

# APPLICATION REPORT - PA/344685/20

Committee Report, 9<sup>th</sup> December 2020

**Registration Date:** 19/03/2020  
**Ward:** Failsworth East

**Application Reference:** PA/344685/20  
**Type of Application:** Removal/Variation of Conditions

**Proposal:** Variation of conditions 1, 2, 3, 4, 5, 6, 8, 10 & 13 relating to app no. PA/343302/19  
**Location:** Land behind the Dog and Partridge Public House, Medlock Road, Failsworth, Oldham, M359NP  
**Case Officer:** Matthew Taylor  
**Applicant Agent :** Sheridan Group Ltd.  
Studio OL3

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**This application was deferred from the 11 November 2020 Planning Committee meeting. Committee members noted that the development had commenced and wished to see up-to-date photographs of the site along with clarification on the approved drainage scheme and ecology matters. These have been addressed in the updated committee report below.**

## RECOMMENDATION

Approve subject to the amended conditions set out below.

## THE SITE

The application site is a roughly 'L' shaped 0.7ha plot of land that gently slopes down from north to south. It is bounded by the Brookdale Golf Course to the west and the Dog and Partridge public house bowling green/beer garden and a local park to the east. The area comprises cleared ground with self-seeded grass and shrubs covering the site, but also encompasses 111 Medlock Road.

The site is located within the Woodhouses Conservation Area.

Development work relating to the erection of 17no. dwellings has commenced on site (Ref: PA/3433302/19).

## **THE PROPOSAL**

This application seeks a variation to the wording of conditions various conditions relating to app no. PA/343302/19 for the erection of 17 houses with vehicular access from Medlock Road. This follows the submission of further details to address those conditions.

## **RELEVANT HISTORY OF THE SITE:**

MMA/344478/20 – Variation to Condition 2 of approved application PA/343302/19, including amendments to site layout, levels, house layouts and roof heights. Pending Decision.

PA/3433302/19 Erection of 17 houses with vehicular access from Medlock Road. Amended application relating to PA/341467/18. Granted 13/1/2020 subject to conditions and to a Section 106 Agreement for the submission of a payment of £160000 for the improvement of the play equipment on the adjacent park and the provision of off-site affordable housing.

PA/341467/18 - Erection of 17 houses with vehicular access from Medlock Road. Refused 15 February 2019.

## **RELEVANT PLANNING POLICY**

The 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is located within the Woodhouses Conservation Area on the Proposals Map associated with this document.

The following policies are relevant to the determination of this application:

- 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 11 - Housing;
- Policy 16 - Local Services and Facilities;
- Policy 20 – Design;
- Policy 23 - Open space and sports

## **CONSULTATIONS**

Environmental Health

No objection subject to submission of a validation report.

Highway Engineer	Confirmed the proposed permeable resin driveway detail (T138-Driveway-permeable-base-v8) is acceptable. However, noted the scheme includes large expanses of hard surfacing on the driveways and private driveways which could lead to long lengths of dropped kerbs which is not acceptable. This could also lead to there being insufficient soft landscaping to catch water run-off.
Environment Agency	No objection.
LLFA	Confirmed the submitted details are sufficient to satisfy condition 5 provided that a full survey of the watercourse has been undertaken and supplied for the LLFA to review prior to occupation of the development.
Greater Manchester Ecology Unit	<p data-bbox="651 850 858 884"><u>Condition no.6:</u></p> <p data-bbox="651 911 1406 1161">Given the level of risk at this site, GMEU are satisfied that the information supplied demonstrates adequate measures will be in place and that staff have been informed of the risks to wildlife and the minor watercourse running in to the SBI. Therefore, they have no objection to the prior to commencement part of this condition being removed.</p> <p data-bbox="651 1188 874 1222"><u>Condition no.10:</u></p> <p data-bbox="651 1249 1406 1417">This is not a prior to commencement condition, birds can sometimes decide to nest in unlikely locations and if the condition does not prevent the development starting, as such they have recommended the condition is not removed.</p>
Greater Manchester Police Architectural Liaison Unit Street Lighting	<p data-bbox="651 1444 948 1478">No objection received.</p> <p data-bbox="651 1514 1406 1612">Provided comments about the adoptable standards of street lighting and noted the requirements of any other external lighting.</p>
United Utilities Trees Officer	<p data-bbox="651 1619 842 1652">No objections.</p> <p data-bbox="651 1659 1406 1717">Expressed concerns that tree protection measures were not put in place prior to work commencing.</p>
National Grid Company PLC	No objections

Electricity North West  
Sport England

No objections  
No objections.

## **REPRESENTATIONS**

No representations have been received.

## **PLANNING CONSIDERATIONS**

The principle of the development has previously been established and assessment of the present application is limited to the proposed changes to the wording of the relevant planning conditions.

Each condition is addressed in turn below:

### Condition No.1 (Time limit):

Requires a start within three years. Development has commenced.

### Condition No.2 (Approved Plans):

This condition lists the approved plans.

As such, this condition has been varied to take account of the amended details that have been submitted to vary/remove other conditions from the original decision.

### Condition No. 3 (Materials):

This condition requires the submission and written approval of the materials to be used in the construction of the development's external surfaces, including all external doors, windows, and rainwater goods.

The application is supported by the submission of a 'Material Schedule (Ref no. 570)' and T138-Driveway-permeable-base-v8 document. The materials proposed are acceptable, as such it has been agreed the condition will be varied to take account of the details.

### Condition No. 4 (Adequate off-street parking facilities and hardstanding construction):

This condition requires that the dwellings shall not be brought into use until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan and details of construction, levels and drainage.

The applicant has provided the following details to address this condition:

- T138-Driveway-permeable-base-v8;
- 570 -003 Rev Q;
- EW01 Rev B;
- EW02 Rev D;
- EW03 Rev C;
- EW04 Rev E;
- EW06 Rev D;
- D001 Rev F; and
- D002 Rev K.

The Council's Highway Engineer has considered this submitted information and has confirmed the proposed permeable resin driveway detail (T138-Driveway-permeable-base-v8) is acceptable, as such it has been agreed the condition will be varied to take account of this detail.

Concerns were raised by the Highway Engineer that the scheme includes large expanses of hard surfacing on the driveways and private driveways. This could lead to long lengths of dropped kerbs which is not acceptable, or people parking indiscriminately and illegally on the areas of hard surfacing. This could also lead to there being insufficient soft landscaping to catch water run-off. Having considered the originally approved layout plan, it is clear the areas of hard standing have not significantly changed from the approval, and therefore the principle of the proposed parking arrangements has previously been accepted.

Therefore, this condition wording has been varied to require the scheme is not occupied unless and until the access to the site and car parking space for that dwelling has been provided in accordance with the submitted plans/details.

Condition No. 5 (Drainage):

Prior to occupation of the development this condition required the submission of a sustainable drainage management and maintenance plan for the lifetime of the development, which had regard to the principles as set out in the submitted Flood Risk Assessment & Drainage Strategy prepared by Waterco.

The following details have been submitted to address this condition:

- Drg no. 19500-D001- Rev F
- Drg no. 19500-D002 - Rev K
- Drg no. 19500-D003
- Drg no. 19500-D004
- Drg no. 19500-D005- Rev C

- Drg no. 19500-D006- Rev C
- Drg no. 19500-D007- Rev A
- Drg no. 19500 – D008 – Rev B
- Drg no. 19500 – D009
- Drg no. 19500 – D0010 - Rev A
- Hydrobrake product – CTL-SHE-0106-7400-2327-7400
- Calculations – labelled Medlock Attenuation – 26.08.20 Karl Hill
- Geo-environmental Site Investigation Report Phase II Site Investigation – H0388 JL (GS10833) October 2017

These details have been fully considered by the Lead Local Flood Authority, and it has been confirmed they are sufficient to satisfy the pre-commencement requirements of condition 5. This is subject to a full survey of the watercourse being undertaken and submitted prior to occupation of the development.

As a result, this condition has been varied to require the development is constructed in accordance with the above stated details/ plans, and a full survey of the watercourse has been undertaken and provided for the LLFA to review prior to occupation of the development.

Furthermore, it is noted that United Utilities were originally consulted on this application and have raised no objection to this application.

Condition No. 6 (To protect the watercourse and Brookdale Golf Course SBI):

To address the pre-commencement part of this condition the application is supported by the submission of a 'Phase 1 Ecological Survey & Appraisal & Amphibian Habitats Suitability Index Assessment (Update)'. This report has been fully considered by GMEU and they are satisfied that the information supplied demonstrates adequate measures will be in place and that staff have been informed of the risks to wildlife and the minor watercourse running in to the SBI.

Therefore, the condition has been varied to require the development is constructed in accordance with the above stated detail and has not be removed in its entirety.

Condition No. 8 (Trees/shrubs within the site):

To address the pre-commencement part of this condition the application is supported by the submission of a Tree Protection Plan Job (Ref: CW /904-P- TP).

The Council's Trees Officer comments are as follows:

*'If the tree protection fencing had been implemented from the outset then this considerable amount of root and rooting environment damage would not have occurred. The tree protection, of what there is, is still not to standard and has clearly not offered sufficient protection.'*

It is clear the submitted information and methodologies should have been considered prior to work starting on site. To address the possible damage caused, the landscaping plan has been amended to include additional and appropriate replacement tree planting.

As a result, this condition has been varied to include the submitted Tree Protection Plan (Ref: CW /904-P- TP).

Condition No. 9 (Landscaping scheme):

Following on from the comments by the Council's Trees Officer, the landscaping plan has been amended to include additional and appropriate replacement tree planting. As a result, this condition has been varied to supersede the originally listed plan with Drawing Ref: 570 – 003P.

Condition No. 10 (Protection of bird habitats):

GMEU note that given birds can sometimes decide to nest in unlikely locations, the condition is still required. To this end, this condition will not be removed or varied.

Condition No. 11 (Landfill Gas/Contaminated Land):

The Phase II Geoenvironmental Site Investigation Report by GEOCON, dated October 2017 has classified the whole site as CS3/Amber 1 with regards to ground gas. The following drawings and product detail outline the gas protection measures:

- 570-04-D-000 Rev B - External Wall to Floor Junction Details Plots 1 to 8 and Level Access Detail
- 570-04-D-012 Rev A - External Wall and Beam and Block Floor Junction Detail - Plots 9 to 17
- Vent form Data Sheet- Cordek Ventform

These details have been considered by the Council's Environmental Health Officer and it has been confirmed they address the pre-commencement part of Condition no. 11. However, a validation report will continue to be required for all plots to confirm the installation of the membranes prior to occupation.

Condition No.13 (Visibility in the interests of highway safety):

The boundary wall to the front of 111 Medlock Road has been re-sited in accordance with the detail shown on plan ref: 005 Rev H and J930/access/Fig 1. However, given that for highway safety reasons the area between the wall and the access shall be permanently kept clear of all obstructions, the wording of the condition will be varied accordingly.

## **RECOMMENDED CONDITIONS**

1. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications which are referenced as:

570 - 003 Rev Q  
570 - 004 Rev G  
570 - 005 Rev K  
570 - 006 Rev C  
570 - 008 Rev C  
570 - 007 Rev E  
570 - 009 Rev A  
570 - 101P3 - Medlock Road House Type 1  
570 - 201P3 - Medlock Road House Type 2  
570 - 301P3 - Medlock Road House Type 3  
570 - 501P1 - Medlock Road House Type 5  
570 - 601P1 - Medlock Road House Type 6  
570 - 701P1 - Medlock Road House Type 7  
STR.TS.14 Medlock Road Woodhouses - Topo Survey STR.TS.1

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

2. Development hereby approved shall be carried out in accordance with the approved Material Schedule (Ref no. 570) and T138-Driveway-permeable-base-v8. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located.

3. No dwelling shall be brought into use unless and until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plans/details:
  - T138-Driveway-permeable-base-v8;



- 570 -003 Rev Q;
- EW01 Rev B;
- EW02 Rev D;
- EW03 Rev C;
- EW04 Rev E;
- EW06 Rev D;
- D001 Rev F; and
- D002 Rev K.

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 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.

4. Prior to occupation of the development, the sustainable drainage of the site as outlined in the following details shall be completed and a full survey of the watercourse undertaken and submitted to and approved in writing by the Local Planning Authority.

- Drg no. 19500-D001- Rev F
- Drg no. 19500-D002 - Rev K
- Drg no. 19500-D003
- Drg no. 19500-D004
- Drg no. 19500-D005- Rev C
- Drg no. 19500-D006- Rev C
- Drg no. 19500-D007- Rev A
- Drg no. 19500 – D008 – Rev B
- Drg no. 19500 – D009
- Drg no. 19500 – D0010 - Rev A
- Hydrobrake product – CTL-SHE-0106-7400-2327-7400
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The subsequently completed drainage scheme shall be maintained and managed in accordance with all the approved details and the Flood Risk Assessment & Drainage Strategy prepared by Waterco.

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.

5. All measures outlined in the approved 'Phase 1 Ecological Survey & Appraisal & Amphibian Habitats Suitability Index Assessment (Update)', Produced by Sensible Ecological Survey Solutions, shall be implemented and maintained for the duration of the construction period of the development in accordance with the approved details.

Reason - To protect the watercourse and Brookdale Golf Course SBI.

6. The development shall only be carried out in full accordance with the approved remediation proposals outlined in the Phase II Geoenvironmental Site Investigation Report by GEOCON, dated October 2017. Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority, and the approved measures shall be implemented in full.

Reason - To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use.

7. All trees to be retained shall be protected in accordance with the submitted Tree Protection Plan Job (Ref: CW /904-P- TP) Thereafter no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence and tree during the construction period.

Reason - In order to avoid damage to trees/shrubs within the site, which are of important amenity value to the area.

8. All hard and soft landscape works for the site shall be carried out in accordance with the approved details as follows:

Drawing Nos. 570 – 003 Rev Q;  
Drawing Nos. 570 – 004 Rev G;  
Material Schedule (Ref no. 570); and  
T138-Driveway-permeable-base-v8.

The works shall be carried out prior to the occupation of any part of the development or in accordance 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.

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.

9. 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 LPA.

Reason - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981.

10. The development shall only be carried out in full accordance with the following approved Landfill Gas remediation details:

- 570-04-D-000 Rev B - External Wall to Floor Junction Details Plots 1 to 8 and Level Access Detail
- 570-04-D-012 Rev A - External Wall and Beam and Block Floor Junction Detail - Plots 9 to 17
- Vent form Data Sheet- Cordek Ventform

A verification report providing detail to demonstrate that the works set out in the above details are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be submitted prior to occupation of the dwelling to which the measures relate.

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

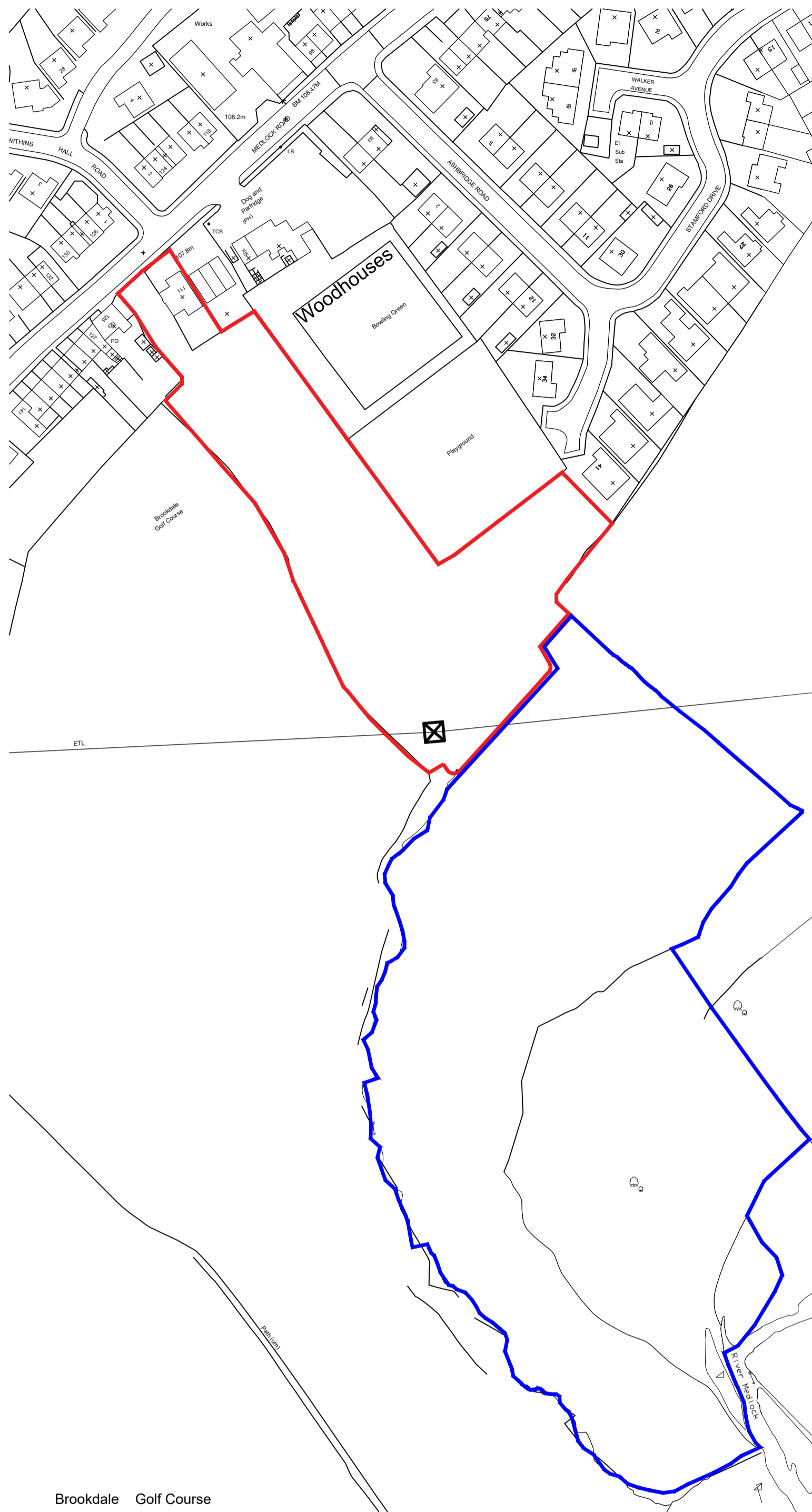
Reason - To ensure that the development does not contribute to, nor is put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

11. Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy 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 by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

12. The boundary wall to the front of 111 Medlock Road shall remain re-sited in accordance with the detail shown on plan ref: 005 Rev k and J930/access/Fig 1 at all times. Thereafter the area between the fence line and the access shall be permanently kept clear of all obstructions.

Reason – To ensure satisfactory visibility in the interests of highway safety.



Note:  
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**GENERAL NOTE:**  
 Workmanship and materials to comply with:  
 Building Regulations, N.H.B.C. requirements, British standards or codes of practice, other authoritative documents or technical approval certification including:  
 Construction Products Directive (89/106/ee).  
 The International Standards Organisation (iso).  
 The European Committee for Standardisation (cen).  
 The British Board of Agreement.  
 Current at the time of the Building Regulations application.

All materials shall be fixed, applied or mixed in accordance with manufacturers instructions and specifications. All materials shall be suitable for the purpose for which they are used.

The contractor shall take into account everything necessary for the proper execution of the works, to the satisfaction of the "inspector" whether or not indicated on the accompanying drawings or in the specification.

Note: subject to confirmation of the designer - similar "approved" materials of equal performance may be substituted where those specified are not available.

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No.	Date	Description	Issued by
A	18.04.19	Red line boundary amended.	DT

**THE SHERIDAN GROUP LTD**

**LAND OFF MEDLOCK ROAD**

**Location Plan**

Drawing Number	Project number	570
009	Date	07.02.18
Current Revision	Drawn by	DT
A	Checked by	OL3
	Scale @ A2	1:1250



Unit 23 Broadway Business Park Chadderton OL9 9XA  
 Email - design@studio-ol3.co.uk - Web - www.studio-ol3.co.uk

# **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.