

# APPLICATION REPORT - PA/342896/19

Planning Committee, 3 June, 2020

**Registration Date:** 19/03/2019  
**Ward:** Shaw

**Application Reference:** PA/342896/19  
**Type of Application:** Full Planning Permission

**Proposal:** Construction of 10no. three-bedroom houses with associated works and additional residents' parking and construction of 5 no. garages, following demolition of 6 no. existing garages

**Location:** Former Bowling Green, Victoria Street/ Farrow Street, Shaw, Oldham, OL2 7AD

**Case Officer:** Dean Clapworthy

**Applicant Agent :** Clements Court Properties Ltd  
Millson Group

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## THE SITE

The proposal relates to a former bowling green and existing domestic garage site bounded by traditional terraced residential properties that front Victoria Street and Farrow Street and single storey terraced bungalows on Oxford Street and Farrowdale School, Shaw. There is an existing single track unadopted road serving the garage site which continues as a footpath eastwards to connect to Crompton Way.

The site is level (a bowling green) and enclosed by palisade fencing, but owing to local topography dwellings to the west on Victoria Street are raised and the school to the east is at a lower level (specifically the school yard behind a retaining wall).

## THE PROPOSAL

The proposal is for the erection of 10 three-bedroom houses with associated works and additional residents' parking. The development would comprise the following:

- 10 two storey dwellings arranged as two blocks of 3 news and two blocks of semi-detached dwellings sited on the former bowling green.
- 5 new domestic garages in place of the existing garages, arranged as a block of three and two
- Improved and widened access road to serve the garages and thereafter a new residential road serving the proposed dwellings
- Areas of landscaping around the entrance into the residential development

The proposal has been amended to remove the parking spaces adjacent to no. 61 Victoria Street, to bring the previously separate planning application for the garages into this proposal and to amend the position of the northernmost pair of semi-detached dwellings

## RELEVANT HISTORY OF THE SITE:

None relevant

## RELEVANT PLANNING POLICY

The 'Development Plan' is the Joint Core Strategy & Development Management Policies Development Plan Document (DPD) which forms part of the Local Plan for Oldham.

The site is unallocated on the Proposals Map pertaining to the Local Plan. The following policies are relevant.

Policy 1: Climate change and sustainable development  
Policy 3: An Address of Choice  
Policy 5: Promoting Accessibility and Sustainable Transport Choices  
Policy 9: Local Environment  
Policy 10: Affordable Housing  
Policy 11: Housing  
Policy 18: Energy  
Policy 19: Water and Flooding  
Policy 20: Design  
Policy 23: Open Spaces and Sports  
Policy 25: Developer Contributions

## **CONSULTATIONS**

Highway Engineer	No objection subject to a condition requiring the provision of the access and parking to individual dwellings
Environmental Health	No objection subject to conditions relating to land contamination and landfill gas.
Lead Local Flood Authority (LLFA)	No objection subject to a condition relating to drainage
United Utilities	No objection subject to a condition relating to drainage
GM Police	No objection subject to a condition requiring implementation of the Crime Impact Statement
Tree Officer	No objection, subject to a condition requiring landscaping/tree planting

## **REPRESENTATIONS**

The application has been advertised by direct neighbour notification and press and site notices. Four representations have been received raising the following matters:

- The inadequate access from Victoria Street and associated traffic would cause pollution, noise and dust and further congestion to the detriment of road safety and amenity to the adjacent school and residents, including disabled residents of the bungalows.
- There would be a loss of green/open land contrary to the objectives to protect the local environment, wildlife and trees
- The proposal would require the removal of trees to facilitate parking on the existing grass verge on Victoria Street
- The additional parking area immediately adjacent to opposing habitable rooms at the nearest bungalow would impact on amenity.
- The land could be used as a communal garden for the community and provide a vital space for activities and clubs
- There are issues between the neighbouring school and the landowner concerning utilities

## **PLANNING CONSIDERATIONS**

### **Principle of the development**

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 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

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 10 much needed dwellings and the contribution towards Oldham's 5-year land supply
- The social, economic and environmental benefit of the site having good access to services and facilities
- The economic benefit of creation of short-term construction jobs and development of a vacant site and the additional vitality of occupancy of a new residential development to the community
- No significant assets of particular importance exists or harm to the landscape

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

- The inability to contribute toward a replacement sports facility or 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.

Furthermore, the site has good access to local services and facilities and is within a minutes walk of bus stops and is therefore sustainably located. The proposal is required to achieve the energy efficiency targets indicated in DPD Policy 18. Therefore, a condition is recommended requiring agreement of the appropriate energy savings.

## **Developer contributions**

### Affordable Housing

The proposal, being for more than 9 dwellings, is required to provide an appropriate level of affordable housing provision. The target is for 7.5% of the total development sales value, unless it can be clearly demonstrated that this is not viable.

### Open Space

The site is identified in the Open Space Study (2012) as 'outdoor sports facilities' (Victoria Street Bowling Green - Site Reference 2652). Therefore, the applicant would need to satisfy the loss through providing either a replacement facility or an agreed contribution to new or existing provision elsewhere or a mixture of the two.

It is acknowledged, as stated in the Planning Statement, that the use of the site as a bowling green ceased in 2014 and that there are possibly better-placed facilities nearby meaning there may not be a realistic prospects of the site coming back into use for that purpose. Given this, it would be appropriate that a replacement facility, which is at least equivalent in terms of usefulness, attractiveness, quality and accessibility. It is estimated that a replacement facility would require a contribution of £134,200.

Furthermore, the proposal is also required to contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable. The wider area is classed as having an overall deficiency in open space and as such a developer contribution of £60,745.80.

However, the applicant has submitted a viability assessment which argues that the resulting profit would enable any contributions to be made. Due to the relatively high level of developer risk, it is reasonable to expect 18% benchmark market return at this site as recognised by the NPPF/NPPG guidance on viability. The assessment illustrates that the development with no contributions would produce a return of only 11.17%. Despite this, in agreement with the Council's Surveyor, the applicant has agreed to make a contribution of £15,000.

Members are advised therefore that no additional contribution can be sought. In this instance, it is advised that the contribution would be most appropriately directed to open space provision.

### **Access and highway safety**

Objections refer to the additional traffic associated with further housing and the sensitivity of neighbouring uses to such an increase. The Highway Officer does not consider that the addition of ten dwellings would have any significant impact on the local highway network, and is satisfied that the parking provision is adequate to serve the requirements of the proposed development, such that there will be no additional demand for on street parking.

Initially, the Highway Officer had concerns relating to potential conflicts between vehicles and pedestrians accessing/exiting the garages and those utilising the access into the development. However, since the amended reconfiguration and amalgamation of the proposed garages into this proposal, this issue has been resolved.

Additional visitor parking has been shown within the scheme, however, this is not considered necessary to make the development acceptable, but is included at the choice of the developer. The garaging would continue to be occupied by private domestic users as they are at present. As the access and visitor parking would not be adopted, a condition concerning the future management and maintenance of these areas is required.

Therefore, subject to the recommended conditions, the proposal would not have any unacceptable impacts upon highway safety.

### **Design and visual amenity**

The proposed houses are of standard design with red facing bricks and grey concrete tiles. The layout would allow for the introduction of landscaping and tree planting, largely at the entrance into the residential development, which would further soften and assimilate the development. In the wider context of the site, largely dominated by the much adapted rear elevations of traditional terraced dwellings, the street scene created would be of an acceptable character and appearance.

GM Police have raised no objection, subject to implementation in accordance with the recommendations of the Crime Impact Statement, which can be secured by condition

### **Amenity**

Objections refer to potential impacts upon neighbouring privacy, essentially relating to additional traffic, but also very specific concerns concerning headlight nuisance associated with the originally proposed additional parking spaces, which have since been removed from the proposal.

Due to the layout, orientation and arrangement of fenestration to the elevations of the proposed dwellings, the development would not have any unacceptable impacts upon neighbouring residential amenity or between the proposed dwellings.

The Technical housing standards - nationally described space standard is a guide to adequate minimum space standards in new dwellings. Taking those standards into consideration, it is considered that the dwellings would achieve a satisfactory degree of amenity.

## **Ground Conditions**

The Environmental Health Officer has confirmed that the proposed development is acceptable, subject to the imposition of ground contamination/landfill gas conditions.

The submitted Coal Mining Report states that there is a possibility that shallow coal/mine workings could be present beneath the site and that further site investigation is undertaken, but that with appropriate mitigation (if necessary), the development would be acceptable. The response of the Coal Authority will be reported at Committee.

## **Drainage**

The Lead Local Flood Authority and United Utilities have confirmed that it would be appropriate to require the imposition of a condition for a detailed drainage scheme.

## **Ecology and trees**

The Trees Officer notes that the trees and unmanaged overgrown shrubs to be lost could be mitigated by a new planting scheme. A landscaping condition is therefore recommended.

## **Conclusion**

The Council cannot demonstrate a five-year supply of deliverable housing land and as such, in accordance with Paragraph 11 of the NPPF, 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.

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 grant planning permission subject to the conditions set out below and to a Section 106 obligation being secured to provide a contribution £15,000.00 towards open space.
2. To delegate authority to the Director of Economy to issue the decision notice upon satisfactory completion of the planning obligation.
  1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

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

2. The development hereby approved shall be fully implemented in accordance with the following approved plans and specifications:

Location Plan (Drawing No. 2298-SP-700-02 Rev.2)  
Proposed Site Plan (Drawing No. 2298-PL-700-01 Rev.11)  
Plans and Elevations (Drawing No. 2298-B1-DR-200-01 Rev.2)  
Plans and Elevations (Drawing No. 2298-B2-DR-200-01 Rev.2)  
Plans and Elevations (Drawing No. 2298-B3-DR-200-01 Rev.2)

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

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

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

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

Reason - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.

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

Reason - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety having regard to Policy 9 of the Oldham Local Plan.

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

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

Reason - Prior approval of such details is necessary as the site may contain features

which require incorporation into the approved development, and to ensure that the development site is landscaped to an acceptable standard having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

7. No dwelling shall be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan Ref:2298-PL-700-01 Rev 11 and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

8. Prior to first occupation of any dwelling hereby approved, details for the long term maintenance arrangements for any vehicular access, parking and landscaped areas which will not be adopted or included within the private curtilage of individual properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the management of these areas shall be carried out in accordance with the approved maintenance arrangements.

Reason - To ensure the satisfactory maintenance of unadopted vehicular access roads, parking and landscaped areas having regard to Policies 5 and 9 of the Oldham Local Plan.

9. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority.. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 6 l/s.

The development shall be completed in accordance with the approved details.

Furthermore, foul and surface water shall be drained on separate systems.

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

10. No development comprising the construction of any dwelling shall take place until a detailed energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall set out how the development will accord with the Energy Infrastructure Target Framework set out in Oldham Local plan Policy 18 and shall detail how a target area has been determined; and how the development will meet this target.

The development shall be carried out in accordance with the approved scheme phasing arrangements and retained as operational thereafter.

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

11. As far as is practicable, the development shall be carried out in accordance with the recommendations contained within section 3.3 of the Crime Impact Statement by Design for Security dated 02/08/2018 (Ref. 2018/0341/CIS/01 Version A) and the physical security specification listed within section 4 of the appendices.

Reason - To create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion in accordance with Policy 20 of the Oldham Local Plan.



342896

Drawing Information:

All levels and dimensions must be checked onsite by the contractor prior to commencement of works. Any variations must be reported to Millson Group Ltd. All information herein is in the copyright of Millson Group Ltd. Copying in full or part is forbidden without written permission from Millson Group Ltd.



Scale: 1:1250



2	Abrogation of application boundaries	LS	20/04/20
1	Site boundary revised to include access road in line with received comments	JW	10/01/20

Rev	Revision History	By	Date
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Client:

Clements Court Properties Ltd

Drawing:

Location Plan

Drawing Number:

2298 - SP-700-02

Scale:	Size:	Date:
1 : 1250	A4	12/01/19
Drawn:	Checked:	Rev:
JW	LS	2
Status:	PLANNING	



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