

**APPLICATION REPORT - FUL/346529/21  
Planning Committee 16 February 2022**

Registration Date: 24 March 2021  
Ward: Shaw and Crompton

Application Reference: FUL/346529/21  
Type of Application: Full Application

Proposal: Residential development of 42 dwellings, including the creation of a new access, ancillary landscaping, car parking, highway and drainage works and all other associated works.

Location: Land to the south of Denbigh Drive, Shaw, Oldham

Case Officer: Matthew Taylor  
Applicant: Miller Homes  
Agent: WSP

## **INTRODUCTION**

The application is being reported to Planning Committee given the application comprises major development for 42no dwellings 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 to secure a financial contribution of £100,000.00 towards the enhancement of existing Open Space provision within the locality (further details to be reported on the Late List).

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

## **THE SITE**

The application site comprises 3.19ha of agricultural grassland adjoined by an existing residential development to the north, agricultural land to west/south and a Site of Biological Importance (SBI) to the east.

It is irregular in shape and the topography undulates falling generally in a south-westerly direction. The site falls in height to the east towards the SBI and also to the south and south west towards the agricultural fields. Access to the site exists off Denbigh Drive.

In the bottom south western corner of the site, for approximately 55 meters, via a narrow, fenced grass track there is access to a public footpath. The source of the River Irk is located

just beyond the public footpath crossing point at the end of the grassed track in the south west corner of the site. Beyond this lies the golf course.

The site is located within an area designated as Other Protected Open Land (OPOL) by the Proposals Map associated with the existing adopted Local Plan (the Joint Development Plan Document), but would form part of an allocation for housing development under the proposed Places for Everyone Joint Plan due to be submitted for Examination this month. The site is also located in Flood Zone 1 (the lowest risk of flooding) on the Environment Agency's flood risk maps.

## **THE PROPOSAL**

The planning application originally proposed the development of the site for 50no. dwellings on the site and associated works. Following the consideration of the application amendments were made to address objections raised by the Greater Manchester Ecology Unit which are explained in the following sections of this report. Essentially, the amendments reduced the number of dwellings to 42 and the increase a buffer zone between the proposed development and the adjacent SBI.

As such, and for the avoidance of doubt, the application now seeks full planning permission for the redevelopment of the site for the erection of 42no. dwellings, associated infrastructure, landscaping, and access. The proposed housing mix is as follows:

- 22 no. 3 bed dwellings; and
- 20 no. 4bed dwellings

Each of the proposed dwellings will benefit from front and rear gardens and off-street car parking provision as indicated.

## **RELEVANT PLANNING HISTORY:**

There is no planning history relevant to this application.

## **RELEVANT PLANNING POLICIES**

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

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

Joint Development Plan Document:

- 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 21 - Protecting Natural Environmental Assets;
- Policy 22 – Protecting Open Land;
- Policy 23 - Open space and sports; and,

Policy 25 – Developer Contributions.

National Planning Policy Framework (NPPF)

## CONSULTATIONS

Environmental Health:	Recommended contaminated land conditions and informative notes.
Highways:	Recommended both conditions and informative notes relating to highway safety.
Greater Manchester Ecology Unit:	Recommended conditions in regards the protection of and future management of the SBI.
United Utilities:	Recommended conditions and informative notes to address both drainage and the management and maintenance of Sustainable Drainage Systems.
LLFA/Drainage	Raised no objection to the updated FRA and have recommended a sustainable drainage condition.
Trees	No objection, subject to condition requiring the implantations of the tree protection measures proposed.
Environment Agency	Recommended conditions and informative notes relating to drainage and biodiversity.
Greater Manchester Archaeological Advisory Service	Recommended a condition for the implementation of a programme of archaeological works.
Greater Manchester Police Architectural Liaison Unit:	Recommended that a condition to reflect that the physical security measures within Section 4 of the submitted Crime Impact Statement be attached.

## REPRESENTATIONS

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) Order 2015 and the Council's own Statement of Community Involvement the application has been advertised by means of neighbour notification letters, site notice, and press notice. In response, the following representations have been received:

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

*Summary of objections:*

- Impact on local ecology;
- Scheme would disturb local wildlife;
- Inadequate parking provision within the development for future occupiers;
- Increase danger of flooding as a result of the additional urbanisation;

- Increase in traffic and pollution;
- Green spaces need to be retained not developed;
- Noise nuisance from the development will impact existing residents;
- Development is out of keeping with character of area;
- Strain on existing community facilities, existing lack of doctors, dentist, shops and school places;
- There is insufficient public transport provision;
- The estate already has issues at both exits, when traffic volumes that impedes the flow of traffic and causes bottlenecks, at Crompton House School and Edward Road. Attempting to exit the estate at peak times onto the main roads is unsafe due to illegal parking especially at Crompton House school.
- Access to the site is inadequate for both the development stage (heavy plant and delivery vehicles) plus the longer-term traffic volume which could result from the scheme. Green spaces should not be developed on while brown field sites are available;
- As a source of a spring that forms the River Irk a development could cause knock-on effects;
- Negative impact on residential amenity of adjoining neighbours;
- Scheme represents over-development;
- Application is supported by misleading information.

Shaw & Crompton Parish Council recommendation – Refusal on the grounds that the proposal does not include an environmental management plan or a transport impact assessment.

## **PLANNING CONSIDERATIONS**

The main planning issues for consideration are as follows:

1. Principle of Development;
2. Developer Contributions;
3. Planning Balance;
4. Energy;
5. Highway safety;
6. Design
7. Residential Amenity;
8. Trees;
9. Ecology;
10. Drainage;
11. Environment Agency;
12. Contamination and Landfill Gas;
13. Archaeological records; and
14. Crime.

### **Principle of Development**

*5-year Housing Land supply:*

NPPF paragraph 159 requires local authorities to prepare a Strategic Housing Land Availability Assessment (SHLAA) to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

Oldham's most recent SHLAA (as at 1st April 2020) sets out a baseline assessment of potential housing land within Oldham, and indicates when it may come forward for development, in line with NPPF requirements.

The findings of the SHLAA 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 Housing Delivery Test (HBT) result for 2021 was published 14 January 2022, Oldham has delivered 91% of its housing need over the past three years. This is a significant improvement on last year's results of 80%. As per the latest result we are only required to produce an Action Plan, identifying and analysing causes of under-delivery and setting out actions to address them, as per the HDT rulebook.

Therefore, according to the evidence, Oldham cannot meet its requirement over the remaining plan period and there is insufficient brownfield land to meet the Council's need.

As the Council cannot currently demonstrate a five-year supply of deliverable housing land, what is known as the 'tilted balance' applies to proposals for new housing development. Paragraph 11d) of the National Planning Policy Framework requires 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.

Whether Local Plan Policies 1 and 22 (in relation to 'Other Protected Open Land') are strictly policies relating to the provision of housing does not remove this requirement. The Supreme Court has clarified that where there is a 5-year housing land supply shortfall, "it matters not whether the failure is because of the inadequacies of the policies specifically concerned with housing provision, or because of the over-restrictive nature of other non-housing policies, this shortfall is enough to trigger the tilted balance".

Nevertheless, in implementing the 'tilted balance', consideration still needs to be given to adopted policies, and the weight given to policies is a matter for the decision-maker. However, in reaching an assessment of weight to be applied, consideration should also be given to the policy's compatibility to the wider aims of the NPPF, particularly as the Local Plan was adopted prior to the current version of the NPPF.

#### *Other Protected Open Land (OPOL):*

Policy 22 of the Local Plan sets out the council's approach to protecting certain areas of open land in and around the built-up areas of the borough and that is not within the Green Belt. It states that development on OPOL will be permitted where it is appropriate, small-scale or ancillary development located close to existing buildings within the OPOL, which does not affect the openness, local distinctiveness or visual amenity of the OPOL, taking into account its cumulative impact.

OPOL is open land which, while not serving the purposes of the Green Belt, is locally important because it helps preserve the distinctiveness of an area. As well as providing attractive settings, they provide other benefits, such as informal recreation and habitats for biodiversity, therefore helping to provide sustainable communities and help mitigate climate change.

It is noted that this application site has been put forward as part of a strategic allocation in Places for Everyone. Furthermore, the southern most part of the proposed allocation has a recently permitted planning permission (Ref: PA/344179/19). Alongside the preparation of Places for Everyone and the Oldham Local Plan Review, all OPOL sites have also been assessed as to whether they meet the nationally-prescribed Local Green Space criteria.

For this Cowlshaw OPOL, whilst parts of the site are covered by priority habitats, it is considered that the OPOL as a whole would not meet the qualities required in order to qualify as a Local Green Space under the NPPF.

Nevertheless, the Council has not yet made a decision on whether to redesignate OPOL and Local Green Space under the Local Plan Review, and the OPOL designation remains the current policy designation for this land. As such, the development of 44 homes cannot be considered small scale or ancillary development, as permitted by Policy 22 of the existing, adopted Joint DPD.

Given the OPOL designation, it is considered that the development of the site would need to be robustly demonstrated as to how it meets the established policies of the Joint DPD and encourages sustainable development in accordance with the NPPF. The lack of a five-year Housing Land Supply (HLS) means that the amount of weight that can be given to designations which restrict the supply of housing is ultimately left to the decision-maker and will be addressed in the 'Planning Balance' section below.

#### *Places for Everyone (PfE)/Greater Manchester Spatial Framework:*

It is noted that the applicant has stated that the site has been identified in the previous versions of the Greater Manchester Spatial Framework (now Places for Everyone) as part of the proposed strategic allocation at Cowlshaw.

Whilst it is noted that the amount of weight that Places for Everyone can be given is limited at this time, given that it has not yet progressed to Regulation 19 status, the policies within it should be used as a guide for future development in the area, given the timescales involved.

It is considered that the proposal, in its current form, would conflict with the aims and requirements of Policy JP Allocation 16 within the Publication version of Places for Everyone (August 2021), which requires the allocation to be developed in accordance with a masterplan and design code, in that it is pre-empting the preparation of any such masterplan or design code for the wider allocation. Consideration therefore needs to be given as to how the site will relate to the wider area without prejudicing delivery of the key principles of the proposed strategic allocation.

#### *Housing:*

Policy 3 of the Local Plan sets out the council's approach for managing the release of housing land. It 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 on a non-allocated site for residential development 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 Council's Strategic Housing Land Availability Assessment (SHLAA). The site is not identified within the SHLAA as at 1st April 2020. These three criteria are considered in turn below:

*Housing land supply position:*

As noted above the Council cannot currently demonstrate a five-year supply of deliverable housing land.

*Delivery of the borough's regeneration priorities:*

The application site is within 10-minute walk of the required local services and is served by frequent public transport.

*Delivery of affordable housing to meet local affordable housing needs:*

The capacity of the proposed site qualifies for the Affordable Housing threshold, which applies to developments of 10 dwellings or above, as set out within NPPF. This matter will be fully addressed below.

## **Developer Contributions**

*Affordable Housing:*

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 must be provided on-site unless there are exceptional circumstances that would justify off-site provision within the locality or a financial contribution in lieu of provision.

*Education:*

Policy 25 of the Local Plan requires infrastructure contributions to be sought from developers to provide appropriate infrastructure to support it and / or to mitigate the impact of the development. It continues to outline that, whilst negotiating developer contributions, the council will have regard to the nature and scale of the proposed development and its financial viability.

The applicant is aware of the policy requirement for an education contribution having regard to the availability of school places at the time of determination. Contributions can only be used

by the Council towards the provision of school places to meet the need generated from the development and for no other purpose.

#### *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 continues 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.

#### *Financial viability:*

Following the reduction in the number of units, to address concerns raised by GMEU about the SBI buffer zone and impact of the proposed peat removal, the applicant has provided updated economic viability information which demonstrates that the scheme cannot sustain full contribution towards Affordable Housing, Public Open Space and Education.

According to the applicant's calculations, based on the original appraisal revenues, the amended development would generate a deficit of c. £200,000. However, the Council's independent review of the original viability appraisal revealed that higher revenues should be used which has been adopted by the applicant in an updated appraisal. With the updated revenues it is calculated that the amended development generates a surplus of c. £90,000 which could potentially be sought for S106 contributions.

Concerns were raised by the applicant on the basis that it is not reasonable to uplift the revenues without any increase in standard build costs to reflect cost inflation over the same period. However, the applicant has accepted a £100,000 s106 contribution towards mitigating the impacts of development.

Officers therefore consider the scheme is unviable if the full amount of contribution is required to address policies 10, 23 and 25 of the Local Plan. To this end, it is recommended to Members that the Council enters into a Section 106 Agreement for the applicant to contribute £100,000 towards the enhancement of existing Open Space provision within the locality. Further details will be provided in the Late List.

### **Planning Balance**

The NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development and that achieving sustainable development means the planning system has three overarching objectives: the 'economic objective', the 'social objective', and the 'environmental objective'. The NPPF states the three overarching objectives are not criteria against which every decision can or should be judged. So that sustainable development is pursued in a positive way at the heart of the Framework, there is a presumption in favour of sustainable development.

In terms of Paragraph 11(d)(ii), there is a presumption in favour of sustainable development unless the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The status of the site as Other Protected Open Land (OPOL) was designated in 2011 in recognition of the need to preserve the local distinctiveness of the area. The development



would therefore result in harm to the OPOL comprising some loss of openness and views to the adjoining Greenbelt which would be detrimental to local distinctiveness.

Nevertheless, it is considered that the amended scheme incorporates measures to prevent harm to the SBI, and the proposed layout provides for outward views from the public domain over the adjoining Green Belt and OPOL.

In addition, it is considered that the environmental, economic and social benefits of the scheme outlined by the applicant, which include the creation of employment opportunities, additional £770,000 per annum net additional household expenditure, supply of needed homes, and securing the long-term management of the SBI, amounts to sustainable development in the context of the NPPF.

Therefore, in weighing these considerations in the context of the tilted balance given the absence of a five-year housing land supply, it is considered that the harm would not significantly and demonstrably outweigh the inherent benefits of the scheme. As such, the proposed residential development of the site is considered acceptable in principle.

## **Energy**

Policy 18 of the Local Plan states that all developments over 1,000m<sup>2</sup> or 10 dwellings and above are required to reduce energy emissions in line with set targets.

To address the requirements of this policy the applicant has provided a 'Energy Statement: 15% Carbon Reduction Study' by Energy & Design, Rev A 01/12/21, which notes the development will achieve a 15% reduction in CO<sub>2</sub>, as required.

## **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. Crucially, NPPF paragraph 111 requires that, in considering planning applications, "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*" This therefore provides the key test for considering this highway safety.

The proposed development represents an extension to the well-established High Crompton residential estate. Therefore, it can only be considered that the scheme benefits from good access to a wide range of amenities and public transport links in accordance with Policies 3 and 5.

Some local residents have objected to the application on the basis of their concerns about the increase in vehicular movements through the existing estate (of which Denbigh Drive forms part), and would result in major impacts on highway safety and pollution. However, a robust Transport Assessment has been submitted with the application, contrary to the comments of the Shaw and Crompton Parish Council, which considered the existing conditions and the impact the proposed development on the local highway network. This assessment has been assessed by the Councils' Highway Engineer who does not anticipate any adverse or significant increase in traffic generation, or any additional demand for on street parking. As such, the Highway Engineer does not consider the proposed development would be detrimental to highway safety.

Moreover, the Council's Highways Section has worked proactively with the applicant to amend both the access and internal layout of the site so that it accords with the Local Highway Authority standards for adoption and ensures adequate parking provision.

Therefore, as the amended highway layout (Dwg no. DO-SL-01 Rev L) is acceptable and can be considered for adoption by the local Highway Authority, it is considered the scheme complies with the highway safety aspects of Policies 5 and 9 of the Local Plan.

## **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.

During the consideration of this application, it has become increasingly clear that the site has key constraining factors, including not only the original access width but an SBI to the east and peat within the site to the south. As a direct result the number of units proposed has been reduced to provide a sufficient stand-off buffer zone from the SBI and removed development of the area of peat. Moreover, the supporting Design and Access Statement explains that the proposed layout has been amended to respond to not only the existing street scene but be outward facing, to create a strong, defensible edge to the site.

Whilst the scale/massing and materials proposed for the house types have been designed to be in keeping with the within the surrounding area they have modern fenestration details that will provide the estate with its own character and create a scene of place.

The proposed hard and soft landscaping, that will form part of the development, is considered to be acceptable which incorporates 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 of the 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.

### *Impact on the dwellings on existing dwellings on Denbigh Drive No's 27 to 49:*

The rear elevations of the proposed units that back on to these neighbouring dwellings are located between 20m and 21m from the rear elevations of these neighbouring properties. As such, it is considered the development would not appear overly oppressive nor result in any significant loss of light to the habitable rooms of these neighbouring properties.

### *Impact on the future occupiers:*

Policy 9 of the Oldham LDF states that the Council will ensure development does not cause significant harm to the amenity of the occupants and future occupants of the development. The development has been assessed against the 'Technical housing standard - nationally

described space standards', (March 2015). Given that the scheme complies with these national standards, it is concluded that the development will provide appropriate living space for the future occupants of the development.

## **Trees**

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."*

Most of the existing trees that could be impacted by the development are outside of the site. The submitted Arboricultural Impact assessment and Method statement outlines no removals are required to facilitate the scheme. Moreover, the Council's Arboricultural Officer has been consulted on the application but has raised no objection subject to conditions that require the implementation of the submitted tree protection measures.

Therefore, the scheme accords with the requirements of saved UDP Policy D1.5.

## **Ecology**

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

As the application site includes an SBI the originally proposed layout proposed a 5m buffer zone given the change in levels/earth works that are required to facilitate the development., The Greater Manchester Ecology Unit raised concerns over the schemes' impact and to address this the applicant amended the scheme to provide a 10m buffer zone.

To help protect the SBI the proposal layout is outwardly designed so that the estate road and dwellings on the east side of the development provide natural surveillance and a sense of ownership/enjoyment of the SBI by the residents. Moreover, the buffer zone is enclosed with a knee-high railing. Moreover, it is noted the amended landscaping plans include the planting of trees, shrubs and wildflowers within the buffer, to further improve biodiversity.

It is considered that any permission includes the requirement of a Landscape Ecological Management Plan (LEMP) to include monthly litter/waste removal from the SBI and a quarterly review during the landscape establishment period of any anti-social activities/boundary effectiveness that may be damaging the SBI so that remediation can be considered during that first 5 years of landscape establishment and occupation of the homes.

In addition, it was also originally proposed that the development would require the removal of an area of peat within the southeast corner of the site. However, following concerns being raised regarding this removals impact on the SBI, it has been removed and the development reduced in this area of the site.

*Protection from disturbance of the badger sett:*

Within the site there is a need to consider the protection of a known badger sett. GMEU note this can be achieved with the landscape of this area with dense scrub in the first planting season following a material start on site.

Whilst this is unusual, as landscape treatments would usually be triggered by completion of plots/phases, this matter has been addressed with an appropriately worded Badger Method Statement/CEMP condition.

*Construction Environmental Management Plan (CEMP):*

Given the ecological value of the SBI and the clear concerns regarding the development impact (raised by GMEU, objectors, and the Shaw and Crompton Parish Council), it is considered, in this instance, to require a CEMP be agreed prior to works commencing on site. It should include robust protection with suitable fencing and signage to ensure that the SBI and buffer are not impacted by construction works. This has been addressed by way of condition.

*External Lighting Scheme:*

Given the position of the development adjoining an SBI it has been recommended by GMEU that the schemes for lighting are designed in line with the Institute of Lighting Professionals (ILP) guidance 01/2021 (obtrusive lighting) and 08/2018 (wildlife sensitive), which is in line with the NPPF (July 2021 para 185c). This has been addressed by way of condition.

**Drainage**

Policy 19 of the Oldham LDF Joint DPD 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.

United Utilities have reviewed the submitted 'Adoptable Roads and Drainage Layout' and have raised no objection to the application in principle. On this basis, they have recommended the imposition of a condition requiring these details be carried out onsite and no surface water will be permitted to drain directly or indirectly into the public sewer.

In addition, the Council's Drainage section has reviewed both the updated Flood Risk Assessment (FRA) (Ref: 6484/R1 Rev D, dated January 2022) and the amended drainage plans (Dwg ref: 6484-01-02-K), and raised no objection to the application in principle. A planning condition attached to the recommendation requires details to be submitted for the provision of a sustainable drainage system on the site.

## **Environment Agency**

Having been consulted and having considered the submitted details the Environment Agency has no objection in principle to the proposed development, but has made the following comments:

### *Biodiversity:*

The ecological protection and enhancements (ERAP, May 2021 & Mar 2021) that have been proposed will require a long-term management plan to be in place. This will ensure the landscape provides a maximum benefit to people and the natural environment. However, it is clear this will only be acceptable if a planning condition requiring a landscape management scheme is included.

This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in significant harm to, therefore, this is included with in the recommendation.

## **Contamination and Landfill Gas**

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

The Council's Environmental Health section have recommended intrusive site investigations for contaminated land are required and the submission of a remediation strategy before any development takes place. This is secured through the imposition of a condition attached to the recommendation to ensure that the development does not conflict with the requirements of the paragraph 183 of NPPF.

## **Archaeological records**

Paragraph 189 of the NPPF states:

*Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*

GMAAS originally noted the site warrants a scheme of archaeological works, in the form of trial trenching, to determine the archaeological potential of the site. To address these comments the applicant has liaised with GMAAS directly, and a Written Scheme of Investigation (WSI) has been submitted to and agreed by GMAAS. To this end, a condition to address the investigation works being undertaken has been attached to the recommendation.

## **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 measures within Section 4 of the submitted Crime Impact Statement be attached and therefore, this is included with in the recommendation.

## CONCLUSION

For the reasons set out above, it is considered that the proposal represents sustainable development given it would provide a significant and positive contribution towards the Council's identified housing needs in a sustainable location. Together with the mitigation to be secured through the imposition of conditions and a Section 106 agreement to secure off-site open space improvements, it is therefore recommended for approval.

## RECOMMENDATION

It is recommended that the Planning Committee resolves to grant permission, subject to the inclusion of the conditions listed below, and a Section 106 Agreement securing the provision of the following:

- A financial contribution of £100,000.00 towards the enhancement of existing Open Space provision within the locality.

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 DOSL 01 Rev L 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. Notwithstanding the above, no dwelling shall be occupied until a drawing has been submitted to and approved by the Local planning Authority with details of a highway improvement on Denbigh Drive at the entrance to the development site. This should include an additional surface treatment and additional lining and signing.

Reason – To ensure that the site can be accessed safely in accordance with Policies 5 and 9 of the Oldham Local Plan

5. No work shall commence above ground unless a scheme has been submitted to and approved in writing by the local Planning Authority showing details of the proposed

Public Right of Way to the south of the site and the connectivity with the overall development. No dwelling shall be occupied until all works that form part of the approved scheme are complete. Reason – To ensure that the site can be accessed safely in accordance with Policies 5 and 9 of the Oldham Local Plan

6. The development hereby approved, shall be carried out in accordance with the submitted Sustainability Statement by Award Energy Consultants, dated April 2021, 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.

7. Prior to commencement of any phase of development a construction management plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of:

- Wheel wash facilities for construction vehicles;
- Any arrangements for temporary construction access;
- Contractor and construction worker car parking;
- Details of measures to be taken to prevent water pollution during the construction and operation of the development;
- Details of on-site storage facilities; and,

The development shall be carried out in accordance with the approved construction management plan.

REASON - In the interest of highway safety and amenity, in accordance with Policies 5, 9 and 20 of the Local Plan.

8. 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 tree protection plan Dwg no. 6260.01, Rev B. 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 and all works on site shall be carried out having regard to the requirements of the Arboricultural Impact Assessment & Method Statement (Revision B) by tba landscape architect.

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.

9. No development shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason - In order to protect public safety and the environment and having regard to requirements of the paragraph 183 of National Planning Policy Framework.

10. All planting, seeding or turfing comprised in the approved landscaping detail Dwg no. 101, Rev E 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.

11. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Preliminary Adoptable roads and Drainage Layout, ref: 6484-01-02 Revision K, dated 18/01/2022 produced by Lees Roxburgh Limited. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. 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.

12. No development shall be permitted until a detailed method statement for removing or the long-term management / control of Variegated Yellow Archangel identified on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Variegated Yellow Archangel during any operations e.g. mowing, strimming, bank regrading or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

REASON - To prevent the spread of Variegated Yellow Archangel which is an invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in the National Planning Policy Framework paragraph 170, where planning decisions should contribute to and enhance the natural and local environment & 174, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity

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.

14. The archaeological investigation works and subsequent reports of their findings shall be undertaken in full in accordance with the approved Written Scheme of Investigation for Archaeological Evaluation prepared by Lanpro Service, dated December 2020.

REASON: In accordance with NPPF Section 16, Paragraph 199 - To record and advance understanding of the significance of any heritage assets to be lost (wholly or



in part) in a manner proportionate to their importance and the fact, and to make this evidence (and any archive generated) publicly accessible.

15. No development shall take place until an Environmental Construction Method Statement (ECMS) setting out details of measures to protect the nature conservation interest of the SBI during construction has been submitted to and approved in writing by the Local Planning Authority. The ECMS shall include details of the following:

- the siting, height and design of any protective barrier to be erected between the site and the SBI proposed 10m buffer zone;
- any reasonable avoidance measures to limit the potential for harm to habitats and species associated with the SBI;
- measures to prevent local ground and surface water pollution; and,
- A timetable for implementation

Development shall thereafter be carried out in strict accordance with the details and timetable contained within the duly approved ECMS.

Reason: In order to ensure that appropriate mitigation measures are put in place to safeguard the nature conservation interest of the adjacent habitat during the construction period before any development takes place in accordance with the requirements of policies 6 and 21 of the Local Plan, and the National Planning Policy Framework.

16. No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- details of maintenance regimes of retained, protected and new semi-natural habitats as indicated on landscape plan Drwg. 101 Rev. E;
- details to protect the badger sett with dense scrub planting, to be planted in the first planting season following a material start on site;
- details of any new habitat created, including new multifunctional SUDs basin, and wildflower meadows on site;
- details of new soft landscaping including planting schedule predominantly based on appropriate native species and ecological guidance (ERAP, Mar 2021 & section 5.0 Ecological assessment May 2021);
- details of treatment of site boundaries and/or buffers around water bodies including springs, ditches and wetland SBI;
- details of management responsibilities;
- details of monitoring to check efficacy of maintenance and management prescriptions;
- details of monthly litter/waste removal from the SBI; and,
- details of quarterly review during the landscape establishment period of any antisocial activities/boundary effectiveness that may be damaging the SBI so that remediation can be considered during that first 5 years of landscape establishment and occupation of the homes.

REASON - To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted policy 19 & 21 of the Oldham Development Plan

17. Notwithstanding any details contained within the application, a scheme for the installation of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed. The scheme shall be designed in line with the Institute of Lighting Professionals (ILP) guidance 01/2021 (obtrusive lighting) and 08/2018 (wildlife sensitive), which is in line with the NPPF (July 2021 para 185c). This has been addressed by way of condition, and include details of the lighting's:

- position and height on the building(s) and/or site;
- spillage, luminance and angle of installation; and
- any hoods to be fixed to the lights. Any external lighting shall only be installed in accordance with the duly approved scheme.

REASON- To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers, detract from visual amenity or impact the SBI in the surrounding area as a result of light pollution in accordance with the requirements of Policies 5, 6, 9 and 21 of the Local Plan and the National Planning Policy Framework

18. No development shall commence until full details of a scheme for a sustainable drainage system to serve the site, and 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 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.

a) Details of a scheme for a sustainable drainage system should be based on sustainable drainage principles with the following further information to be provided:

Information about the lifetime of the development, and design of a sustainable drainage system including discharge rates and volumes, and appropriate measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;

b) Details of how any flood water, including depths, will be safely managed in exceedance routes;

c) Details of a scheme for the management of overland flow from surcharging of the site's surface water drainage system. This must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed ground levels, watercourse embankments levels and proposed building Finished Floor Levels set to a level stipulated by the NPPF and demonstrating that there is no increase in flood risk to the development or third party;

d) A plan illustrating means of secure access for maintenance (and easements where applicable) of all pipes, drains or sewers;

- e) Provide O&M manual for SUDS following best practice guidance;
- f) Confirmation of the owner and maintainer of assets;
- g) Completed North West SuDs Pro-Forma fees to be submitted and approved to the LPA prior to commencement of works;
- h) Completed land drainage consent application and associated fees to be submitted and approved to the LPA prior to commencement of and surface water works;
- i) Pre and Post development condition survey of the watercourse to the South West of the site where surface water outfall is proposed; and
- j) An As-Built record of the development.

Reason: To prevent the increased risk of flooding both on and off site and ensure satisfactory drainage facilities are provided to serve the site in accordance with the National Planning Policy Framework and Oldham Council Policy 19 Water and Flooding

**LOCATION PLAN (NOT TO SCALE):**

