

**APPLICATION REPORT - RES/350225/22
Planning Committee 15th February 2023**

Registration Date: 30th November 2022
Ward: Saddleworth West and Lees

Application Reference: RES/350225/22
Type of Application: Reserved Matters

Proposal: Reserved Matters application for the erection of 234 dwellings, with associated vehicular access and parking, private amenity space, and landscaping, pursuant to hybrid planning permission MMA/344723/20 (Revised scheme to previous approval of Reserved Matters RES/347759/21)

Location: Land off Knowls Lane, Lees

Case Officer: Graham Dickman
Applicant: Russell Homes UK Ltd
Agent: Mr Dan Ingram

INTRODUCTION

This application is presented to Planning Committee as a Major development.

RECOMMENDATION

It is recommended that the application is approved subject to the conditions below.

THE SITE

The site comprises an irregular shaped area of land on the south-eastern edge of Lees surrounded primarily by existing development to the west, north, and east. Knowls Lane and Thornley Lane demark the southern boundary with open land and scattered development to the south-east.

Most of the site to which this application specifically relates comprises vacant open grassland which was historically used for agricultural purposes.

The wooded valley of Thornley Brook runs through the north of the site, alongside which runs public footpath 26 OLDH. Further public footpaths 25 OLDH and 27 OLDH also traverse the site north to south.

Part of the wider site to the north of the proposed residential development area has been designated by Natural England as Ancient Woodland. However, this does not include the development area to which this application relates.

THE PROPOSAL

Background

A Hybrid Planning Application (PA/343269/19) comprising a Full Planning Application for the development of a new link road between Knowls Lane and Ashbrook Road and associated works, and an Outline Planning Application for the development of up to 265 dwellings, open space, and landscaping, with all matters reserved except for access was approved on 5th December 2019. An application for amendment to conditions attached to that approval (MMA/344723/20) was approved on 23rd April 2021.

A subsequent application for the approval of Reserved Matters (RES/347759/21) was granted on 7th July 2022.

In addition, before the development can proceed, conditions associated with the Hybrid application must be discharged. An application for discharge of those conditions is presently under consideration. The present Reserved Matters application must however be determined on its own merits in accordance with national Planning Practice Guidance.

Present application

The present application seeks approval for an alternative scheme of Reserved Matters to RES/347759/22. This comprises Appearance, Landscaping, Layout, and Scale only in respect of the Outline part of the Hybrid planning approval. The present proposals relate specifically to the area of the site identified for residential development.

As previously, the proposals envisage the construction of 234 dwellings, 53 of which are designated as affordable properties. The layout largely follows the approved pattern of development.

The development includes a mix of 3, 4, and 5 bedroom detached houses, 3 bedroom semi-detached properties, and 4 bedroom townhouses.

Environmental Impact Assessment

The proposal represents “Schedule 2” development as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. That fact does not imply that an Environmental Impact Assessment is invariably required, but that the proposal must be screened under the selection criteria in Schedule 3 of the Regulations.

A screening opinion has been issued in respect of the application. This confirms the Local Planning Authority’s opinion that Environmental Impact Assessment is not required. This confirmation reflects previous determinations, including that issued by the Planning Inspectorate on 15th May 2019 that in the opinion of the Secretary of State “whilst there may be some impact on the surrounding area as a result of this development, the proposal would not be of a scale and nature likely to result in significant environmental impact. EIA is not required”

As with the previous applications MMA/344723/20 and RES/347759/21, the latest Screening Opinion takes into consideration the subsequent designation by Natural England of part of the wider site as Ancient Woodland. The proposed residential layout set out in this application does not specifically impinge on those areas.

Taking all these material factors into consideration; it is concluded that the development continues not to require submission of an Environmental Impact Assessment in line with previous determinations by the Council and the Secretary of State.

RELEVANT PLANNING HISTORY

CND/348316/22 - Discharge of conditions 2 (culvert/ river corridor details), 3 (embanked road/culvert details), (Landscape and Ecological Management Plan), 5 (Invasive Species), 6 (Bat and Badger Surveys), 7 (Construction Environmental Management Plan), 8 (Surface Water), 10 (Gas Risk), 11 (Contamination) and 13 (Archaeology) relating to app no. MMA/344723/20. Partial discharge 11th October 2022

CND/348141/21 - Discharge of condition no's 5 (Invasive Species), 6 (Bat and Badger Surveys), 7 (Construction Environment Management Plan), 9 (Foul and Surface Water), 10 (Gas Risk), 11 (Site Investigation and Access), 13 (Archaeology), and 14 (Landscape Management Plan) relating to app no. MMA/344723/20. Pending determination

RES/347759/21 - Reserved Matters application for the erection of 234 dwellings, with associated vehicular access and parking, private amenity space and landscaping pursuant to hybrid planning application MMA/344723/20. Approved 7th July 2022

MMA/344723/20 - Section 73 application. Variation of Conditions 8 (landscaping management) and amendments to approved plans within condition 13 (link road plans) to PA/343269/19 for up to 265 new homes (outline) and new link road between Knowls Lane and Ashbrook Road (full). Changes sought are: Condition 8 to be separated into two conditions one relating to the link road and one the outline residential development. Amendments to condition 13 to provide indicative location of speed tables provided within the proposed link road, and the inclusion of a separate cycleway and footway along the route of the proposed link road (no changes to alignment width or gradient of the proposed highway). Approved 23rd April 2021

Hybrid Planning Application (PA/343269/19) comprised of "Part A - Full Planning Application for the development of a new link road between Knowls Lane and Ashbrook Road and associated works, and Part B - Outline Planning Application for the development of up to 265 dwellings, open space and landscaping, with all matters reserved except for access." Approved 5th December 2019 subject to a Section 106 legal agreement, following a determination by Planning Committee at its meeting on 1st July 2019.

That decision was subject to a legal challenge on the grounds that officers wrongly advised Planning Committee of the weight to be afforded to landscape harm and the status of the Council's 'Other Protected Open Land' (OPOL) policy; a failure to have regard to the statutory duty in respect of impact on heritage assets; and a failure to have regard to the Council's policy in respect of Energy (Policy 18).

On all grounds, Mr Justice Julian Knowles rejected the challenges, thereby upholding the planning approval. The period for further legal challenge to the permission has now passed.

A Hybrid Planning Application (PA/340887/17) comprising of "Part A - Full Planning Application for the development of a new link road between Knowls Lane and Ashbrook Road and associated works, and Part B - Outline Planning Application for the development of up to 265

dwellings, open space and landscaping, with all matters reserved except for access.” Refused on 7th December 2018 following determination by Planning Committee.

RELEVANT PLANNING POLICIES

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

The western part of the site is allocated as Phase 2 Housing land. The eastern parcel of the site is identified as Other Protected Open Land (OPOL) on the Council’s development proposals map.

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

Policy 1 - Climate Change and Sustainable Development;
Policy 2 – Communities;
Policy 3 - An Address of Choice;
Policy 5 - Promoting Accessibility and Sustainable Transport;
Policy 6 - Green Infrastructure;
Policy 9 - Local Environment;
Policy 10 - Affordable Housing;
Policy 11 – Housing;
Policy 18 – Energy;
Policy 19 - Water and Flooding;
Policy 20 – Design;
Policy 21 - Protecting Environmental Assets Natural;
Policy 22 - Protecting Open Land;
Policy 23 - Open Spaces and Sports;
Policy 24 - Historic Environment; and,
Policy 25 - Developer Contributions

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

CONSULTATIONS

Highway Engineer: No objection to the revised layout plan, subject to conditions as recommended on the previous application. Formal diversion orders will be required for the changes to existing Rights of Way across the site.

Environmental Health: No objection or conditions in relation to the Reserved Matters application.

Ramblers: Recommend a slight move to the revised route of public footpath 25 OLDH away from the adjacent drive. The existing paths should not be closed until construction in those areas commences.

United Utilities:	Request that a revised full foul and surface water drainage scheme is submitted for approval under condition discharge application CND/348141/21.
Environment Agency:	No objections in principle. The Landscape Ecological Management Plan should be updated to align with the Landscape Structure Plans, Invasive Species Management Plan and river improvement plans.
G M Ecology Unit:	The revisions to the previous approval do not substantively alter the biodiversity considerations which can be satisfactorily dealt with by means of planning conditions.
G M Police:	Recommend that, where feasible, the development should be designed to accord with the recommendations as set out in the submitted Crime Impact Statement.
Trees Officer:	The proposed replacement and additional planting scheme is acceptable. Measures will need to be implemented to protect retained trees during construction.
Coal Authority:	Following submission of additional information demonstrating proposed measures to adequately mitigate any instability associated with the adjacent mine shaft, the earlier objection has been withdrawn.
Conservation Officer:	No objections

REPRESENTATIONS

The application has been advertised by press notice, site notice and direct notification letters to adjacent neighbours and those who commented on the previous application.

5 separate objections have been received.

The following comments relate to the present Reserved Matters application.

- The proposed dwelling mix focusses on large properties and does not reflect the house needs in the area as identified in the Council's figures;
- Committee had previously been told the house mix could not be changed at this stage to address objections, notwithstanding the officer's report at outline stage, but now a revision has been submitted by the developer
- Further improvements to the revised footpath routes are possible
- The layout doesn't follow the Council's Residential Design Guide
- The siting of some plots prevents the possibility of a future junction improvement
- The use of gas boilers does not satisfy the Future Homes Standard and PV should be incorporated into the roof covering
- The required Design Code is inadequate
- All properties should satisfy the National Space Standards

- There is no lighting design as required under Outline condition 19
- Inadequate community engagement
- Insufficient car parking for visitors
- There has been no resolution to the issue of proximity of houses to a mine shaft.
- The developer has carried out unauthorised works.

Saddleworth Parish Council – No comments received.

Other general comments received relate to the principle of the residential development, impact on ecology and woodlands, flood risk, drainage, and disturbance during construction.

These matters of principle have been considered in assessment of the previous Hybrid/Outline approval. They are not therefore directly pertinent to the consideration of the present application.

The Hybrid/Outline approval was also granted subject to a number of conditions. These include ecological mitigation, submission of updated ecological surveys, a Landscape and Ecological Management Plan, a Construction Management Plan, drainage details, and land contamination/gas investigations.

These matters will be dealt with under the separate condition discharge approval process. This process must be completed before development can commence and consideration of those applications is presently on-going. These are not specific Reserved Matters for the present application's consideration.

PLANNING CONSIDERATIONS

Principle of the development

The application relates to submission of the Reserved Matters of the previously approved outline residential development site only. Consideration is therefore limited to those matters.

The Hybrid/Outline approval allowed up to 265 houses to be constructed. The indicative layout demonstrated that the development would deliver larger family housing and higher-value housing to meet local needs and aspirations.

A Reserved Matters application for a scheme of 234 houses has subsequently been approved.

The present layout similarly includes a reduction to 234 houses. This includes a pro rata provision of affordable housing in accordance with the terms of the previous legal agreement which will allow for these properties to be secured.

The location of the proposed affordable housing units as required under the Section 106 agreement which accompanies the Hybrid/Outline application are shown on the Affordable Housing Plan. These are to be located throughout the layout to ensure an inclusive character within the development, with the design of properties not distinguished by tenure.

The applicant has indicated that due to funding requirements, and at by the request of the registered providers, the delivery of the affordable housing has been brought forward in the

delivery programme than that already approved under Reserved Matters Approval (Ref: RES/347759/21).

On this basis 42 of the 53 (79%) of the total affordable housing units will be constructed and offered to the appointed registered providers ahead of the occupation of the 102nd open market dwelling. This compares with the previous RM app which had 26 of the 53 (50%) of the affordable housing dwellings will be constructed and offered to the appointed registered providers ahead of the occupation of the 117th open market dwelling.

The principle of the development is not open for further determination. Similarly, matters of principle or conditional requirements which go beyond those which are specifically included at Outline stage cannot be imposed, unless directly related to the Reserved Matters.

National Planning Practice Guidance states that *“The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters. Conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted”*

Furthermore, conditions imposed on the Hybrid/Outline application do not need to be reimposed at the Reserved Matters stage.

Nor are matters associated with the detailed planning approval for the proposed link road pertinent to the assessment of the present application.

The reserved matters for which approval is sought are focussed on the acceptability of the layout and design of the properties. This includes the spatial aspects of the layout and scale of buildings and their relationships within and external to the site, along with the appearance of buildings and landscaping of the development in the context of its setting.

Layout

The residential development site is largely located to the east of the previously approved link road extending across to the valley formed by Thornley Brook which adjoins the eastern boundary.

Although primarily comprising a gently undulating landscape, this is also cut through by a north-south tributary of the brook. Consequently, the proposed layout splits into two main sections either side of the tributary. This divide forms an important feature within the site.

This larger eastern area of the development site is served by a single access road emerging from the previously approved link road leading to a mix of cul-de-sacs and an internal circular route within the easternmost portion. Properties are designed to largely provide active principal frontages onto the street scene, and where buildings turn corners, dual aspects are used to avoid prominent blank elevations. The layout avoids lengthy straight runs of properties. Landscaping is incorporated along street frontages and to the site boundaries.

The access road configuration and siting of properties ensures the avoidance of monotonous street scenes and is appropriate to the form of development proposed.

Properties are largely orientated to face out across the retained and adjacent open spaces from where open public views are obtained. This also avoids views into the site being dominated by

tall screen fencing. Along the north-western boundary, properties present gable walls to the site boundary. However, in these areas, public views are restricted by established tree cover.

The proposed diverted public footpaths through the site follow the edges of the watercourse valleys providing a sense of openness to users.

A small number of properties are located to the west of the link road served by a single cul-de-sac. Existing and proposed tree planting adjoins these areas.

With the exception of a small group of properties fronting Knowls Lane between existing built frontages, green spaces demarcate the main site boundaries and provide a visual break to existing built development. The properties fronting Knowls Lane are sited in accordance with the previous indicative layout for the site and therefore do not conflict with the established principles for the development area defined in the Hybrid/Outline application.

In this overall context, the proposed layout ensures satisfactory relationship between properties within, and in the vicinity of, the site, and with the character of neighbouring properties in the local area. It ensures consistency with the illustrative layout included on the outline application, the Design Framework, and with Local Plan Policies 9 and 20.

Scale and appearance

The surrounding residential area contains a wide range of house types, ages, styles, and finishes. There is therefore no established vernacular which it is necessary to replicate.

A range of 16 house types are included which reflect styles of the more modern properties that exist in the vicinity. Whilst there is a clear prevalence of larger family dwellings in the plans, adopted local and national planning policies do not require a specific mix on all individual sites, nor was this specified within the conditions of the Hybrid/Outline approval. It cannot therefore be imposed at this stage.

Properties extend to two or two-and-a-half storey, which is an appropriate scale for the setting of the site.

The designs, scale, density, and layout of the development secures satisfactory relationships between properties both within the layout and to the small number of neighbouring dwellings, ensuring suitable outlook and levels of privacy. All properties contain areas of private amenity space as well as ready access to the public open space and footpath routes in the immediate surroundings.

Furthermore, the layout incorporates areas of landscaped public open space which assist in softening the impact of the development and providing visual relief, in addition to the valleys of the natural watercourses which cross or adjoin the site.

Where properties are located on corner plots, the houses are designed to include window openings to break up the elevations. Where rear gardens adjoin highway frontages, matching brick walls are used in place of timber fencing to improve the appearance.

Overall, the layout is reflective of existing built development in the local area, and the dwellings are of an appropriate scale and density.

Facing materials are split between red brick and split-face brown reconstituted stones with red or grey roof tiles. Integrated PV roof panels will be utilised throughout the development, and where this is applied, the roof coverings will be amended accordingly.

A 'Materials Layout' has been submitted which illustrates how the finishes will be mixed within the layout, with an emphasis on reconstituted stone finishes closer to the more historic stone-finished buildings on Knowls Lane.

In the context of the site and surrounding area, the use of reconstituted stone for the properties would not be incongruous, and there is adequate separation from any listed buildings to avoid adverse impact on their settings.

As with the proposed layout, the incorporated designs of the scheme ensure appropriate consistency with the illustrative designs included on the Hybrid/Outline application, the Design Framework, and Local Plan Policies 9 and 20.

Amenity standards

The 'Technical housing standards – nationally described space standard' (NSSS) provides guidance to local planning authorities on the minimum standards expected to be achieved in new and converted residential developments.

Formal adoption of the standard is subject to inclusion within a local plan policy based on evidenced local need. It is anticipated that the new Local Plan for Oldham (currently in preparation) will incorporate this requirement. However, at the current time there is no local plan policy that formally adopts this standard for new development in the borough.

The applicant has provided details which show that in terms of overall floorspace, all dwelling types exceed the NSSS guidelines.

In the case of Type J (11 properties), the fourth bedroom is below the standard; however, all other bedrooms are in excess.

In the case of Type R (15 properties), the third bedroom is slightly below the standard size.

In 6 house types, built in storage is below the standard.

Whilst the Council encourages compliance across the standards, the NSSS is not a mandatorily required statutory document unless it is specified in a local plan policy which, as referenced above, it is not currently so in Oldham. However, the NSSS represents an authoritative guide to what standards would secure a satisfactory degree of amenity for future residents. It is therefore necessary to assess whether any provision below those standards would result in failure to secure satisfactory amenity

In that context, although a small number of bedrooms and storage areas do not comply with the individual room sizes, this is a result of the internal configuration of rooms, rather than a deficiency in the overall level of accommodation.

Consequently, it can be concluded that a satisfactory standard of amenity would be achieved and therefore there would not be sustainable grounds to determine that a sub-standard degree of amenity would exist for future residents.

Highways and parking provision

The principle of the vehicular access to the site from the surrounding highway network and the need for improved connectivity by means of the provision of the previously approved link road have already been determined and considered to be acceptable.

Phasing of the development is required under Condition 20 of the Hybrid/Outline approval, and a Phasing Plan has been submitted. In addition, the previously submitted Highway Phasing Technical Note has provided an appraisal of the traffic related effects associated with the proposed initial delivery of up to 45 dwellings at the site, prior to completion of the proposed new link road.

Provision of the link road will however be required for any additional dwellings beyond this figure.

The Highways Engineer has sought amendments to the proposed road layout of the development during the processing of the application; and is satisfied that the presently proposed arrangements ensure adequate space on the adopted highways for manoeuvring of residents' and visitors' vehicles.

Private accessways are not designed to the same adoptable standard. However, such arrangements are not an uncommon feature in residential areas. They nevertheless allow for appropriate servicing by larger vehicles as required. It is not unusual, for instance, for refuse vehicles to reverse along short stretches of such accessways where necessary.

Vehicular access to Knowls Lane will be obtained via the new link road, with the exception of a group of eight properties which will be served via a single driveway. This shared driveway to these properties has been designed to ensure satisfactory space for vehicle manoeuvring and visibility splays whilst allowing for the retention of the existing stone wall to the frontage for most of its length.

A new footway will be provided on the site frontage to allow for safe pedestrian access to the dwellings. At present there is no footway on the northern side of Knowls Lane in this area. The new footway will also link to the existing footways at either end providing an additional improved public benefit, including improved access to the school.

In respect of car parking provision, the Council does not operate any specific parking standards and each case must be assessed on its own circumstances. Although some households may contain more than two vehicles, this is not universally the case. Where additional space is subsequently required, experience shows that this will be provided by the owners in due course and adequate space would be available within individual curtilages as required.

Furthermore, there is a clear balance between providing additional on-site spaces upfront, where they may not ultimately be required, and the resultant loss of landscaping to soften the appearance of a development, whilst also seeking to encourage alternative and sustainable means of travel.

There is no requirement in relevant local or national policies for additional visitor parking to be required where on-site facilities are available. The highway widths and configurations are

designed to accommodate temporary visitor parking. In this context, there is no requirement for a specific facility.

A representation that the layout should allow for future road widening at the link road and Knowls Lane junction. The configuration of the link road was determined on the Hybrid/Outline application. No requirement for future road widening has been identified by the Local Highway Authority and consequently there is no requirement for the applicant to make such provision available.

Impact on public rights of way and pedestrian access

The residential development site is crossed by two public footpaths. Both enter the site from the north, where they are linked to an adjacent footpath network, before crossing Thornley Brook and rising steeply to cross the residential development site in a south-westerly (25 OLDH) and south-easterly (27 OLDH) direction, before emerging onto Knowls Lane/ Thornley Lane respectively.

As initially proposed under the previous Reserved Matters application, the footpaths would have been re-routed through the residential layout. 25 OLDH would have been segregated from vehicular traffic within a narrow, landscaped corridor, whilst 27 OLDH would have followed the line of one of the new estate roads.

Following discussions with the applicant, and representations from the public and Ramblers, revised arrangements were submitted.

25 OLDH now follows a line at the western edge of the tributary which crosses the site, providing an improved sense of openness for users of the path. South of the proposed estate road, users will have the option to utilise the existing route to Knowls Lane, or to utilise a new dedicated route directly south. This additional route will also allow improved access to St Agnes School.

The path will be physically separate from the carriageway of the drive to avoid conflict with pedestrians. A suggestion that a further degree of separation between the footpath route and adjacent drive has been considered. However, due to the adjacent fall in land levels towards the tributary brook, this would not be feasible.

27 OLDH has been completely re-configured to now occupy a fully segregated route within the valley side alongside Thornley Brook. This creates a significantly more conducive and verdant recreational route. Sections through this footpath have been provided to illustrate its relationship with the residential development.

The new footpath routes have been designed to ensure equality of access for a wide range of users. In this regard, the new footpaths will include increased widths and bound surfaces. The routes mitigate changes in levels where possible, taking the topography of the land into consideration.

Given the above, the two proposed routes ensure improved accessibility for members of the public. A separate application for diversion of the footpaths under Section 257 of the Town and Country Planning Act 1990 (as amended) will also be required.

Landscaping and ecology

The application is accompanied by an updated Landscape Management Plan, and by Landscape and Open Space Structure Plans and detailed planting specifications. This includes new tree planting within residential plots and along street frontages, along with the enhancement of retained open spaces around the site boundaries.

The Trees Officer has assessed the proposals and considers that whilst a small number of trees which presently exist within the residential development site will need to be removed, there will be appropriate replacement and addition in line with the 3 for 1 requirement of saved UDP Policy D1.5.

Provision of up-to-date protective species surveys are required as part of the Condition Discharge process.

The proposals will ensure that the development has due regard to its setting, including maintaining direct views towards the adjoining open area from within the development site, whilst protecting and enhancing the adjacent open areas.

Open space/ play area

Matters regarding the provision of communal facilities were dealt with at the Hybrid/Outline application stage. Condition 19 of the approval requires the submission of details of the public open space for the development to be provided. The principle of this provision was agreed through the Hybrid/Outline permission and there are no requirements for additional formal facilities across all age ranges.

The submitted Parameters Plan (referenced in the Hybrid/Outline Condition 19) indicated the provision of a Local Equipped Area for Play (LEAP) in a central area of the site, close to footpath 25 OLDH.

The proposed details comprise an area of play equipment including slides, swings, steps, climbers, and inclusive roundabout, set within 0.9m high bow top fencing and self-closing gates.

The site is set within an area of landscaped open space providing a direct link to the replacement public footpath network. Some of the proposed properties face the site providing an element of informal supervision.

Consequently, the proposed area is deemed acceptable in terms of its location and facilities. Long term maintenance is secured through the Section 106 legal agreement accompanying the Hybrid/Outline approval.

The formal play facilities are accompanied by the informal recreational spaces and footpath routes provided within the overall layout. Improvements to these routes will provide ready access to a wider range of users, including cycling facilities along the new link road.

Energy

Within the proposed design and layout, the submitted Design Framework takes account of the requirements to ensure sustainable development; in particular to attain compliance with Local Plan Policy 18 which requires new development to ensure a 15% increase on Part L for domestic and non-domestic buildings.

Whilst the Council can seek to encourage the developer to adopt specific measures, including those to 'future proof' sustainability, this is not a matter that is mandated through local or national planning policies.

It is noted that revisions to the presently required energy efficiency measures are proposed to be introduced by government by means of the Future Homes Standard which will come into force by 2025, including prevention of the use of fossil fuels for new homes. Given the scale of the proposed development and likely timescale for completion, it is likely that the presently proposed methods of compliance will need to adapt accordingly.

Any dwelling not commenced by that date (2025) will need to comply with the required standards under Building Regulations legislation then in force. More imminently, an initial uplift of the standards was introduced in June 2022, to which all houses constructed within this development will need to comply as a minimum.

The developer is aware of the implications thereof and, notwithstanding compliance with the Council's Local Plan Policy, will need to ensure compliance with the building regulations and any Future Homes Standard where those Local Plan standards are themselves exceeded.

At present, it is proposed that the use of photovoltaic panels will form a focus of the measures to be introduced in order to meet the present targets with installations on all properties. This will take the form of an integrated roof system which will sit flush with the roof structure rather than above a roof tile layer.

Furthermore, the developer has confirmed that each new dwelling will have an electric vehicle charging point installed, and this will be facilitated by means of a recommended planning condition.

Compliance will be achieved through discharge of the recommended condition which requires the details to demonstrate that each property within each Phase will achieve a 15% reduction in carbon emissions against Part L of the Building Regulations 2013 to be approved prior to the construction of any properties within each Phase.

Other matters

It has been suggested that some works have commenced without the necessary consent. However, this matter has been investigated and the activity in question relates to site exploration works which are necessary to ensure pre-commencement conditions can be addressed.

The Hybrid/ Outline approval MMA/344723/20 included a number of planning conditions.

Procedurally Conditions 15 and 17 require submission of specified Reserved Matters by 4th December 2022, following which the scheme is required to be implemented within two years of such final approval. The present application was registered on 30th November 2022.

Conditions 18, 19, and 20 require that any Reserved Matters submission is accompanied by a Landscape Environmental Management Plan (LEMP), a Design Framework, and a Phasing plan respectively. These documents accompany the present submission and have been taken into consideration in assessment of the application.

Other matters are to be dealt with under the separate Condition Discharge process. They are required to be approved in addition to the present Reserved Matters application. Consequently, there is no need for them to be replicated in assessing the present application. This covers the following matters:

Conditions 5 and 6 require approval of invasive species protection and bat/badger surveys respectively prior to each phase of development. Given the likely timeframe of development, it is imperative that such matters reflect the up-to-date circumstances at the site and may need further revision as works progress.

Condition 7 requires submission of a Construction Management Plan.

Condition 9 requires submission of a drainage scheme for the residential site.

Conditions 10 and 11 require approval in respect of landfill gas and land contamination risks.

Reference has also been made to the proximity of proposed dwellings to an identified coal mine shaft. This is a feature which has previously been identified as part of the submitted Geo-environmental Site Assessment. The applicant has presented a methodology for dealing with this feature, for which the separate consent of the Coal Authority will also be required.

Although approval of 'Layout' is sought at this stage, National Planning Practice Guidance advises that this assessment should relate to "the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development".

The suitability of ground conditions in relation to the proposed layout is a matter which is required to be resolved through the Condition Discharge process of the Hybrid/Outline approval, and the Coal Authority's own permitting regime. The granting of Reserved Matters consent does not remove the requirement to comply with the conditions of that application.

Nevertheless, the Coal Authority has now indicated that it is satisfied that mitigation measures can be employed to alleviate any risk of development within the theoretical zone of influence of the identified mine shaft adjacent to the northern boundary. It remains a requirement for the applicant to obtain approval under the condition discharge process for these measures prior to the commencement of development on the affected properties.

CONCLUSION

In terms of overall layout, the proposed development largely reflects that approved under the previous Reserved Matters application, with alterations relating to the range of house types and alterations to driveways to improve fire access.

Taking all material planning factors into consideration; it is concluded that the proposed application should be approved. Implementation of the development remains subject to satisfactory discharge of relevant conditions attached to the Hybrid/ Outline approval and the Section 106 legal agreement to which the permission will continue to be bound.

RECOMMENDED CONDITIONS

1. 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.

2. Prior to the construction of any above ground works in respect proposed properties within each Phase, as indicated on the approved Phasing Plan Rev. F, the details for demonstrating that each property within that Phase will achieve a 15% reduction in carbon emissions against Part L of the Building Regulations 2013 shall first be submitted to and approved in writing by the Local Planning Authority. No individual property shall be first occupied until the approved measures have been fully implemented for that property.

REASON - In order to secure a sustainable form of development having regard to Policies 1 and 18 of the Oldham Local Plan.

3. No individual property shall be first occupied unless the design has incorporated the provision for on-site electric vehicle charging and such provision has been implemented into the building fabric.

REASON - In order to secure a sustainable form of development having regard to Policy 1 of the Oldham Local Plan.

4. Prior to the commencement of any part of the development within each Phase as identified on the approved Phasing Plan Rev F, 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 that Phase, 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. This shall be achieved by the erection of 2.3 m high fencing using vertical and horizontal scaffolding poles, or other stout fencing to Local Authority approval with the uprights driven well into the ground, erected in accordance with BS5837:2005, outside the canopy. The fencing shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas.

REASON - To protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.

5. A replacement natural stone wall shall be provided along the frontage of the site between Plots 128 and 134 and Knowls Lane prior to first occupation of any of those properties. The wall shall be retained at all times thereafter.

REASON - In the interests of the visual amenity of the area and highway safety having regard to Policies 9 and 20 of the Oldham Local Plan.

6. No dwelling shall be occupied until the access to and car parking space for that dwelling has been provided in accordance with the approved plan 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.

7. No dwelling served by a private access road shall be occupied until the means of preventing through traffic along those access roads has been constructed in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be retained thereafter.

REASON - To ensure adequate highway standards are met having regard to Policies 5 and 9 of the Oldham Local Plan.

8. No use of any highway, driveway or footway/footpath shall commence until a form of protection has been provided around the perimeter of the site in those areas where there is a level difference in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be retained thereafter.

REASON - To ensure that drivers, cyclists and pedestrians are protected from a fall from height so that adequate highway standards are met having regard to Policies 5 and 9 of the Oldham Local Plan.

9. The existing routes of public footpaths 25 OLDH and 27 OLDH shall not be obstructed or closed until such time as development commences within that Phase of the site within which the existing footpath is located as indicated on the approved Phasing Plan Rev F.

REASON - In order to ensure rights of way are satisfactorily protected during the course of the development having regard to Policy 5 of the Oldham Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, AA, or E of Part 1; of Schedule 2 in respect of Plots 30 to 43 (inclusive) and 57 to 59 (inclusive) shall be carried out unless permission is granted by the Local Planning Authority.

REASON - In order to ensure that satisfactory prior investigation is undertaken to ensure the development can be safely undertaken within the theoretical zone of influence of the nearby mine shaft having regard to Policy 9 of the Oldham Local Plan.

11. Prior to the commencement of the erection of any dwelling within an individual Phase as identified on the approved Phasing Plan Rev F, a statement shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the proposal will be designed and constructed with regard to Section 7 of the submitted Crime Impact Statement.

REASON – In order to secure a safe form of development having regard to Policies 9 and 20 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)

