

**APPLICATION REPORT - FUL/345847/20**  
**Planning Committee 9<sup>th</sup> June 2021**

**Registration Date:** 20th November 2020  
**Ward:** Alexandra

**Application Reference:** FUL/345847/20  
**Type of Application:** Full Application

**Proposal:** Full planning permission for 98 affordable dwellings, together with associated parking, landscaping, drainage, the layout of roads and footways and other associated works following demolition of existing structures.

**Location:** Land at Cardwell Street bound by Dowry Street to the south and Groby Street to the east, Oldham

**Case Officer:** Matthew Taylor

**Applicant:** c/o M.C.I Developments Limited

**Agent:** Mr Simon Pemberton

## **INTRODUCTION**

This application is presented to Planning Committee as a Major application and as a departure from the provisions of the Local Plan in accordance with the Scheme of Delegation.

## **RECOMMENDATION**

It is recommended that Committee resolves to grant permission subject to the conditions set out below:

## **THE SITE**

The application site previously accommodated Maple Mill, a cotton spinning mill comprising of two buildings. Due to several arson attacks in 2009 and 2016, following not being in commercial use for several years, both buildings have been demolished. As a result, the site is now largely cleared.

Overall, the site is approximately 1.87 ha in size and has a sloping topography from north to south. Surrounding land uses include a mix of residential and commercial properties.

## **THE PROPOSAL**

This application seeks planning permission for the demolition of all remaining structures on site and the erection of 98 affordable dwellings, together with associated parking, landscaping, roads and footways.

The proposed housing will comprise:

- 18 one-bedroom apartments,
- 6 two-bedroom apartments,
- 12 one-bed maisonettes,
- 24 two-bedroom family houses,

- 26 three-bedroom family houses, and,
- 12 four-bedroom family houses.

The development will be accessed off Cardwell Street. The access will link into the main internal estate road which loops round the site. All the proposed dwellinghouses will benefit from both front and rear gardens, whilst the proposed layout provides a mix of parking in the form of private driveways, shared driveways and a parking court for the apartment block.

Each dwelling has been provided with designated spaces for the storage of waste and recycling bins.

**RELEVANT PLANNING HISTORY:**

No relevant planning history.

**RELEVANT PLANNING POLICIES**

The ‘Development Plan’ is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham.

The site is located within a Business Employment Area on the Local Plan proposals map and is in a Coal Mining Referral Area.

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 14 – Supporting Oldham’s Economy
- Policy 18 - Energy
- Policy 20 – Design
- Policy 23 - Open space and sports

**CONSULTATIONS**

Environmental Health	Recommend both landfill gas and contaminated land conditions and informative notes.
Highways	Recommend conditions and informative notes to ensure adequate off-street parking facilities are provided and remain available so that parking does not take place on the highway to the detriment of highway safety.
Greater Manchester Ecology Unit	Recommend conditions and informative notes to address the treatment of invasive species, bats and biodiversity on site.
United Utilities	Recommend conditions and informative notes to address both drainage and the management and maintenance of Sustainable Drainage Systems.
Coal Authority	No objection subject to conditions to secure the undertaking of intrusive site investigations, prior to the commencement of development, to ensure that adequate

information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site.

Environment Agency	Recommend conditions to address the remediation strategy to deal with the risks associated with contamination of the site
LLFA/Drainage	Recommend a condition to address the Sustainable Drainage Systems for the site.
TFGM	No objection.
Greater Manchester Police	Recommend a condition to reflect the physical security specifications set out in Section 7 of the submitted Crime Impact Statement.

## **REPRESENTATIONS**

This application was publicised by site notice, neighbour notification letters and press notice. No representations have been received in response.

## **PLANNING CONSIDERATIONS**

### **Principle of development**

The application site is located within an area allocated for employment uses. It is therefore necessary to consider whether a satisfactory justification exists for the introduction of a non-conforming use.

### *Employment*

Policy 14 of the Local Plan sets out that uses not listed in the policy, such as residential, will be permitted on sites currently or most recently used for employment purposes, provided the applicant can clearly demonstrate that it is no longer appropriate or viable to continue the existing use. This can be demonstrated by the developer:

- a) through a marketing exercise that there is no market for the uses listed above. The marketing exercise should be agreed with the council before commencing and be of a professional standard; or
- b) through a viability exercise that the continued use/development of the site for the uses listed in the policy is unviable; or
- c) that the development of the site for alternative uses would benefit the regeneration areas identified by the council as being in need of investment or would benefit the community of an area.

In order to comply with Policy 14, an Employment Land and Viability Statement has been carried out. The scope of the report was agreed prior to submission of the application. The Employment Land and Viability Statement came to the following conclusions:

- When having regard to the supply and demand of employment uses in the area, the site is not suitable for office and industrial uses; and

- The site is not viable for industrial or office development. Two scenarios were considered and both appraisals returned a substantial negative land value.

Having regard to the information submitted and an assessment of the site and its location, it is considered that Policy 14 has adequately been met.

### *Housing*

Local Plan Policy 1 seeks to ensure the effective and efficient use of land and buildings by promoting the re-use and conversion of existing buildings prior to the use of greenfield sites. It also aims to meet Oldham's housing needs by focusing residential development in sustainable locations and to ensure that development respects Oldham's natural, built and historic environments.

The application site is identified within the Council's Strategic Housing Land Availability Assessment (SHLAA) as at 1st April 2020 as a Potential Site for 123 no. homes (ref SHA1606).

Policy 3 of the Local Plan sets out the Council's approach for managing the release of housing land and states that planning applications for residential development, in whole or as part of a mixed-use scheme, will be permitted where:

- a) The site is allocated for residential development or mixed-use and has come forward in line with the Council's approach to phasing, reflecting the residential distribution described within the policy;
- or
- b) The site is allocated for residential development or mixed-use and has come forward prematurely from the phasing set out in the Site Allocations DPD and does not undermine other national and local guidance and policies: and
  - i) A deliverable five-year supply of housing land cannot be demonstrated; or
  - ii) It contributes to the delivery of the borough's regeneration priorities; or
  - iii) It contributes to the delivery of affordable housing that meets the local affordable housing needs.

Proposals for residential development on a non-allocated site will be considered favourably where it meets the three criteria listed under b) above or it is for a small development, comprising a change of use or conversion or not identified in the SHLAA. These three criteria are considered in turn below:

#### *i) Housing land supply position*

The SHLAA (as at 1 April 2020) identifies a baseline housing land supply of 10,706 dwellings, increasing to 11,263 when considering the small sites and clearance allowances. The Government has introduced a standardised methodology for assessing local housing need (LHN), based on household projections with an adjustment to take account of affordability. For Oldham, Local Housing Need (LHN) has recently changed to 693 homes per year. Based on the five-year supply identified within the SHLAA, the Council is unable to meet the borough's housing need at this time. As such, delivering housing on suitable sites is imperative to meeting local needs. The

proposed development site is included within the SHLAA and therefore has been assessed as being suitable, available and achievable for residential development in principle.

ii) *Delivery of the borough's regeneration priorities*

The application site is within 480m of 6 local services and is served by frequent public transport.

Policy 3 also states that the use of previously developed land and vacant or underused buildings is the Council's first preference for residential development.

iii) *Delivery of affordable housing to meet local affordable housing needs*

Policy 10 of the Local Plan sets the current target at 7.5% of the total development sales value to go towards the delivery of affordable housing, unless it can be clearly demonstrated to the Council's satisfaction that this is not viable. This affordable housing must be provided on-site unless there are exceptional circumstances. Evidence on housing mix, type and tenure is set out in the Council's Local Housing Needs Assessment prepared to support the Housing Strategy.

As per the submitted Affordable Housing Statement, the application proposes to provide 100% affordable housing. This would wholly satisfy Policy 10 of the Local Plan, providing much needed affordable housing in a sustainable location.

As such, for the reasons given above, it is considered that the principle of the proposal is acceptable.

### **Open Space**

Policy 23 of the Local Plan states that major residential development should 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. It goes on to state that regard will be given to the proposed development and the open space surpluses and deficiencies in the area (identified through the Council's Open Space Study) to determine where appropriate whether on-site or off-site new provision or enhanced existing provision or a financial contribution will be required.

The submitted Planning Statement sets out that, due to the provision of affordable housing and other development costs, it is not financially viable to provide a public open space contribution. In support of this statement the Economic Viability Assessment has been provided. This has been fully assessed by the Council, and it has been confirmed the scheme would not be viable with the open space requirement.

Therefore, in this instance, it is considered the scheme meets the exceptions stated within Policy 23.

### **Energy**

Policy 18 of the Local Plan states that all developments over 1,000 square metres or 10 dwellings and above are required to reduce energy emissions in line with set targets.

The submitted Energy Statement indicates that the proposed scheme's fabric first approach and energy efficient services design along with a PV system will achieve the 15% reduction in CO2 over Part L 2013, as required by Policy 18.

## **Design**

Local Plan Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment. Policy 9 requires that development does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape, nor should it cause significant harm to the amenity of neighbouring occupants. Policy 20 is also relevant, as it seeks to promote high quality design.

The amended layout of the proposed development has been designed in accordance with Policy 20 to avoid adverse impacts on the amenity of future occupants and the occupants of existing neighbouring properties.

The design and materials proposed for the dwellings has been designed to be in keeping with the design of the dwellings within the surrounding area.

The proposed hard and soft landscaping, that will form part of the development, is also considered to be acceptable, incorporating areas of green space, as well as landscaping forward of the front elevation of the proposed dwellings.

Overall, it is considered that the high-quality design of the proposed development would have a positive impact on the character of the area, in accordance with Policies 9 and 20 Local Plan.

## **Residential Amenity**

Policy 9 of the Local Plan requires that new development does not result in a significant, adverse impact on the visual amenity of the surrounding area or significantly harm the amenities of occupiers of existing or future neighbouring properties, whilst Policy 20 includes the requirement that development proposals should reflect local character.

### *Relationship with neighbouring properties:*

The amended layout does not result in any oppressive outlook/loss of privacy from the current and future occupiers of the existing neighbouring residential properties. The design includes both sufficient separation distances and a development of a similar scale to its surroundings.

### *Impact on the Future Occupiers:*

The development has been assessed against the 'Technical housing standard - nationally described space standards', March 2015. Given the scheme complies with these Standards, it is concluded that the development will provide appropriate living space for the future occupants of the development.

Therefore, the scheme is considered to comply with Policies 9 and 20 of the Local Plan.

## **Highway Safety**

Policy 5 of the Local Plan requires that developments do not compromise pedestrian or highway safety and Policy 9 of the Local Plan states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users.

The site is located close to established residential areas with good access to a wide range of amenities and public transport links.

The Council's Highway Engineer is satisfied that the amended internal layout of the site is acceptable and that there is adequate parking provision provided on the site. The amount of traffic generated by this development will not have a significant effect on the local highway network or be detrimental to highway safety. Furthermore, TfGM has raised no objection to the scheme. As such, the scheme is acceptable on highways grounds.

## **Trees**

Saved UDP Policy D1.5 'Protection of Trees on Development Sites' states that where trees are to be lost to development, the Council will require, as a minimum, replacement at a ratio of three new native trees for each mature or semi-mature tree lost. Where possible the replacement trees should be accommodated on or immediately adjoining the development site.

The submitted Arboricultural Impact Assessment notes that all seven existing trees and one group of trees on site are proposed to be removed. These are all either category 'C' or 'U' in quality and it is noted that the amended landscaping plan includes the planting of 42 no. replacement trees across the site.

Therefore, the loss has been adequately mitigated and the scheme accords with the requirements of saved UDP Policy D1.5.

## **Ecology**

Local Plan Policies 6 and 21 are concerned with protecting, conserving and enhancing our local natural environments.

The Greater Manchester Ecology Unit notes that the submitted ecological report appears to have used reasonable effort to survey the habitats on site and to assess their suitability to support protected/species of principal importance.

### *Bats*

The Report concludes that the site supports a number of buildings of low value to bat roosting. A Bat Method Statement (BMS) has been produced as the survey was undertaken too late in the season to undertake the necessary follow-up activity surveys. In general terms, this approach is to be avoided and is contrary to Defra Circular 06/2005. However, in this case and given the contents of the Bat Method Statement, GMEU is satisfied that the approach can be adopted.

It is important to note that the BMS places strict criteria on when the demolition works can take place, and this must be adhered to in order to avoid any likelihood of an offence. A condition to this effect has been attached.

### *Contributing to and Enhancing the Natural Environment*

Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment.

The BMS report also includes details of Biodiversity Enhancements in-line with the guidance of the NPPF. GMEU has confirmed that the proposed bat and bird box scheme should be implemented in full prior to the first occupation of the development (or each phase if it is to be developed in parcels). This has been addressed with an appropriately worded planning condition.

### *Invasive Non-Native Species*

The site contains Japanese knotweed. The presence of this species must be dealt with prior to implementation of any development. GMEU recommend that any planning proposals where this species is present is dealt with by a Control and Eradication Method Statement. This has been addressed with an appropriately worded planning condition.

### **Drainage**

Local Plan Policy 19 is concerned with ensuring that new developments do not result in an unacceptable flood risk or increased drainage problems by directing developments away from flood risk areas.

Therefore, in order to ensure the development complies with the above policy, the Council's Drainage Team and United Utilities have requested a condition requiring a sustainable drainage plan to be approved prior to the commencement of development, and that the development is implemented in accordance with the submitted Flood Risk Assessment.

### **Contamination and Landfill Gas:**

Paragraph 178 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Given the above, it is considered appropriate to impose a condition requiring intrusive site investigations and the submission of a remediation strategy before any development takes place. The need for such a condition is also identified by both the Council's Environmental Health section and the Environment Agency. Appropriately worded conditions have been recommended in this regard in order to ensure that the development does not conflict with the requirements of paragraph 178.

### **Coal Mining**

NPPF Paragraph 178 also requires the planning system to prevent new development from contributing to or being put at unacceptable risk from; or being adversely affected by land instability.

The application site falls within the defined Development High Risk Area which means within the application site and surrounding area there are coal mining features and hazards which need to be considered. The Coal Authority has confirmed that their records indicate that a thick coal outcrop crosses through the application site; this may have been subjected to probable unrecorded coal mine workings at shallow depth.

The application is supported by a Geo-Environmental Ground Investigation and Updated Coal Mining Risk Assessment. The report recommends that further intrusive site investigations should be undertaken. On that basis, the Coal Authority considers that further intrusive site investigations should be undertaken to determine the requirements for remediation works.

Accordingly, recommended conditions are attached in order to ensure the safety and stability of the development.

## **CONCLUSION**

With the above in mind, it is felt that the submitted scheme has addressed Policy 14 adequately and the site is in a sustainable location. It therefore concluded that this 100% affordable housing scheme, on a previously developed site, fully complies with Local Plan and is recommended accordingly.

## **RECOMMENDED CONDITIONS**

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 Details Schedule list on this decision notice.

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 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 (Dowry Street / Proposed Site Layout Rev K) 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.

4. Excluding demolition works and site clearance works no development shall commence until full details of a scheme for a sustainable drainage system to serve the site, with separate foul and surface water systems, and the method of implementation, including arrangements to secure funding and maintenance for the lifetime of the development through an appropriate legally binding agreement, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved scheme.

REASON - To prevent the increased risk of flooding both on and off site and ensure satisfactory drainage facilities are provided to serve the site having regard to Policies 9 and 19 of the Oldham Local Plan.

5. Excluding demolition works and site clearance works, 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 having regard to Policy 9 of the Oldham Local Plan.

6. No earthworks shall take place on site unless and until mitigation measures in the form of a Control and Eradication Method Statement for dealing with Japanese knotweed have been submitted to and approved in writing by the Local Planning Authority.

This Method Statement should include:

- Detailed mapping of the distribution of the plant across the site;
- Suitable signage and protection from vehicle tracking and/or earth moving;
- A Treatment programme;
- Biosecurity protocols for machinery and soil handling & storage. This should be cross-referenced and included within any Construction Method Statement; and
- Monitoring and retreatment programme for minimum of 5 years post site clearance.

REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works in the interests of the protection of the natural environment having regard to Policy 9 of the Oldham Local Plan.

7. Excluding demolition works and site clearance works, no development shall commence until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

REASON - To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site having regard to Policy 9 of the Oldham Local Plan.

8. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON - To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and

carried out before building works commence on site having regard to Policy 9 of the Oldham Local Plan.

9. No works to trees or shrubs shall take place 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.

10. Prior to occupation of the development all measures of outlined by the Bat Method Statement/Enhancement Plan by E3P (dated March 2021) and Drwg ref: Dowry Street /Bird & Bat Box Plan, Rev C shall be implemented on site.

REASON - 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.

11. The affordable housing provision shall be provided in accordance with the approved Affordable Housing Statement, March 2021. This condition shall cease to apply (and shall be of no further effect) to any dwelling in respect of which the full equity has been acquired by the individual owner/purchaser and/or their mortgagee OR any dwelling in respect of which a statutory or voluntary right to buy or acquire has been exercised.

REASON - To ensure that the contribution towards affordable housing is delivered on the site in an appropriate manner which meets local need and to ensure that any affordable housing remains affordable having regard to Policy 10 of the Oldham Local Plan.

12. The development shall be implemented in full accordance with the Energy Statement submitted by PB Sustainability, dated October 2020, 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.

13. All planting, seeding or turfing comprised in the approved landscaping detail Drawing No: 6433.01, Rev C shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless, the Local Planning Authority gives written consent to any variation.

REASON - In order to avoid damage to trees/shrubs within the site, which are of important amenity value to the area having regard to saved UDP Policy D1.5 and Policy 20 of the Oldham Local Plan.

## **SITE LOCATION PLAN**

