

**APPLICATION REPORT – PA/343610/19**  
**Planning Committee 19<sup>th</sup> July 2023**

Registration Date: 02/08/2019  
Ward: Saddleworth West and Lees

Application Reference: PA/343610/19  
Type of Application: Reserved Matters Application

Proposal: Approval of Reserved Matters in respect of Appearance, Landscaping, Layout and Scale for the erection of 33 dwellings in relation to Outline approval PA/337932/15

Location: Former Birks Quarry, Huddersfield Road, Austerlands.

Case Officer: Abiola Labisi  
Applicant: Prestigious Homes NW Ltd  
Agent: Mr. Garry Griffiths – HNA Architects

**1. INTRODUCTION**

- 1.1 The application has been referred to Planning Committee for determination because the proposal relates to a Major Development and in addition, the Outline application was determined by the Planning Committee.

**2. RECOMMENDATION**

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report and that the Head of Planning shall be authorised to issue the decision.

**3. SITE DESCRIPTION**

- 3.1 The application site comprises an irregularly shaped land of approx. 1.9 hectare in size on the north side of the A62 Huddersfield Road, previously a sandstone quarry, commonly known as Birks Quarry. The site is undulating in topography with the landform rising away from the A62 and the quarry itself bites into this rising topography resulting in vertical or steeply sloping rock faces in its north-eastern part.
- 3.2 Notwithstanding the previous use, the site is in an area that is predominantly residential in character with lands to the east, west and south being in residential use whilst some open meadow land borders the site to the north
- 3.3 The quarry is accessed from Huddersfield Road and the access from the road takes a twisting path between steep banks which accounts for the fact that the quarry cannot be seen from the road.

## **4. THE PROPOSAL**

- 4.1 The application is for approval of Reserved Matters in respect of Appearance, Landscaping, Layout and Scale for the erection of 33 dwellings following outline approval granted under planning ref. PA/337932/15.
- 4.2 The proposed scheme comprises of the following:
- 11nos. four storey 4 bed units with floor area of 117.09 sq. m (House Type C)
  - 14nos. four storey 4 bed units with floor area of 146.99 sq. m (House Type D)
  - 4nos. three storey 4 bed units with floor area of 130.86 sq. m (House Type E)
  - 4nos. three storey 4 bed units with floor area of 128.68 sq. m (House Type F)
- 4.3 Due to the need to lower the levels of the landform to accommodate the highway gradient required by Oldham MBC's highway officer some of the houses are built into the slope of the land resulting in split-level units, in some cases with three or four storeys to the front and two or three storeys to the rear.
- 4.4 In terms of external finish materials, the proposed houses would be finished in brick with slate roof tiles while window frames and rainwater goods would be of uPVC.
- 4.5 The proposal includes landscaping works comprising of the planting of a total of 59 trees of native species as well as a range of hedges, shrubs, and climbers. It is also indicated on the submitted plans that the existing heather would be retained as much as possible.
- 4.6 To the immediate south of the site and, forming part of the overall land holding under the applicant's ownership, is a smaller parcel of land on which it is proposed to erect four dwellings (planning ref. PA/343609/19). The adjoining site and the application site share a number of similarities in terms of context.

## **5. PLANNING HISTORY**

- 5.1 Outline permission was granted on 8<sup>th</sup> of July 2016 for a residential development on the site under PA/337932/15 with all matters reserved except access which was considered under the outline application.

## **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 Green Belt. 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;
  - Policy 9 - Local Environment;
  - Policy 10 – Affordable Housing;
  - Policy 11 – Housing;
  - Policy 20 – Design; and,
  - Policy 22 – Protecting Open Land

## 7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	Comments received. No objection subject to a site investigation re landfill gas and details of any mitigation measures
Drainage	No comment received.
Highways	Comments received. No objection subject to conditions relating to the provision of access and car parking spaces in accordance with approved plans and road improvement works.
Tree Officer	Comments received. Considered the proposed tree planting scheme acceptable
Police – Crime Prevention	Comments received. No objection subject to the submission of a Crime Impact Statement.
Ecology	Comments received. No objection subject to conditions relating to mitigation of impact on ecology
Planning Policy	Comments received. Raised no objection subject to conditions relating to contributions towards affordable housing, open space and biodiversity net gain.

## 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, five representations have been received raising the following issues:

- Highway safety issues due to inadequate access (addressed in para. 13.2)
- Overdevelopment of the site (addressed in para 11.2)
- Overbearing and overshadowing impact (addressed in para 10.2)
- Potential overlooking (addressed in para 10.2)
- Loss of trees and wildlife (addressed in paras. 15.2 and 15.3)

## **ASSESSMENT OF THE PROPOSAL**

### **9. PRINCIPLE OF DEVELOPMENT**

- 9.1 The larger part of the application site is allocated as Green Belt by the Proposals Map associated with the Joint Development Plan Document and is located in close proximity to existing dwellings.
- 9.2 Whilst the erection of new buildings within the Green Belt is considered inappropriate development, and should therefore be resisted as set out within the National Planning Policy Framework, it is noted that very special circumstances to justify a residential development on the site was demonstrated as part of the outline application and considered acceptable by the Local Planning Authority.
- 9.3 Significantly, the site is subject of a previously approved outline planning application reference PA/337932/15 for residential development which is a material planning consideration.
- 9.4 Having regard to these considerations the principle of development is acceptable.

### **10. RESIDENTIAL AMENITY**

- 10.1 Having regard to the requirements of Policy 9 the impact of the development on surrounding residents needs to be considered alongside ensuring that the proposals provide suitable accommodation for future occupiers.
- 10.2 There are existing dwellings to the west, east and south of the site. However, notwithstanding the difference in levels as well as the ridge height of the proposed dwellings, it is considered that the relationship of the development with the existing neighbouring dwellings, would be acceptable because of the separation distance between the existing and proposed dwellings. The distance between the development and the nearest neighbouring dwelling is approx. 28m. This separation distance would minimise any potential overbearing, overshadowing, or overlooking effects on the neighbouring properties.
- 10.3 The layout of the proposed dwellings would minimise any potential overbearing, overshadowing or overlooking effect on neighbouring future occupiers of the development. There would be a distance of no less than 20 m between opposing dwellings and no habitable room window would directly overlook a neighbouring private amenity area.
- 10.4 Further on the amenity of the future occupiers of the development, the Department for Communities and Local Government's March 2015 publication, Technical Housing Standards – Nationally Described Space Standards provides that the minimum internal space requirement for a four bed, seven-person accommodation is 121 square metres. Apart from House Type C which would be slightly short of this requirement, the other dwelling types would exceed this floor area requirement. It is not considered that the difference between the floor area for House Type C and the requirement set out in the Space Standards would be such that would detract significantly from the amenity of the occupiers of the relevant units.
- 10.5 Each of the proposed units would benefit from external amenity areas which vary in size and there would be dedicated bin storage areas within each unit.

10.6 Having regard to the above, it is considered that the proposal would not lead to any significant adverse impact on the residential amenity of the occupiers of neighbouring properties while that of the future occupiers of the development would also not be compromised. As such, the proposal would be in accordance with relevant provisions of Policy 9 of the Oldham Local Plan.

## **11. DESIGN AND INTEGRATION WITH LOCAL CHARACTER**

11.1 The proposed dwellings would be of contemporary design and would be sited mainly within the bowl of the quarry. Built form within the surrounding area is noted to be diverse, with neighbouring dwellings being of various design, external finish materials and scale. The proposed external finish materials would be similar to those of some of the neighbouring properties and notwithstanding its contemporary design, it is considered that given the diverse pattern of development in the area, the proposal would not lead to a significant adverse impact on the character of the area.

11.2 Furthermore, the development would not be very visible from the public road, and this would limit any potential visual impact. The overall number of units proposed would ensure that the proposal does not lead to a cramped pattern of development.

11.3 As such, it is considered that the proposal would not lead to a significant harm to the character of the area.

## **12. IMPACT ON GREEN BELT**

12.1 Most of the site lies within the Green Belt and para 149 of the NPPF provides that Local Planning Authorities should regard the construction of new buildings as inappropriate. Such inappropriate development should be resisted unless very special circumstances can be demonstrated.

12.2 The outline application included a demonstration of very special circumstances to warrant the development of the site for residential purposes.

12.3 A Visual Appraisal has been submitted with the current application which concludes that the proposal would not lead to any significant visual implications.

12.4 Having regard to this, it is considered that, whilst the proposal would be inappropriate development within the Green Belt, there exists very special circumstances to warrant such development and, significantly, the impact of the development on the openness of the area would not be so significant as to refuse the application. It is considered that the social and environmental benefits of the proposal would outweigh the less than significant impact on the openness of the Green Belt.

## **13. HIGHWAY SAFETY**

13.1 Para 110 of the NPPF provides that in assessing planning proposal, it should be ensured that safe and suitable access to the site can be achieved for all users and furthermore, para 111 provides that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 13.2 The proposed development would benefit from an existing vehicular access off the A62 Huddersfield Road. The existing access served the disused quarry and subject to road improvement works, including the provision of traffic control signals at the junction, it is considered that there would be a safe and suitable access for all users of the development.
- 13.3 In addition, every unit within the development would have a dedicated off-road parking facility. This would minimise the potential for on-street parking and any associated highway safety issue.
- 13.4 The site is adjacent the A62 Huddersfield Road, a national road with adequate capacity to accommodate the level of vehicular traffic that would be generated by a development of this scale. The Council's Highway Engineer has raised no objection to the proposal subject to the imposition of conditions requiring the provision of access and parking facilities in accordance with approved details as well as road improvement works.
- 13.5 Having regard to the above, it is considered that the proposal would not lead to any severe or otherwise unacceptable detrimental highway issue.

#### **14. SUMMARY OF RESERVED MATTERS**

- 14.1 The Reserved Matters to which the application relates include scale, appearance, layout and landscaping. In relation to scale, there would be a total of thirty-three dwellings within the scheme, all ranging in height from three to four storey. Given the area of the site, it is considered that the site coverage would be acceptable as this would not lead to a cramped development. The bulk and massing of the dwellings are also considered acceptable, notwithstanding the height of some of the units, which are set into the slope of the landform due to highway gradient requirements.
- 14.2 The appearance of the buildings is considered acceptable as the external finish materials would be similar to those of some other dwellings in the vicinity. The contemporary design would also not detract significantly from the character of the area and its visual amenity
- 14.3 The dwellings are laid out such that they mainly front onto the access road thereby creating a strong street scene. Each property would be easily accessed from the internal road either on foot or by car. In addition, the dwellings would be laid out such that the relationship between them would be acceptable as one dwelling would not lead to a significantly adverse impact on the residential amenity of the future occupiers of neighbouring dwellings.
- 14.4 A landscaping scheme has been submitted with the application and the scheme includes the planting of over fifty trees of native species, in addition to other landscaping elements. The scheme has been reviewed by the Council's Tree Officer and Ecologists from Greater Manchester Ecology Unit. The Council's Tree Officer has advised that the proposed tree planting scheme is acceptable. However, the Ecologist suggested more planting to make up for a significant loss of natural habitat as well as a detailed biodiversity net gain proposal. The applicant was given the opportunity to provide additional information regarding proposed landscaping and biodiversity net gain but they responded that they would rather address the issue via planning conditions.
- 14.5 As such, conditions relating to landscaping and biodiversity enhancement shall be attached to any decision to grant permission.

## **15. IMPACT ON BIODIVERSITY**

- 15.1 Para 180 of the NPPF provides that if significant harm to biodiversity resulting from a development cannot be avoided (through relocating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 15.2 The proposal includes removal of some existing trees and the landscaping scheme submitted indicates that substantial trees of native species would be planted to replace the removed trees. The Ecology Report submitted with the outline application indicates that there is no significant amount of badger setts on site neither did it indicate any significant presence of any protected species.
- 15.3 The replacement trees would mitigate the impact of the trees to be removed. The Greater Manchester Ecology Unit as well as the Council's Tree Officer has raised no objection to the proposal subject to conditions relating to a biodiversity enhancement scheme.
- 15.4 It is therefore considered that subject to the submission and implementation of an acceptable landscaping and biodiversity mitigation/enhancement proposal, the development would not lead to an unacceptable adverse impact on biodiversity.

## **16. DRAINAGE**

- 16.1 A drainage plan/flood risk assessment has been submitted with the application. However, the Council's Drainage Engineer has advised that the details within the drainage proposal are not considered to be sufficient for a detailed assessment of the drainage implications of the scheme and as such, additional details would be required. The applicant's agent has advised that they are aware of this requirement and are happy to deal with the matter through an application for discharge of conditions at which stage, further details would be provided.
- 16.2 Therefore, notwithstanding the details submitted in relation to drainage, a condition requiring the submission of details of an acceptable drainage scheme remains relevant. It is noted that such condition had been attached to the outline permission and would therefore not be necessary in so far as the Reserved Matters application is concerned.

## **17. LAND CONTAMINATION / LANDFILL GAS / LAND STABILITY**

- 17.1 In relation to land contamination and landfill gas, a Phase 1 site report has been submitted with the application and the report identifies the need for a detailed site investigation. The Environmental Health Officer has reviewed the document and agrees with the recommendation. Accordingly, a site investigation relating to land contamination/landfill gas would be required. The applicant has confirmed that they are happy to deal with this matter through an application for discharge of conditions.
- 17.2 In relation to land stability, a Geotechnical Risk Assessment has been undertaken at the request of the Health and Safety Executive (HSE). The assessment includes measures to prevent land stability issues and rocks falling from the face of the quarry face. The Risk Assessment also required that the development be set away from the quarry face to allow a wide strip land for access and maintenance to the quarry face. To accommodate this the layout has been amended to meet the requirements of the Geotechnical Risk Assessment.

17.3 Whilst a confirmation has not been received from HSE that the mitigation measures proposed are acceptable despite numerous attempts to contact the organisation, it is considered that a condition requiring the applicant to implement the development in accordance with the mitigation measures identified within the Geotechnical Risk Assessment would be appropriate. A note also advising the applicant/developer that it is their responsibility to ensure that the development does not lead to land stability issues or cause any harm to the safety of the future occupiers of the development and occupiers of neighbouring properties.

## **18. CONTRIBUTIONS TOWARDS AFFORDABLE HOUSING AND OPEN SPACE**

18.1 The outline planning permission does not include any requirement for financial contributions. They cannot be introduced as part of the consideration of the reserved matters and therefore contributions towards affordable housing and open space cannot be requested as part of this application.

## **19. CONCLUSION**

19.1 Whilst it represents inappropriate development within the Green Belt, the proposed development is considered acceptable given it would not lead to any significant adverse impact on the character of the area, amenity of the occupiers of neighboring properties as well as the openness of the Green Belt. There are very special circumstances that support the proposal, and on balance, it is considered that the overall benefits of the scheme would outweigh the impact on the openness of the area.

19.2 The proposal would therefore be in accordance with relevant provisions of Oldham Local Plan Policies 1, 3, 5, 9, 11, 20 and 22 as well as relevant provisions of the National Planning Policy Framework.

## **20. 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. No dwelling shall be occupied until details of its construction, levels, drainage and access to the plot have been submitted to and approved in writing by the Local Planning Authority and the car parking space for the dwelling provided in accordance with drawing 1276/L/001 Rev. A. 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.
3. No construction work above dpc level shall commence until a highway improvement scheme has been implemented in accordance with a scheme that shall first of all have been submitted to and approved in writing by the local Planning Authority. Details should include the signalisation of the junction at the A62 Huddersfield Road with the new access road with all associated equipment, signing, lining, carriageway



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

4. 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. 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.
5. No construction or excavation works shall be undertaken outside the hours of 0730 - 1730 Monday to Friday and between the hours of 0800 and 1500 on Saturdays. No construction or excavation works shall be undertaken on Sundays and Bank Holidays. REASON - To safeguard the amenity of the occupiers of neighbouring properties and the area generally. having regard to Policy 9 of the Oldham Local Plan.
6. Prior to the commencement of the development hereby approved, a biodiversity mitigation and enhancement plan which shall set out a proposal for mitigating the potential impact of the development on biodiversity, as well as how this can be enhanced, shall be submitted to the Local Planning Authority for written approval. The development shall be implemented in accordance with the approved details and retained as such thereafter. REASON - In order to enhance biodiversity, in accordance with the provisions of para 174 of the National Planning Policy Framework.
7. Notwithstanding details already submitted, 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.
8. Prior to the commencement of any above ground works, a detailed Crime Impact Statement (CIS) shall be submitted to the Local Planning Authority for written approval. The Statement shall show how crime has been considered for the proposal and the surrounding area. The report, which shall be completed by a suitably

qualified security assessor, shall identify, predict, evaluate and mitigate the site-specific crime and disorder effects of the development. The development shall be implemented in accordance with the approved Crime Impact Statement. Reason - In order to minimise the incidence of crime and disorder, in the interest of the amenity and safety of the future occupiers of the development and the area.

9. The development hereby approved shall be implemented in accordance with the details and recommendations contained in the Geotechnical Risk Assessment prepared by Key Geosolutions Ltd and dated June 2021. Reason - In the interest of the safety of the future occupiers of the development.

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

