

**APPLICATION REPORT - FUL/347787/21  
Planning Committee 9 March 2022**

Registration Date: 26 October 2021  
Ward: Royton South

Application Reference: FUL/347787/21  
Type of Application: Full Planning Application

Proposal: Full planning permission for the development of a three storey apartment block comprising 30 residential apartments (Use Class C3) with associated landscaping, access/egress, car parking, drainage and necessary supporting infrastructure.

Location: Former High Barn Resource Centre, High Barn Street, Royton

Case Officer: Matthew Taylor  
Applicant: Lancett Homes  
Agent: Barton Willmore

## **INTRODUCTION**

The application is being reported to Planning Committee given the application comprises major development for 30no. residential apartments 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 Unilateral Undertaking legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £85,000.00 towards the enhancement of existing Open Space provision within the locality (further details to be reported on the Late List) and to secure 100% on-site affordable housing.

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

## **THE SITE**

The application site comprises approximately 0.3ha of previously developed land at the junction of High Barn Street and Shaw Street, on the edge of Royton Town Centre.

Following the demolition of High Barn Resource Centre in 2018 (Ref: DM/342292/18) the vacant site now comprises areas of hardstanding (associated with the demolished building) and areas of grass and mature trees/hedges along the south-western boundary.

The site is unallocated by the Proposals Map associated with the existing adopted Local Plan (the Joint Development Plan Document) and is in Flood Zone 1 (the lowest risk of flooding) on the Environment Agency's flood risk maps.

## **THE PROPOSAL**

The application seeks full planning permission for the erection of a three-storey apartment block, comprising 30no. residential apartments (Use Class C3). The accommodation is to be 100% affordable developed and managed by local Registered Provider (RP) First Choice Homes Oldham (FCHO).

The originally proposed layout included vehicular access obtained directly from High Barn Street. However, following the consideration of the application, amendments were made to address objections raised by the Council's Highway Engineer and local residents. Essentially, the vehicular access was relocated to be taken from Shaw Street, whilst a pedestrian access is maintained off High Barn Street, through a landscaped area.

## **RELEVANT HISTORY OF SITE**

PA/049958/05 - New external lift shaft and single storey lounge extension. – Approved, 27/09/2005.

PA/057554/09 - Replacement of refreshment and toilet building – Approved, 15/02/2010

DM/342292/18 - Demolition of existing daycare and resource centre – Prior Approval Required and Granted, 11/10/2018.

## **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 23 - Open space and sports; and,  
Policy 25 – Developer Contributions.

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

### National Policy

National Planning Policy Framework and Planning Practice Guidance Notes

## CONSULTATIONS

Environmental Health	Recommended conditions relating to a watching brief and soil sampling.
Highways	Recommended both conditions requiring the car parking and cycle storage be provided prior to occupation and informative notes.
Greater Manchester Ecology Unit	Recommended both conditions regarding bat roosting boxes and bird nesting protection.
Lead Local Flood Authority / Drainage	Comments to be provided on the late list.
Arboricultural Officer	No objection, subject to condition requiring the implantations of the tree protection measures proposed and planting of replacement trees.
Environment Agency	Recommended conditions and informative notes relating to the strategy to address the medium risk of contamination of controlled waters.
Greater Manchester Archaeological Advisory Service	Are satisfied that the current application has no archaeological implications and there is no reason to seek to impose archaeological requirements upon the applicant.
Greater Manchester Police Architectural Liaison Unit	Awaiting updated comments following the submission of amended plans, these will be provided on the late list.

## 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:

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

### *Summary of objections:*

- The height and size of the proposed building would seriously impact on and restrict the amount of daylight received by the properties on Spindle Court.
- The orientation of the building as proposed would cause a serious and significant infringement of the privacy of the neighbouring properties in Spindle Court.
- The proposed entrance/exit would cause a massive disruption in traffic as locate close to a bus stop and the traffic lights leading onto Rochdale Road near to the Railway pub.
- Result in an increase to air pollution due to slower moving/standing traffic.
- Result in an increase to noise pollution, which would have huge negative impact on health due to interruption of sleep patterns.

- Concerns raised over the impact redeveloping small site will have on the surrounding properties.
- The Residents of Spindle Court are aged above 75 years of age and up to late 80's. With almost all have a health issues to one degree or another including decreased mobility, difficulty breathing etc which automatically lead to more vulnerability to both physical and mental states. The size, type, location and orientation of your proposal will have a serious negative impact on the standard of living and therefore on the health and wellbeing of these residents.
- The development is out of keeping with the style and deign of surrounding properties.
- Insufficient car parking prospered.
- Too much development already around High barn St. With new properties on Edge Lane Street and on former Fir Mill site.
- All the additional residents will case a potential traffic increase.
- Infrastructure not adequate for more housing.
- Lack of local facilities for more housing, such as Schools, doctors and dentist.

## **PLANNING CONSIDERATIONS**

The main planning issues for consideration are as follows:

- Principle of Development;
- Developer Contributions;
- Energy;
- Highway safety;
- Design
- Residential Amenity;
- Trees;
- Ecology;
- Drainage;
- Environment Agency;
- Contamination and Landfill Gas:
- Archaeological records; and
- Crime.

### **Principle of Development**

The site is unallocated on 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, it is considered that the requirements of this policy have been met.

### Housing

The application site is identified within the Council's Strategic Housing Land Availability Assessment (SHLAA) as at 1st April 2021 as a potential future housing site (SHA2019), with an indicative capacity for 11 homes.

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).

These three criteria are considered in turn below.

*Housing land supply position:*

The SHLAA (as at 1 April 2021) 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 683 homes per year. Based on the five-year supply identified within the SHLAA, the council is unable to meet the borough's housing need at this time. As such, delivering housing on suitable sites is imperative to meeting local needs. The proposed development site is included within the SHLAA and therefore has been assessed as being suitable, available and achievable for residential development in principle.

*Delivery of the borough's regeneration priorities:*

The application site is in a highly accessible and sustainable location, within 480m of 6 local services and is served by public transport, give nit is located adjacent to Royton Town Centre.

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

*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.

As the proposed development is for a 100% affordable housing (apartments for affordable rent) in total to be provided through a registered provider, it is considered Policy 10 is satisfied since the scheme would make a meaningful contribution to meeting affordable housing needs in the borough subject to securing this through a Unilateral Undertaking.

*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.

Due to the development being amended, the scheme now makes some provision of on-site open space in the form of amenity green space. However, since this on-site provision is not a sufficient contribution having regard to the scale of the development, a financial contribution of £85,000.00 towards the enhancement of existing off-site open space provision within the locality (further details to be reported on the Late List) has been agreed and accepted. This contribution will be secured by way of a Unilateral Undertaking which the applicant has agreed to provide. Therefore, the development complies with Policy 23.

## **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.

The submitted energy assessment confirms that the proposed scheme will achieve the 15% reduction in CO<sub>2</sub> over Part L 2013, as required by Policy 18.

## **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.

Originally the development was to be served by a vehicular access off High Barn Street. However, following concerns being raised by the Council's Highway Engineer and occupiers of some neighbouring properties, amended plans were sought which now show a vehicular access being obtained from Shaw Street. In addition, a pedestrian access is maintained off High Barn Street, through a landscaped area.

Having considered this amended scheme, the Council's Highway Engineer has noted 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.

In addition, a Construction Management Plan has been provided in support of the application, to address access and site layout during the construction phase. This has been considered by the Council and is acceptable. As such, an appropriately worded condition is attached to the recommendation.

Therefore, as the amended layout is acceptable, it is considered the scheme complies with the highway safety aspects of Policies 5 and 9 of the Local Plan. Furthermore, it is likely to be considered suitable for adoption by the local Highway Authority.

## **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.

Following concerns being raised regarding layout and highway matters the layout was amended to provide vehicular access to the development from Shaw Street. This amendment enabled the applicant to move the proposed building to the north further away from Arden House. It also enabled a set back from both High Barn Street and Shaw Street resulting in the proposed buildings front and side elevations being set within landscaped areas of grass verges, shrubs, tree planting and railing boundary treatments.

The proposed three storey design also now includes a front elevation which is broken up visual with colour contrasts in the brickwork and steps in the building line. Overall, whilst the proposed building would be larger in form and scale than surrounding buildings, its position on a corner plot and would form a robust building line on the street.

Finally, it is considered that the car parking to the rear of the apartments provides an appropriate solution to the parking demands of future occupiers, whilst opportunities for natural surveillance would exist from the upper floor windows.

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 1, 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 of the apartments on existing dwellings within Arden House:*

The side elevation of the proposed building would be located between approximately 19.2m and 24.1m from 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 of the apartments on existing dwellings within Spindle Court:*

It is noted these neighbouring residential units are located on the opposite side of High Barn Street and are single storey in scale. However, given the separation distances, it is considered the development will not unduly impact on the amenity currently enjoyed by these residents.

*Impact of the commercial uses to the north:*

The submitted layout the design includes a sufficient separation distances to the adjoining commercial uses.

*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, and is supported by on site provision of landscaped open space, 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.”*

The Council's Arboricultural Officer considers that the amended scheme addresses concerns raised and represents an improvement in tree retention/protection terms. As such, the amended Arboricultural Impact assessment and Method statement are acceptable.

Therefore, the Council's Arboricultural Officer has raised no objection subject to conditions that require the implementation of the submitted tree protection measures and planting of replacement trees in accordance with BS 8545:2014 Trees from nursery to the landscape recommendations.

## **Ecology**

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

The Greater Manchester Ecology Unit were consulted on the scheme and raised concerns about bat roosts since the High Barn Resource Centre which once occupied the site supported a known bat roost and bats are still active in the area. Prior to the demolition of the building, as part of the Prior Approval notification for such works, the developer was required to provide mitigation and compensation for the loss of bat habitat including the installation of artificial bat roosting boxes on nearby trees. It is understood a license was required to be obtained from Natural England to secure this.

As such, an appropriately worded condition is attached to the recommendation requiring that before any trees scheduled for removal to facilitate the development are felled, they should be checked to see if any bat boxes are present. If there are, these boxes will be moved to other nearby trees.

Moreover, it is recommended that 3no additional bat boxes are required to be installed onto the new building following completion.

Finally, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act and, as such, an appropriately worded condition is attached to address the removal of the trees.

## **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.

The Lead Local Flood Authority / Drainage section have considered the scheme and raised no objection in principle to the proposals. However, any further comments will be provided on the late list including any requested conditions.

Environment Agency:

Having been consulted and considered the submitted details the Environment Agency has no objection in principle to the proposed development noting that the previous use of the site presents a medium risk of contamination that could be mobilised during construction to pollute

controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary A aquifer.

The EA note the application's combined phase 1 & 2 Geo-Environmental Investigation report demonstrates that it will be possible to manage the risk posed to controlled waters by this development. However, further detailed information will be required to be submitted to the EA before built development is undertaken, in line with paragraph 178 of the National Planning Policy Framework. This can be secured via the imposition of a condition attached to 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 originally recommended intrusive site investigations for contaminated land and landfill gas risks are required and the submission of a remediation strategy before any development takes place. However, following the applicant providing additional supporting information, it had been agreed that the submitted phase 1 & 2 Geo-Environmental Investigation report are sufficient. Having regard to the distance between the locations it is recommend that a watching brief is carried out for any unexpected contamination. Moreover, in regards the soft landscaping it is recommended the applicant submit a strategy to detail the depth of clean cover and how this will be validated (chemical and depth validation).

These matters have been addressed 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.*

GMASS noted that the proposed development site is located at the former terminus of the Royton Branch of the Lancashire and Yorkshire Railway, north-west of Royton Junction. Royton Station is recorded on the HER (683.1.0) as opening in 1863 and operational through until 1966. The station buildings are located outside of the boundary of the proposed site, though historic maps show several sidings to the north of the station which fall within the site. Remains of these tracks are not considered likely to have survived later redevelopment of the area, and even if they had they could offer little towards our understanding of the area.

On this basis GMAAS are satisfied that the current application has no archaeological implications and there is no reason to seek to impose archaeological requirements upon the applicant.

### **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 within the recommendation.

Following the submission of amended plans, the updated Greater Manchester Police (Architectural Liaison Unit) comments remain outstanding. As such, any further comments will be reported on the late list.

## **CONCLUSION**

It is considered that the proposed 100% affordable housing scheme, to be provided on a previously developed vacant site, fully complies with the Council's Local Plan policies. Together with the mitigation to be secured through the imposition of conditions and a Section 106 agreement to secure off-site open space improvements the application is 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 Unilateral Undertaking legal agreement under Section 106 of the Town and Country Planning Act 1990 securing the provision of the following:

- A £85,000.00 financial contribution of towards the enhancement of existing Open Space provision within the locality (further details to be reported on the Late List); and
- The provision of 100% on site affordable housing.

### **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 the submitted Energy Assessment Report, Ref: 06-21-88154 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.
4. No works to trees or shrubs shall take place between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority. REASON - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981 having regard to Policy 21 of the Oldham Local Plan.

5. No trees scheduled for removal to facilitate the development, shall be felled until they have been checked for any bat boxes. If any bat boxes are found to be present on the trees to be removed, these boxes will be moved to other nearby trees. Before they are moved, they will need to be checked by a suitably qualified person for the possible presence of bats. REASON - In order to ensure the protection and enhancement of features and species of ecological interest having regard to Policy 21 of the Oldham Local Plan.
6. A scheme for the Biodiversity Enhancement Measures, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the construction of any buildings hereby approved. This shall include details of:
  - The installation of 3no. Bat roosting boxes onto the new building.

The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the Local Planning Authority) and shall be retained thereafter.

REASON - To ensure positive enhancement and conservation of local bat populations having regard to Policy 21 of the Oldham Local Plan.

7. 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 Oldham 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 requirements of the paragraph 183 of National Planning Policy Framework.
8. 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 requirements of the paragraph 183 of National Planning Policy Framework.
9. 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 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.
10. 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.

11. Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved. REASON - To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework. To protect the underlying Secondary A aquifer.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved. REASON - To protect the underlying Secondary A aquifer. To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

13. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. REASON - To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

14. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details. REASON - To ensure that the proposed Piling does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

15. 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 Method Statement, Report No: LTM0276.MS.04, dated 17/01/2022. 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 - Such details are necessary to protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.

16. The development hereby approved, shall be carried out in accordance with the submitted Construction Environmental Management Plan, dated 31<sup>st</sup> August 2021, Document Title: 9805/CEMP/001.

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

17. Prior to the planning of the 15no replacement trees identified on drawing number 6682.01 (Rev G) a Planting Scheme shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include a detailed planting plan, specification, and method statement. The approved scheme shall be implemented in the first planting season following the first occupation of any of the dwellings.

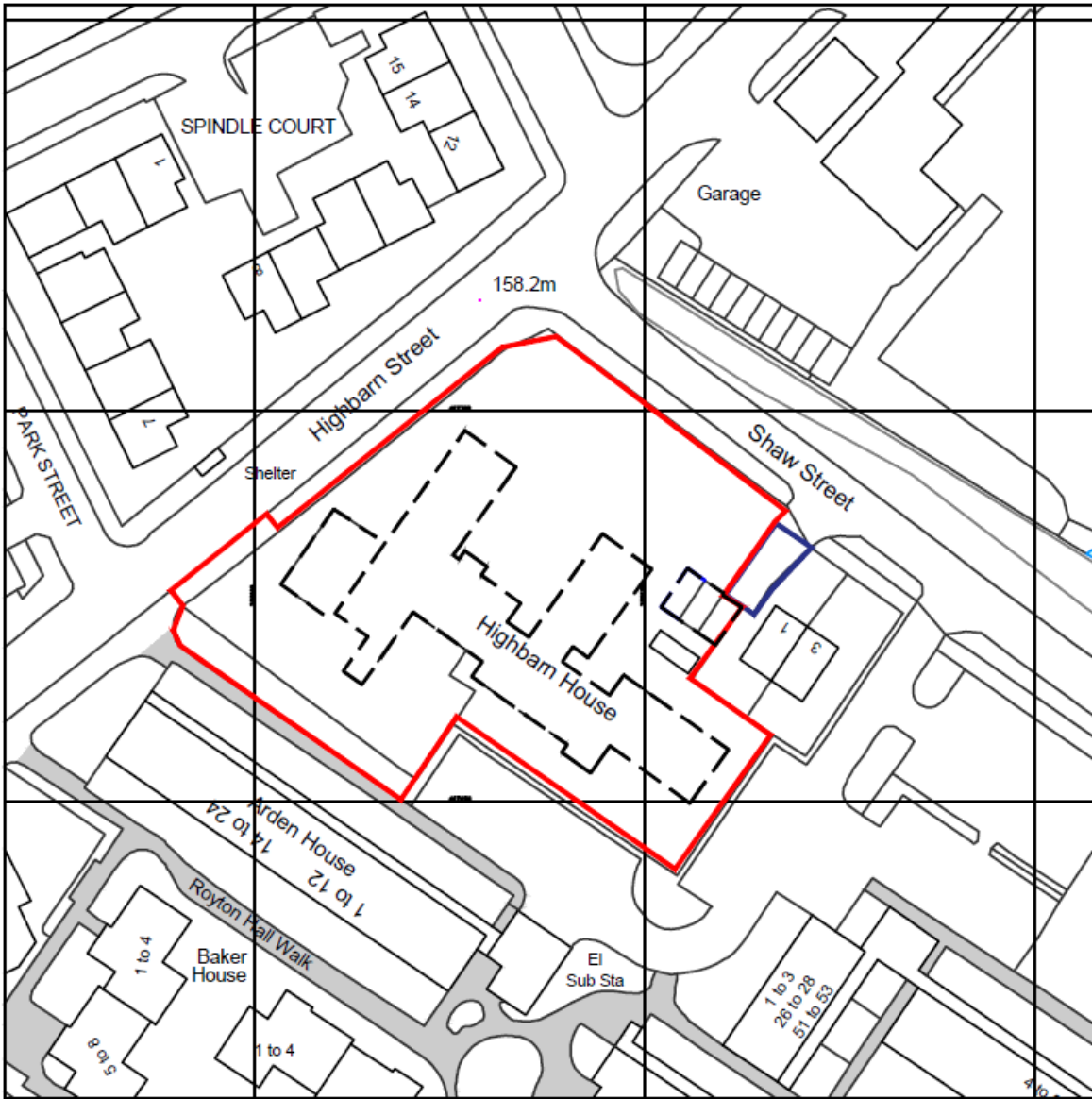
Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless, the Local Planning Authority gives written consent to any variation.

Reason: To adequately mitigate and prepare for the establishment of new trees and their long-term retention in accordance with BS 8545:2014 and having regard to saved Policy D1.5 of the Unitary Development Plan.

18. With the exception of replacement trees addressed in condition 17, all other planting, seeding or turfing comprised in the approved landscaping detail Dwg no. 6682.01 (Rev G) shall be carried out in the first planting and seeding seasons following the first occupation of any dwelling. 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.

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



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