

APPLICATION REPORT - PA/343716/19

Planning Committee, 3 June, 2020

Registration Date: 23/07/2019
Ward: Alexandra
Application Reference: PA/343716/19
Type of Application: Full Planning Permission

Proposal: Erection of 38 no. dwellings with associated works.

Location: Land off Cherry Avenue, Alt, OL8 2HS
Case Officer: Graham Smith

Applicant Agent : First Choice Homes Oldham

THE SITE

This 0.91 hectare site lies within the Alt estate on the south-east fringe of Oldham and is divided into two development plots. The two plots are situated on previously developed land either side of Cherry Avenue. The site include sporadic trees near the highways and groups of trees part of a wooded area to the north.

THE PROPOSAL

Erection of 38 affordable rent 2 and 3 bed, two storey dwellings with access road and associated works. The accommodation comprises of the following:

- 10 No. 2 bed 3 person
- 24 No. 3 bed 4 person
- 4 No. 3 bed 5 person

The application includes 47 parking spaces and a detailed hard and soft landscape scheme. The development results in the loss of 12 individual trees and 6 groups of trees on the edge of the woodland.

RELEVANT HISTORY OF THE SITE:

No planning history. The site previous had a number of bungalows which have since been demolish

CONSULTATIONS

Highways Officer	- No objection subject to conditions
Environmental Health	- No objection subject to conditions
G M Ecology Unit	- No objection subject to conditions
Coal Authority	- No objection
United Utilities	- No objection subject to conditions. Note that a water main adjoins the site.
Drainage	- No comments received.

REPRESENTATIONS

Neighbours were notified and site notices displayed. No representations have been

received.

RELEVANT PLANNING POLICIES & GUIDANCE

The 'development plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is unallocated within the Proposals Map associated with the Plan. Therefore, the relevant policies are as listed below:

Policy 1 – Climate Change and sustainable development

Policy 2 - Communities;

Policy 5 - Promoting accessibility and sustainable transport options;

Policy 9 - Local environment;

Policy 10 - Affordable housing;

Policy 18 - Energy;

Policy 19 - Water and Flooding

Policy 20 - Design

Policy 23 - Open Space

Policy 25 - Developer Contributions

PLANNING CONSIDERATIONS

Principle of Development

The Council cannot currently demonstrate a five-year supply of deliverable housing land. Paragraph 11d) of the National Planning Policy Framework requires 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:

1. 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
2. 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.

Given the present position, Oldham Local Plan Policies which are relevant to the delivery of housing, are to be considered out-of-date and the planning balance is tilted towards granting permission if the development is considered to be sustainable development and if no significant or demonstrable reasons outweigh the benefits.

The proposal involves the redevelopment of a site previously occupied by housing and it is considered to be reasonably well located in terms of access to services and facilities including bus routes, and as such is a sustainable location.

The proposal does not provide the necessary open space contribution required by DPD Policies 23 and 25, however, the applicant has demonstrated that if the proposal was required to meet the full financial requirement of £227,388.72 it would not be viable.

However, the applicant has submitted a viability study which argues that the proposal can only contribute £50,000 to open space and remain a viable development. The study has been considered by the Council and the findings are considered valid. Therefore, the scheme does provide a reduced contribution which has been agreed to provide enhancement to the woodland alongside the application site.

The benefit in this instance would be the provision of 38 affordable rented dwellings towards the Council's shortfall in land supply. This is considered to be a significant benefit. This

scheme is also well-designed mitigating the loss of trees.

It is concluded therefore that the proposal is not contrary to relevant policies and does not result in significant or demonstrable reasons to outweigh the benefits provided.

A planning condition is attached regarding energy provision to be 15% improvement on Part L of the Building Regulations. In these respects the proposal is considered to be sustainable.

Highways

The scheme is not considered likely to result in severe impact upon the highway network. The proposed access road and parking provision is considered acceptable. The Highway Officer therefore has no objections subject to conditions.

Ecology

The Greater Manchester Ecology Unit considers that the data within the Phase 1 Ecology survey and the Bat Activity Survey is acceptable, and recommends that permission is granted subject to conditions. The Trees Officer has also considered the impact of the development on existing trees and notes that the application includes mitigation with a landscape strategy and planting plans which includes replacement trees, hedges and shrubs. The provision of replacement and additional tree planting would be welcome along with management of the land adjacent the site.

Amenity and design.

The layout secures reasonable rear separation distances in all situations and therefore provides appropriate levels of privacy for future and neighbouring residents. The houses feature pitched roof with some gables with dentil brick courses, feature bay windows, canopy porches, along with a red multi-brick cladding with grey smooth roof tiles and grey UPVC windows. The proposal is considered to accord with Policy 20.

Flood Risk

The site is within Flood Risk Zone 1 an area at lowest risk of flooding and therefore no sequential test is required. The proposal is therefore not considered to be at risk of flooding and therefore accords with the NPPF Policy 19

Ground conditions

Due to possible contamination and proximity to landfill sites the Environmental Health officer requests suitable planning conditions be attached to require appropriate assessment and if necessary, remediation.

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

1. To approve the application subject to the following conditions, and to the applicant submitting a satisfactory s106 agreement for a contribution of £50,000 towards necessary off-site open space. and replanting/enhancement works to the woodland adjacent to the site.
2. To authorise the Director of Economy to issue the decision notice upon receipt of satisfactory 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 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 approved plans and specifications referenced as follows:

L01 Existing Site Plan

L02 Rev J (Layout)

Housetypes:

L04 Rev E (Block 2)

L05 Rev C (Block 3)

L06 Rev C (Block 4)

L07 Rev C (Block 5)

L08 Rev C (Block 6)

L09 Rev E (Block 7)

L10 Rev C (Block 8)

L11 Rev C (Block 9)

L12 Rev C (Block 10)

L14 Rev C (Block 12)

L15 Rev E (Block 13)

L16 Rev C (Block 14)

L17 Rev C (Block 15)

L18 Rev C (Block 16)

L19 Rev C (Block 17)

L21 Rev D (Site Sections 1)

L22 Rev C (Site Sections 2)

UG_11611_LAN_SL_DRW_01 Rev P03 (Planting Scheme)

Landscape Strategy Document (By Urban Green) P03

UG_11611_LAN_LSN_DRW_02 (Landscape Supporting Notes P02)

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 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 - 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.

4. 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.

5. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the construction works.

Reason - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.

6. All hard and soft landscape works shall be carried out in accordance with the approved plan (Ref: L02 Rev J (Layout), UG_11611_LAN_SL_DRW_01 P03 Planting Plan, L20 Rev B (Boundary details), prior to the occupation of any part of the development or in accordance with the programme approved in writing by the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

7. 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.

8. Prior to occupation of any dwelling an Energy Statement shall be submitted to and approved in writing by the local planning authority demonstrating how the proposed dwellings shall achieve an average completed energy performance of a 15% improvement on Part L of the Building Regulations. The dwellings shall be completed in accordance with the approved details 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.

9. Prior to the commencement of any part of the development hereby approved, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, the woodland/scrub adjacent to the site shall be physically protected from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause. This shall be achieved by the erection of 2.3 m high fencing using vertical and horizontal scaffolding poles, or other stout fencing to Local Authority approval with the uprights driven well into the ground, erected in accordance with BS5837:2005, outside the canopy. The fencing shall be

maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas.

Reason - Prior approval of such details is necessary to protect existing trees and hedges and in the interest of biodiversity and in accordance with Policy 21 of the Oldham Local Plan.

10. Prior to first occupation of Plots 3, 7, 16 and 17, one bird box for either sparrow or swifts shall be erected on the open side elevations of the properties, and shall be retained at all times thereafter.

Reason - In the interests of biodiversity and in accordance with Policy 21 of the Oldham Local Plan.

11. 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: 1652L02J Rev J and 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.

12. No development above slab level 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.

13. 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. Foul and surface water shall be drained on separate systems. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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.

14. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a residents' 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 having regard to Policy 19 of the Oldham Local Plan.

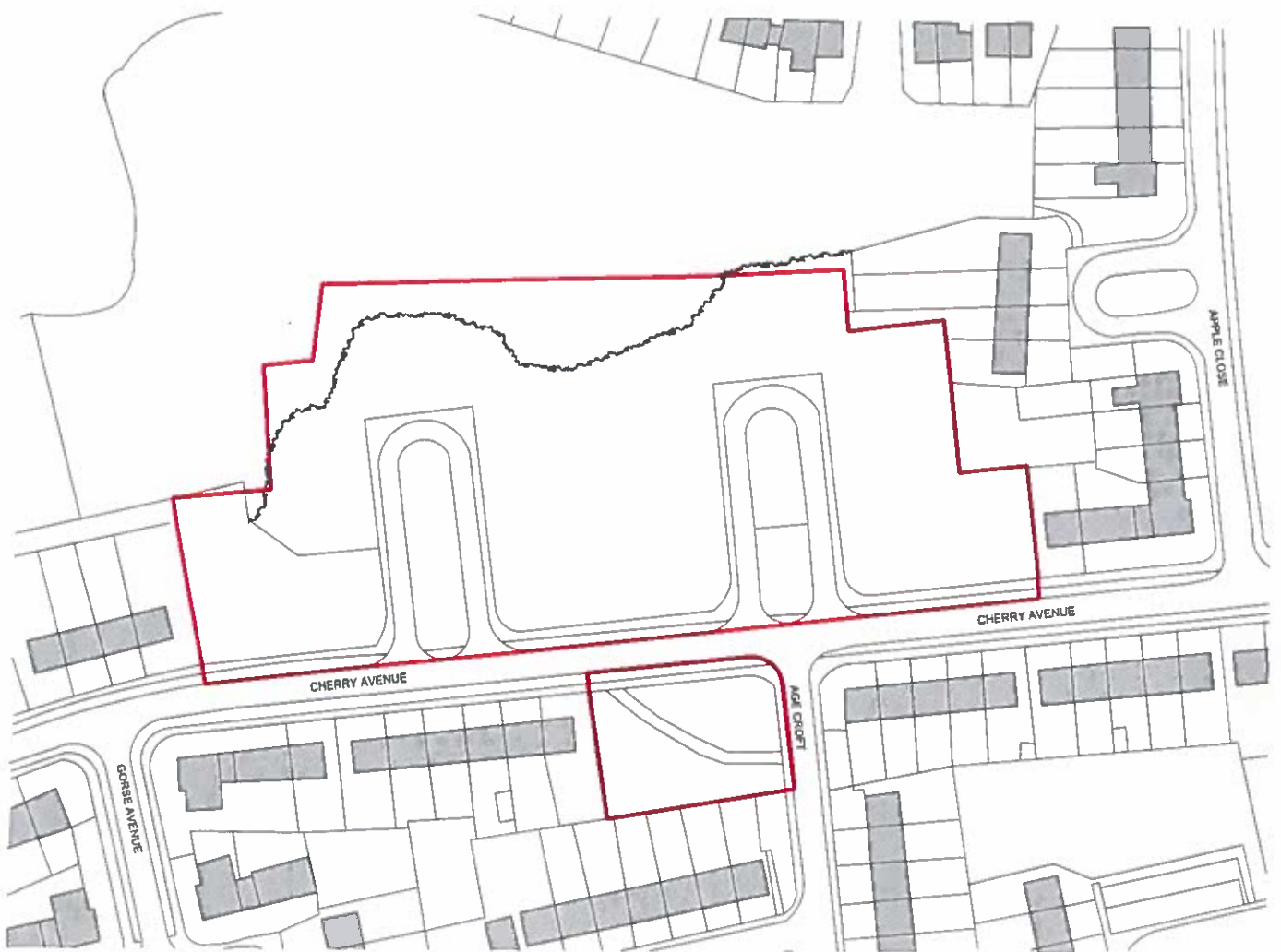
15. Prior to occupation of any house a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The development shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

1. the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no RSL involved);
2. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
3. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The 38 dwellings hereby permitted shall only be used for the purposes of providing affordable housing to be occupied by households or individuals from within the boundaries of Oldham in housing need and shall not be offered for sale or rent on the open market.

Reason - To ensure an appropriate affordable housing is provided and retained having regard to Policies 10 and 11 of the Oldham Local Plan.

343716



PROJECT

TITLE

Cherry Avenue
OL8 2HS

Location Plan
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SIZE

A4

STATUS

PLANNING

PROJECT No

1652

DRAWING No

L00

DRAWN by

AB

CHECKED

JM

DATE

OCT 17

SCALE (1:n.o)

1:1250

JOHN MCCALL ARCHITECTS LTD

No .1 Arts Village, Henry Street, Liverpool L1 5BS Tel: 0151 707 1818 Fax: 707 1819

Old Coop Building, Church Street, Hayfield, SK22 2JE e-mail: admin@johnmccall.co.uk



