunction with the work that has been done with the councils appointed landscape architect the following is proposed as part of the development:

- The principal footpath links through the site, including the two existing Public Rights of Way, and new paths now provide broad green corridors with ample room for the planting of larger, native trees;
- The width of the green space along Thorley Lane is increased (to a minimum of 30m). This provides the opportunity for both strong tree planting and areas of open grassland - delivering visual impact mitigation and space for an appropriate ecological offer;
- Existing PROW are retained and enhanced so that they are incorporated into the layout of the site and are attractively overlooked via natural surveillance;
- The character of the layout on the western parcel is more urban in nature - the principal route to the east being a more formal avenue lined with traditional front gardens. Principal routes in the eastern parcel are more organic and contain a variety of street sections characterised by varying relationships between linear green space, road, footpath and building lines. Boundary treatments are more varied including stone walls, hedgerows, and buildings built along back of pavement.

Officers consider that the site is a 'valued landscape' as defined in para 170 of the NPPF for the following reasons:

- The site itself is an open agricultural field sloping gently down to a wooded brook, with a well-used byway along its northern boundary, set within open countryside to the south and Green Belt beyond, coupled with the Wharmton Undulating Uplands

character area. It is considered that this combination of attributes takes the landscape 'out of the ordinary'.

- It is obvious from the representations received from the public that the byway and footpath network is a popular route for access to and from the wider area for families and dog walkers for instance. Recreational users would find that the current views of the open fields would be irreversibly lost and it these views that adds to the outdoor experience.
- The application site is valued locally because it is part of the open countryside that provides a rural context for the urban area. It is the combination of the physical attributes of the area with how it is perceived that makes this a valued landscape.

### Policy Background

Guidance within Section 12 ('Achieving well-designed places') of the NPPF (2018) document is relevant, together with policies 1 (Climate Change and Sustainable Development), 6 (Green Infrastructure), 9 (Local Environment), 17 (Gateways and Corridors), 20 (Design) and 24 (Historic Environment), which provide guidance on the design of new development.

The application was accompanied by a Landscape & Visual Impact Assessment (LVIA) compiled by IBI Group. Bearing in mind the landscape sensitivities associated with the site, the LPA determined that it was prudent for the council to appoint its own landscape architect to assess the landscape impact of the scheme.

The 2013 GVLIA3 guidelines defines Landscape and Visual Impact Assessment (LVIA) as a tool used to identify and assess the importance of effects of change resulting from developments on people's views and visual amenity.

### Site Background

The site is located south east of Lees town centre and south of Oldham Road (A669). It is currently an area of open pasture, between the Thornley Brook Valley and Knowls Lane/Thornley Lane which defines it's southern boundary.

The settlement of Lees originates from its historic core to the west of the site, where mill buildings, chimneys and Victorian terraces remain very much part of the character and skyline of the former mill town. The Oldham Road (A669) a key east west link between the mill towns, is flanked by two to three storey Victorian terraces and (notably) the Liberal Club between Lees and Springhead, whilst south of the routeway on the falling ground associated with Thornley Brook Valley newer, lower density suburban development has extended to form the residential areas of Leesfield, County End and Station Road. Grotton and Holts continue this settlement on to the north facing the slopes of the valley.

There are significant heritage assets that are materially affected by the proposal, which in turn, has an impact on the landscape, including the Lees Conservation Area, Lydgate Conservation Area and the Church of St Anne (Grade II listed). In relation to the site itself, Knowls Lane Farm and Knowls Lane Farmhouse (Grade II listed) and Flash Cottages (Grade II listed) are also materially affected in landscape impact terms.

There are no National Trails within the site area. The borough circular route of the Oldham Way (RR3) passes through the study area from Greenfield in the east, crossing the River Tame at Quick before scaling Quick Edge and dropping into the residential area of Grotton within the Thornley Valley and along the southern boundary of the site before climbing again southwards to Hartshead Pike and on to Pitses in the west.

The Oldham – Lees Recreational Route runs along the former railway line (RR5). Both are confirmed as Strategic Recreational Routes in the context of GI assets in the Core Strategy.

The PROW network is extensive to the south of the site; with PROWs 197, 25 and PROW 27 providing key linkages from the residential areas in the north and east of the borough to the open landscapes to the south via the Oldham Way for example.

The PROWS and permissive routes within the Thornley Brook Valley are well used. Whilst the valley is heavily wooded the open pasture of the plateau landscape above the riverbanks are perceived as a strong contrast to the wooded valley and suburban housing areas to the north and west.

### *Strategic Landscape Character Areas*

At a national level, the site falls within the NCA 54 – Manchester Pennine Fringe. At a regional level, a Landscape Character Assessment has recently be commissioned for the Greater Manchester Conurbation. The findings are currently unpublished.

OMBC's Landscape Character Assessment (2009) includes the site within the Wharmton Undulating Uplands area (Area 7). However, it is noted that in the applicants submitted LVIA, they claim that the site lies within what they consider to be "The Urban Area" and therefore does not fall within a defined Landscape Character Area. Whilst it is accepted that the current allocated housing site, could be defined as being within the "Urban Area", it is officer's assertion, based upon the work that has been done by Camlin Lonsdale, that the OPOL site does fall within the Wharmton Undulating Uplands area (Area 7).

The description and Key Characteristics of the Wharmton Undulating Uplands are as follows:

- This open upland area sits between the urban fringe of Oldham and the settlements of the Tame Valley whilst providing long views out over the nearby urban areas. Scattered settlements and farmsteads are dispersed throughout the area and are linked by a network of narrow winding lanes. The area is predominantly farmland consisting of improved grassland managed for grazing and silage, although some areas are unmanaged and becoming rushy. These pastures are defined by a distinctive field pattern of gritstone walls. The farms of the area contain a significant number of horse paddocks whilst makeshift farm buildings associated with diversification are evident throughout the area.

### Key Landscape Characteristics:

- Open, upland landscape character created by the altitude, scarcity of trees and long views.
- A characteristic patchwork of upland pastures including small irregular fields and larger rectangular fields of moorland enclosure.
- A network of gritstone walls.
- Extensive network of footpaths and public rights of way.
- Dispersed settlement pattern comprising scattered farmsteads.
- A network of narrow winding lanes connects the farmsteads and settlements.
- Distinctive vernacular architecture dominated by the millstone grit building stone.
- Frequent long views across the intersecting valleys.

The site and *majority* (council emphasis) of the study area falls within Type 7a Urban Fringe Farmland. The key features of this area are:

- An open upland landscape character created by the altitude, scarcity of trees and long views.
- Frequent long views out over the urban settlements confined within the valleys below.
- A characteristic patchwork of upland pastures including small, irregular fields.
- Dispersed settlement pattern comprising scattered farmsteads sometimes in fairly close proximity.
- A network of narrow winding lanes connecting the farmsteads and settlements.
- Stone walls without grass verges often bound the lanes.

Based upon the analysis work that was carried out by Camlin Lonsdale, the following key landscape receptors (viewpoints) were identified:

- LLCAs 1 to 5;
- Knowls Lane Farm & Farmhouse, Manor House & associated Cottages;
- St Agnes School & Flash Cottages;
- Lees Conservation Area;
- Lydgate Conservation Area;
- OPOL LGG12;
- Listed Structures & Buildings;
- Public Rights of Way;
- Wharmton Undulating Uplands (Area 7a);
- Green Infrastructure Assets at the subregional level; and
- Oldham Green Belt.

### Landscape Effects

The table below lists the identified landscape receptors (viewpoints), and the impact on the landscape character of these receptors, based upon the work of the council's own appointed landscape architect.

Receptor	Landscape Impact at Year 1 of the proposal	Landscape Impact at Year 15 of the proposal
LCA1- Open Pasture (West)	Major-moderate adverse	Moderate adverse
LCA2 – Open Pasture (East)	Major-moderate adverse	Moderate adverse
LCA3 – Thornley Brook Wooded Valley	Moderate adverse	Moderate-minor adverse
LCA4 – Ashes Brook Valley	Minor adverse	Negligible adverse
LCA5 – L&NWR railway corridor	Minor adverse	Negligible adverse
Knowls Lane Farm & Farmhouse, Manor House & associated Cottages	Major adverse	Major adverse
St Agnes School & Flash Cottages	Major adverse	Major adverse
Lees Conservation Area	No determinable effect	No determinable effect
Lydgate Conservation Area	Minor-negligible effect	Negligible adverse
OPOL LGG12	Major adverse	Major-moderate adverse
Public Rights of Way	Moderate adverse	Moderate adverse
Wharmton Undulating Uplands (Area 7a)	Major-moderate adverse	Moderate adverse
Green Infrastructure Assets	Moderate adverse	Moderate adverse
Oldham Green Belt	Moderate adverse	Minor adverse

Notwithstanding the objections raised by the applicant in relation to the setting of the site and its location within the Landscape Character Assessment, the proposed development would clearly change the landscape character of the area from rural to urban. It is therefore felt that the proposal would have an adverse effect on the landscape resource of major/moderate significance based on the above table.

### Landscape Visual Impact

Turning to the visual effects, it is considered that the views from Thornley Lane and Knowls Lane would be transformed with built form in near and middle distance views, replacing

middle and longer distance views over open countryside. Mitigation by additional planting would not diminish the likely adverse visual impact from various viewpoints. However, whilst the scheme would alter views from nearby residential properties and so adversely affect the visual amenity of the area, it would not be so dominant or overbearing that it would impair the living conditions of existing occupiers by reason of its impact on outlook. Nevertheless, with high sensitivity receptors and medium/high magnitude of visual effect, it is considered that the scheme would have an adverse impact on visual amenity of major/moderate to major significance, both on completion and beyond 15 years post construction.

The scheme would have significant urbanising effects in Year 1, although many of these effects diminish in Year 15 as the proper mitigation strategies mature. The loss of open landscape, the fragmentation of a strategic landscape feature (the Thornley Brook Wooded Valley) and encroachment of development on to the northern slopes of the Pennine foothills is expected to have a tangible effect on the Wharmton Undulating Uplands (Area 7a) LCA at this key interface with wider Greenbelt areas, as well as reducing accessibility to the open countryside and potential diminution of its role as a Green Infrastructure corridor.

With regards to visual effects, the assessment has concluded that significant effects in Year 1 relate to effects on the PROW network both within the proposal area as well as the Green Belt locations to the south of the site. This effect is also expected to be experienced in the context of the rural lanes. However, with proposed mitigation, these effects are assumed to diminish with time.

### Conclusion of Landscape Impacts

The identified moderate adverse effects on the Wharmton Undulating Uplands (Area 7a) LCA is contrary to UDP policy 6 – Green Infrastructure. The development will result in significant, loss and fragmentation of GI assets, namely the Thornley Wooded Valley landscape feature and open landscape included in the Wharmton Undulating uplands (7a). Both features are important to the physical integrity of the identified GI corridor and network which is already significantly eroded by former residential development within the valley landscape.

The identified moderate adverse effects on the Wharmton Undulating Uplands (Area 7a) LCA is contrary to UDP Policy 21 – Protecting Natural Environmental Assets. The development has been found to not protect and conserve the local natural environments functions or provide new and enhanced functional GI; the policy stipulates that development proposals must extend or link existing green corridors as well as conserve and reinforce the positive aspects and distinctiveness of the surrounding landscape character.

The identified moderate adverse effects on the Wharmton Undulating Uplands (Area 7a) LCA is contrary to UDP Policy 22 – The scale, form and layout of the development is found to have a transformative effect on the local distinctiveness and visual amenity of OPOL 12.

On the issue of landscape impact, it is considered that the proposal would harm the character and appearance of the area and would conflict with the relevant development plan policies as outlined above. This landscape harm and policy conflict therefore weighs against the proposal.

### **Impact on Heritage Assets**

#### Policy Background

Guidance contained within section 16 (Conserving and enhancing the historic environment) of the NPPF (2018) and policy 24 (Historic Environment), of the DPD are relevant when considering the impact of proposals on heritage assets.

Policy 24 of the DPD states that:

*Development to, or within the curtilage or vicinity of, a listed building or structure must serve*

*to preserve or enhance its special interest and its setting. There will be a strong presumption against proposals involving the demolition of listed buildings or structures. Proposals which would lead to the loss or cause harm to grade I and II\* listed buildings should be wholly exceptional.*

This is reinforced within section 16 of the NPPF (2018) which states at paragraph 190:

*In determining applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

The NPPF (2018) goes on to state at paragraph 196:

*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.*

### Assessment

The application was accompanied by a Heritage Impact Assessment (HIA) which identified the heritage assets located on Knowls Lane and the landscape heritage setting associated with them. The HIA was subject to some revision based upon initial comments received from the Conservation Officer.

It is acknowledged, as noted in the assessment accompanying the application, that the views of the fields from the properties were not a significant feature contributing to the character of the of the Manor Farm and Knowls Lane Farmhouse buildings, as in the main their front elevations turn towards the road. Nevertheless, the fields were essential to developing farms in the area. A farm needs farmland and the current proposal would erode the functional and historical relationship that once existed between the farms and associated farmland.

However, it is acknowledged that this is a historic functional link, rather than a current working link. Nevertheless, a 'limited level' of harm is caused by the impact of the proposed housing development.

With regard to the Knowls Lane Farm, Knowls Lane Farmhouse and Manor Farm buildings, paragraph 5.22 of the submitted Heritage Statement notes '*generous areas of open space, mature trees and hedgerows will assist in retaining some of the rural qualities of the application site*'. Also the introduction of a buffer will ensure greenspace will be retained and this will emphasise the historic character. It is considered that the proposals will foreshorten the views to some extent, across the valley and create a sense of enclosure absent at the moment within the application site.

The report acknowledges that the agricultural associations have been diminished by the conversion of the properties from farms to ordinary dwellings. The use of the formerly associated land for dwellings would be diminished. However, it is considered that this will be mitigated by the improved landscaping proposed by the scheme and the buffer between the heritage assets and the proposed homes.

It is acknowledged that the indicative plan has noted a larger area of open space adjacent Flash Cottages. However, harm is still identified to the setting of the cottages and, whilst the proposal goes some way to mitigating the impact of the development, it would not produce a setting of the same quality and characteristics that currently exist.



The Council have considered the impact of the proposed development on the listed buildings. As noted above, the proposal will cause some harm, which is considered to have been underestimated in the applicants heritage statement (very limited level of harm to Knowls Farm et al; and 'limited' to Flash Cottages). However, the Council acknowledge that the harm caused to the agricultural setting would lead to the loss of the historic functional link and *not* a current working link. As such, having regard to the high threshold for 'substantial harm', and given that the fabric of the buildings would remain unaltered, officers conclude that the proposal would cause 'less than substantial harm' to the designated heritage assets for the purposes of the NPPF.

Turning to the assessment on the impact of the Lydgate Conservation Area, whilst it is acknowledged that the linear form of development in the Conservation Area is an important aspect of its character, its hill top location and visibility also contribute to its character as a ridge development in an isolated location. This element of its character, which contributes to its heritage significance, will be harmed by development as it erodes long distance views. This will result in 'less than substantial' harm. Therefore, any reserved matters applications will need to be mindful of views of the area and church in bringing forward the detailed design.

### Conclusion of Impact on Heritage Assets

It is the opinion of the Conservation Officer that the proposed development, by causing 'less than substantial harm', would fail to preserve the special architectural and historic interest of the Grade II listed buildings, Knowls Lane Farm, Knowls Lane Farmhouse, Manor Farm and Flash Cottages. It is officers opinion that the level of harm is at the lower end of the spectrum given the fact that the proposals do not cause harm to a current functional link, plus, a number of the buildings have been converted to residential use. Nevertheless, these findings bring the scheme into conflict with elements of local and national planning.

Given the statutory duty, set out in s66(1) and s72(1) of the 1990 Act, the Council must give considerable importance and weight to the desirability of preserving the setting of the listed buildings and preserving and enhancing the setting of the Lydgate Conservation Area in carrying out the planning balance exercise, even where the harm that would be caused has been assessed as "less than substantial".

The Council's Core Strategy advises '*development to, or within the curtilage or vicinity of, a listed building or structure must serve to preserve or enhance its special interest and its setting*' and paragraph 193 of the NPPF require that 'clear and convincing justification' is provided for any harm or loss caused to significance of heritage assets (noting that significance can be harmed or lost through development within the asset's setting).

Paragraph 196 of the NPPF requires that where development proposals 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. Paragraph 197 of the NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

### Public benefits of the proposal

There is no doubt that additional housing arising from this scheme would be a significant public benefit for the area. It would introduce much needed private and affordable housing in the borough. It would boost the supply of housing in accordance with the Framework, contributing up to 265 dwellings, of which 60 would be affordable. It would also bring about additional housing choice and competition in the housing market. The contribution of the site to both market and affordable housing requirements of the district is a matter of considerable importance. Additionally, the applicant has reached an agreement with St Agnes Church of England Primary School in order to gift a portion of the site to the school, for any future expansion of the school or for the creation of a playing field.

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 and, according to the applicant; result in construction spending of around £37.4 million. The new homes bonus would bring additional resources to the Council. It is acknowledged that the site is in a sustainable location, in relation to the range of shops, services, schools and the other facilities of Lees. There are bus services available in the locality and, at a greater distance, a Metrolink station at Oldham. A range of employment opportunities exist in Lees and Oldham.

Some environmental benefits would also occur. There is the potential for significant biodiversity enhancement through additional planting and provision of green infrastructure as well as the provision of a large SUDS. This coupled with the proposed landscape mitigation, means that there are substantial environmental benefits associated with the scheme. A substantial area of public open space is also proposed.

Given the benefits listed above, it is concluded that the harm that would occur to the heritage assets associated with the site, would be outweighed by the public benefits of the scheme. As such it is considered that the proposal is in accordance with the aforementioned 'public benefits' test outlined in para 196 of the NPPF.

## **Design**

Guidance within Section 12 ('Achieving well-designed places') of the NPPF (2018) document is relevant, together with policies 1 (Climate Change and Sustainable Development), 6 (Green Infrastructure), 9 (Local Environment) and 20 (Design), which provide guidance on the design of new development. Further guidance contained within the Oldham & Rochdale Residential Design Guide is also relevant in the determination of this application.

The NPPF (2018) states at para 124:

*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*

Policy 9 of the DPD states that:

*The council will protect and improve local environmental quality and amenity by ensuring development:*

- *is not located in areas where it would be adversely affected by neighbouring land uses; and*
  - *does not have an unacceptable impact on the environment or human health caused by air quality, odour, noise, vibration or light pollution; 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; and*
  - *does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape; and*
  - *does not result in unacceptable level of pollutants or exposure of people in the locality or wider area. Developments identified in the Air Quality Action Plan will require an air quality assessment; and*
- c) *is not located in areas where an identified source of potential hazard exists and development is likely to introduce a source of potential hazard or increase the existing level of potential hazard; and*
- d) *minimises traffic levels and does not harm the safety of road users. Proposals to work from home must also ensure provision is made for access, servicing and*

*parking.*

Policy 20 of the DPD states that:

*Development proposals must meet the following design principles, where appropriate:*

- vi) Local Character (including a character appraisal as appropriate)*
- vii) Safety and Inclusion*
- viii) Diversity*
- ix) Ease of Movement*
- x) Legibility*
  - *Adaptability*
  - *Sustainability*
  - *Designing for Future Maintenance*
  - *Good Streets and Spaces*
  - *Well Designed Buildings*

The submitted D&A contains information in relation to the outline element (the residential development) of the submitted scheme and is framed within certain parameter plans. Other elements are shown – such as the indicative masterplan. However, as stated, these are only indicative and do not form part of the approval. The detailed design of the site will be the subject of subsequent reserved matters applications.

There is a relatively brief section detailing the prevailing character of the surrounding areas, which detail the materials used for instance and it is welcomed that the applicants have detailed the historic character of the majority of the surrounding area. However, it is noted that the Oldham & Rochdale Residential Design Guide states that, when developing concepts for sites, it is important, amongst other things to look at the existing layout of streets, block size, scale and massing of buildings and the relationship of the buildings to the street and it is not clear from the work that has been done to date, whether or not this has informed the indicative nature of the masterplan.

Russell Homes Design Team first considered development on the site in spring of 2014, initially considering the western part of the application site allocated for residential development, together with the construction of a link road. An initial masterplan was generated for the GMSF call for sites, which in turn informed the submitted 'indicative' layout.

The proposal is accompanied by a parameters plan which has been the subject of much revision based upon the comments that have been received by the Council's consulting Landscape Architect. This has resulted in a indicative scheme that is much improved than that which was originally submitted. The proposal now takes into account the existing routes of the PROW and these will be incorporated in to the final design. The revised parameters also take into account the landscape buffer to the southern edge of the site, which results in a much improved outlook whereby it is proposed that the reserved matters applications would 'feather' in to the edge of the site and thus prevent a hard edge to the development.

Turning to the design of the link road, the proposal has also been the subject to revision, based upon comments received from the EA, TfGM and OMBC Highways. This has resulted in the culvert being narrowed and more natural features added to it to help it blend in to the landscape. Furthermore, the design of the link road will feature many of the elements that are proposed to be used as part of the TfGM 'Beelines' programme, thus helping to promote more sustainable modes of transport within the immediate locality.

In relation to the design of the reserved matters, it is considered imperative that the design is of a high quality. It is important to ensure that what is built on the site – should permission be granted - be of a high quality, given the landscape sensitivities of the site and its semi-rural location on the edge of Grotton and Lees.

The NPPF (2018) at paragraph 126 it states that:

*LPA's should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.*

Given the particular circumstances of the site and the policy support given in the NPPF, it is considered that should permission be granted for the scheme, a condition is applied that stipulates that a Design Code be drawn up for the site, before the submission of any phase of the reserved matters applications. The Design Code, drawn up in conjunction with the LPA, applicant and subject to public consultation, will result in a higher quality scheme than which would otherwise be submitted.

It is considered that a condition requiring a Design Code is further supported at para 128 of the NPPF which states that:

*"Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community."*

In taking account of the context and character of the site and surrounding area, it is considered that the overall design concept, the layout of the site and the scale and design of the associated infrastructure are acceptable. Bearing in mind that the detailed design will only be known at the reserved matters stage, it is considered that the commitment from the applicant to provide a high quality scheme, backed up by a design code can be given positive weight in the determination of this application.

#### Design conclusion

Suitably worded planning conditions could be imposed to ensure that outstanding details are submitted to and approved in writing by the LPA. Overall, it is considered that the visual and physical impact of the proposed development would be acceptable and in accordance with the aforementioned national planning guidance and local planning policy.

#### **Ecology**

Guidance is contained within paragraphs 175, 176 and 177 of the NPPF (2018), together with policies 1, 6, 9 and 21 of the Joint DPD.

Since the planning application was originally submitted to Oldham Council, there have been design alterations to reduce the length of the culvert and further ecology surveys carried out along Thornley Brook, notably an aquatic invertebrate survey.

The applicants state that Thornley Brook is considered an average watercourse in terms of its biological quality and neither GMEU nor the EA disagree with this point. This was confirmed during the aquatic invertebrate survey. There were no protected, rare or uncommon species of invertebrate found. The assemblage shows healthy sample point results, with little difference in quality between the two.

Desktop records show evidence of water vole to the north (approx. 900m at two locations) and associated with the River Medlock and Wood Brook, both of which have connectivity to Thornley Brook. Surveys revealed no signs of this species.

There were also no records of otter and no signs of otter activity along the stretch of Thornley Brook passing through the site during the surveys.

Other than the distant records of water vole, no records of other riparian or aquatic species were provided in the data search.

There were no desktop records or evidence of kingfisher recorded along the brook during the breeding bird surveys in 2017.

Thornley Brook is very heavily shaded which limits growth of aquatic vegetation which in turn also restricts the use of the brook by some species including invertebrates and water voles.

There is a lack of bank structure suitable for protected species, including water vole and white-clawed crayfish. The lack of aquatic vegetation would also affect both these species. Mitigation was subsequently designed to satisfy the concerns of the Environment Agency (EA). The applicant accepts that the majority of these improvements are species-specific, as discussed with the EA, and it is recognised that GMEU wish to see additional mitigation for the riparian corridor itself.

The applicants have proposed the following methods of mitigation to support the application:

Firstly, it is proposed to create natural barriers to prevent dogs leaving the footpath and entering the watercourse to minimise disturbance. Some areas of natural planting are proposed to create thickets to provide cover for otter. Also, a number of habitat piles will be included which could be used as otter couches along with an artificial otter holt at either side of the culvert. A mammal ledge will be included within the culvert to allow passage through. Clearance of litter/fly tipping is proposed along with clearance of Himalayan balsam from the banks. Furthermore, the future management plan for the site can allow for additional management measures including leaving the root plates of any fallen trees in situ as otters will use cavities behind these to rest.

Secondly, the culvert is being designed with a 300mm natural bed. Proposals are to fix a mesh to hold silts and gravels in place to encourage growth and stability as well as placing small boulders to replicate the bed situation upstream. The bed will be included as part of the future management of the site, and will be monitored to ensure it remains in place. The culvert will also be designed to ensure it does not impede fish movement.

Thirdly, in addition to the measures above, further mitigation options to enhance the riparian corridor have been discussed and agreed with the applicant. Selective thinning along the banks of Thornley Brook is proposed. Thornley Brook is currently heavily shaded with no aquatic vegetation so thinning will allow light to penetrate through the canopy which will encourage the growth of aquatic vegetation. Selective thinning will also reduce competition on more mature trees, allowing them the room to grow and mature. It is not the intention to remove any well-established trees, purely the younger self-seeded whips and potentially some pruning works to open up the canopy.

Fourthly, having considered GMEU's request for flood berms/pooling areas, a location has now been identified which can be enhanced to create a flood berm area. The swamp/marshy area at the bottom of the footpath off Ashbrook Road will be reprofiled so that the brook can flow through this at times of high water levels and this would then in effect act as a pool/flood berm. This area would also be subjected to some vegetation/scrub clearance and would form a woodland glade and wetland area. Any silts and soils arising from reprofiling would then be spread on the adjacent land and planted with reeds and other wetland species to enhance diversity. Footpath connectivity would be maintained through the installation of a wooden footbridge across the brook.

In addition to this, it is considered that the wet swales, albeit a drainage feature, will provide areas of enhancement. Swale features provide shelter and areas to forage and breed for invertebrates, birds and mammals. They can be planted with native wetland plants, as long as care is taken not to impede stormwater passage and visibility. Occasional shallow pools can also form which provide opportunities for wetland plants. The swales will assist in ensuring habitat connectivity is maintained across the site.



There are no proposals to repair the existing walls alongside Thornley Brook or to incorporate any bat roosting features into these. The walls already provide natural roosting features currently and the applicant will be incorporating bat roosting and bird nesting features throughout the development. As there are natural features present it is considered unnecessary to provide additional features. To remove the walls would cause more harm, both through the physical removal of the walls and through getting construction/repairing equipment down to Thornley Brook.

In addition to the enhancements along Thornley Brook, Knowls Brook (that crosses the site) has been considered. It is proposed to carry out scrub clearance works especially to the northern end where it joins Thornley Brook as it is particularly scrubbed over at this location. Scrub clearance will benefit the water flow and again allow light to penetrate down to allow aquatic vegetation growth. This will assist in enhancing connectivity through the site. Reprofiling of Knowls Brook is not a consideration; any works to this brook would cause drainage issues elsewhere.

### Ecology Conclusion

GMEU have confirmed that they are aware that the embanked link road & culvert option have been considered across several disciplines and departments and that others have decided that, on balance, it is the most cost effective & appropriate design for the valley crossing. Their comments are made in full knowledge of this, having advocated for alternative solutions and in light of the additional measures that have been proposed. GMEU also acknowledge that the western parcel of land for the outline housing application is allocated in Oldham's Local Plan.

Therefore, in taking account of the location of the site, the nature and scale of the proposed development, the findings of the ecological assessment and the advice given by consultees, it is considered that the proposal would not have any detrimental impacts upon local ecology, biodiversity or legally protected species. The proposal is therefore considered to be acceptable when assessed against the aforementioned national planning guidance and local planning policy.

### **Amenity issues**

National guidance within paragraph 123 of the NPPF and policy 9 (Local Environment) of the Council's Joint DPD provides guidance on pollution control and the impact of development on health, environmental quality, and amenity.

Concerns have been raised in relation to the impact that the proposal will have on air quality in the area once the development is completed. However these concerns are considered difficult to substantiate in the absence of evidence and given that the area around Lees is not one that is currently classified as an Air Quality Management Area (AQMA). As such, there are considered to be no grounds that would sustain a reason for refusal on these points.

Whilst there would undoubtedly be some impact during construction in relation to dust, it is considered that mitigation methods can be incorporated via a condition requiring the submission of a Construction Management Plan. Additionally, the submission of a Design Code for the reserved matters requires the creation of electric car charging vehicle infrastructure.

Overall, when considering the application against the requirements of policy 9 (Local Environment) and paragraph 123 of the NPPF, it is considered that the proposal does not conflict with the aims and criteria of the aforementioned policies and guidance.

### **Environmental impact**

#### Flood risk and drainage



National guidance contained within Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the NPPF (2018), the NPPF technical guidance document and policy 19 (Water and Flooding) of the Council's Joint DPD are relevant.

The EA 'Flood Map for Planning' shows that the majority of the site is located within an area considered to be outside of the extreme flood extent (Flood Zone 1), meaning it has a less than 0.1% (1 in 1000) annual probability of flooding. Areas immediately adjacent to Thornley Brook are located within Flood Zone 2 – an area considered to be at flood risk with between a 0.1% and 1% (1 in 100) annual probability of flooding from rivers, and Flood Zone 3 – an area considered to be at flood risk with a 1% annual probability or greater of flooding from rivers.

In accordance with the NPPF, the risk-based 'Sequential Test' should firstly be applied to steer new development into areas of lower probabilities of flooding. The site layout will be developed taking a sequential approach, with all development located within Flood Zone 1 and no development proposed in Flood Zones 2 and 3.

The indicative masterplan indicates that the proposed development will be sequentially located wholly within Flood Zone 1. As such, it is considered that the site passes the Sequential Test and the Exception Test does not need to be applied.

The risk of flooding from all sources has been assessed in the submitted FRA. The main potential source of flooding to the site is medium risk surface water flooding. The identified flood risk will be mitigated by considering site levels so that topographical low points are removed from site areas. Where buildings are proposed, buildings should not be placed within the identified medium surface water risk areas adjacent to the ordinary watercourses.

Hydraulic modelling has been undertaken. This shows that areas of the POS immediately adjacent to the Thornley Brook and Knowls Brook are identified as being at risk of fluvial flooding. However, the proposed development areas of the Phase 1 & Phase 2 sites are unaffected. The proposed new access crossing Thornley Brook (Thornley Brook Culvert) and new spine road crossing Knowls Brook (Knowls Brook Culvert) are shown to remain flood free during all simulated events up to and including the most extreme 0.1% AEP event, and when considering blockages during the 1% AEP+35CC event. The hydraulic modelling shows that the proposed development does not result in an increase in flood risk off site.

The proposed development will introduce impermeable drainage area in the form of buildings and access. This will result in an increase in surface water runoff. In order to ensure the increase in surface water runoff will not increase flood risk elsewhere, flow control will be used and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 30% climate change event. The sustainable drainage strategy will be prepared by a third party.

The submitted FRA and the creation of the culvert has been assessed by the Environment Agency and the LLFA, both of which have stated that subject to conditions, there are no objections to the proposal in principle. The conditions relate to the creation of a SUDS strategy and the construction of the culvert itself. Therefore, in taking account of the planning history of the site, the findings of the FRA and the comments of the technical consultees, it is considered that the proposal would not increase the flood risk at the site or within the wider area. Furthermore, subject to the imposition of planning conditions, the site will be adequately drained. The proposal is therefore considered to be acceptable when assessed against the aforementioned national planning guidance and local planning policy.

#### Land and groundwater conditions

National guidance within paragraphs 178 and 179 of the NPPF (2018) and policies 7, 8 and 9 of the Council's Joint DPD are relevant, which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any

proposals for mitigation.

The submitted Phase II Geo-Environmental Statement states that, given the predominantly undeveloped nature of the site, it is likely there will be limited made ground fill deposits and obstructions. Any existing structures will require demolition, with all relic foundations grubbing out, prior to the construction of the proposed development. It goes on to state that a number of historically infilled ponds and reservoirs are present within the site which are potential sources of alluvial deposits, silts and possible organic peat deposits in addition to potential depths of made ground. Investigation will be required in order to assess these and undertake in-situ geotechnical testing to determine the likely foundation solution for plots in these areas. The site undulates significantly with notable topographical variances. In order to construct low rise residential development, significant earthworks will be required to create a level developable platform.

Due to the largely undeveloped nature of the site, the report states that there are limited potential sources of contamination identified. However localised areas have been identified as being potentially impacted by heavy metals, SVOCs, VOCs and hydrocarbon compounds, such as the eastern sector of the site adjacent to the bleach works and the northern sector in the former location of Clough End Mill. Furthermore, localised areas of made ground may be present in the infilled reservoirs and infilled ponds and perhaps in the locality of field boundaries.

In relation to Ground Gas, the report states that former ponds, infilled reservoirs and field boundaries are present across the site which may be potential sources of alluvial / organic deposits which may be a source of carbon dioxide and methane.

Having reviewed the report and the application, both the Council's Environmental Health team and the Environment Agency have stated that, subject to conditions in relation to the submission of an intrusive Phase II report to accompany any reserved matters application, there are no concerns with the proposal in relation to land and groundwater conditions.

An informative could be added to the decision notice to advise the applicant that paragraph 180 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

#### Land stability

Paragraphs 178 and 179 of the NPPF (2018) seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The Coal Authority concurs with the recommendations of the Phase I Geo-Environmental Site Assessment Report, that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development, in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose planning conditions, should planning permission be granted, requiring site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat a mine entry and any areas of shallow mine workings (to ensure the safety and stability of the proposed development), these should also be conditioned to be undertaken prior to commencement of the development.

#### **Highways & Traffic**

Guidance within Section 4 ('Promoting sustainable transport') of the Government's National Planning Policy Framework (NPPF) document is relevant, together with policies 5 (Promoting

Accessibility and Sustainable Transport Choices), 9 (Local Environment), 13 (Employment Areas) and 20 (Design) of the Joint DPD. Guidance contained within the Oldham and Rochdale Design Guide set out the standards and criteria against which the highway implications of the development are assessed.

### Current situation

The development site is located approximately 700 metres to the south east of Lees district centre and the proposed road will form a continuation of Ashbrook Road forming a continuous link between the A669 Lees Road and Knowls Lane.

Knowls Lane, at the southern boundary of the site, leads to Rhodes Hill and Lees district centre to the west, and Thornley Lane to the east.

The new junction will be constructed off Knowls Lane, almost opposite the existing junction of Lees New Road. This is a local distributor road which provides access to a large residential area and leads to the B6194 Abbey Hills Road junction. To the south, Lees New Road continues to Ashton under Lyne, whilst to the west Abbey Hills Road continues towards Oldham town centre

The west of the site frontage becomes Rhodes Hill, which becomes Hartshead Street, eventually forming a T-junction with the A669 Lees Road. The gradient at the junction is steep and the turn into and out of it at Lees Road is difficult, often leading to delays as traffic travelling along Lees Road is required to wait.

Ashbrook Road, which is accessed from the A669 Lees Road, currently serves a small residential development, ending in a small turning area with pedestrian links through the development site. The proposed link road will be constructed as a continuation of Ashbrook Road.

### The Link Road

The detailed design of the link road will be finalised as part of the Section 38 Agreement with the Council. The local highway authority has worked with the applicant during the planning application process to ensure that a detailed design that is acceptable to them can be provided given the constraints of the site. This has resulted in an acceptance, in principle, that the link road can be constructed which will allow adequate and safe access to the proposed residential developments while also accommodating any traffic using the link road for access further afield.

A Transport Statement was prepared by Axis and submitted with the planning application. It assesses the implications of a new link road and the effect it will have on the local highway network, along with the potential trip generation of the proposed residential development. It assesses the sustainability of the site by examining the walking and cycling distances to a range of local amenities and the availability of public transport. The conclusion is that the site represents a sustainable location for residential development being located within acceptable walking and cycling distances to a range of amenities including schools and shopping facilities. The site was found to be accessible by bus services to and from local employment centres which should reduce the need for the utilisation of the private motor car for every day journeys.

Traffic counts were undertaken in May and June 2017 at a number of junctions that were potentially affected by the development. It was found that the peak local highway network peak hours were 07.30 - 08.30 and 16.00 - 17.00 hours.

The Transport Assessment considers the effects of the development over these peak periods, as well as the 12 hour period of 07.00 - 19.00 hours.

The Transport Assessment acknowledged that the introduction of the link road would lead to

a localised translocation of traffic movements from the A669 Lees Road junction with Hartshead Street.

Trip rates for the proposed residential development were derived from the TRICS database. It was found that for a development of 265 dwellings, a total of 141 two-way trips would occur during the morning peak, 163 two-way trips would occur during the afternoon peak periods and during the core daytime 12 hour period, 1,330 two way trips would occur.

This would equate to 2-3 additional vehicle movements every minute at peak time. This will be unlikely to result in any noticeable impact on the local highway network could be expected.

An assessment of the anticipated development traffic impact was also undertaken as part of the Transport Assessment. It was undertaken for the potential developments opening year of 2025, as well as the future design year of 2030 which would represent the worst case assessment conditions. This study revealed that the proposed development scheme would be unlikely to result in any material rise in traffic across the junctions. Maximum development impact would occur along Ashbrook Road but this is because it only serves a small number of residential dwellings at present.

A junction operational impact overview was also undertaken. This included junction modelling of all junctions within the study area. It was concluded that the proposed development would not result in any material adverse effect to local highway network capacity. The authors of the report concluded that the introduction of the link road would be likely to result in a significant positive impact at the junction between the A669 High Street and Hartshead Street.

The provision of a link road between Ashbrook Road/A669 Lees Road and Knowls Lane has been a long term aspiration of the Council and is contained as an allocation within the Local Plan. Ashbrook Road was constructed with the intention of its continuation in the future. This planning application now presents the opportunity of realising this ambition.

To ensure it has no detrimental impact on the existing road network, the Council commissioned Transport for Greater Manchester (TfGM) to carry out an assessment and modelling in addition to the information presented by the applicant. The work was carried out in two stages. Firstly, a preliminary strategic assessment of the potential transfer of traffic onto the link road was carried out. Secondly, detailed micro-simulation modelling was undertaken to examine the impacts of development traffic and re-assignment of other traffic resulting from the completion of the link road based on a newly created model of the area.

The evaluation focussed on two specific areas: the link road itself and the Hartshead Street/A669 High Street junction

#### *Stage 1 - Preliminary Assessment of the Proposed Link Road*

TfGM added a link road to the latest base year version of the GM SATURN model. This showed that the link road could attract over 300 vehicles two-way during the morning peak and over 250 during the evening peak periods. This test did not include any development traffic so potentially this provides an overestimates the attractiveness of the new route and hence the potential transfer of traffic onto the new route.

This assessment suggested that the link road would provide some relief at the Hartshead Street/ A669 High Street junction with traffic turning right from Hartshead Street onto the A669 falling to negligible amounts.

#### *Stage 2 - Detailed Assessment of the Proposed Link Road*

Once stage 1 was completed, a micro-stimulation model was carried out to provide a more detailed assessment of the potential transfer of traffic onto the new link road.

Results from this showed that the transfer of traffic would be similar to that shown by the Stage 1 work with a reduction in right turns onto the A669 from Hartshead Street. The link road was shown to attract a two-way flow of 150 vehicles during the morning peak and 300 during the evening peak.

A second detailed study was then carried out whereby the development traffic was added to the first scenario. It was revealed that there would be increased flows of traffic using the link road. This is due to the addition of trips generated by the new development. Traffic from Lees New Road begins to re-route northbound along the link road instead of using Rhodes Hill/Hartshead Street.

Overall it was found that the addition of the link road causes a significant shift in the movement of traffic on the network. By allowing additional north-south movement through the network, there will be a significant reduction in the number of drivers choosing the Rhodes Hill/Hartshead Street route. Additionally, more traffic travels along the A669 High Street between the junctions with Hartshead Street to the junction of Ashbrook Road to access the link road.

The report reveals that there does not appear to be a material increase in congestion anywhere on the network due to the addition of the development traffic. There is a slight delay time increase for traffic emerging onto the A669 High Street from High Street.

The Highways Engineer is satisfied, having read both the Transport Assessment submitted by the applicant, and the report prepared by TfGM, that the additional traffic generated by the residential development will not have an adverse impact on highway safety due to an increase in traffic generation. Furthermore, both studies have revealed that the construction of the link road will have a positive effect on the existing highway network by reducing the amount of traffic using the Hartshead Street/ A669 High Street junction.

The Highways Engineer is also satisfied that so long as the link road is constructed in accordance with the Local Authority's standards under a Section 38 Agreement, the access road and the residential developments it serves can be utilised safely by all users of the highway.

In order for the proposed link road to operate safely, and to link effectively with the existing highway network, some mitigation measures are required. This includes changes at the Ashbrook Road/ A669 Lees Road junction. There will be an increase in the number of vehicles turning left and right into and out of Ashbrook Road. A highway improvement will be required to improve the pedestrian crossing facility across Ashbrook Road, along with the realignment of the kerbs to improve vehicular access. Works will also be required on the A669 Lees Road to ensure that the highway is able to accommodate the additional vehicles turning into and out of the development, taking into account the alignment of the carriageway and the pedestrian crossing facility on Lees Road and any amendments required to existing Traffic Regulation Orders in the area.

New advanced directional signage associated with the link road will be required along with some additional street furniture on Knowls Lane. The provision of the link road will lead to an increase in traffic along Lees New Road and the existing traffic calming features should be enhanced to ensure the continued safety of all users of the highway. This will include a refresh of existing road marking and the replacement of the existing painted roundabout domes with rubber bolt on raised domes. Works to improve the onward cycle connectivity will also be included in the contribution. The cost of the works is £115,000. The costings for the S106 contribution are broken down as follows:

- Realignment of kerb/verge on A669 Oldham Rd to accommodate additional traffic using the junction and any alterations required to existing TROs/crossing facility - £50,000
- Realignment of existing pedestrian crossing facility on Ashbrook Rd to pedestrian desire line. Exact location to be agreed - £25,000



- Inclusion of a provision for amendments to TRO's - £5,000
- Provision of new Advanced Directional Signage on A669 - £6,000
- Refresh of road markings on Lees New Rd - £2,000
- Replacement of existing painted roundabout domes on Lees New Rd with rubber bolt on raised domes where applicable - £6,000
- Provision of Advanced Directional Signage associated with new link road junction (number, type and wording to be agreed) - £6,000
- Street furniture to be provided behind existing kerb line adjacent Knowls Lane Farm - £5,000
- Onward cycleway connectivity at Lees New Road - £10,000

In taking account of the conclusions of the transport statement and the additional documentation submitted, the scale and nature of the development, the technical advice given by the Council's highway engineer and, subject to the imposition of the recommended planning conditions, it is considered that the proposed use can be adequately accommodated on the local highway network. Furthermore, there would be adequate access, servicing, circulation and car parking arrangements and that the proposal would not have any detrimental impacts upon pedestrian or highway safety. For these reasons the proposal is considered to be acceptable when assessed against policies 5 (Promoting Accessibility and Sustainable Transport Choices), 9 (Local Environment) and 20 (Design) of the Joint DPD.

### **Conclusion and the Planning Balance**

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*'.

The proposal has been fully assessed against national and local planning policy guidance.

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. The Framework is clear those relating to heritage assets do. Hence the 'public benefits' test of Paragraph 196 relating to heritage assets is engaged in this case.

There is no doubt that additional housing arising from this scheme would be a significant public benefit for the area. It would introduce much needed private and affordable housing for local people. It would boost the supply of housing in accordance with the Framework, contributing up to 265 dwellings, of which 60 would be affordable. It would bring about additional housing choice and competition in the housing market. Additionally, the applicant has reached an agreement with St Agnes Church of England Primary School in order to gift a portion of the site to the school, for any future expansion of the school or for the creation of a playing field. As such, these benefits are given substantial weight in the planning balance.

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 and, according to the applicant, result in construction spending of around £37.4 million. The new homes bonus would bring additional resources to the Council. It is acknowledged that the site is in a reasonably sustainable location, within range of the shops, services, schools and the other facilities of Lees. There are bus services available in the locality and, at a greater distance, a Metrolink station at Oldham. A range of employment opportunities exist in Lees and Oldham. 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 significant biodiversity enhancement through additional planting and provision of green infrastructure as well as the provision of a large SUDS. This coupled with the proposed landscape mitigation means that there are substantial environmental benefits associated with the scheme. A substantial area of public open space is also proposed. 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 important that should a conditional approval be granted, then a Design Code condition be applied to any permission. The creation of a design code will ensure that the Council and the public are able to influence the form of development that is eventually built on the site. Whilst the indicative parameter plans and sections give a good indication on the level of quality that it is intended to be built on site, it is through a design code that the Council can ensure that the development is one that will stand the test of time and given the particular landscape sensitivities, it is considered a crucial element to any approval granted.

As noted above, Paragraph 196 of the Framework requires the harm to the significance of heritage assets to be balanced against the public benefits of the scheme. In addition, Paragraph 193 requires that, when considering the impact of a proposed development on the significance of heritage assets, great weight should be given to their conservation. However, for the reasons explained, it is considered that the level of harm to heritage assets would be limited and should be placed at the lower end of the 'less than substantial' spectrum. In this case, it is found that any harm to heritage assets would be outweighed by the scheme's public benefits. As a consequence, it is considered that the so called 'tilted balance' of Paragraph 11 of the Framework is not displaced in this instance.

Importantly, the Council needs to significantly boost the supply of housing. The requirement to significantly boost the supply of housing in the district, coupled with the fact that there have been very few major planning applications for housing submitted to and approved by the Council in the past 10 years in the Saddleworth West and Lees ward, 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 adverse effects on this area of landscape and loss of OPOL land. It is considered that the scheme would cause harm to the character and appearance of the area, and specifically to this valued landscape. The key test in this regard is whether or not the harm to the valued landscape is outweighed by the benefits new housing brings on a part allocated site and the provision of a new link road.

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 residential use, it will deliver a long sought link road and has no design, ecology, amenity, flood risk, drainage, highways or other implications that would sustain a reason for refusal, full planning permission is recommended to be granted for the link road and outline planning permission is recommended to be granted for the residential element of the application, since the benefits outweigh the harm is justified in this respect.

## **RECOMMENDATION**

Grant full permission for the link road and outline planning permission for up to 265 dwellings, subject to the satisfactory negotiation of a Section 106 Legal Agreement for the following:

- 60 Affordable housing dwellings;
- Off-site highways works to the value of £115,000;
- Management of the open space to be provided on site; and
- The transference of land to St Agnes Church of England Primary School

Upon satisfactory completion of the above S106 Legal Agreement that the Planning Committee grant delegated approval for the decision to be issued by the Head of Planning and Infrastructure, subject to the following conditions:

1. The development of the link road 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. Prior to commencement of development, details of the new culverted link road, and detailed mitigation package for this and wider Thornley Brook river corridor be submitted to and approved in writing by the local planning authority. Thereafter the bridge crossing shall be constructed as set out in the approved scheme.

The scheme shall include the following features for maximising the riverine habitat potential and retaining a high quality ecological network:

- Detailed habitat reinstatement plans should reflect updated culvert crossing designs,
- Outline Thornley Brook mitigation package (as per TEP drawings, Mar 2018) should be developed to detailed design.
- Clear detail be provided as to how the stated 300mm of natural bed will be achieved within the new culvert crossing.
- Details to be provided of the mammal ledge and oversized culvert to maximise natural light and wildlife passage through still relatively long culvert.
- Provide details of any bank re-profiling near river.
- a) Where new soft landscaping is to be introduced to river valley, that this be based on appropriate native species for this relatively shaded and damp location, and look to introduce native woodland ground flora as well as new tree and shrub species.
- b) Appropriately locate any new habitat piles within the retained riparian woodland areas and outside of river high flow areas.

Reason: To ensure that the proposed major crossing of river and stated mitigation package (as per TEP drawings, Mar 2018) is developed and designed in a way that contributes to the nature conservation and fisheries value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 170, which states that planning decisions to contribute to conserve and enhance the natural and local environment by minimising impacts on biodiversity.

3. Notwithstanding the features shown on the approved plans, agreement should be sought prior to commencement of works to the new embanked road crossing and culvert for the following items:
  - c) Detail of in-culvert 300mm natural stream bed including material size, retaining mechanism, projections of stability during flood events;
  - d) The culvert design schedule should include for maintenance and remediation should the bed feature fail within 5 years of installation. The maintenance schedule should identify who is responsible for the post construction/establishment / snagging monitoring and the date when the structure is passed over to the Local Authority;
  - e) Lighting of road deck to provide details of best available industry standard lighting which accords with BS 5489-2: Code of Practice for the Design of Road Lighting to prevent light spillage and retain as much of a dark corridor as possible;

- f) Height of mammal ledge confirmed against heights during flood events of 1 in 100 year;
- g) The location of 6 bat boxes and bird boxes (dipper and pied wagtail) to be agreed and approved by the local planning authority to ensure the boxes. Provide a variety of conditions for bat and bird roosting.'
- a) Planting and features on gabion edge specified and provided as amendment to Landscape Masterplan (TEP, dwg no D6363.001).

Reasons: To ensure the ecological interests of the site are fully considered and the detail of the requirement to divert / underdrain parts of the Link Road are submitted to and approved by the Local Planning Authority and carried out in compliance with the approved details. Any new diversion needs to be sympathetic to natural landscape.

4. Prior to commencement of the link road and each subsequent and separate phase of development, a detailed method statement for removing or for setting out the long-term management / control of Himalayan balsam and Rhododendron identified on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Himalayan balsam and Rhododendron during any operations (e.g. mowing) shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement, shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statementstrimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason: To prevent the spread of Himalayan balsam and Rhododendron which are invasive species

5. Prior to commencement of the link road and each subsequent and separate phase of development, updated bat and badger surveys shall be submitted to and approved in writing by the LPA. These should be undertaken no earlier than 6 months prior to the commencement of development, including any precautionary mitigation measures.

Reason: To ensure the situation and location of protected species (bats - Habitats Regulations 2017 and badgers - Badger Protection Act 1992) is based on up-to-date knowledge of constraints.

6. Prior to commencement of the link road and each subsequent and separate phase of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the LPA. The construction of the embankment should be implemented according to a submitted Construction Environmental Management Plan, which provides the following details and is agreed prior to commencement of development:

- b) Location, boundary treatments and temporary lighting to any work compounds, locations for storage of materials and imported spoil to construct the embankment.
- c) Details and routes of any access/haul roads including protective measures to

surrounding habitats, surfacing and/or temporary drainage requirements.

- d) Certification of clean spoil for construction of the embankment and biosecurity monitoring and management for Invasive Non-Native Species particularly Japanese knotweed. This should continue for a minimum of 5 years post completion of the works and be the responsibility of the construction contractor.
- e) Details of working methodologies and measures to prevent spillage of materials, excess surface water run-off and increased sediments into Thornley Brook during construction. Temporary high visibility fencing to all retained trees & their root zones, woodland edge (to root zones) and 5m stand-off to retained watercourse.
- f) Vegetation removal - including undergrowth such as bramble - should occur outside the bird breeding season (March - August inclusive).

Reason: Given the scope of the works and the in-stream working required to implement the Link Road a high level of detail over and above the usual pollution prevention guidelines is required in this instance.

7. Prior to the commencement of development of the Link Road, a revised Landscape and Ecological Management Plan (LEMP) for Habitat compensation works for the Link Road shall be submitted and approved in writing by the LPA. The revised LEMP has contain the following:

- a) Details of the landscape and habitat mitigation / compensation works for the culvert construction in Area 1 and the wooded valley of Thornley Brook. Details and further specification should follow the principals of the submitted plan - Riverbank Habitat Improvement Area 1 (TEP, dwg no D6363.003C).
  - b) Location and design of the 2 artificial otter holts.
  - c) Size height and location of habitat piles with all surplus cut materials from trees and brush removed from site. Location of access routes and temporary storage for silt & dredged material to be removed from the pond
  - d) Detail of any works to the pond outfall to make good or improve its functioning.
  - e) Making good any construction/habitat compensation access routes that will be subsequently used by the public
- a) Details and locations of other countryside management features or furniture including new/reinstated paths, gates or steps, willow spilling, passive dog deterrents, signage, path drainage.
  - b) Monitoring and management process for the sequential removal and treatment of INNS rhododendron, laurel and Himalayan balsam.
  - c) Details of riverine reseedling and any other planting proposals to include locally native species and methods of remediation/reseedling if planting fails.
  - d) Management Plan for the retained and new woodland in the valley and the link road embankment. All matters of the LEMP should be included with mechanisms for resourcing and identification of responsibility in perpetuity. The LEMP and its initial implementation is the responsibility of the developer for a minimum of the standard 5 year establishment period.

Reason: To ensure the LEMP is based on up-to-date information.

8. The development hereby approved shall not be brought into use unless and until details of facilities for the storage and removal of refuse and waste materials have been submitted to and approved in writing by the Local Planning Authority and the agreed scheme has been fully implemented. Thereafter approved facilities shall at all times remain available for use.

Reason - To ensure that the site is not used in a manner likely to cause nuisance to occupiers of premises in the surrounding area.

9. No phase of the development (including the Link Road) shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved for each phase of the development.

The scheme shall include the following elements:

- e) Detail extent and type of new soft landscaping including planting schedule based on UK provenanced and native species.
- f) Details of retained BAP woodland, acid & marshy grassland habitats
- g) Details of maintenance regimes
- h) Details of any new habitat created on site
- a) Details of any bluebell translocation areas.
- a) Details of sensitively designed and located SUDs features adjoining retained greenspace corridors.
- b) Details of treatment of site boundaries and/or buffers around steep valley stream corridors.
- c) Details of management responsibilities

Reason: To ensure that a landscape / planting scheme is submitted and implemented in the interests of amenity and in compliance with the guidance set out in paragraphs 109 and 118 of the National Planning Policy Framework.

10. Prior to the construction of the Link Road and each subsequent and separate phase of development, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and topographical context of the development site, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- d) Details of proposed new SUDs features which positively integrate with existing wildlife habitats and topography, particularly the steep stream valleys.
- e) Details of SUDs features that maximise the multiple environmental benefits including wildlife, water quality in combination with flood risk as outlined in CIRIA guidance (https://www.ciria.org//Memberships/The\_SuDs\_Manual\_C753\_Chapters.aspx).
- f) Details of how the scheme shall be maintained and managed after completion.

Reason: To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin and to protect water quality of adjoining Thornley Brook WFD waterbody and improve ecological value within retained greenspace corridors

11. Prior to the construction of the Link Road and each subsequent and separate phase of development, a site investigation and assessment in relation to the landfill gas risk has been carried out and for each of the phase of the site 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.

12. Prior to the construction of the Link Road and each subsequent and separate phase of development, 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: To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

15. The submission of reserved matters application(s) shall include a detailed landscape environmental management plan (LEMP) for the open space to be provided within the site. The LEMP should address:

- g) Landscape buffer to south (approx. 20m) and transition zones on the northern boundary should be provide appropriate semi-natural habitat recreation, with an emphasis on grassland habitats including acid and marshy grassland types.
- h) Habitat permeability that is to be incorporated into garden/property curtilages and other boundary features to allow passage of small mammals (e.g. hedgehog) and amphibians.
- a) Features that benefit wildlife within the built development such as bird and bat boxes and wildlife sensory ornamental garden planting. These measures are to be incorporated into at least 10% of the properties .
- b) Long-term objectives, planting schedules, habitat management prescriptions, management responsibilities and maintenance schedules. This would also include the long-term management of the SuDS system for both its functioning as attenuation and its biodiversity

Reason: To ensure the LEMP is based on up-to-date information.

16. The submission of reserved matters relating to each phase of the development hereby approved shall include a Design Framework demonstrating how that phase complies with the approved Design and Access Statement (dated September 2017); Illustrative Masterplan (reference SK (90) 09 Rev B); and Site Parameters Plan (reference 6802\_SP (90)18 Rev E).



The Design Framework shall include details of the design process undertaken; justification for the design approach and architectural styles adopted; the core design principles guiding development of that phase and how the phase has been designed to accord with the design objectives and principles within the approved Design and Access Statement, Illustrative Masterplan and Site Parameters Plan.

The Design Framework shall include details of how the detailed layout addresses the following considerations:

- a) Street types and movement throughout the scheme via car, cycle and by foot;
- b) Boundary treatments, trees and hedgerows;
- c) Lighting and street furniture;
- d) Public open space required for the development;
- i) Alignment with proposed character areas,
- ii) Treatment of the development edge;
- iii) Housing mix;
- iv) Building heights;
- v) Block principles;
- vi) Parking strategy, including layout parking allocations for motor vehicles and cycles;
- vii) Street cross sections;
- viii) Palette of materials for housing and public realm works;
- ix) Location of emergency services infrastructure; and,
- x) Environmental standards and sustainable design elements (to include electric vehicle charging infrastructure);

Reason: To secure a high quality design and in the interests of the visual appearance of the development

17. No phase of the development shall take place until a phasing plan, which shall include the access arrangements for each phase and a specified number of dwellings for each phase relative to a site maximum of 265 dwellings, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved phasing plan.

Reason: To ensure that the development is carried out in an orderly fashion

18. The access, alignment, and standard of the Link Road and associated infrastructure will be developed in accordance with the following approved drawings:

- xi) Proposed Link Road Schematic Drainage (Sutcliffe) Drawing No. 28959-620-P1;
- xii) Proposed Link Road Longitudinal Section (Sutcliffe) Drawing No. 28959 -625-P6;
- xiii) Proposed Link Road Cross Sections (Sutcliffe) Drawing No. 28959 -626-P5;
- xiv) Proposed Culvert Longitudinal Section (Sutcliffe) Drawing No. 28959-627-P4;
- xv) Path Realignment Works (Sutcliffe) Drawing No. 28959-628-P3;
- Proposed Link Road Visibility Check (Sutcliffe) Drawing No. 28959-629-P1;
- Proposed Link Road Vehicle Tracking (Sutcliffe) Drawing No. 28959-630-P1;
- Proposed Link Road Junction with Knowls Lane including Widening, New Footways and Visibility (Axis) 2123-01-GA101;
- Proposed Development Site Access Locations from Proposed Link Road including New Footways and Visibility.

Reason: To ensure that the development is carried out in accordance with the approved plans and ensure a safe road design in accordance with Manual for Street and the Design Manual for Roads and Bridges.

19. Development shall not commence until intrusive ground investigation works as

recommended in the submitted Phase I Geo-Environmental Site Assessment dated August 2015 have been undertaken and the results submitted to and approved in writing to the Local Planning Authority. In the event that the investigations confirm the need for remedial works to treat any areas of shallow mine working and/or other mitigation measures to ensure the safety and stability of the proposed development, such works shall be undertaken prior to the commencement of the development.

Reason: To ensure the safe development of the site in accordance with guidance contained within the NPPF.

..... **Case Officer**

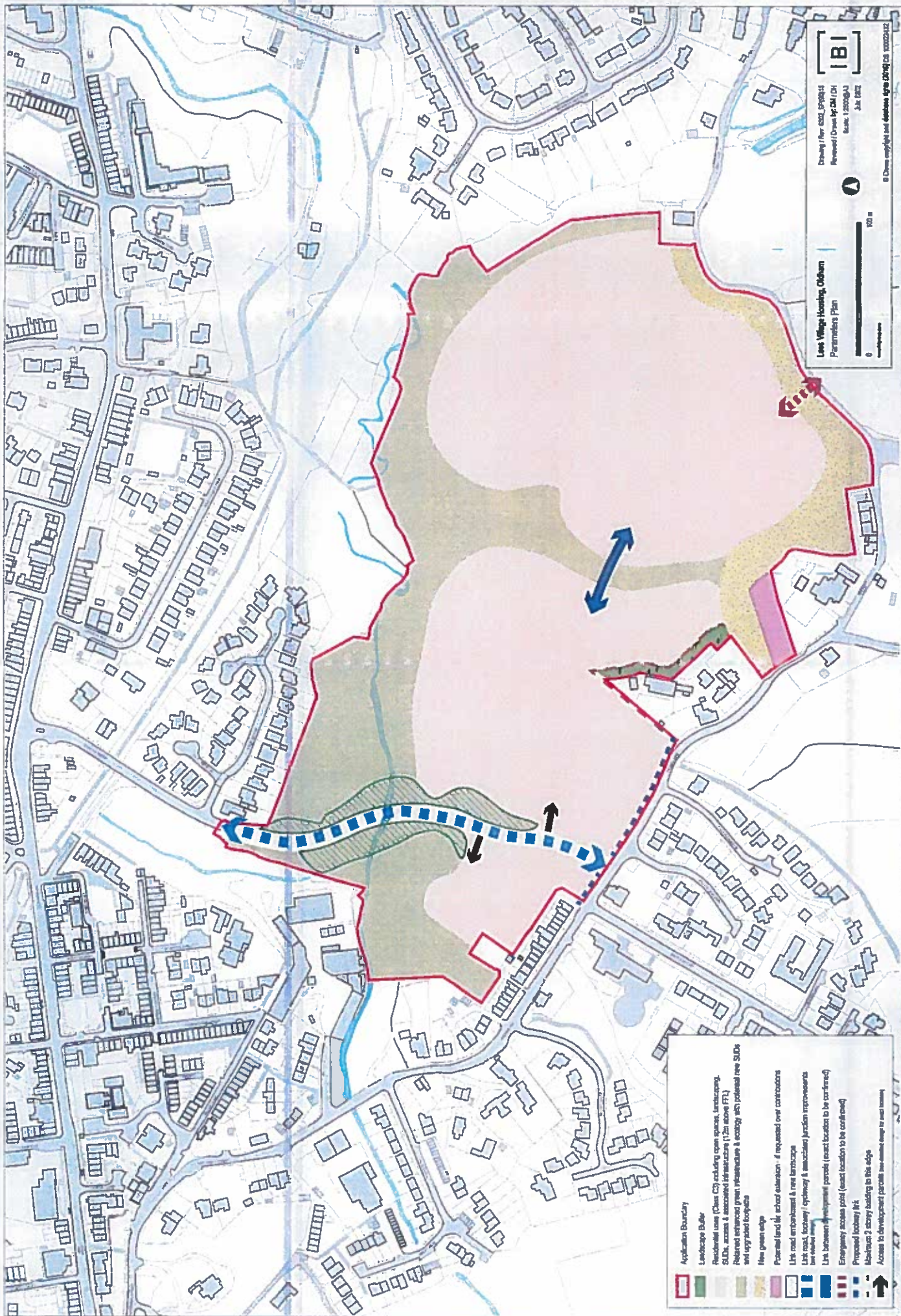
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..... **Planning Officer**

..... **Date**







**Lees Village Housing, Oldham**  
 Parameters Plan

Drawing No: 2022\_010014  
 Revised / Drawn by: DM / JH  
 Date: 12/09/22  
 Job No: 2022

**IBI**

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- Application Boundary
- Landscape Buffer
- Residential uses (Class C3) including open access, landscaping, SUDs, access & associated infrastructure (12m above FFL)
- Reduced permeable green infrastructure & ecology with potential new SUDs and open water features
- New green edge
- Potential land for future submission - if requested over contractors
- LWS road embankment & new landscape
- LWS road, footway / cycleway & associated junction improvements see sheet 2022\_010015
- LWS between development parcels (exact location to be confirmed)
- Emergency access point (exact location to be confirmed)
- Proposed lobby lift
- Maximum 2 storey building to this edge
- Access to development parcels from common area to east boundary



# **PLANNING COMMITTEE - BACKGROUND PAPERS**

## **REPORT OF THE HEAD OF PLANNING AND INFRASTRUCTURE**

### **PLANNING AND ADVERTISEMENT APPLICATIONS**

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 defined by that Act.

### **THE BACKGROUND PAPERS**

1. **The appropriate planning application file:** This is a file with the same reference number as that shown on the Agenda for the application. It may contain the following documents:
  - The application forms
  - Plans of the proposed development
  - Certificates relating to site ownership
  - A list of consultees and replies to and from statutory and other consultees and bodies
  - Letters and documents from interested parties
  - A list of OMBC Departments consulted and their replies.
2. **Any planning or advertisement applications:** this will include the following documents:
  - The application forms
  - Plans of the proposed development
  - Certificates relating to site ownership
  - The Executive Director, Environmental Services' report to the Planning Committee
  - The decision notice
3. Background papers additional to those specified in 1 or 2 above or set out below.

### **ADDITIONAL BACKGROUND PAPERS**

1. The Adopted Oldham Unitary Development Plan.
2. Development Control Policy Guidelines approved by the Environmental Services (Plans) Sub-Committee.
3. Saddleworth Parish Council Planning Committee Minutes.
4. Shaw and Crompton Parish Council Planning Committee Minutes.

These documents may be inspected at the Access Oldham, Planning Reception, Level 4 (Ground Floor), Civic Centre, West Street, Oldham by making an appointment with the allocated officer during normal office hours, i.e. 8.40 am to 5.00 pm.

Any person wishing to inspect copies of background papers should contact Development Management telephone no. 0161 770 4105.



