

APPLICATION REPORT – FUL/349677/22
Planning Committee 18th January 2023

Registration Date: 22nd August 2022
Ward: Failsworth West

Application Reference: FUL/349677/22
Type of Application: Full

Proposal: Erection of a 51 no. apartment retirement living development (Use Class C3), landscaping, car parking and all associated works

Location: Land to the North of Ashton Road West Failsworth Oldham

Case Officer: Emma Breheny
Applicant: McCarthy Stone Retirement Lifestyle Ltd.
Agent: Planning Potential

INTRODUCTION

This application is referred to Planning Committee in accordance with the Council's Scheme of Delegation, given it is a major residential development proposing in excess of 20 dwellings.

RECOMMENDATION

That the application be approved subject to the imposition of conditions set out in this report and that the Head of Planning shall be authorised to issue the decision.

THE SITE

The application site is unallocated within the Local Plan and was once occupied by the former Failsworth Mill. It now forms a vacant parcel of land located between the Tesco supermarket to the east and a residential development on Whitekirk Drive to the west. The northern boundary of the site borders the Rochdale Canal which is a Site of Special Scientific Interest (SSSI).

THE PROPOSAL

The applicant seeks planning permission to erect a three storey apartment block comprising 51no. apartments. The applicant states that the development will provide accommodation for those aged 50 or above. Parking provision would be accommodated to the front of the site in a private car park. There will be an area of soft landscaping to provide external amenity space for residents.

RELEVANT PLANNING HISTORY

There is no relevant planning application history to the current site other than application reference DM/335282/14 which was a notification of the demolition of the mill buildings which once occupied the site.

RELEVANT PLANNING POLICIES

The 'Development Plan' is the Joint Core Strategy and Development Management Policies Development Plan Document (referred to as the Local Plan) for Oldham. The site is unallocated in the Proposals Map associated with this document and is situated within the defined urban area.

As such, the following policies are relevant to the determination of this application:

Policy 1	–	Climate Change and Sustainable Development;
Policy 2	–	Communities;
Policy 5	–	Promoting Accessibility and Sustainable Transport;
Policy 9	–	Local Environment;
Policy 11	–	Housing;
Policy 19	–	Water and Flooding ;
Policy 14	–	Supporting Oldham's Economy;
Policy 20	–	Design; and,
Policy 21	–	Protecting Natural Environmental Assets.

CONSULTATIONS

Highways Engineer:	No objections subject to conditions relating to the access and car parking on site being installed, cycle storage being provided, and highway improvement works carried out including the reinstatement of the footpath to the front of the site and traffic calming measures on Ashton Road West.
Environmental Health:	No objection subject to the submission of a ventilation scheme accompanied by a noise assessment to ensure that the flats can be ventilated whilst being protected from noise from the adjacent Tesco supermarket and Ashton Road West. A condition relating to land contamination is also required.
GMEU:	No objection subject to a detailed Construction Environmental Management Plan being submitted to ensure that dust and debris does not encroach onto the SSSI and that hedgehogs are protected during site clearance works. A CEMP has been submitted and it is suggested that this forms part of the conditions on the application.
Natural England:	No objections on the basis that the Habitats Regulations Assessment is accepted by the Local Planning Authority. GMEU act as the Ecologist for the Local Planning Authority.
Canal and River Trust:	No objections on the basis that the development is carried out in accordance with the submitted CEMP.

Lead Local Flood Authority: To be reported on the Late List.

Environment Agency: Require a condition relating to substantial ground conditions assessments to ensure no pollution to the water environment. The Environment Agency consider the condition necessary as a pre-commencement condition due to the proximity of the Rochdale Canal.

Tree Officer: No objection subject to a tree replacement plan, which is shown on the proposed landscaping scheme.

REPRESENTATIONS

The application has been publicised by means of neighbour notification letters, site notices and a press notice. No letters of representation were received as a result of this publicity.

PLANNING CONSIDERATIONS

Principle

Policy 1 of the Oldham Local Plan echoes the National Planning Policy Framework (NPPF) in stating that when considering development proposals, a positive approach that reflects the presumption in favour of sustainable development will be taken. Planning applications that accord with the policies in the Local Plan will be approved without delay unless material considerations indicate otherwise. The proposed redevelopment of this site complies with the strategic policy aims set out above and represents a sustainable development that accords with the objectives of the NPPF.

Policy 11 seeks to ensure there is sufficient housing in the borough and a choice of housing provision to meet people's needs and support a good quality of life. The application site is a brownfield site (i.e., is Previously Developed Land) which is the preferred location for all new developments, in accordance with National and local policies. At present, the Authority is not able to demonstrate a 5 year housing land supply, and the proposal would make a notable contribution towards delivery of new housing in Oldham which further supports the principle of the proposed development.

In this instance, the application site is unallocated by the Proposals Map associated with the Development Plan. It is sited between a Tesco superstore and a residential development, with a Public House opposite (The Millgate). The site is sustainably located in respect of access to services and public transport options and the development will also contribute to the supply of housing. In view of the above matters, it is concluded that a residential development of this nature is acceptable in principle, subject to other material planning considerations.

Viability

Having regard to the requirements of Development Management Policies 10 (Affordable Housing), 23 (Open Spaces and Sports), and 25 (Developer Contributions), the applicant has submitted a viability appraisal seeking to demonstrate that if any such contributions are required this would make the scheme unviable and therefore undeliverable. This has been assessed on behalf of the Local Planning Authority by independent viability assessors (CP Viability Ltd) who support the conclusions reached.

Although no financial contributions can be achieved in this instance, the provision of accommodation for later living and retirement accommodation would help achieve the goals of Policy 11 which seeks to ensure there are options for mixed housing stock to widen the choice of housing available. It is considered that the provision of later living accommodation would help provide choice and contribute towards meeting the needs of the Borough's residents by utilising a previously developed site in a sustainable location. As such, the inability of the development to support such contributions is outweighed by these benefits.

Design and integration with local character

Development Management Policies 20 'Design' and 9 'Local Environment' are relevant in considering the design of the scheme and its impact on surrounding amenity.

The proposed apartment block would be a 3 storey design providing contrast with the adjacent residential development on Whitekirk Drive which comprise two storey semi-detached dwellings. The proposed development would match the height of the neighbouring residential development and the adjacent Tesco superstore. Given the site was previously occupied by a mill building, the proposed development would reflect the character of the area and strike a balance between the retail foodstore to the east and the residential development to the west.

Residential amenity

Policy 9 states it is necessary to consider how the proposal impacts on the amenity of the occupants of adjoining residential properties from the impacts likely to be associated with the proposal. Due to the interface distance between the proposed development and the neighbouring dwellings to the west, despite being three storeys in height, it is not considered that there would be any significant overlooking to the neighbouring dwellings.

It is also important to consider the amenity of future occupiers of the proposed development. In this regard, it is considered that all the units comply with the National Space Standards Document (DCLG, 2015) and are therefore considered to be a suitable size to be considered acceptable for the future occupiers having regard to the requirements of Policy 9.

The Council's Environmental Protection Officer has requested a condition to ensure that the flats can be adequately ventilated whilst being protected from noise breakout from Tesco and Ashton Road West. Such a condition is included within the recommendation.

Highways

The Council's highway engineer has been consulted on the proposals and raised no objections due to its location within an established residential area with good access to a wide range of amenities and public transport links. It is not envisaged that the proposal would give rise to any significant increase in traffic generation or any additional demand for on street parking.

However, the highway engineer considers that the existing access adjacent to the Tesco Supermarket service yard should be closed, and the footpath made good to ensure satisfactory access to the proposed car park and to allow for pedestrians to travel safely along Ashton Road West. A condition requiring this is attached to the recommendation.

Ecology

The site is located adjacent to the Rochdale Canal which is a Site of Special Scientific Interest (SSSI). As such, the developer was required to submit detailed ecological surveys and a detailed Construction Environmental Management Plan (CEMP) to ensure that the development would not harm the SSSI and the species which are located within.

Both the Greater Manchester Ecology Unit and Natural England have been consulted on the proposal and are satisfied that the development will not harm the adjacent SSSI providing detailed measures are put into place to prevent dust and debris from the development from encroaching into the SSSI. The developer has submitted a detailed CEMP which satisfies the Ecology Unit and therefore the development is acceptable in ecology terms.

CONCLUSION

The development proposed will bring back in to use a previously developed brownfield site within a prominent location within the established urban area of Failsworth. The site is sustainably located and the development respects the character of the surrounding area and provides an acceptable physical relationship with the neighbouring residential development on Whitekirk Drive. The proposal is consistent with the National Planning Policy Framework (2021) and the aims and objectives of the relevant policies contained within the Oldham Local Plan. It is therefore recommended that the application be approved subject to the imposition of conditions referenced below:

RECOMMENDED CONDITIONS

Grant planning permission, subject to the following 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 development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details. REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan.
- 4 The development shall be carried out in full accordance with the Environmental and Construction Management Plan by Forge construction Management Limited received on 2nd November 2022. Reason - in order to protect the Rochdale Canal Special Area of Conservation from harm during construction works, in accordance with Policy 21 of the Oldham Local Plan
- 5 No development approved by this planning permission 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. Additional site investigation, based on the reporting already submitted, to provide

information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

2. The results of the site investigation and the detailed risk assessment referred to in (1) 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.
3. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (2) 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 and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework

- 6 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. A piling risk assessment therefore needs to be put in place if piling is to be used during the proposed works. Reason - To ensure that the site does not pose any further risk to 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 174 of the National Planning Policy Framework.
- 7 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. Only with the completion of the remedial works and validation/verification against agreed target levels would the Environment Agency be able to recommend to the local planning authority the discharge of relevant planning conditions. Reason - To ensure that the site does not pose any further risk to 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 174 of the National Planning Policy Framework.
- 8 Before any above ground works commence a ventilation scheme which allow the apartments to be ventilated in warm summer months in line with the guidance in Approved Document O shall be submitted to and approved in writing by the Local Planning Authority. This scheme must detail the noise levels from the ventilation system both internally and externally. The approved scheme must be installed before the apartments are occupied and retained thereafter. Reason - In order to ensure a satisfactory level of amenity for residents of the apartments, in accordance with Policy 9 of the Oldham Local Plan.
9. All hard and soft landscape works shall be carried out in accordance with a landscaping scheme to be submitted to and approved in writing by the local planning authority within 6 months of the date of this permission; the duly approved scheme shall be fully

implemented prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

10. Prior to the development being first brought into use, the existing access into the site adjacent Tesco service yard shall be closed and the footpath made good, as shown on the approved site plan. REASON: In the interests of highway safety and to protect the amenity of the area having regard to Policies 5 and 9 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE):

