

**APPLICATION REPORT – FUL/351514/23**  
**Planning Committee 20<sup>th</sup> December 2023**

**Registration Date** 22<sup>nd</sup> August 2023  
**Ward** Chadderton Central

**Application Reference** FUL/351514/23  
**Type of Application** Full

**Proposal** Residential development of 42 dwellings with main vehicular access onto Broadway (via Phase R5 and R6), pedestrian, cycle and emergency access onto Foxdenton Lane, car parking, roads, landscaping, associated engineering works and ancillary development.

**Location** Phase R4, Foxdenton Strategic Site, Land north of Foxdenton Lane, Chadderton

**Case Officer** Graham Dickman  
**Applicant** Jake Crompton  
**Agent** Amanda Oakden

## **1. INTRODUCTION**

1.1 This application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as a Major proposal for more than 20 dwellings.

## **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 following the completion of a Section 106 agreement requiring:

- Education contribution of £75000 on occupation of 50% of the dwellings in this phase and a further £75000 on occupation of 75% of the dwellings; and,
- Submission of a Linear Park Scheme to secure the implementation of Phase 2 of the linear park.

## **3. SITE DESCRIPTION**

3.1 The proposed development site occupies a roughly rectangular field located to the north of Foxdenton Lane, from which it is separated by a row of semi-detached dwellings and their gardens.

3.2 An existing track leads from the south-east corner of the site, passing the rear of the existing houses before emerging onto Foxdenton Lane.

3.3 To the east of the site are sports pitches associated with Newman College. To the

north is a previously approved and largely complete residential estate (RES/345691/20), and to the west, land levels fall away towards a wooded area and Wince Brook within the proposed linear park.

#### **4. THE PROPOSAL**

- 4.1 This is a full application for the erection of 42 dwellings with a mix of detached, semi-detached, and short mews, two-storey properties. The properties are laid out along a cul-de-sac which will be accessed from the new residential development to the north. An emergency access, constrained by removable bollards, will also be incorporated which will utilise the existing track from Foxdenton Lane.
- 4.2 The dwellings will comprise 9 two-bedroom, 29 three-bedroom and 4 four-bedroom properties. All properties will be sold on a shared ownership basis providing the opportunity to purchase between 10% and 75% of the full market value of the property; the remainder provided on a rental basis. Buyers will then have the option to move to full ownership when they can afford it.
- 4.3 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.4 The proposal would represent an Urban Development Project within paragraph 10(b) of Schedule 2 of the Regulations. However, it does not exceed the applicable thresholds of 5 hectares in site area or 150 dwellings.
- 4.5 Nevertheless, the site occupies an area of primarily semi-improved grassland and a survey of the site's ecological value has been undertaken. Reports in relation to ground conditions, drainage and flood risk, and highway implementations have also been submitted.
- 4.6 On the assessment of this information the development would not have a significant, or wider than local impact, and would therefore not constitute development for which an Environmental Statement is required.

#### **5. PLANNING HISTORY**

- 5.1 FUL/345659/20 - Residential development of up to 160 dwellings with vehicular access onto Broadway and Milton Drive, car parking, roads, landscaping and associated works and infrastructure following demolition of existing buildings. Approved 3 June 2021 Relates to Phases 5 and 6 of PA/337091/15.
- 5.2 RES/345691/20 - Details of reserved matters for appearance, landscaping and layout for development of Linear Park at Zone L1 of the Broadway Green Masterplan. Pending determination. Approved 8 July 2021
- 5.3 PA/337091/15 – Variation of conditions 29, 30, 31 (Part A), and 41, 42 and 43 (Part B) of permission PA/334355/13 Hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution

(B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park, to allow phased development and occupation of floorspace and dwellings specified within the 'trip generation threshold' (as defined within Curtins note ref. TPMA1328/STRAT001) prior to the completion of the highway link road ('Interim Trip Generation Threshold') and offsite junction works at A663/Foxdenton Lane/Eaves Lane and M60 Junction 21 ('Trip Generation Threshold'). Approved 28 September 2015

- 5.4 PA/334355/13 - A hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution (B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park. Approved 23 October 2014

## 6. RELEVANT PLANNING POLICIES

- 6.1 The Joint Core Strategy and Development Management Policies Development Plan Document adopted in 2011 (the Local Plan) is the relevant document for this type of proposal within the adopted Development Plan for Oldham. The site is located within a Business Employment Area within the Local Plan.

- 6.2 However, the development site also forms Phase 4 of the wider Foxdenton Strategic Site, which has obtained outline planning permission for residential use. 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 18 – Energy;  
 Policy 20 – Design;  
 Policy 21 – Protecting Natural Environmental Assets;  
 Policy 23 – Open Spaces and Sports; and,  
 Policy 25 – Developer Contributions

- 6.4 Saved UDP Policy D1.5 – Protection of Trees on Development Sites, is also relevant.

## 7. CONSULTATIONS

Highways Officer	No objection subject to conditions in relation to the provision of the accesses and parking spaces.
Environmental Health	Recommend conditions in relation to the need for land contamination and landfill gas assessment and

	submission of a Construction Management Plan.
United Utilities	Recommend conditions requiring implementation of the submitted drainage scheme and for future management thereof.
G M Ecology Unit	Recommend conditions in relation to development in proximity to the watercourse, invasive species, and ecological enhancement.
Trees Officer	No objections following the submission of amended plans to increase the proposed tree planting.
G M Archaeological Unit	Recommend that a programme of pre-development archaeological works should be undertaken.

## 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 to all properties which adjoin the site, by display of a site notice on Foxdenton Lane, and publication of a press notice.

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

- The original plans had access from Foxdenton Lane and the use of the access road serving Phases 5/6 may not be adequate for the extra traffic (discussed at paragraph 11.5 below);
- The proposals will add to existing traffic problems in the area (discussed at paragraph 11.5 below);
- As the new development is 100% social housing statistically this could also increase anti-social behaviour increasing insurance premiums and add to high levels of crime in the area noted in the Crime Impact Statement (discussed at paragraph 12.6 below);
- Insufficient consultation has been carried out with residents on Foxdenton Lane (discussed at paragraph 8.1 above);
- It is questioned what measures will be in place to prevent nuisance during construction which is already taking place (discussed at paragraph 12.5 below);

- Lancashire Wildlife Trust consider that the ecological site surveys are out of date, that there is insufficient detail of how the brook will be protected, and that there is no assessment of biodiversity net gain (discussed at paragraph 14.3 below); and,
- Increased light pollution following recent developments (discussed at paragraph 12.4 below).

## **ASSESSMENT OF THE PROPOSAL**

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

- 9.1 This application is for a residential development on land identified as Phase R4 of the wider Foxdenton Strategic Site, on which outline planning permission for residential development has previously been granted. The principle of residential development on this site has therefore been established within this extant consent.
- 9.2 Although the proposal has been submitted as a Full application due to a slight variation in the site boundary, it remains necessary to consider the application with due regard to the approval which has previously been granted and the obligations required as part of the legal agreement which accompanied that earlier permission.
- 9.3 Firstly, this included a requirement to expend the equivalent of £120,000 on affordable housing.
- 9.4 In this instance, the whole development is proposed to be brought to market as a shared ownership scheme, in accordance with one of the definitions of Affordable Housing as set out in the NPPF. The subsequent benefit would therefore exceed that of the original obligation. In order to ensure the scheme is implemented on this basis, the requirement will nevertheless be subject to control by a planning condition. This is an approach which reflects that used on the earlier Phase R5/R6 of the wider development immediately to the north.
- 9.5 Secondly, there is a requirement for a pro rata contribution towards the funding of primary school places within a 2 mile radius of the strategic Foxdenton site.
- 9.6 For Phase 4, this amounts to £75,000 to be paid on occupation of 50% of the dwellings in this phase and a further £75,000 on occupation of 75% of the dwellings. This will be included within a new Section 106 agreement.
- 9.7 Thirdly, the legal agreement included a requirement for a contribution towards new or enhanced open space in line with the requirement of Local Plan Policy 23.
- 9.8 The requirement for public open space was considered at the outline planning permission stage, whereby it was determined that the provision of the adjacent proposed Linear Park would ensure appropriate open space provision is facilitated. This is to be secured by the new Section 106 agreement which requires a scheme for provision of Phase 2 of the linear park in line with the original permission for the wider Foxdenton Strategic Site.

## **10. DESIGN AND APPEARANCE**

- 10.1 All properties extend to two storeys in height. This is an appropriate scale in relation to the setting of the site and neighbouring residential areas.
- 10.2 Facing materials will comprise a mix of rustic colours incorporating shades of red, orange and browns with red or grey roof tiles.
- 10.3 The development also includes areas of private amenity space and tree planting as well as ready access to the public open space and footpath routes in the immediate surroundings.
- 10.4 Where properties are located on corner plots, the houses are designed to include window openings to break up the elevations. Where rear gardens adjoin highway frontages, matching brick wall and fences are used in place of concrete post/ timber fencing to improve the appearance.
- 10.5 Overall, the layout is reflective of modern built development in the local area, and the dwellings are of an appropriate scale and density.

## **11. HIGHWAY ISSUES**

- 11.1 A Transport Statement has been submitted which provides an assessment of the projected impact on the capacity of the highway network. This confirms that this development, in combination with other recent housing developments, would not have a material impact on highway capacity or safety.
- 11.2 With the exception of one pair of two-bedroom properties which have one off-road parking space, all other properties will be provided with 2 off-road parking spaces. All properties will be fitted with off-road electric vehicle charging points.
- 11.3 The submitted Construction Management Plan indicates that all construction traffic will continue to access the site via the existing track leading from Foxdenton Lane, following the approach used in connection with earlier phases of the residential development. The exception to this will be the timber frame kits for the dwellings which will be delivered on articulated lorries via the development access which joins Broadway at Newman College.
- 11.4 Following completion of the development, the direct Foxdenton Lane route will serve as an emergency access allowing improved links for pedestrians and cyclists, whilst restricting vehicular traffic. The detailed design of these measures will be controlled by planning condition.
- 11.5 The Highways Officer has assessed the submitted details noting that the strategic impacts of the development have been considered previously during the assessment of the earlier hybrid application. This included the effects of the expected traffic generation on the wider local and strategic highway network and resulted in a range of mitigation measures being required, some of which are now complete.
- 11.6 The internal layout is generally acceptable in terms of the geometry and layout of the highway, and it is intended that it is adopted by the Local Highway Authority under a Legal Agreement.

## **12. RESIDENTIAL AMENITY**

- 12.1 The designs and layout of the development secure satisfactory relationships between properties, both within the layout and to the neighbouring dwellings on Foxdenton Lane, ensuring suitable outlook and levels of privacy.
- 12.2 In respect of the amenity of future residents, the 'Technical housing standards – nationally described space standard' (NDSS) provides guidance to local planning authorities on the minimum standards expected to be achieved in new and converted residential developments. The applicant has submitted details of building and room sizes confirming full compliance with the standards.
- 12.3 The application site will adjoin residential properties to the south and north, and open space to the west. To the east are the grounds of Newman College, which includes a floodlit sports pitch to the north-east. The impact on future residents has been assessed as part of the submitted Noise Impact Assessment, which has recommended the installation of an acoustic fence to those properties which adjoin the pitch.
- 12.4 Adjacent properties to the development site on Foxdenton Lane will adjoin rear or side gardens of new properties and therefore should not be subject to noise or light nuisance.
- 12.5 Whilst it is acknowledged that some disturbance may be experienced during building operations, this is a temporary feature, and will be subject to measures set out in the submitted Construction Management Plan including hours of 7.30am until 6pm on weekdays and 8.30am until 1pm on Saturdays only.
- 12.6 A Crime Impact Statement (CIS) has been submitted. Although GM Police has been consulted, no comments have been received. The CIS notes that crime levels in the area prior to 2019 were higher than average; however, there is no evidence that the introduction of additional residential development in this area, or the tenure of that development, would lead to an increase in crime or anti-social behaviour. Additionally, the development design is consistent with the principles of Secured by Design.

## **13. DRAINAGE AND GROUND CONDITIONS**

- 13.1 A Flood Risk Assessment has been submitted which confirms that the development site lies within Flood Zone 1 at the lowest risk of flooding. A drainage design drawing has also been submitted and this has been accepted by United Utilities. Implementation of the scheme will be subject to planning condition.
- 13.2 A Phase 1 Geo-environmental Assessment has been undertaken. The report notes that further investigations will be required prior to the commencement of development. Therefore, conditions, as recommended by the Environmental Health Officer, will be required.

## **14. ECOLOGY AND LANDSCAPING**

- 14.1 The application is accompanied by an updated Ecological Appraisal including the results of an update walkover study. This confirms that the development site itself is of limited ecological value.

- 14.2 Nevertheless, the site boundary includes areas adjacent to Wince Brook (which are not proposed for development) and appropriate protection measures will be necessary during construction to prevent any contaminants reaching the brook corridor.
- 14.3 Whilst Lancashire Wildlife Trust has questioned the validity of the surveys undertaken due to their age, GM Ecology Unit has confirmed that it is satisfied with the submitted information. This is subject to the aforementioned protection of the brook corridor, a scheme to deal with invasive species, and a contribution to bird and bat mitigation.
- 14.4 With regard to biodiversity net gain, it is accepted that the mitigation strategy agreed at outline application stage in relation to delivery of the Linear Park will satisfy the requirement for biodiversity enhancement. This will be controlled by a mix of legal agreement and planning conditions.
- 14.5 Following comments from the Council's Trees Officer, a revised landscaping scheme, updated Arboricultural Impact assessment and Method Statement have been submitted. The revised scheme includes a significant increase in the number of trees to be planted within the undeveloped areas of the site.

## **15. ENERGY**

- 15.1 The application is accompanied by an Energy Statement which demonstrates how the development will comply with the requirements of Policy 18 of the Local Plan. These measures will be subject to planning condition.

## **16. CONCLUSION**

- 16.1 The proposed development will bring to fruition a previously approved residential development site and will make a further contribution to the Council's available housing land supply within a sustainable urban area. This includes the significant provision of affordable housing.
- 16.2 The development would therefore represent a satisfactory use of land and can be accommodated without detriment to the surrounding area.

## **RECOMMENDED CONDITIONS**

Granted, subject to the following conditions:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. The drainage for the development hereby approved shall be carried out in



accordance with the principles set out in the submitted Foul & Surface Water Drainage Design Drawing 30614/1, dated 08/2023. 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 scheme shall be completed in accordance with the approved details and shall be retained thereafter for the lifetime of the development. REASON - To prevent an undue increase in surface water run-off and to reduce the risk of flooding having regard to Policy 19 of the Oldham Local Plan.

4. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. 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 to manage the risk of flooding and pollution during the lifetime of the development having regard to Policy 19 of the Oldham Local Plan.

5. The development shall be implemented in full accordance with the measures and timetables set out in the Written Scheme of Investigation for Archaeological Evaluation Trenching by Lanpro Services (Ref: 4258/H, December 2023). The condition will be fully discharged following submission of details to confirm that all required measures have been satisfactorily completed. REASON - To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible having regard to Policy 24 of the Oldham Local Plan.
6. 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety having regard to Policy 9 of the Oldham Local Plan.
7. 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 written report and recommendation have been submitted to and approved 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.

8. All hard and soft landscape works shall be carried out in accordance with the approved plan Ref: 4451 101 Rev D prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority subject to the submission of a detailed planting plan, schedule of trees, and a methodology for the planting. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
9. No works to trees or shrubs shall take place 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.
10. The development shall be implemented in full accordance with the measures set out in the 'Vegetation and Invasive Weed Management Plan' prepared by Knotweed Eradication, dated 21st August 2023. REASON - To prevent the spread of invasive plant species having regard to Policy 9 of the Oldham Local Plan.
11. No development, including site clearance or earth moving, shall take place or other material or machinery brought on site until the measures as set out in Appendix 3 of the Construction Environmental Management Plan (November 2023, Version 2) have been implemented. All measures set out in the plan shall be maintained for the duration of the construction period in accordance with the approved details. REASON - In order to safeguard the amenities of the adjoining premises and the area and to ensure the protection of the watercourse and the ecological interests of the area having regard to Policies 9 and 21 of the Oldham Local Plan.
12. Prior to first occupation of the individual dwellings identified on the submitted plan Ref: 6116 Figure 1 for installation of a bat or bird box, the box shall be affixed to that property as indicated. The boxes shall be retained thereafter. REASON - To enable ecological enhancement of the site having regard to Policy 21 of the Oldham Local Plan.
13. No dwellings at Plots 1 to 6 (inclusive) shall be occupied until a 2.4 metre high acoustic barrier, as recommended in the submitted Noise Impact Assessment (Ref:500-887-R1-2, July 2023), has been installed. The barrier shall be retained at all times thereafter. REASON - In the interests of the amenity of future occupiers having regard to Policy 20 of the Oldham Local Plan.
14. The development shall be implemented in accordance with the measures set out in the submitted Energy Statement, August 2023. REASON - To ensure a sustainable form of development that accords with the provisions of Policy 18 of the Oldham Local Plan.

15. 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. 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.
16. 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.
17. The development hereby approved shall not be commenced until a drawing which shows details of the proposed emergency access have been submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be complete before any dwelling is occupied. REASON - To ensure connectivity to and from the site for pedestrians and cyclists having regard to Policies 5 and 9 of the Oldham Local Plan.
18. The development hereby approved shall be implemented in full accordance with the Affordable Housing Statement dated August 2023 as a scheme of shared ownership properties. The properties shall be subject to such occupation and sale thereafter; unless a variation to the scheme has been submitted to and approved in writing by the Local Planning Authority. REASON - To ensure the provision of affordable housing having regard to Policy 10 of the Oldham Local Plan.

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

