

APPLICATION REPORT - PA/344149/19

Planning Committee, 13 May, 2020

Registration Date: 12/11/2019
Ward: Royton South
Application Reference: PA/344149/19
Type of Application: Full Planning Permission

Proposal: Proposed residential development comprising 8no. 2 bed houses, 17no. 3 bed houses, 2no. 4 bed houses, 6no. 2 bed apartments and 6no. 1 bed apartments.
Location: Former abattoir, Edge Lane Street, Royton, OL2 6DS
Case Officer: Graham Smith
Applicant Agent : Wiggitt Construction Limited
Nicol Thomas

THE SITE

0.85 hectare site formerly an abattoir, on the south-western side of Edge Lane Street near the junction with High Barn Street in Royton. Housing to the south off Shaw Street is located on higher ground and is largely obscured from overlooking the site by a significant tree belt adjacent the southern edge of the site.

THE PROPOSAL

Proposed residential development comprising 8no. 2 bed houses, 17no. 3 bed houses, 2no. 4 bed houses, 6no. 2 bed apartments and 6no. 1 bed apartments. The application refers to 19 Affordable rent dwellings and 20 Shared Ownership and as such is a 100% affordable scheme. The site access road is off Edge Lane Street. The applicant has submitted a viability assessment arguing that the site should not be tied to a legal agreement on affordable housing and cannot provide open space contributions.

RELEVANT HISTORY OF THE SITE:

An application for 63 dwellings and 6 offices on this site and the adjacent car sales site fronting High Barns Street was received in 2007 ref PA/052622/07. However, this was withdrawn by the council in 2010.

RELEVANT PLANNING POLICIES

The 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham (DPD). The application site is within the Shaw Road Business and Employment Area (BEA).

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

Policy 1 - Climate change and sustainable development;

Policy 2 - Communities;

Policy 3 - An address of choice;

Policy 5 - Promoting accessibility and sustainable transport options;

Policy 9 - Local environment;

Policy 10 - Affordable housing;

Policy 13 - Employment Areas

Policy 14 - Supporting Oldham's Economy

Policy 18 - Energy;

Policy 19 – Water and Flooding

CONSULTATIONS

Environmental Health - No objection subject to conditions.

Environment Agency - No objection subject to conditions.

Highway Engineer - No objection subject to conditions.

United Utilities - No objection subject to conditions.

Local Lead Flood Authority – After further discussions with the applicant the LLFA considers the proposal with recommended 'Finished Floor Levels' appropriately addresses flood risk subject to conditions.

REPRESENTATIONS

This application was publicised by site notice, press notice and neighbour letters. One objection was received referring to the increased traffic congestion exacerbated by recent developments in the area. The objector requests parking restrictions on Cardigan Street and High Barn Street.

PLANNING CONSIDERATIONS

The main issues to consider are:

- Principle of development & loss of employment land
- Sustainability
- Flood risk
- Amenity
- Design
- Highways
- Ground conditions
- Affordable housing
- Infrastructure contributions

Principle of development & loss of employment land

The Council cannot currently demonstrate a five-year supply of deliverable housing land. The Housing Delivery Test indicates that the delivery of housing in Oldham has been substantially below the housing requirement for the past 3 years. Therefore paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

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

Therefore, in this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

This site was last used as an abattoir. DPD Policy 14 details uses appropriate within employment areas but does not include residential uses. However, the site is vacant with all buildings demolished. Policy 14 states:

'Development proposals which would result in the loss of a site currently or most recently used for employment purposes to other uses, should include measures to outweigh the loss of the site and support Oldham's economy and the regeneration plans of the borough.'

The applicant has provided some anecdotal evidence regarding the previous owner's unsuccessful marketing of the site since 2008 and the previous owner's own benefit gained by relocation elsewhere. The applicant concludes the site's viability for business purposes is limited. The applicant also highlights the regeneration benefits of this development compared to an otherwise ongoing vacant 'brownfield site', and that the council is encouraging housing on brownfield sites, as such the loss of employment land should be accepted.

Given the present housing supply position, Policy 14 in respect of where the proposal relates to the delivery of housing, is considered to be out-of-date.

Sustainability

The site is considered to have good access to services, facilities and transport and is therefore sustainably located. The proposed energy statement provided by the applicant will produce housing with a reduction in energy consumption of 15% than that required by part L of the Building regulations which accords with Oldham's policy requirements.

Flood Risk

Most of the site is within flood risk zone 1, an area considered to be at the least risk of flooding. However, there is a culverted watercourse that runs across the site and appears at the south western side. The point at which the watercourse emerges is in zones 2 and 3. The NPPF seeks to divert development away from areas of high risk of flooding. The layout does not propose to build in the flood zones 2 and 3, the principle of which is considered to accord with the aims of the NPPF. In this instance as no development takes place in zones 2 and 3 no sequential test is considered necessary.

The applicant's Flood Risk Assessment recommended the need to raise finish floor levels to protect future occupiers of nearby houses to the level proposed. The Lead Local Flood Authority confirms the information the applicant has provided demonstrates that the Finished Floor Levels proposed are more than adequate to mitigate the flood risk from the culvert. The proposal is considered to accord with paragraphs 163 and 165 of the NPPF and the aims of Policy 19.

Amenity

The proposal would not abut any existing residential properties. All houses include rear gardens and result in reasonable separation distances. The two blocks of flats have small amenity areas. Houses on the south-western boundary have some overhanging trees that would appear to impact on the proposed rear gardens on the southern side. The applicant is therefore required to undertake appropriate works on these trees prior to occupation. Overall the amenity provided to future residents is considered to be acceptable and accords with Policy 9.

Design

The proposed houses are of simple design with red facing bricks and smooth grey concrete tiles. The flats are two three-storey buildings with hipped roofs. The layout plan indicates some tree planting, largely in rear gardens but with some fronting the street. The street scene created with a bland 3-storey block of flats, limited landscaping and close boarded

fencing, is functional in appearance and despite officer's requests for some improvements the application remains as proposed.

Highways

The application includes an access off Edge Lane Street providing an adoptable road to most houses. The rest are served directly from Edge Lane Street. The proposal provides 200% parking for the houses and 100% for the flats considered acceptable for this development.

Concern was raised by an objector regarding general traffic levels in the area, citing Cardigan street, Byron Street and High Barns Street and the traffic roundabout, with problems of rat-running through the area. The applicant provided a Transport Statement that assessed traffic speeds, capacity and accident data in the area. The proposal concludes that the impact of a 39-dwelling development is unlikely to result in severe impact on the use of the immediate highway network. The Local Highway Authority has no objection.

Ground conditions.

The applicant provided phase 1 ground condition survey data. The Environment Agency and the Environmental Health Officer have no objection subject to appropriate planning conditions in order to safeguard the health of future occupiers. Conditions are attached.

Affordable Housing

The application proposes 100% affordable housing and therefore accords with policy requirements. However, due to funding constraints the applicant is unable to enter into a bi-lateral agreement (a section 106 agreement). Nevertheless, it is considered acceptable for a unilateral agreement to safeguard the provision of affordable housing and the applicant has agreed to provide.

Infrastructure contributions

The applicant has submitted a viability assessment which argues that the resulting profit would not enable any contributions to be made (partly due to Infrastructure and abnormal costs associated with a contaminated brownfield site).

This application would normally be required to provide off site open space contribution £198,965.13. Due to high level of abnormal costs the developer's profit falls below the 20% recognised by the NPPF/NPPG guidance on viability. The developer has demonstrated in a robust manner that the outcome would be only 18.44% and members are advised therefore no additional contributions (open space in this instance) can be sought.

Planning Balance

The Council cannot demonstrate a five-year supply of deliverable housing land and as such, in accordance with Paragraph 11 of the National Planning Policy Framework (NPPF), the policies which are most important for determining the application are considered to be out of date. Therefore, the NPPF directs that planning permission should be granted unless either Paragraph 11(d)(i) or 11(d)(ii) apply. In considering Paragraph 11(d)(i), the site is not located near any assets of particular importance. In terms of Paragraph 11(d)(ii), there is a presumption in favour of sustainable development unless the adverse impacts of approving the development would be significant and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives: the 'economic objective', the 'social objective' and the 'environmental objective'. The tilted balance favouring sustainable development applies. In this instance the benefits are considered to include the following:

- The significant social benefit of the provision of 39 affordable dwellings

- The significant social benefit of 39 dwellings towards Oldham's 5-year land supply
- The social, economic and environmental benefit of the site having good access to services and facilities
- The social and environmental benefit of satisfactory amenity provided by an appropriate layout.
- The economic benefit of creation of short-term construction jobs and development of a derelict site and the additional vitality of occupancy of a new residential development to the community.
- The significant environmental benefit of development of a brownfield contaminated site where no significant assets of particular importance (i.e. SSSI) exists and results in no harm to the landscape.

Set against the benefits are the following resulting negative aspects as follows;

- The loss of employment land considered to be of medium harm
- The standard design providing a functional street scene, regrettable but considered of low environmental impact.
- The inability to contribute toward open space (Social and Environmental) is of medium harm, but given the applicant's demonstration of viability this is not considered a demonstrable reason to refuse the application.

Conclusion

Assessing the balance of the benefits against the harms, it is considered that whilst there is some harm identified there are no significant or demonstrable adverse impacts that outweigh the benefits provided. The proposal is therefore considered to represent sustainable development. Given such circumstances and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework, planning permission should be granted.

RECOMMENDATION

It is recommended that Committee resolves:

1. To approve the application subject to the following conditions, and to the applicant entering into a Unilateral Undertaking in respect of the provision of 20 shared ownership homes, and 19 affordable rent homes.

2. To authorise the Director of Economy to issue the decision notice upon receipt of a satisfactory Unilateral Undertaking.

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

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

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications referenced L1 Location Plan, PL002 Floor Plan, PL003 Floor Plan, PL004 Elevations, PL005 Elevations, and PL006 Street Scene received on 13/11/2019, and referenced M2688.PL.001 RevC Layout Plan received on 29/01/2020.

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

3. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks

associated with contamination of the site have each been submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on the information already submitted, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason - For the ongoing protection of the Water Environment from risks arising from land contamination and in accordance with Policy 9 of the adopted Oldham Local Plan.

4. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason - For the future protection of the Water Environment from risks arising from land contamination and in accordance with Policy 9 of the adopted Oldham Local Plan.

5. No infiltration of surface water drainage into the ground where adverse concentrations of contamination are known or suspected to be present is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - For the future protection of the Water Environment from risks arising from land contamination and in accordance with Policy 9 of the adopted Oldham Local Plan.

6. Prior to the commencement of any part of the development hereby approved, details of the method of surface water and foul water drainage from the site shall be submitted to and approved in writing by the Local Planning Authority. Foul and surface water shall be drained on separate systems.

The drainage scheme must include:

- (i) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (ii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The approved details shall be implemented in full prior to first occupation of the approved development and shall be maintained thereafter.

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

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

Reason - In order to protect public safety, because the site is located within 250m of a former landfill site in accordance with Policy 9 of the adopted Oldham Local Plan.

8. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

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

9. Prior to the commencement of any development above slab level, the applicant shall submit for the written approval of the Local Planning Authority a report on the condition of the culverted water course within the site. The report shall assess the condition of the culvert and if in a poor condition, shall recommend rehabilitation works to be undertaken. The development shall be implemented prior to occupation in accordance with the required improvement works to the culvert.

Reason - In the interests of the ongoing protection of the watercourse in accordance with Policy 9 of the adopted Oldham Local Plan.

10. The development shall be implemented in full accordance with the Energy Statement submitted by Lancaster Maloney Ltd Date: November 2019, Ref:1911/01 which details an average completed energy performance of 15% improvement on Part L of the Building Regulations and retained as operational thereafter.

Reason – In the interests of sustainability and to ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.

11. Notwithstanding the details shown on the approved plans, no development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.

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

12. No development above slab level shall take place until full details of both hard and soft landscape works with an associated implementation plan, have been submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans including 33 trees to be planted as indicated on approved layout ref M2688.PL.001 version C and a Species-rich native hedgerow to be created as recommended by the applicant's habitat survey, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme .

All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development and with all planting within plots to be completed prior to occupation of that plot, and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size.

Reason - To ensure that the development site is landscaped to an acceptable standard having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

13. Prior to the commencement of the construction period, adequate wheel cleaning equipment, the details of which shall be submitted to and approved in writing by the Local Planning Authority, shall be installed on the site. Before leaving the site all vehicles, which have travelled over a non-tarmac surface, shall use the wheel cleaning equipment provided, such that they are in such a state of cleanliness that they do not foul the highway with mud or other material. The equipment shall, for the duration of the construction works, be maintained in good working order and shall not be removed unless approved in writing by the Local Planning Authority.

Reason – Prior approval is necessary since the facility is fundamental to the initial site preparation works in the interests of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

14. The development hereby approved shall not be brought into use until the access and the parking area have been constructed, hard-surfaced, drained and marked out to enable all vehicles to enter and leave the application site in forward gear entirely in accordance with the approved plan Ref: M2688.PL.001 Rev C and thereafter the parking area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety in accordance with Policy 9 of the adopted Oldham Local Plan.

15. Prior to any development above slab level, details of the following measures should be submitted to and approved in writing by the Local Planning Authority to enhance the biodiversity value of the site and include the following measures (as recommended by the Applicant's Habitat Survey):

- 5 general purpose bird nesting boxes to be erected on the exterior of the new buildings as mitigation for the loss of bird nesting sites :
- 5 2FE Schwegler bat boxes to be erected onto the new buildings.
- Where planting is proposed, this should include the provision of native and non-native flowering perennial, annual and shrub species, to provide a pollen and

nectar source for invertebrates.

- Species-rich native hedgerows to be created around the perimeter of the site.

Reason - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and form of the development and in order to ensure the protection and enhancement of features and species of ecological interest having regard to Policy 21 of the Oldham Local Plan.

16. No first occupation of any dwelling abutting the south-western boundary of the site (plots 18 -28 on the layout plan) shall take place until an arboriculture report has been submitted to and approved in writing by the Local Planning Authority demonstrating that over-hanging trees from Shaw Street will not result in unacceptable levels of light and amenity for residents of these plots. The scheme shall include any necessary works to overhanging trees to each plot which will be carried out prior to occupation of that dwelling.

Reason - In the interest of the amenity of the occupiers of the development in accordance with Policy 9 of the Oldham Local Plan.

17. The applicant's Habitat survey identifies the presence of invasive species on the site. No earthworks shall take place until mitigation measures proposed within the survey including eradication for Himalayan Balsam and Cotoneaster have been implemented in full. Evidence of eradication works shall be provided to the Local Planning Authority to enable discharge of this condition.

Reason - In the interests of the protection of the natural environment having regard to Policy 9 of the Oldham Local Plan.

Ordnance Survey Plan
Published 1954 - 1955

Source map scale - 1:2,500

The historical maps shown were reproduced from maps predominantly held at the scale adopted for England, Wales and Scotland in the 1940's. In 1954 the 1:2,500 scale was adopted for mapping urban areas and by 1966 it covered the whole of what was considered to be the calibrated parts of Great Britain. The published date given below is often some years later than the surveyed date. Before 1935, all OS maps were based on the Cassini independent surveys of a single county or group of counties, giving rise to significant inaccuracies in outlying areas.

Map Name(s) and Date(s)

SD9108	1954	12,500
SD9108	1954	12,500
SD9107	1954	12,500
SD9107	1954	12,500

Historical Map - Segment A13



Order Details
 Order Number: 218568993_1_1
 Customer Ref: 1264
 National Grid Reference: 392240, 407700
 Slice: A
 Site Area (Ha): 0.85
 Search Buffer (m): 100

Site Details
 Parkside House, Parkside Industrial Estate, Edge Lane Street,
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