

APPLICATION REPORT - PA/344067/19

Planning Committee, 3 June, 2020

Registration Date: 22/10/2019
Ward: Medlock Vale

Application Reference: PA/344067/19
Type of Application: Outline Planning Permission

Proposal: Outline application for the re-development of the St Cuthbert Church site (to include the demolition of all existing buildings) and erection of up to 24 dwellings. Access to be considered all other matters reserved.

Location: St Cuthberts Church, Tanners Fold, Oldham, OL8 2NN

Case Officer: Dean Clapworthy

Applicant Agent : Diocese of Manchester
Cordingleys Chartered Surveyors

THE SITE

The proposal relates to a 1.23 hectare site, roughly square in shape and occupied by a modern style church with associated two storey vicarage, which have been vacant for several years. The site is accessed from Tanners Fold.

The site is positioned in a raised position relative to surrounding land to the west, north and east and is surrounded on all sides by residential development with a mixture of former local authority housing and more contemporary suburban dwellings.

The site contains sporadic and immature self-seeded trees and hedgerows and is enclosed by a mixture of chainlink and concrete panel fencing.

THE PROPOSAL

The proposal, which is outline with access only to be considered and all other matters reserved, is for the erection of up to 24 dwellings, following demolition of the existing buildings at the site.

An illustrative plan has been submitted demonstrating 24 dwellings comprising semi-detached and mews rows arranged around a new short cul-de-sac and fronting Tanners Fold, although this does not form part of the formal application at this stage.

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 23: Open Spaces and Sports
Policy 25: Developer Contributions

CONSULTATIONS

Highway Officer	No objection subject to a condition for the submission of further highway details at the reserved matters stage.
Environmental Health	No objection subject to conditions requiring a land contamination investigation and remediation as necessary.
Lead Local Flood Authority (LLFA)	No objection subject to a condition relating to surface water drainage
G M Archaeological Advisory Services (GMAAS)	No comments received
Greater Manchester Ecology Unit	No objection subject to conditions relating to bats, birds and biodiversity enhancement
GM Police	No objection subject to a Crime Impact Assessment
United Utilities	No objection subject to drainage conditions

REPRESENTATIONS

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

- Construction may cause disruption to local highways
- Potential impacts upon neighbouring amenity (privacy and light) and loss of a pleasant outlook
- The site is constantly saturated and how will sewage be dealt with?
- The existing security fencing around the church is an issue
- Loss of trees, green space and impact on wildlife
- Unacceptable increase in traffic on an otherwise quiet street
- There is no need for more dwellings, and there has been demolition of dwellings in the area

PLANNING CONSIDERATIONS

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

The site has good access to local services and facilities and is within 4 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

Open space

The proposal is 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.

This area has been identified in the Open Space Study as being sufficient in accessibility to all the required types of open space; however, there are deficiencies in quality and quantity of various typologies of open space. It has therefore been calculated that the development should contribute £157,422.96 towards the provision of open space.

The applicant has submitted a viability assessment which argues that the resulting profit would enable a contribution of £18,434.00 due to low property values relative to build costs (which have been conservatively estimated). Due to the relatively high level of developer risk, it is reasonable to expect 20% profit at this site as recognised by the NPPF/NPPG guidance on viability.

The developer has demonstrated in a robust manner that the development can only make the contribution noted in the viability assessment, otherwise the site would have a negative value. 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.

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.

Access and highway safety

Objections refer to the additional traffic associated with additional housing. However, the Highway Officer does not consider that the amount of traffic generated by the number of dwellings proposed will have a significant effect on the local highway network to the detriment of highway safety and that access to the proposed development can be gained safely from Tanners Fold. Therefore, subject to the recommended condition requiring the submission and agreement of further highway details, the proposal would not have any unacceptable impacts upon highway safety.

Amenity

The proposal is in outline, with access only to be considered at this stage. Objections refer to potential impacts upon neighbouring privacy and day light. However, the indicative layout demonstrates that a spacious development could be accommodated on the site (at around 20 dwellings per hectare) with appropriate spacing to existing neighbouring dwellings, such that neighbouring amenity would not be unacceptably impacted upon. The layout and design of dwellings would be considered at the reserved matters stage.

Ground Conditions

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

Drainage

The Lead Local Flood Authority and United Utilities have confirmed that it would be appropriate to require the imposition a drainage conditions.

Ecology and trees

Objections have referred to the impact of the development on open space, wildlife and trees. The GMEU note that the site has little value in terms of tree cover. Having assessed the submitted Bat Roost Assessment, they advise that the proposal, which would involve the demolition of the buildings hosting the bat roost, is acceptable, subject to the imposition of an appropriate condition. Furthermore, there should be protection of nesting birds and the inclusion of additional opportunities for nesting birds should be included in any future development.

Conclusion

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.

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 24 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 and under utilised site and the additional vitality of occupancy of a new residential development to the community
- The significant environmental benefit of development of a brownfield site where no significant assets of particular importance exist and results in no harm to the landscape

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

- 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.

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 £18,434.00 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. Application for approval of the reserved matters of 1) Appearance 2) Landscape 3) Layout and 4) Scale shall be made to the Local Planning Authority before the

expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or two years from the date of approval of the last of the reserved matters.

Reason - To comply with 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. 3304/01)

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

3. Any application for the approval of reserved matters shall be accompanied by details of all finished floor levels for the proposed dwellings relative to a datum or datum points.

Reason - In order to ensure adequate information is submitted to fully assess the impact of the development having regard to Policy 9 of the Oldham Local Plan

4. The submission of an application for an approval of reserved matters for the development in respect of layout shall show details of:

1. the means of access to the buildings
2. gradients
3. sight lines
4. the means of servicing the buildings
5. the provision made for parking and/or garaging facilities clear of the highway
6. secure cycle storage facilities
7. the means of draining the highway.

Reason - To ensure adequate highway and drainage standards are achieved having regard to Policies 5 and 9 of the Oldham Local Plan.

5. No development shall commence, other than the demolition of the existing buildings at the site, until 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 has been 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. 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.

6. No development shall commence, other than the demolition of the buildings at the site, unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority.

Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason - In order to protect public safety and the environment having regard to Policy 9 of the Oldham Local Plan.

7. No development, other than the demolition of the buildings at the site, shall take place until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

A preliminary risk assessment which has identified:

1. all previous uses;
2. potential contaminants associated with those uses;
3. a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.

A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

The results of the site investigation and the detailed risk assessment referred to in (2) 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.

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 (3) 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason - To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution having regard to Policy 9 of the Oldham Local Plan.

8. Prior to any part of the hereby approved being occupied, a verification report demonstrating the completion of works set out in the remediation strategy, required to be approved in accordance with Condition 7, and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason - To ensure that the site does not pose any further risk to human health or the water environment having regard to Policy 9 of the Oldham Local Plan.

9. No development shall take place unless and until, either of the following has been provided to the Local Planning Authority:

a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified

activity/development go ahead: or

b) a statement in writing from the relevant licensing body to the Local Planning Authority to the effect that it does not consider that the specified development will require a license.

Reason - To safeguard any protected species which may either live or forage within the site in accordance with Policy 21 of the Oldham Local Plan.

10. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981, having regard to Policy 21 of the Oldham Local Plan.

11. No development, other than the demolition of the buildings at the site, shall take place until a scheme for the enhancement of the site for biodiversity purposes, which shall include provisions for bat and bird boxes, tree replacement and shall include timescales for implementation and future management, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.

Reason - To ensure the protection and enhancement of features and species of ecological interest having regard to Policy 21 of the Oldham Local Plan, and to the Wildlife and Countryside Act 1981

12. No development comprising the construction of a building 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.

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NB. No survey data has been used for the production of this drawing and therefore all features / boundary positions shown rely on the accuracy of the Ordnance Survey information



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Client **DIOCESE OF MANCHESTER**

Project **Land at St Cuthberts Church
Tanners Fold, Fitton Hill,
Oldham OL8 2NZ.
LOCATION PLAN.**

Scale **1:1250 @ A4**

Drawn By
Checked By

Date **March 2018**
Drwg. No. **3304/01**

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.

