

**APPLICATION REPORT – FUL/349943/22**  
**Planning Committee 5<sup>th</sup> April 2023**

Registration Date: 31<sup>st</sup> October 2022  
Ward: Royton South

Application Reference: FUL/349943/22  
Type of Application: Full

Proposal: Erection of 46 dwellings, access road, landscaping, boundary treatments and other associated works

Location: Land at Vaughan Street / Oldham Road / Broadway, Royton

Case Officer: Emma Breheny  
Applicant: Great Places  
Agent: Hive Land and Planning

## **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, the completion of a Section 106 Agreement relating to Biodiversity Net Gain, replacement tree planting, and that the Head of Planning shall be authorised to issue the decision.

## **THE SITE**

The application site comprises a currently vacant plot having previously housed school buildings. The site is somewhat overgrown and is accessed off Oldham Road. There are dwellings to the east of the site with a car park to the rear of the dwellings.

There is an area of Public Open Space and a children's play area adjacent to the application site. Access to the children's play area and park is off Broadway, served by a small car park.

## **THE PROPOSAL**

The applicant seeks planning permission to erect 46 dwellings. The proposed access would be from Broadway via the existing car park to the park. The proposal would remove the existing car park serving the park, however, this would be replaced by a 16 space car park adjacent to the entrance.

## RELEVANT PLANNING HISTORY

There is no relevant planning application history to the current site other than application reference DM/333445/13 for the demolition of the former Newman RC Royton Campus (former Our Lady's RC High School).

## 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 20	–	Design; and,
Policy 21	–	Protecting Natural Environmental Assets.

## CONSULTATIONS

Highways Engineer:	Amended plans were submitting during the consideration of the application which show a highway improvement scheme at the junction of the site with Broadway. The Highway Engineer has no objections to the application subject to the imposition of conditions relating to the highway improvement scheme, provision of off-road parking, and the reinstatement of the public car park.
Environmental Health:	A contaminated land assessment was submitted within the application, however the data used within the submission is 8 years old and as such, a full contaminated land assessment is required prior to commencement of development. An additional condition is required requiring a Construction Environmental Management Plan.
GMEU:	The development results in a Biodiversity Net Loss and off-site compensation is required in order to provide for of site biodiversity net gain via a Section 106 agreement. Also recommend a condition that no works to trees within the bird nesting season.
Lead Local Flood Authority:	No objections subject to a condition relating to the imposition of a sustainable drainage system.
Tree Officer:	The submitted AIA contains insufficient detail to ensure that the development will not impact the root protection areas of the

trees on and adjacent the site. A detailed AIA and mitigation statement will be required prior to the development commencing. Objection raised relating to the trees to the western boundary of the site and possible future requests to remove trees.

Coal Authority	No objections
United Utilities	No objections subject to a drainage condition
Greater Manchester Police	No objections subject to the development being carried out in accordance with the recommendations of the Crime Impact Assessment.

## **REPRESENTATIONS**

The application has been publicised by means of neighbour notification letters, site notices and a press notice. 7 letters of objection were received as a result of this publicity.

The objections relate to:

- Inadequate access;
- Congestion;
- Lack of public transport;
- Loss of public car park;
- Increased flood risk; and,
- Loss of trees.

All of the above are addressed in the Planning Considerations section below.

## **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 technically able to demonstrate a five-year housing land supply (although this position is improving), and the proposal would make a notable contribution towards delivery of new housing in Oldham which further supports the principle of the proposed development.

The application site is unallocated by the Proposals Map associated with the Development Plan. The site is a former school building, 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**

In relation to affordable housing, the proposal is for 100% affordable housing and the applicant is an approved social landlord. As such, the proposal complies with Policy 10 in terms of affordable housing.

Having regard to the requirements of Development Management Policies 23 (Open Spaces and Sports) and 25 (Developer Contributions), the applicant has submitted a viability appraisal seeking to demonstrate that if contributions towards open space and other infrastructure were 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 relation to Public Open Space or Play equipment in this instance, the provision of affordable housing will help achieve the goals of Policies 10 and 11 which seek to ensure there are options for mixed housing stock to widen the choice of housing available. As such, the inability of the development to support such contributions is outweighed by these benefits.

In addition, although the viability appraisal suggests the development cannot afford to make the full, policy-compliant developer contributions, the applicant has proposed to make the necessary contribution to Biodiversity Net Gain and tree planting despite this, at their own cost.

### **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 development comprises a mix of 2 and 2½ storey dwellings with a mix of semi-detached and terraced dwellings. The dwellings would be a mix of 3 and 4 bedroom dwellings. The surrounding properties are predominately 2 storey in character, and the proposed 2½ storey dwellings would be sited centrally within the application site to ensure that the character from the existing residential streets appears 2 storey.

The proposed 16 space car park would replace the existing car park to serve the park adjacent to the site.

### **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. The proposal affords sufficient interface between the proposed dwellings and the existing dwellings on Oldham Road (21m). The dwellings on Oldham Road are also sited at a higher land level than the application site.

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.

### **Highways**

The Council's Highways Engineer has been consulted on the proposal and has raised no objections subject to conditions relating the provision of parking for each dwelling being implemented before the occupation of that dwelling and the works to the access off Broadway being satisfactorily completed.

In addition, given the location of the site in relation to two schools, a condition is imposed relating to the provision of the car park to serve the adjacent park and to allow for school drop off and collection facilities, this is to be detailed within the Construction Environmental Management Plan, to ensure that the public car park is available for as long as practicably possible during the construction period.

## **Ecology**

The application would result in a net loss of biodiversity and, as a result, off-site compensation is required. The applicant has confirmed that a financial contribution of £55,050 towards off-site biodiversity net gain contributions and £3,900 towards off site replacement tree planting will be provided via a S106 contribution.

## **RESPONSE TO REPRESENTATIONS**

- Inadequate access

The applicant has submitted a revised drawing detailing highway improvement works, which has been considered by the Highways Engineer to be satisfactory. A condition is to be imposed to ensure further detail on the highway improvement scheme is provided and carried out in full accordance with the duly approved scheme.

- Congestion

The Highways Engineer has advised that the proposal will not cause a significant increase in traffic to the detriment of highway safety. The NPPF Paragraph 111 allows local authorities to refuse developments on highways round only where there is a significant risk to highway safety. As the proposal would not significantly harm highway safety, it is considered acceptable in this instance.

- Lack of public transport

The site is located close within an established residential area with good access to a wide range of amenities and public transport links.

- Loss of public car park

The existing public car park is utilised on an ad-hoc basis and there are no set parking spaces. The car park will be relocated to the east of the proposed access road as part of the development and will provide 16 marked out bays.

- Increased flood risk

The Environment Agency has been consulted and has advised that as the development is within Flood Zone 1, there are no objections from a flooding point of view. The Lead Local Flood Authority have also raised no objections to the proposal.

- Loss of trees

Whilst there will be some loss of trees on site, a condition will be imposed to require a detailed landscaping scheme, which will include replacement planting. In addition, the developer proposes to provide a financial contribution of £3,900 towards off-site replacement planting.

## **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 Royton. The site is sustainably located and the development respects the character of the surrounding area and provides an acceptable physical relationship with its surroundings.

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 following the completion of a Section 106 agreement.

## **RECOMMENDED CONDITIONS**

Grant planning permission, subject to a Section 106 agreement in respect of financial contributions totalling £58,950 for biodiversity net gain (£55,050) and tree replacements (£3,900), and 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 No development shall commence unless and until a site investigation and assessment into landfill gas risk and ground contamination has been carried out and the consultant's written report and recommendation have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

REASON - Prior approval of such details is necessary as they are fundamental to the

initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.

- 5 Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts, details of the site compound, including materials storage, site cabin and parking of construction workers' vehicles throughout the development. The CEMP shall detail the availability of the car park during the wider construction period. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the construction works.

REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.

- 6 No development shall take place until full details of both hard and soft landscape works with an associated implementation plan, have been submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme. All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority, and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size.

REASON - Prior approval of such details is necessary as the site may contain features which require incorporation into the approved development, and to ensure that the development site is landscaped to an acceptable standard having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

- 7 No development shall commence until full details of a scheme for a sustainable drainage system to serve the site, and method of implementation including arrangements to secure funding and maintenance for the lifetime of the development through an appropriate legally binding agreement have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved scheme. Details of a scheme for a sustainable drainage system should be based on sustainable drainage principles with the following further information to be provided:
  - a) Information about the lifetime of the development, and design of a sustainable drainage system including discharge rates and volumes, and appropriate measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.

- b) Details of how any flood water, including depths, will be safely managed in exceedance routes.
- c) Details of a scheme for the management of overland flow from surcharging of the site's surface water drainage system. This must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed ground levels, watercourse embankments levels and proposed building Finished Floor Levels set to a level stipulated by the NPPF and demonstrating that there is no increase in flood risk to the development or third party.
- d) A plan illustrating means of secure access for maintenance (and easements where applicable) of all pipes, drains or sewers.
- e) Provide O&M manual for SUDS following best practice guidance
- f) Confirmation of the owner and maintainer of assets.
- g) Completed North West SuDs Pro-Forma fees to be submitted and approved
- h) Completed land drainage consent application and associated fees to be submitted and approved to the LPA prior to commencement of and surface water works
- i) A Pre development condition survey of the watercourse where surface water outfall is proposed.

REASON: Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to ensure that the site is satisfactorily drained having regard to Policy 19 of the Oldham Local Plan.

- 8 Prior to the occupation of any dwelling, a Surface Water Validation Report that demonstrates that the drainage scheme and exceedance routes has been carried out in accordance with the approved documents must be submitted to the Local Planning Authority, including the following:
- a) Confirmation of infiltration rates where appropriate should be provided.
  - b) A Post development condition survey of the watercourse where surface water outfall is proposed.
  - c) An As-built survey of installed drainage infrastructure

REASON: To ensure that adequate provision is made for the management of surface water having regard to Policy 19 of the Oldham Local Plan.

- 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 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.



10. No dwelling shall be occupied until a drawing has been submitted to and approved by the Local planning Authority with details of a highway improvement on Broadway at the entrance to the development site. This should be broadly in accordance with drawing 3837-F01 Rev A.

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

11. No above ground works shall take place until a scheme for the provision of affordable housing on the site has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework (or any future, equivalent guidance that replaces it) and shall include details of:

the type, tenure and location of the affordable housing provision, which shall consist of not less than 46 housing units;

the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

the arrangements for the transfer of the affordable housing to a registered affordable housing provider or the management of the affordable housing (if no registered provider is involved);

the arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the affordable housing; and

the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy shall be enforced.

The affordable housing shall thereafter be provided in full accordance with the details, phasing and timetable contained within the duly approved scheme.

This condition shall not be binding on a mortgagee or chargee (or any receiver including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver ) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver.

REASON - To ensure that the contribution towards affordable housing put forward by the applicant is delivered on the site in an appropriate manner which meets local need and to ensure that any affordable housing remains affordable in perpetuity in accordance with the requirements of Local Plan Policy 10 and the National Planning Policy Framework.

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

Broadway, Vaughan Street, Oldham.

