

**APPLICATION REPORT – FUL/346821/21
Planning Committee 19th January 2022**

Registration Date: 4th May 2021
Ward: Failsworth West

Application Reference: FUL/346821/21
Type of Application: Full Application

Proposal: Erection of 14 residential dwellings with associated landscaping, access, and parking.

Location: Land at The Junction of Oldham Road and Hardman Street, Failsworth, M35 0BB

Case Officer: Stephen Gill
Applicant: Lancet Homes Ltd
Agent: Miss Rebecca Dennis

INTRODUCTION

The application is being reported to Planning Committee given the application comprises major development and the Council is the landowner. A committee decision is therefore required in accordance with the Council's Scheme of Delegation.

RECOMMENDATION

It is recommended that the application be approved subject to:

- The conditions as set out in this report; and,
- The completion of a Section 106 agreement in respect of an open space contribution of £25,544.20 towards maintenance and improvements at Moston Brook Green Corridor.

The Head of Planning shall be authorised to issue the decision upon satisfactory completion of the legal agreement.

THE SITE

The site is located at the junction of Oldham Road and Hardman Street and measures 0.25 hectares in area. The site is bound by Hardman Street to the east, Oldham Road to the south, Heywood Street to the west and existing residential dwellings and commercial buildings to the north. The site is currently vacant and is listed on the Council's Brownfield Land Register and in the 2020 SHLAA (ref: HLA2090). Hardman Street provides vehicular access to the development site via a priority junction.

The Proposals Map shows the site as lying within a mixed-use allocation (M3). Saved Policy B1.3 Mixed Use Allocations permits residential use within the allocation at Hardman Street.

THE PROPOSAL

The application seeks full planning permission for the erection of 14no. residential dwellings, with associated landscaping, access, and parking. The development will incorporate seven 2 bed, 2-storey homes, and seven 3 bed, 2.5-storey homes.

RELEVANT PLANNING HISTORY

There is no planning history relevant to this application.

RELEVANT PLANNING POLICIES

The following policies in the Council's Joint Core Strategy and Development Management Policies DPD 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;
Policy 7 - Sustainable Use of Resources – Waste Management;
Policy 9 - Local Environment;
Policy 11 – Housing;
Policy 19 – Water and Flooding;
Policy 20 – Design; and,
Policy 23 – Open Spaces and Sports

The following “saved” UDP Policies are also relevant:

Policy D1.5 – Protection of Trees on Development Sites; and,
Policy B1.3 – Mixed Use Allocations

CONSULTATIONS

Highways Engineer:	No objection
Environmental Health:	No objection
Greater Manchester Ecology	No objection
Advisory Service:	No objection
Arboricultural Officer:	No objection
Lead Local Flood Authority:	No objection
United Utilities:	No objection

REPRESENTATIONS

The application has been publicised by way of neighbour notification letters, a site notice which expired on the 25th June 2021, and a press notice published in the Manchester Evening News which expired on the 17th June 2021. No representations have been received as a result of the publicity carried out.

PLANNING CONSIDERATIONS

Principle of development

The Council cannot presently demonstrate a 5-year housing land supply position. In any case, the site forms part of a retained allocation for mixed use development for both employment and residential uses, with the latter limited to Hardman Street.

The majority of the allocated site is already developed with existing employment uses, and so the development of housing on this application site will not undermine the provision of an overall mix of uses within the allocation. The site which is the subject matter of this application forms a rectangular strip of land fronting Oldham Road and Hardman Street. It is noted that the proposal for the most part fronts onto Oldham Road (not Hardman Street, where the saved UDP policy indicates the residential development should be focused) and the level of housing is more than the allocation set out (originally for 10 units), however, following a careful assessment of the application, it is considered clear that the frontage of the development needs to appropriately address the primary frontage of Oldham Road, rather than allowing this key frontage to be dominated by parking areas. The layout also needs to consider an appropriate access point to the development, which is considered better from Hardman Street. Ultimately, the development does not result in the loss of any of the existing employment uses, and it is considered that the principle of the amount and position of the dwellings is acceptable.

The proposal represents the redevelopment of a previously developed site and will provide a modest contribution to the housing land supply position. The site sits in a highly accessible location, with bus stops close to the site, which travel to both Manchester and Oldham. The site sits approximately 250m from a Morrisons supermarket and also just over 700m from both an Aldi and Tesco stores. This complies with the aims and objectives of UDP Policies 3, 5 and 11.

Therefore, the principle of residential development is accepted for the reasons given above.

Affordable Housing

Changes to the National Planning Policy Framework in July 2021 now require that planning obligations should be applied to developments of 10 dwellings or more on the basis that obligations should only be required for 'major' developments. Currently, Policy 10 of the Joint DPD refers to the trigger being 15 dwellings. This proposed change forms part of an Interim Planning Position Paper which will be presented to Cabinet in January 2022. However, since this planning application was submitted prior to the change to the NPPF and subsequent proposals to amend the threshold for affordable housing provision, it has been agreed that we would consider this application in the context of thresholds set out in Policy 10 (i.e., 15 units). On this basis, it is not considered reasonable to seek provision for a proportion of affordable housing on this site.

Housing Tenure

Policy 11 states that the council will promote the delivery of a mixed housing stock, based on the findings of local evidence. The Local Housing Needs Survey 2019 concludes that there is a need in the borough for 2 and 3 bed properties and given the scheme proposes a mixture of 2 and 3 bed properties, the development complies with policy 11.

Design, Appearance & Layout

Guidance within Section 12 (Achieving well-designed places') of the NPPF (2019) is relevant, together with DPD Policies 1, 9, and 20, which provide guidance on the design of new development.

In terms of scale and massing, the proposal includes two different house types, including a 2.5 storey house type (H1) and a standard two storey house type (H2). The surrounding area is characterised by many different uses, which are accommodated in buildings of varying heights and sizes. The nearest residential properties are situated on Hardman street. These are two storey properties, and in terms of the relationship of these to the development, it is plots 13 & 14 that will face these properties on Hardman Street. These will also be two storeys which will respect the immediate context.

To the immediate west and south of the site are three storey commercial office type buildings and to the east on Oldham Road appears to be residential. The mixture of 2 and 2.5 storey houses along Oldham Road, facing these larger buildings, will not be out of character and will not dominant the street scene to an unacceptable extent. The properties would front close to Oldham Road and this is not uncommon given that existing residential properties (60m east) also front close to the highway.

Considering occupier amenity, all the relevant rooms, including bathrooms and bedrooms, will meet the criteria set out in the National Described Space Standards (NDSS). Giving future residents sufficient space to achieve a good standard of living, which is a positive of the scheme and is supported. Considering separation distances, it is generally accepted that the standard to achieve is 21m distance between facing habitable room windows and 12m between habitable room windows to non-habitable room windows / blank gable.

In this case, the development is front facing for the most part onto Oldham Road. Only 2no units are proposed at the rear of the site and these will be gable facing. The distance between the properties fronting the site and those at the rear will be slightly more than 20m which is acceptable, given that the units at the rear of the site will be gable facing against the rear elevations of those properties fronting the site. Plots 13 & 14 face directly on to nos. 2, 4 & 6 Hardman Street, at a distance of 14m to nos. 2 & 4 and 15.8m to no 6. Plots 13 & 14 follow the existing building line of the row of properties adjacent, and therefore these distances are already evident in the immediate area and so are considered acceptable. In terms of outdoor amenity spacing, the garden depths are approximately 9m, which is considered acceptable for properties of this size and is expected to meet the needs of future occupiers.

The appearance of the house types is contemporary. Both house types would use a red facing brick (Ibstock Red), grey anthracite windows (profile 22) and GRP composite doors, grey interlocking smooth tiles for the roof, and projecting brickwork above the windows to add interest to the design. The contemporary appearance, which will address the frontage of Oldham Road and parts of Hardman Street, is welcomed and is a considerable improvement on the aesthetic appearance of the land. The design, and appearance is in character with the surrounding area and an improvement to the existing situation. The applicant has submitted an external materials schedule, listing an image and product type of each material and these are considered acceptable.

The application contains a detailed submission of boundary treatments. These include a mixture of 1m high low brick walls and 1m high low walls with railings, which will front on to Oldham Road. These are attractive boundary features fronting the properties and are supported. A 0.5m railing type fence will divide the properties at the frontage, which will give an open appearance across the development on Oldham Road. Around the sides of the

overall development will be a mixture of a 1.5m high brick wall and 1.5m high railings, and this mixture of boundary treatments are welcomed and adds interest to the scheme.

The rear gardens of the properties will be divided by 1.5m high close boarded timber fencing, which is common in these types of developments. The boundary treatments at the rear boundary of the properties, will be 1.5m high close boarded timber fencing with trellis, and the car park to the rear will also be surrounded by a 1.5m high close boarded timber fence without trellis to replace the existing. Overall, it is considered, that the boundary treatments are acceptable. They have been carefully chosen, and in the most visible parts of the site, the treatments add positively to the development.

Therefore, based on the above, the development is considered to comply with policy 20 and section 12 of the NPPF.

Open Space

Policy 23 is relevant to Open Space and states that all residential developments 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 should be had 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 development makes no provision for on-site open space provision. However, following discussions with the applicant, a contribution of £25,544.20 towards maintenance and improvements at Moston Brook Green Corridor has been agreed. This contribution will be secured by way of a Section 106 Agreement which the applicant has agreed to. Therefore, the development complies with the requirements of Policy 23.

Noise & Air Quality

NPPF Paragraph 185 seeks to mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life. NPPF Paragraph 186 considers air quality and states that decision should consider any individual and cumulative impacts on air quality from development. In addition, Policy 9 seeks to ensure that development does not have an unacceptable impact on the environment or human health caused by air quality, odour, noise, vibration or light pollution.

The submitted noise assessment concludes that appropriate internal noise levels can be achieved through facade treatments, such as appropriate acoustic glazing and ventilators. For those units that have habitable rooms directly overlooking Oldham Road and Hardman Street, suitable internal sound levels may not be achievable with open windows. As such a ventilation strategy will need to be incorporated, so appropriate noise levels can be achieved with closed windows (although windows can still be open at the discretion of the occupant).

The Noise Assessment recommends the following for plots 1-12: enhanced glazing, a mechanical extract fan to the kitchen, bathroom and wet room of the properties and trickle ventilators to each habitable room, to enhance amenity and minimise noise from Oldham Road. For plots 13-14 standard glazing is recommended, with the same extract fan and trickle ventilators required for plots 1-12. Environmental Health have reviewed the assessment and have no objection on noise grounds subject to the mitigation being implemented, which is a requirement of a condition attached to the recommendation.

In terms of air quality, the submitted Air Quality Assessment (AQA) concludes that, during the construction phase of the development, and subject to good practice dust control measures being implemented, the residual potential air quality impacts from dust generated by construction, earthworks and trackout activities is predicted to be not significant.

Dispersion modelling was undertaken to assess the suitability of the proposed use for the site, and this concluded that the site was suitable for the end use, without the implementation of protective mitigation. It is not anticipated that the trip generation from the proposed development will affect local air quality, and based on the assessment undertaken, the development will not cause adverse implications, and this complies with Policy 9.

Highways

Guidance within Section 9 ('Promoting sustainable transport') of the NPPF (2019) is relevant, together with DPD Policies 5, 9, 13, and 20.

The Highways Engineer has reviewed the application and has no objection to the application. The proposal demonstrates an acceptable level of parking provision within the site and will not generate any significant additional traffic or demand for on street parking to the detriment of highway safety. In any case, the development is located within an established mixed-use area, with access to public transport options and a wide range of local amenities.

On the basis of the above, the development complies with Policies 5 & 9.

Ecology, Trees & Landscaping

The applicant has submitted an Arboricultural Impact Assessment and a Landscaping Scheme with the application. The application proposes the removal of 4no trees, which are of low quality. These will be replaced by 12no trees spread across the site complimented by a mixture of shrub planting and ornamental hedging on the north, east and western boundaries, and also within the site and around the proposed properties. The Arboricultural Officer has reviewed the information submitted in relation to trees and landscaping and has no objection. Therefore, the development is considered to comply with 'saved' UDP Policy D1.5.

Greater Manchester Ecology Unit have been consulted and have confirmed that the site has little or no ecological value and raise no objection to the application.

Flood Risk & Drainage

NPPF Section 14, the NPPF technical guidance document and Policy 19 are relevant.

The site is not within an area identified as being at risk from flooding within the Environment Agency's Indicative Flood Maps and sits in Flood Zone 1. Given the site is less than 1ha in area, a Flood Risk Assessment is not required in this instance.

The Council expects that proposals for all new development will use Sustainable Urban Drainage Systems in accordance with the Surface Water Drainage Hierarchy. Proposals for all new development should implement sustainable drainage systems, alternatives will only be permitted where it has been demonstrated to be inappropriate or impracticable.

The applicant has submitted a Flood Risk Assessment and Drainage Strategy to consider surface water and overland flow. This has been assessed in line with the Surface Water Hierarchy and concludes that infiltration and discharge to an existing waterbody are not possible due to site conditions and, therefore, the proposal is to discharge to the surface water

sewer. Both United Utilities (UU) and the Lead Local Flood Authority (LLFA) have reviewed the details submitted and confirmed they have no objection to the application on drainage grounds.

UU and LLFA did request conditions relating to drainage, however, the applicant submitted further information, which has been reviewed by both UU and the LLFA, and it has been confirmed that planning conditions are no longer required. Therefore, the development complies with Policy 19

Landfill Assessment & Contaminated Land

Policies 7, 8 and 9 are relevant, which seek to ensure that a site is suitable for its use, taking account of ground conditions, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation. Environmental Heath have reviewed the Geo Environmental Investigation Report and Remediation Strategy submitted with the application and they have concluded that the information is acceptable and no pre commencement conditions are required, and therefore, the development complies with policies 7, 8 & 9.

CONCLUSION

The proposed development is acceptable having been assessed against all relevant planning policies, guidance contained within the National Planning Policy Framework and having regard to all material planning considerations. The proposal represents an acceptable use of the site which would be compatible with local identify and character. The proposed layout means that the amenity of occupiers of surrounding properties would not be impacted to unacceptable levels and highway and pedestrian safety will be maintained. Therefore, proposal meets the criteria in NPPF Sections 5, 12, 14 & 15, Local Plan policies 1, 3, 5, 7, 8, 9, 11 15, 19, 20 & 23, and 'saved' Unitary Development Plan Policies D1.5 and B1.3.

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. The development hereby approved shall be carried out in accordance with recommendations set out in Section 7 (Acoustic Design Statement) of the submitted Noise Impact Assessment Report (Ref: 10221579-00/R1 - 20th April 2021). REASON - To ensure acceptable living standards and amenity levels for future residents in accordance with Policy 9 of the Oldham Local Plan.
4. The development hereby approved shall be carried out in accordance with the physical security specifications set out in Section 4 of the submitted Crime Impact Statement Version A: 27th April 2021 - Ref: 2021/0077/CIS/01. REASON - To ensure a safe form of development in accordance with Policy 9 of the Oldham Local Plan.

5. The development hereby approved shall be carried out in accordance with the External Materials Schedule received on 04/05/2021. REASON - To ensure a satisfactory appearance in accordance with Policy 20 of the Oldham Local Plan.
6. The development hereby approved shall be remediated in accordance with the REFA Remediation Strategy reference 21021/REM/003 dated September 2021. REASON - To protect the environment and prevent harm to human health having regard to Policy 9 of the Oldham Local Plan.
7. The development hereby approved shall be carried out in accordance with the conclusions in section 6.0 of the Energy Assessment Report carried out by Stroma Built Environment dated 23/05/21 REASON: To ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.

LOCATION PLAN (NOT TO SCALE):

