

APPLICATION REPORT – FUL/349826/22
Planning Committee 7th June 2023

Registration Date: 22.09.2022
Ward: Saddleworth West And Lees

Application Reference: FUL/349826/22
Type of Application: Full Application

Proposal: Erection of 64 no. dwellings and 6 no. apartments with associated points of access to Huddersfield Road

Location: Land to the east of Huddersfield Road, Diggle, OL3 5NU

Case Officer: Matthew Taylor
Applicant: Redrow Homes Ltd
Agent: Ryan & May Ltd

1. INTRODUCTION

1.1 The application is being reported to Planning Committee for determination given it is a major development, in accordance with the Council's Scheme of Delegation.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to:

1. The conditions as set out in this report; and,
2. The completion of a Section 106 Agreement to secure:
 - The provision of 12.86% on site Affordable Housing (at transfer values of 80% OMV or as Discount Market Sale);
 - A financial contribution of £365,736.80 towards the enhancement of existing Open Space provision within the locality; and,
 - A financial contribution towards the provision of compensation for the loss of suitable ground nesting bird habitat by off-site habitat enhancement.

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

3. SITE DESCRIPTION

3.1 The application site is land to the east of Huddersfield Road, Diggle, which measures approximately 3.24ha in total area. The overall site is split into two parcels by the existing access road (off Huddersfield Road) that serves Saddleworth School.

- 3.2 Both portions of the application site slope down gently towards Diggle Brook, with residential properties to the west and north, open fields to the south and the former Shaw Pallets office building (a listed building) to the east. The Huddersfield Narrow Canal lies beyond the school development site. There are a further two Grade II listed buildings to the southeast of the site along Huddersfield Road approximately 150m from the southern boundary. The site does not fall within a conservation area.
- 3.3 The site is located within a Business Employment Area (BEA) on the Local Plan Proposal Map and the majority of the site falls within Flood Zone 1. However, the area to the northeast of the site lies in Flood Zone 2 and 3a, reflecting its proximity to Diggle Brook.

4. THE PROPOSAL

- 4.1 Full planning permission is sought for a residential scheme comprising the erection of the erection of 64 no. dwellings and 6 no. apartments with associated points of access to Huddersfield Road.
- 4.2 The north parcel of the site will be served by a new access off Huddersfield Road and provide the following unit break down:
- 6 x 1 bed apartments;
 - 10 x 3 bed terrace houses;
 - 16 x 4 bed Detached houses; and,
 - 4 x 5 bed detached houses.
- 4.3 The south parcel of the site will also be served by a new access off Huddersfield Road and provide the following unit break down:
- 8 x 3 bed terrace houses;
 - 21 x 4 bed Detached houses; and,
 - 5 x 5 bed detached houses
- 4.4 Each dwelling will benefit from both front and rear gardens and all the proposed units benefit from off-street car parking provision, as indicated on the amended Proposed Site Plan.

5. PLANNING HISTORY

- 5.1 PA/337301/15 - Construction of a new Saddleworth School with associated sports fields and pitches, external recreation and teaching space together with parking and landscaping and associated works - Approved
- 5.2 FUL/345630/20 - Construction of 77 residential properties with associated access, landscaping and ancillary works – Approved

6. RELEVANT PLANNING POLICIES

- 6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is allocated in the Proposals Map associated with this document as Business

Employment Area (BEA). As such, the following policies are considered relevant to the determination of this application:

- 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 14 – Supporting Oldham’s Economy;
- Policy 18 – Energy;
- Policy 20 – Design;
- Policy 21 - Protecting Natural Environmental Assets;
- Policy 23 - Open space and sports; and,
- Policy 25 – Developer Contributions.

National Planning Policy Framework (NPPF)

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	Recommended both landfill gas and contaminated land conditions and informative notes.
Drainage	Awaiting comments to be provided on the late list.
Highways	No objection in principle, subject to some tweaks to the final layout, and an update will be provided on the late list.
Environment Agency	No objection subject to conditions relating to access to the bank top of Diggle Brook and submission of integrated site invasives control strategy and landscape reinstatement package of works for the Huddersfield Road development site.
TFGM	No objection.
Greater Manchester Ecology Unit:	Recommended both conditions and that compensation for the loss of suitable ground nesting bird habitat by off-site habitat enhancement.
United Utilities	Recommended conditions and informative notes to address both drainage and the management and maintenance of Sustainable Drainage Systems.
Greater Manchester Police Architectural Liaison Unit:	No Objection, subject to a condition to reflect the physical security recommendations in section four (Secured By Design Measures) of the Crime Impact Assessment.
Historic England	Raised no objection
Canal and River Trust	Based on the information available the Trust has no comment to make on the proposal.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.

8.2 In response, 15 representations have been received raising the following (summarised) issues:

- Potentially contaminated land (Paragraph 18)
- More open space needed on the development (Paragraph 11)
- Out of keeping with the houses in Huddersfield Road/area. (Paragraph 14)
- Will change the area from a small village, so will ruin the character of the area. (Paragraph 14)
- Huddersfield road is already strained during school times for traffic, an extra 66 houses will exacerbate this issue. (Paragraph 13)
- No extra amenities, which are already stressed i.e health centres, schools, shops which are all already oversubscribed.
- Saddleworth villages are being slowly eroded and becoming an urban flow from Oldham. The local character of the area is being destroyed by over building of new houses in any available field. (Paragraph 14)
- Traffic on the roads around the school are already heavily impacted and yet you are planning to build another 66 new houses most of which will have 2 vehicles. (Paragraph 13)
- Insufficient traffic modifications to alleviate danger, noise and dangers such as grid lock due to the SCHOOL development. (Paragraph 13)
- Further development of the semi-rural environment in Saddleworth. The traffic situation has already been proved dangerous over and over and over again, allowing further increase in traffic will make you culpable for the additional danger. That extra traffic will cross where pedestrian children are being forced to walk. (Paragraph 13)
- Residents have suffered for years of mess, noise, demolitions, building noise, water carriers, large farm vehicles in narrow roads, pavements being over run, and now the noise and danger of inappropriate levels of traffic for the narrow pavements and lack of facility and semi-rural environment in Diggle.
- Increase in the traffic has caused more road noise and the backing up of traffic from the new lights in Diggle, the proposed new houses will exacerbate these issues. (Paragraph 13)
- The access to parking spaces from the school drive is a danger to pupils and will encourage parents to drop off pupils on the drive, then turn in the parking access, undermining the plans for pupil drop off made in the school's planning application.
- All the terraced properties should be 'affordable housing, not just a token proportion of them. (Paragraph 10)
- There are already significant problems with telephone/broadband access in Diggle, this would need to be addressed before building more houses.
- Diggle is still considered to be a village, however, if development on this scale, were to be approved, the character and rural feel of the valley, would irrevocable changed to that of suburbia. (Paragraph 14)
- The roads in Diggle can barely cope with the increase in traffic during school drop off and pick up times as it is. (Paragraph 13)

- Global warming is increasingly being taken into consideration when making long term decisions, and rightly so. Part of the proposed development is already in a high risk flood area. In years to come the risk of flooding will invariably increase. (Paragraphs 12 and 22)
- A significant number of trees, shrubs and hedges would be removed from the site, close to Diggle Brooke. The survey carried out seems only to focus on their individual significance, rather than a collective significance, ie their value with regard to absorbing rainfall, structurally supporting the land in close proximity to the brook, not to mention their value as part of a vital wildlife corridor that is being eroded bit by bit. It is very probable that areas downstream will suffer an increased risk of flooding if this development goes ahead. (Paragraphs 19, 20 and 21)
- The design is poor, materials of low quality, with not so much as a nod to the vernacular. (Paragraph 14)
- The value of dark skies is increasingly being appreciated nationally for many reasons. A development on this scale would have a detrimental impact on the local ecology and the wellbeing of residents with the increased light being emitted. (Paragraph 21)
- Hundreds of children will need to cross the new junction on their way to and from school, at a place where they currently do not need to be too mindful of vehicles. (Paragraph 13)
- Will create a space for parents to use to drop off pupils and turn around with the risk that brings to pupil safety. (Paragraph 13)
- There seems to be no significant affordable housing proposed, further endangering the nature of the area. (Paragraph 10)
- Contractors were constantly breaking the speed limit in the two years of the school build., the houses were shaking and there was noise, pollution and some other behaviour.
- The properties are very close to the school - this must raise some safe guarding issues.
- Wool Road is a busy road with no indication of 30 mph speed limit even though it is near a school. 100 + potential cars will increase this danger. More cars and more attempts to park will only increase this danger. (Paragraph 13)
- Mis-information in at least two public meetings in the run up to the building of Saddleworth School we were informed that it was the school OR the houses by council officials
- Loss of Amenity - green spaces in Diggle lost. (Paragraphs 11 and 14)
- Views across the Diggle valley from the Pennine Bridleway further damaged by additional development. (Paragraph 14)
- Listed Building Harm - increased harm to the setting of the listed building outside the new school. (Paragraph 15)
- this development should be radical - not the same old designs that are churned out by builders.
- This linear village needs better infrastructure not simply more housing. (Paragraph 14)
- The development should be at the forefront of eco- design. (Paragraph 14)
- This is the biggest residential development in the village for many years, but there is no attempt to create a 'place' that is special, attractive and liveable, no community focus or any attempt to integrate with the existing community

(socially, spatially or aesthetically). (Paragraph 14)

- 8.3 Saddleworth Parish Council: Recommended refusal for the following reasons on the grounds that the loss of the 2 bedroom homes on the revised plan now doesn't meet the housing needs of OMBC or Saddleworth Parish Council.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 It is noted that the principle of a housing development on the site was established by the approval of the previous application for 77 dwellings (Ref: FUL/345630/20). Given this proposed amended layout is for a similar number of units as this previously approved consent, consideration of the development is limited to the other matters such as (but to limited too) details of contributions, highways, appearance, landscaping, layout and scale.

10. AFFORDABLE HOUSING

- 10.1 Paragraph 65 of the NPPF sets out that where major development involving the provision of housing, planning decisions should expect at least 10% of the total number of homes to be available for affordable home ownership.
- 10.2 Following negotiations, it has been agreed that the development will include 12.86% on-site Affordable Housing units (at transfer values of 80% OMV or as Discount Market Sale) via a Section 106 agreement. To summaries the offer in comparison to the extant planning permission for the site the applicant has provided the following table:

	Approved Scheme	Redrow Proposal	Difference
Number of units	77	70	-7
Total floor area	90,327sqft	93,299sqft	+2,972
Number of affordable units	8	9	+1
% affordable units	10.39%	12.86%	+2.47%
Floor area of affordable units	5,988sqft	6,495sqft	+507sqft

- 10.3 Having regard to the data it is clear the current scheme exceeds the proposed on site offer of approved and extant permission in terms of the quantum and proportion of units, and the quantum of floorspace proposed. Therefore, it is concluded in this instance that proposed development satisfies the requirements of the NPPF and Policy 11 providing much needed affordable housing in a sustainable location.

11. OPEN SPACE

- 11.1 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.

- 11.2 As the scheme does not provide public open space on site, in order to be compliant with Policy 23, the applicant must make contributions towards new provision or enhancing existing provision off-site. Following an assessment of the proposal and needs of the local area, a cost has been calculated for off-site public open space provision of £365,736.80. This has been agreed by the applicant and it will be used towards the enhancement of existing Open Space provision within the locality.
- 11.3 Following discussion with the Council's Park Department it has been recommended that these funds be used for the enhancements to the following existing open spaces:
- Ward Lane Play Area - New play area to replace old/existing, tree works, path improvement works and fencing;
 - Diggle Fields - New adventure play/trim trail to replace old/existing, new outdoor gym, tree work, path improvement Works, drainage improvement works, fencing, renew story trail and new additional timber seating;
 - Diggle Pond - Pond clearance improvement works and path and landscape improvement works; and
 - Sunfield Avenue Play Area - New play area to replace old existing.
- 11.4 This proposed list has been considered by the applicant and in principle been agreed, as they are pleased that the contributions are going to improve play areas for local children and improve Diggle pond/nearby pathways.
- 11.5 Whilst in regards the provision of off-site habitat enhancement, following discussion with the Council's Park Department it is clear off-site ground nesting bird habitat enhancement cannot be facilitated. However, within the area the financial contribution could be used towards improving habitats for the Log Eared owl and nature conservation, including woodland and water habitats which would meet the principles of Para. 170(d) and 175(d) of the NPPF.
- 11.6 To this end, in principle it is considered appropriate that the financial contribution of £55,000.00 go towards the improvement of the habitats for the Log Eared owl and woodland/water habitats within the local area of the application site.
- 11.7 Therefore, the proposal is considered to be compliant with Policy 23 of the Local Plan.

12. ENERGY

- 12.1 Policy 18 of the Local Plan states that all developments over 1,000m² or 10 dwellings and above are required to reduce energy emissions in line with set targets.
- 12.2 To address the requirements of this policy the applicant has provided a 'Energy and Sustainability Statement by AES Sustainability Consultants Ltd, dated August, which notes the development All homes will be delivered to meet the minimum requirements of Part L 2021 and therefore will exceed a 31% reduction over Part L 2013, which satisfies Policy 18 of the Local Plan.

13. HIGHWAY SAFETY

- 13.1 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 (and other) proposal in relation to highway safety.
- 13.2 Having considered the submitted details, the Council Highway Engineer does not consider that there will be any additional significant amount of traffic generated which would have a severe impact on the network, having regard to the extant planning consent for 77 dwellings on the site. During the application process updated traffic information and modelling has been provided in conjunction with TFGM to assess how the proposed new access off Huddersfield Road would impact the overall traffic for the village and the the mitigation measures that are being implemented as a result of the construction of the new school.
- 13.3 Furthermore, the proposed parking provision is considered to be of a level that there will not be an increase in the demand for on street parking on the local highway network as a result of the proposed development. However, it is noted that a few outstanding tweaks to the layout are required in regards the provision of pedestrian access to the school access road from within the two parcels of development and some realignment of parking spaces. These have been agreed with the applicant and a final amended layout is to be provided and reported via the late list.
- 13.4 Therefore, as the amended highway layout is acceptable in principle and will be considered for adoption by the local Highway Authority, it is considered the scheme complies with Policy 5 and 9 of the Local Plan.

14. DESIGN

- 14.1 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.
- 14.2 The supporting Design and Access Statement and Planning Statement explains that the proposed layout has been design around two access points from Huddersfield Road, with only a single parking area accessed off the Saddleworth School access road which splits the site into two areas.
- 14.3 Having regard to the previously approved scheme, it is noted that the character of the surrounding area has again informed the overall treatment of the Huddersfield Road street scene. As this boundary of the site incorporated terraced properties fronting on to the main road, with detached properties and a block of apartments behind the main road frontage. This results in a strong main road building line that reflect the opposite side of Huddersfield Road.
- 14.4 It is clear the detached dwellings to the rear of the main frontage across the two site parcels follow a sweeping road design, similar in character to others existing housing

developments in Diggle. This allows for each dwellinghouse proposed to benefit from its own private amenity area and bin-storage which will ensure that the site once occupied is not cluttered. Moreover, all the proposed units benefit from off street parking, the detached dwellings having private drives/garages and the terrace blocks and apartments benefit from parking courts.

- 14.5 Therefore, overall, the amended site layout is considered to follow the overarching built form of Diggle, and would integrate with the existing built surroundings.
- 14.6 Having regard to the design and scale of the proposed house types it is considered that the proportions of the proposed units are acceptable, all be it that the house types are of a standard nature owing to the fact they come from the national house builder's standard template. Sadly, despite discussions with the developer it is clear they are intent on constructing the proposed units from reconstituted stone. This is not an appropriate material in the Council's opinion, and this weighs against the development in design and visual amenity terms. However, the proposed hard and soft landscaping works are acceptable, which incorporate landscaping forward of the front elevation of the proposed dwellings.
- 14.7 Overall, it is considered that the high-quality design of the proposed development would have a positive impact on the character of the area, in accordance with Policies 9 and 20 of the Local Plan. Whilst the concerns in regards the proposed construction material could be addressed with an appropriately worded planning condition.

15. HERITAGE

- 15.1 The Planning (Listed Buildings and Conservation Areas) Act 1990, states that the primary duty of the Local Planning Authority in relation to listed buildings is to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' and Policy 24 of the Oldham Joint DPD reflects this duty in stating that alterations to listed buildings and structures must serve to preserve or enhance its special interest and its setting.

Impact on Grade II listed buildings on Huddersfield Road (Nos 45, 47 and 49):

- 15.2 the sites contribution to the setting of these listed buildings is low given that it is located on the opposite side of a busy main road. As a result, the sensitivity of these listed buildings to further changes to their setting also considered to be low through the development of this site.
- 15.3 Therefore, the development site is considered to make, at most, a minor impact on the setting of these designated assets, and therefore any harm should be considered 'less than substantial'.

Impact on the listed buildings that form part of the Huddersfield Narrow Canal:

- 15.4 These are Huddersfield Narrow Canal No.69 Bridge, which is 100m east of the site, the Huddersfield Narrow Canal Subway under Canal after Lock 30, 180m north-east of the site and the Huddersfield Narrow Canal Milestone, which located 225m south of the site. These heritage assets are set some distance from the application site and to the rear of the new Saddleworth School site. Therefore, it is considered that the development will have a negligible impact on the setting of these designated assets.

Impact on the Grade II listed Dobcross Works Office Building:

- 15.5 Planning consent for the construction of a new Saddleworth School with associated sports fields and pitches, external recreation and teaching space together with parking landscaping and associated works (Planning Ref: PA/337301/15) was granted with conditions in June 2019 on land at the former W H Shaw Pallet Works site on the eastern side of the brook that forms a boundary to the application site. This permission has now been fully implemented and the school and its ancillary facilities are in full use, which have significantly impacted the setting of this heritage asset. As the proposed application site is set forward of this asset and having regard to the previously approved and extant planning consent, it is considered that the site currently allows for views of this listed building. However, the introduction of housing which would inhibit views of the listed Dobcross Works Office Building resulting has previously been granted and the harm considered to be 'less than substantial harm' to this heritage asset.
- 15.6 NPPF Paragraph 202 NPPF states:
- 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 15.7 In terms of public benefits, the development will bring forward new homes in the borough that will have both economic and social benefits. Residential developments have a lasting economic impact as the future occupiers of the development, some of whom will move into the area from outside the borough, are likely to bolster the viability of existing and new local businesses through spend in the local community. There may also be potential for employment opportunities through the construction work on the site.
- 15.8 In terms of the social benefits, given the scale of the development requires contributions towards both public open space improvements/maintenance and affordable housing provision within the locality, these are afforded weight as a material planning consideration when considering public benefits.
- 15.9 Finally, given a continued business use of the site has been demonstrated to be inappropriate for this site, it is considered that the development will secure its optimum viable use. Therefore, the scheme accords with the requirements of Policy 24 of the Local Plan and NPPF Paragraph 202 NPPF.

16. RESIDENTIAL AMENITY

- 16.1 Policy 9 of the Local Plan requires that new development does not result in a significant, adverse impact on the visual amenity of the surrounding area or significantly harm the amenities of occupiers of existing or future neighbouring properties, whilst Policy 20 includes the requirement that development proposals should reflect local character.

Impact on the dwellings on existing dwellings on opposite side of Huddersfield Road:

- 16.2 From the amended site layout plan, it is clear that the front elevation of the proposed terrace dwellings facing onto Huddersfield Road are located 20m from the front elevations of these neighbouring properties. Whilst the side elevation of the proposed dwellings on Huddersfield Road are over 17m away. Having regard to the separation distance in the local area and the scale of the proposed dwellings, it is considered the

development would not appear overly oppressive and not result in any significant loss of light to the habitable rooms of these neighbouring properties.

Impact on No's 104 and 106 Huddersfield Road:

- 16.3 When considering the separation distances from rear of proposed unit No's 1 and 2 to the rear gardens of these existing neighbouring dwelling, the key consideration was the relationship between the existing dwellings within the locality. Dwellings on Ambrose Crescent and Huddersfield Road are orientated at oblique angles to one another resulting in limited direct visibility between windows. Therefore, as the new units would also be orientated at oblique angles to the existing dwellings, it is considered the separation distances are acceptable. As such, the development is not considered to appear overly oppressive to the occupiers of the existing dwellings.

Impact on No's 12 and 14 Wrigley Green:

- 16.4 The proposed apartment block (unit no's 3 to 8) has been positioned within the site set off the common boundary so not to appear oppressive. Moreover, it is noted no windows are proposed in the north facing gable elevation so the future occupiers will not overlook these neighbouring properties private rear gardens.

Impact on the future occupiers:

- 16.5 Policy 9 of the Oldham LDF states that the Council will ensure development does not cause significant harm to the amenity of the occupants and future occupants of the development. The development has been assessed against the 'Technical housing standard - nationally described space standards', March 2015. Given that the scheme complies with these national standards, it is concluded that the development will provide appropriate living space for the future occupants of the development.
- 16.6 Moreover, it is noted that the applicant has provided a noise impact assessment for the proposed residential development, in which a noise survey has been conducted at the site to quantify the current noise climate, and Internal and external ambient noise levels for the proposed residential rooms have been calculated based on the results of the noise survey and dimensions for the room volumes and external façade/window areas.
- 16.7 To achieve the design criteria regarding internal noise levels, suitable minimum noise insulation specifications have been proposed for the windows and trickle ventilators, these have been considered by the Councils Environmental Health section and are considered acceptable. To this end, and appropriately worded planning condition is attached to the recommendation to require the insulation and ventilation scheme as proposed in the submitted Noise Assessment (ref: J003960-5741-TD-03 dated August 2022) be incorporate into the properties as specified prior to occupation.

17. CRIME

- 17.1 Greater Manchester Police Architectural Liaison Unit have been consulted and have raised no objection, subject to an appropriately worded planning condition being attached to the recommendation requiring the physical security recommendations in section four (Secured by Design Measures) of the submitted Crime Impact assessment be implemented on site.

18. CONTAMINATION AND LANDFILL GAS CONSIDERATIONS

- 18.1 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.
- 18.2 The Council's Environmental Health section have 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. This is secured through the imposition of a condition attached to the recommendation to ensure that the development does not conflict with the requirements of the paragraph 183 of NPPF.

19. ENVIRONMENT AGENCY

Flood Risk:

- 19.1 The EA have reviewed the submitted letter from Ryan & May (ref: REDR11) dated 23/3/2023 regarding the provision of double gates within the existing stone wall adjacent to plot 17 in the northern parcel. From drawing no. 4485-BTL-01/E – Boundary Treatment Layout, we note that a double gate is shown as suggested. However there was no note of the width of this and the coloured boundary lines on the plan is still a consistent blue line. From the legend this is “retained random stone wall”.
- 19.2 To this, the applicant has provided the amended boundary treatment plan (Dwg No. 4485-BTL-01 Rev G), which is clearly annotated with a 3m width. As such it is considered the applicant has addressed this concern by the EA and its objection has been removed.

Biodiversity:

- 19.3 The EA have noted that the proposals to enhance the retained semi-natural greenspaces, and in particular along the Diggle Brook corridor, as outlined through submitted Landscape Proposals 6987.03A, 04A & 05A, (TBA, 22 Mar 2023), Tree protection plan 6987.02B (TBA, 17 Mar 2023), Biodiversity Enhancement Scheme (R.Hacking, 02/03/2023), Landscape and Ecological Management Plan (R.Hacking, 02/03/2023), and Invasives Species Methodology (R.Hacking, 10/02/2023) are welcomed. However, it remains unclear as to schedule of invasives control methodology, and site specific and INNS specific control methodology to be adopted for the Huddersfield Road development site. The proposed INNS control methodology and timing of these operations, will then dictate as to when proposed new replacement native planting and enhancements proposed; as outlined in LEMP and Landscape Plan 6987.06 (T.Bridge, Aug 22), and Landscape proposals can be implemented.
- 19.4 Therefore, an appropriately worded planning condition has been attached to the recommendation which requires the applicant to provide details for one overall and integrated site invasives control strategy and landscape reinstatement package of works for the Huddersfield Road development site, to ensure each element is appropriately coordinated and timed. As the EA consider this would then maximise success of proposed ecological enhancements planned for riparian development site and avoid any potential issues of invasives control conflicting with overall biodiversity and landscape reinstatement proposals for the site.

20. TREES

- 20.1 Having considered the originally submitted information no justification had been provided for the loss of trees as a result of the proposed development. 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."

- 20.2 It is clear from the Arboricultural Impact Assessment and Method Statement Rev A (Ref: MG/6987/AIA&AMS/REV A/AUG22) and Tree Protection plan (Dwg no 6987.02 Rev A) that existing trees within the development footprint on site are to be removed, however, the majority of the trees located on the riverbank boundary within the buffer zone are to be retained. Given that the scheme includes mitigation planting, as indicated on the submitted landscaping proposal plans, it is considered that the overall loss will be adequately addressed having regard to the onsite areas of landscaping and the extant planning permission for the site. Moreover, the Council's Arboricultural Officer has been consulted and raised no objection, subject to conditions that require the implementation of the submitted tree protection measures and the provision of proposed replacements.
- 20.3 Therefore, the loss has been mitigated for and the scheme accords with the requirements of saved UDP Policy D1.5.

21. ECOLOGY

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

Designated Sites:

- 21.2 The application site is within 1.5km of the South Pennine Moors Special Area of Conservation and Site of Special Scientific Interest, although it lies outside the identified risk zones for impacts on the SPA/SSSI as prepared by Natural England. The site is separated from the designated sites by the new school site currently under construction and by the Huddersfield Narrow Canal. While it may be used by bird species associated with the SPA (e.g. Lapwing, Skylark) it is very unlikely to be

considered to be functionally linked to the SPA because of the small numbers of birds involved and because the application site is subject to significant levels of human disturbance and probable predation pressures. The value of the site for breeding and foraging birds is further discussed below.

- 21.3 There is an issue as to whether the development of the site for housing could have an indirect effect on the SPA by increasing public recreational use of the SPA, which could in turn lead to increased disturbance to habitats and species within the SPA. However, given the lack of direct connectivity between the application site and the SPA, the relative size of the development and the very large area of the SPA it is not expected that there would be significant effects on the SPA to arise from this source.
- 21.4 The application site is also within 100m of the Huddersfield Narrow Canal Site of Biological Importance, a Local Wildlife Site. The Canal has been designated because it supports important populations of aquatic plant species. The proposed development will not have any direct impacts on the Canal although there may be indirect hydrological connectivity via the watercourse which runs along the eastern boundary of the site. To avoid any indirect impacts from surface water pollution on the Canal, a Construction Environmental Method Statement condition has been attached to the recommendation requiring the details of measures to be taken to prevent water pollution during the construction and operation of the development.

Notable Habitats:

- 21.5 The site generally supports unremarkable habitats, although the areas of broadleaved woodland and trees and the small watercourse at the eastern boundary are of local nature conservation value. These habitats are capable of being retained and protected if permission is granted to the development. The grassland which dominates the site does not appear to be subject to intensive farming practice or heavy grazing pressures, which will improve its value to wildlife.

Protected and Notable Species:

- 21.6 The site is considered to have only low potential to support any specially protected species, although the tree-lined watercourse is likely to be of value for foraging bats, these are to be retained within the 8 metres buffer from them the river.
- 21.7 Fields in the wider area are known to be of value for ground nesting birds, including Lapwing. Lapwing are a Red list species in the UK because they have suffered from significant declines, probably as a result of agricultural intensification. The fields which are the subject of this application are relatively small, subject to public disturbance and likely predation pressures, but nevertheless they remain suitable for use by the species.
- 21.8 Under the Wildlife and Countryside Act 1981 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. However, given that the proposed development includes both site clearance and the removal of existing trees, a condition to address the protection of birds has been attached to the recommendation.
- 21.9 Moreover, it is clear following negotiations that the scheme can support a contribution to mitigate the loss of suitable ground nesting bird habitat, this will be commuted sum towards off-site habitat enhancement. There is extensive land nearby which could be enhanced for Lapwings and other ground nesting birds. On the site, bird nesting boxes

and bat roosting boxes can be placed close to the Diggle Brook within the buffer, and this is required by a condition attached to the recommendation.

Invasive Plant Species:

- 21.10 There are extensive areas of invasive plants on the application site, including Himalayan balsam and Japanese knotweed. Under the terms of the Wildlife and Countryside Act 1981 (as amended) it would be an offence to spread these plants in the wild.
- 21.11 The Method Statement for the control of invasive species, combining herbicide control and mechanical control, is considered to be acceptable by the Officers at GMEU.

Enhancement for Nature conservation and Biodiversity Net Gain:

- 21.12 Para. 170(d) and 175(d) of the NPPF strongly encourage development to achieve a net gain for Biodiversity, and government will soon make the achievement of Biodiversity Net Gain mandatory within the planning system.
- 21.13 This development, akin to the previously approved scheme, will result in the loss of open grassland of use to nesting and foraging birds, habitats which cannot be recreated on site if the development goes ahead. As noted above, compensation for the loss of habitat, and as a way of achieving net gain, a contribution is to be made towards off-site habitat enhancement of grassland habitats nearby, particularly for Lapwing.
- 21.14 Moreover, it noted that a site-specific biodiversity enhancement plan and a Landscape and Ecological Management Plan, have been submitted in support of this development. These have been considered by GMEU and are regarded as being acceptable, provided they are implemented in full, this is addressed with an appropriately worded planning condition.

22. DRAINAGE

- 22.1 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.
- 22.2 United Utilities have considered the submitted Drainage Strategy, and have raised no objection. However, they have recommended the imposition of a condition requiring relating to the sustainable drainage management and maintenance plan for the lifetime of the development. As without effective management and maintenance, sustainable drainage systems can fail or become ineffective.
- 22.3 Any comments received from the Council's Drainage section will be reported on the Late List.

23. CONCLUSION

- 23.1 For the reasons set out above it is considered that the amended scheme complies with all relevant planning policies and material planning considerations. It will provide a significant and positive contribution towards the Council's identified housing needs in a sustainable location and, together with the mitigation to be secured through the imposition of conditions and a Section 106 agreement to secure on site affordable

housing, off site open space improvements and provision of compensation for the loss of suitable ground nesting bird habitat off-site, comprises sustainable development and is therefore recommended for approval.

24. RECOMMENDATION

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

- The provision of 12.86% on site Affordable Housing (at transfer values of 80% OMV or as Discount Market Sale);
- A financial contribution of £378,747.20 towards the enhancement of existing Open Space provision within the locality; and,
- A financial contribution towards the provision of compensation for the loss of suitable ground nesting bird habitat by off-site habitat enhancement (details to be clarified on the Late List).

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 biodiversity enhancement plan and a Landscape and Ecological Management Plan 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 of the site having regard to Policy 21 of the Oldham Local Plan.

5. No works to trees or shrubs shall occur or site clearance commence 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.

6. The development hereby approved, shall be carried out in accordance with the submitted Energy and Sustainability Statement by AES Sustainability Consultants LTD, dated August 2022, and/or any other future improvements in Building Regulations.

REASON - To accord with policy 18 (Energy) of the Joint DPD and to future proof any of the new dwellings that will be subject to future changes in Building Regulations.

7. No dwelling shall be occupied unless and until the insulation and ventilation scheme as hereby approved in the submitted Noise Assessment (ref: J003960-5741-TD-03), dated August 2022, by PDA acoustics ltd, has been fully implemented and shall be retained at all times thereafter.

REASON - To protect the future occupiers of the properties, having regard to Policies 9 and 20 of the Local Plan.

8. The development hereby approved shall be carried out in accordance with the physical security specifications set out in Section 4 of the submitted Crime Impact Statement Version D: 22/09/2022 - Ref: 2022/0899/CIS/02.

REASON - To ensure a safe form of development in accordance with Policy 9 of the Oldham Local Plan.

9. 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 Arboicultural Impact Assessment and Method Statement Rev A (Ref: MG/6987/AIA&AMS/REV B/Mar23) and Tree Protection plan (Dwg no 6987.02 Rev B). The protective measures shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas.

REASON - Prior approval of such details is necessary to protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.

10. All planting, seeding or turfing comprised in the approved landscaping detail Dwg No's: 6987.03A sheets 1 and 3, 6987.05A sheets 2 of 3, 6987.05A sheets 3 of 3 and 6987.06A shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless, the Local Planning Authority gives written consent to any variation.

REASON - In order to avoid damage to trees/shrubs within the site, which are of important amenity value to the area having regard to saved UDP Policy D1.5 and Policy 20 of the Oldham Plan.

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

REASON - In order to protect public safety, because the site is located within 250m of a former landfill site and having regard to requirements of the paragraph 183 of National Planning Policy Framework.

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

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

13. No dwelling shall be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan Ref: 4485-DSL-01Rev J 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.

14. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 4485/Eng/101, Rev A - Dated 18/08/2022 which was prepared by Redrow. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

15. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum: a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by

a resident's management company; and b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

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

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

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

REASON - In the interest of highway safety, in accordance with Policies 5, 9, 19 & 21 of the Local Plan.

17. No development shall take place until one overall and integrated site invasives control strategy and landscape reinstatement package of works for the site on the site shall be submitted to and approved in writing by the local planning authority.

REASON - To ensure each element is appropriately coordinated and timed to maximise success of proposed ecological enhancements planned for riparian development site and avoid any potential issues of invasives control conflicting with overall biodiversity and landscape reinstatement proposals for the site, having regard to policy 6, 19 & 21 of the Local Development Framework Core Strategy.

18. A landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas; post invasive non-native species management/control programme (except privately owned domestic gardens), shall be submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- details of maintenance regimes;
- details of all newly introduced soft landscaping including planting schedule;
- predominantly based on native species;
- details of any new habitat created on site;
- details of treatment of site boundaries and/or buffers around water bodies;
- details of invasive non-native monitoring regime; and,

- details of how semi-natural habitats will be sensitively managed over the longer term including adequate financial provision and named body responsible for management.

REASON - To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted policy 6, 19 & 21 of the Local Development Framework Core Strategy.

No development shall take place until a detailed method statement for removing or the long-term management / control of Japanese knotweed, Himalayan Balsam,

SITE LOCATION PLAN (NOT TO SCALE):

