

**APPLICATION REPORT - FUL/346744/21
Planning Committee 19th January 2022**

Registration Date: 26th April 2021
Ward: Royton South

Application Reference: FUL/346744/21
Type of Application: Full Application

Proposal: The erection of 14 residential dwellings (Use Class C3) with associated landscaping, access and parking.

Location: Former Royton Health Centre, Land at the junction of Rochdale Road and Radcliffe Street, Royton, Oldham, OL2 5QB.

Case Officer: Matthew Taylor
Applicant: Mr Tom Whitehead
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 should be approved subject to:

- The conditions as set out in this report; and,
- The completion of a Section 106 agreement of a contribution of £27,140.16 towards the improvement of existing public open space in the vicinity of the Site, specifically a multi-use games area tennis/basketball and skate park improvement plus infrastructure improvements at Royton Park Bleasdale Street Royton.

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

THE SITE

The application site is located at the junction of Rochdale Road and Radcliffe Street and comprises vacant land that was last occupied by the former Royton Health Centre, which was demolished (in late 2013) and the site cleared.

Currently the site is grassed over with some ornamental planting beds at the front of the site and five trees. The site is enclosed by a knee height rail fence and there is a small area of hardstanding used for car parking with access taken from Spring Garden Street.

The site is located within Flood Zone 1 (the lowest risk category) and there are no heritage assets located within the site boundary or near the site.

The site is located within Royton Town Centre as identified by the Proposals Map which forms part of the Council's Local Plan.

THE PROPOSAL

Full planning permission is sought for the redevelopment of the site to provide 14no. residential dwellings (Use Class C3) with associated landscaping, access, and parking.

The development will comprise 8no. 2-storey homes each with two bedrooms and 6no. 3-storey homes each with three bedrooms. The dwellings are proposed to be laid out in two terraced blocks fronting onto Rochdale Road with a communal parking area located to the rear providing 22no. spaces with access from Spring Garden Street (which includes 2no. visitor spaces). In addition, provision is made for two cycle spaces within the curtilage of each proposed dwelling.

Each proposed dwelling would benefit from a small, landscaped garden to the front and a private rear garden. In addition, the larger 3-bed properties will also benefit from a roof terrace on the second floor to provide additional outdoor amenity space. The proposed layout also provides sufficient space for the storage of bins.

RELEVANT PLANNING HISTORY:

There is no planning history relevant to this application.

RELEVANT PLANNING POLICIES

The following policies of the Joint Core Strategy and Development Management Policies Development Plan Document 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 15 – Centres;
Policy 18 – Energy;
Policy 19 – Water and Flooding;
Policy 20 – Design; and,
Policy 23 – Open Spaces and Sports

Saved UDP Policy D1.5 - Protection of Trees on Development Sites

CONSULTATIONS

Environmental Health:	Recommended conditions and informative notes.
Highways:	Recommended a condition.
United Utilities:	Recommended conditions and informative notes to

address both drainage and the management and maintenance of Sustainable Drainage Systems.

Greater Manchester Police
Architectural Liaison Unit:

Recommended that a condition to reflect the physical security specifications set out in Section 4 of the Submitted Crime Impact Statement be attached.

LLFA/Drainage:

Raised no objection.

REPRESENTATIONS

The application has been advertised by means of neighbour notification letters, site notice, and press notice. In response, the following representations have been received:

- 0 support comments have been received;
- 0 neutral comments have been received; and,
- 2 objection comments have been received:

Summary of objections:

- This density does not permit the development to comply with the requirements of the Residential Planning Guide which is the Supplementary Planning Document setting out the criteria for proposed new developments in Oldham and Rochdale.
- The previous building that occupied the site was single story building with a great deal of space around it including substantial parking for its use. The proposal represents a far more intensive use of the site.
- Concerns over levels used in the designs.
- Loss of parking in the district centre.
- Lack of room for the storage and collection of bins.
- Lack of cycle storage.
- Private amenity areas proposed are insufficient.
- On site open space/landscaping is shoe-horned into the scheme.
- Spring Garden Street has become merely the entrance to the main car park in Royton on a one-way basis only. The street needs to be reconstituted as a street in order to fulfil the needs of the development.
- There is no footpath to the shopping centre via Spring Garden Street.
- The proposed just over two parking spaces per dwelling is not satisfactory as on street parking is limited within the area.

PLANNING CONSIDERATIONS

The main planning issues are as follows:

1. Principle of Development;
2. Developer Contributions;
3. Energy;
4. Design;
5. Residential Amenity
6. Trees;
7. Crime;
8. Highway Safety;
9. Drainage;

- 10. Contamination and Landfill Gas; and
- 11. Ecology.

Principle of Development

The site is located within a designated 'Centre' by the Proposals Map associated with the Local Plan for Oldham.

Policy 1 seeks to ensure the effective and efficient use of land by promoting the re-use of previously developed sites 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. Since the proposal is for the re-use of previously developed land within Royton Centre it is considered that the requirements of this policy have been met.

Policy 15 is engaged because the site is located in a designated 'Centre' which outlines that Primary Shopping Frontages within Centres will be protected from development and changes of use, so that at least 70% of the frontage remains in retail use. Having regard to Appendix 6 of the Local Plan the application site is not within a Primary Shopping Frontage. Moreover, the previous Royton Health Care Centre, which was cleared from the site, has been replaced with new facilities (namely Royton Health & Wellbeing Centre on Park Street and Royton Medical Centre on Chapel Street).

With the above in mind, whilst the proposal does not include any retail uses or other uses commonly found in designated Centres, the provision of housing in this location is considered to support the vitality and viability of Royton centre since the development will provide economic benefits both in the short and long term. In the short term the works will create construction jobs and in the long term the new residents will likely make use of the shops and services found in Royton centre. As such, it is considered the key aim for the Policy 15, which is to promote and enhance the vitality and viability of all the borough's centres, is not undermined.

Housing land supply

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, in relation to the proposed dwellings, 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.

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 14 much needed residential units and the contribution this would make towards Oldham's 5-year housing land supply and towards the affordable housing requirements of the area;
- The social and environmental benefit of the re-use of a previously developed site that has good access to public transport, goods, services and facilities;
- The economic benefit of creation of short-term construction jobs and development of a vacant site and the additional vitality of occupancy of a new residential development to the community; and,
- No significant assets of particular importance exist, nor would there be any harm to the landscape or biodiversity.

Having regard to the above benefits of the scheme, and in applying the tilted balance given the housing land supply position, it is considered that there are no adverse impacts of such significance that would demonstrably outweigh these benefits when assessed against the National Planning Policy Framework policies as a whole.

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.

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 £27,140.16 towards the improvement of existing public open space in the vicinity of the site, specifically a multi-use games area tennis/basketball and skate park improvement plus infrastructure improvements at Royton Park Bleasdale Street Royton, has been agreed and accepted. This contribution will be

secured by way of a Section 106 Agreement which the applicant has agreed to. Therefore, the development complies with Policy 23.

Energy

Policy 18 of the Local Plan states that all developments over 1,000m² square metres or 10 dwellings and above are required to reduce energy emissions in line with set targets.

It is clear from the submitted energy statement that the proposed scheme will achieve the 15% reduction in CO₂ over Part L 2013, as required by Policy 18.

Design

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 supporting Design and Assess Statement provides an account of the evolution of the site and scheme as a whole, from its constraints and opportunities through to the initial consultation layout. It is considered that the layout creates a strong response to the principle streetscene of Rochdale Road since it reflects the strong character of terrace properties on the opposite side of the road which is prevalent in Royton. Moreover, whilst the design of the dwellings would be traditional in form and material, they still display contemporary design cues with a variation in the brickwork, and large window openings and roof terraces adding character.

Finally, it is considered that the car parking to the rear of the dwellings provides an appropriate solution to the parking demands of future occupiers, and responds to its adjoining land use (i.e., the district centre main car park). Opportunities for natural surveillance would exist from the upper floor windows of the proposed dwellings and from the roof terraces and gardens.

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. Policy 20 includes the requirement that development proposals should reflect local character.

Impact on the Future Occupiers:

Policy 9 of the Oldham LDF requires that the development provides suitable accommodation for the future occupiers. As such, the development has been assessed against the "Technical housing standards - nationally described space standards" (March 2015). Given that the scheme complies with these Standards it is concluded that the development will provide appropriate living accommodation for the future occupants of the development.

In support of the application an Air Quality Assessment has been submitted which outlines that during the construction phase of the Proposed Development there is the potential for air quality impacts as a result of fugitive dust emissions from the site. Assuming good practice dust control measures are implemented, the residual potential air quality impacts from dust

generated by construction, earthworks and track out activities was predicted to be not significant. In addition, it noted that the anticipated the developments traffic flows are below the relevant thresholds. To this end, based on the assessment results, air quality is not considered a constraint to planning consent and the proposed development is considered suitable for the location. These findings have not been challenged by the Council Environmental Health Section who raise no objection to the scheme.

In support of the application the applicant has also provided a Noise Impact Assessment, which states that the results of the sound propagation modelling indicate that during the daytime and night-time periods the site is predominately of medium to negligible noise risk.

It has been demonstrated that there are no significant acoustic constraints for habitable rooms within the development that face southwest. However, for habitable rooms that will directly overlook the A671 Rochdale Road, the assessment notes that suitable internal sound levels may not be achievable with open windows. As such the ventilation strategy should ensure that the requirements of Part F of the Buildings Regulations are achieved with closed windows (although windows can still be open at the discretion of the occupant). A glazing and ventilation strategy has therefore been proposed which provides suitable internal sound levels.

The findings of both the Air Quality and Noise Assessments have not been challenged by the Council's Environmental Health Section, who have raised no objection to the scheme. However, it is clear the proposed sound mitigation on the Rochdale Road frontage should be secured by an appropriately worded planning condition and this is attached to the recommendation.

Impact of the commercial uses to the north, south and west:

The submitted layout the design includes a sufficient separation distances the surrounding commercial uses. As such the scheme accordance s with DPD Policies 9 and 20 of the Local Plan.

Impact on the dwellings on existing dwellings on Rochdale Road:

It is noted these neighbouring residential units are located on the opposite side of Rochdale Road and are similar in scale to the proposed scheme. Given the separation distances it is considered the development will not unduly impact on the amenity currently enjoyed by these residents.

Trees

Having considered the originally submitted information it is noted that no justification had been provided for the loss of trees as a result of the proposed development. Saved UDP Policy D1.5 'Protection of Trees on Development Sites', states:

'In determining a planning application for development of a site containing existing trees, or adjoining a site containing trees, the Council will only permit a proposal where:

the development is designed, insofar as is reasonably practicable, to maximise the retention and continued health of the trees in question; and

development comprising residential accommodation is positioned in relation to retained trees so as to avoid an unacceptable degree of overshadowing of both internal accommodation and garden areas.

In those cases where it is agreed that trees will be lost to accommodate the development, adequate replacement planting will be required as a condition of planning permission for the development.

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. In exceptional circumstances (e.g. certain small infill sites), where it is agreed that on-site replacement planting is not practicable, arrangements must be made for the planting of replacement trees on a suitable site in the wider locality through a section 106 planning obligation.'

The Arboricultural Impact Assessment Overview, produced by Bowland dated March 2021, outlines that five existing trees are proposed to be removed. These are all either category 'C' or 'U' in quality and it is noted the landscaping plan includes the planting of 12no. trees across the site. The Arboricultural Method Statement & Tree Protection Plan (by Bowland Tree Consultancy Ltd, dated August 2021) provides additional detail in regard to the protection of T3 during the construction phase of the development. Both these documents have been considered by the Council's Arboricultural Officer who considers them to be acceptable.

Therefore, subject to subject to conditions to reflect these matters being included in the recommendation, it is considered the scheme accords with the requirements of saved UDP Policy D1.5.

Crime

The Crime Impact Statement submitted with the application has been considered by the Greater Manchester Police (Architectural Liaison Unit). They have recommended a condition is required to reflect the physical security specifications set out in Section 4 statement be attached and therefore this is included with in the recommendation.

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 Highway Officer notes the proposed development will not result in any significant additional traffic generation on the local highway network. The site is in a sustainable location with good links to public transport and a wide range of local amenities with opportunities for walking and cycling.

To this end, it is not anticipated that there will be any adverse or significant increase in traffic generation or any additional demand for on street parking to the detriment of highway safety.

Drainage

Policy 19 of the Local Plan 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, United Utilities have requested a condition requiring the development is carried out in accordance with principles set out in the submitted Drainage Strategy Report. This is attached to the recommendation.

Contamination and Landfill Gas

Paragraph 183 of the National Planning Policy Framework states that the planning decisions should ensure that a site is suitable for its proposed use taking account of ground contamination and risk.

Given the above, and following the submission of Phase 1 and 2 site investigations, the Council's Environmental Health section have recommended conditions for a watching brief and soil validation. This is considered necessary to ensure that the development does not conflict with the requirements of the paragraph 183 of NPPF and these conditions are attached to the recommendation.

Ecology

Policy 6 and Policy 21 of the Oldham LDF Joint DPD are concerned with protecting, conserving and enhancing our local natural environments.

The site has little ecological value given it is a previously cleared site that has been grassed over and wildflower seeded. The proposals include an area of on site landscaping and off-site open space improvements and therefore it is considered these policies have been complied with.

CONCLUSION

With the above in mind, it is felt that the that this housing scheme, on a previously developed site, fully complies with the Council's Local Plan policies 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. In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this. REASON - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, having regard to Paragraph 183 of the NPPF.
4. Any soils imported for use in the landscaped area shall be validated as suitable for use and a minimum of 300mm subsoil and topsoil over a no dig marker layer shall be

placed. A post completion report shall be submitted to the LPA for approval to evidence this. REASON - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, having regard to Paragraph 183 of the NPPF.

5. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy Report, Ref: 9208/DRA/001, Dated: April 2021 which was prepared by Tempus Chartered Building Consultancy. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 5l/s. The development shall be completed in accordance with the approved details. REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding, having regard to Policy 19 of the Local Plan.
6. Foul and surface water shall be drained on separate systems. REASON -To ensure a satisfactory form of development, having regard to Policy 19 of the Local Plan.
7. No dwelling shall be occupied unless and until the noise mitigation measures, outlined in the Noise Impact Assessment Report 10221597/R1 – 2nd February 2021, have been installed. These measures shall be retained at all times thereafter. REASON - To protect the future occupiers of the properties, having regard to Policies 9 and 20 of the Local Plan.
8. No dwelling shall be occupied until the access to the site including the provision of a footway along the boundary of the site alongside the car park and car parking space for that dwelling has been provided in accordance with the approved plans. 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.
9. The use of the building hereby approved shall not commence until a scheme for the provision of secure cycle parking has been implemented in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The approved facility shall remain available for users of the development thereafter. REASON - In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.
10. The development hereby approved, shall be carried out in accordance with the submitted Sustainability Statement by Stroma Built Environment, Ref: 2-21-86514 ES1, and/or any other future improvements in Building Regulations. REASON - To accord with policy 18 (Energy) of the Joint DPD and to future proof any of the new dwellings that will be subject to future changes in Building Regulations.
11. Prior to the commencement of any part of the development hereby approved, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, all existing retained trees and hedges on and adjacent to the site, other than those indicated for removal on the approved plans, shall be physically protected from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause on accordance with the hereby approved Arboicultural Method Statement & Tree Protection Plan, produced by Bowland Tree Consultancy Ltd, dated August 2021. The protective measures shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place

within the fenced protection areas. REASON - Prior approval of such details is necessary to protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.

12. All planting, seeding or turfing comprised in the approved landscaping detail Drawing No: DRWG: P21-0052_001 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 Plan.
13. 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: 19th April 2021 - Ref: 2021/0078/CIS/01. REASON - To ensure a safe form of development in accordance with Policy 9 of the Oldham Local Plan.

LOCATION PLAN (NOT TO SCALE):

