

APPLICATION REPORT – FUL/350791/23
Planning Committee 17th July 2024

Registration Date: 4th April 2023
Ward: Shaw

Application Reference: FUL/350791/23
Type of Application: Full Application

Proposal: Erection of 21 no. residential dwellings with associated landscaping and highways works.

Location: Land to the South of Lilac View Close and to the West of Knowl Road, Shaw.

Case Officer: Abiola Labisi
Applicant: Nordia Homes Ltd
Agent: Sarah Smedley

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as the application is a Major development.

2. RECOMMENDATION

- 2.1 It is recommended that the application be refused for reasons set out in the report and that the Assistant Director for Planning, Transport and Housing Delivery shall be authorised to issue the decision.

3. SITE DESCRIPTION

- 3.1 The application site is irregular in shape and is split into two parcels by Knowl Road, Shaw. The larger of the two parcels lies to the south of Lilac View Close while the smaller lies to the west of Knowl Road. The site is within an area that is undulating in topography and adjoins the Green Belt. To the immediate north of the site are properties in residential use. There are some mature trees along the Knowl Road boundaries as well as along the southern site boundary.
- 3.2 Close to the northern section of the larger parcel runs a stream as well as a public footpath.
- 3.3 The site is allocated as a Phase II Housing Allocation site within the Oldham Local Plan and is also identified within the Council's Strategic Housing Land Availability Assessment as of 1st April, 2022.

4. THE PROPOSAL

- 4.1 The application proposes the erection of a total of 21 dwellings, 17 of which would be sited on the larger parcel while the remaining four would be on the smaller of the two

parcels. The proposal includes extensive landscaping works and the provision of a public open space within the northern section of the larger site. Of the 17 units on the larger parcel, 12 would be semi-detached while 5 would be detached. All four units on the smaller parcel would be semi-detached properties.

- 4.2 The scheme would comprise of seven different house types and in terms of sizes, four of the units would be two bedroom accommodation while ten would be three bedroom accommodation. The remaining seven units would be four bedroom accommodation. In relation to housing categories, a total of 17 units would be open market housing while four would be for social and affordable housing.
- 4.3 The larger parcel would be accessed off Lilac View Close while the smaller parcel would be accessed off Knowl Road.

5. PLANNING HISTORY

- 5.1 Under planning ref. PA/039399/00, permission was refused for a residential development comprising of the erection of 18 dwellings on the larger parcel of the current application site. The decision was issued on the 27th of December, 2000 and the reason for refusal was:

“The development is located within a greenfield site which abuts the Greater Manchester Green Belt and the applicant has failed to demonstrate that it accords with the aims and objectives of PPG3. As a result, the proposed development is contrary to Government guidance contained in Planning Policy Guidance Note No. 3.”

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 Phase II Housing Allocation. 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 21 - Protecting Natural Environmental Assets;
- Policy 22 - Protecting Open Land; and,
- Policy 23 - Open Spaces and Sports

- 6.2 In addition to the above, the following policies of the recently adopted Places for Everyone Joint Plan are considered relevant to the determination of the application:

- Policy JP-C1 – An Integrated Network;
- Policy JP-G8 – A Net Enhancement of Biodiversity and Geodiversity;
- Policy JP-G9 – The Green Belt;
- Policy JP-H1 - Scale, Distribution and Phasing of New Housing Development;

- Policy JP-H2 - Affordability of New Housing;
- Policy JP-H3 - Type, Size and Design of New Housing;
- Policy JP-P1 – Sustainable Places;
- Policy JP-S1 – Sustainable Development;
- Policy JP-S2 – Carbon and Energy; and,
- Policy JP-P7 – Sports and Recreation.

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	Formal response received. Raised no objection subject to conditions relating to landfill gas and land contamination as well as CEMP.
Drainage Engineer	Formal response received. Raised no objection subject to the submission of a proposal for sustainable drainage system to serve the development.
Highways	Final comments being awaited.
Greater Manchester Ecology Unit	Formal response received. Raised no objection subject to conditions relating to protection of bats, nesting birds eradication of Japanese knotweed and enhancement of biodiversity.
Coal Authority	Formal response received. Stated that the site does not fall within the Development High Risk Area
Tree Officer	Formal response received. Raised no objection subject to development implemented in accordance with submitted Tree Protection Plan and Landscaping Proposals.
United Utilities	Formal response received. Recommended conditions relating to sustainable surface water drainage scheme and construction management plan to prevent water pollution.
Planning Policy	Formal response received. No objection subject to conditions relating to affordable housing, open space contributions and BNG.
Environment Agency	No comments received.
Ramblers	Formal response received. No objection subject to reinstatement of the footpath to a safe condition and provision of retaining wall adjacent the stream.

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, 54 representations have been received raising the following (summarised) issues:
- Highway safety issues due to inadequate road network (addressed under paras 12.2 -12.4);
 - Impact on public right of way (addressed under para. 12.5 – 12.6);
 - Flooding (addressed under para. 13.2);
 - Adverse impact on wildlife and biodiversity (addressed under para 14.2 – 14.5);
 - Noise disturbance from construction activities (addressed under para 10.3);
 - Impact on privacy due to proximity to existing properties (addressed in para 10.2); and,
 - Impact on ground water and nearby water course (addressed under para. 13.3).

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The application site is allocated as a Phase II Housing Allocation site within the Proposals Map associated with the Joint Development Plan Document and is located adjacent to a mature residential area.
- 9.2 In addition, the site is also identified within the Council's Strategic Housing Land Availability Assessment (SHLAA) as of 1st April, 2022. The SHLAA is a technical document identifying land that might have potential for housing and forms a key component of the evidence base underpinning housing policies and land allocations and will help the Local Plan to meet the borough's housing needs.
- 9.3 The SHLAA assesses the development potential of land that could be capable of delivering homes through an assessment of suitability, availability and achievability. The site's suitability, availability and achievability for delivering homes has been assessed and considered acceptable by the Council.
- 9.4 Furthermore, paragraph 60 of the National Planning Policy Framework highlights the objective of the Government to significantly boost housing supply across the country. The proposal would contribute towards the achievement of this housing objective.
- 9.5 Having regard to these considerations the principle of residential development on the site as proposed 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 The relationship of the proposed development with existing dwellings to the north is considered acceptable in that the scale of the development as well as the separation distance from the dwellings to the north would minimise any potential overbearing or overshadowing effect. The design of the proposed dwellings also ensures that there would also be no direct overlooking of any neighbouring private amenity area.
- 10.3 Further on the mitigation of any potential impact on the amenity of the occupiers of neighbouring properties, it is proposed that a construction management plan is submitted for approval prior to the commencement of the development. The plan shall address how issues such as construction noise, dust etc would be mitigated to minimise impact on amenity.
- 10.4 In respect of the amenity of the future occupiers of the development, the layout would ensure that there would be no significant overbearing or overshadowing effect on future occupiers. Similarly, the design would ensure that private amenity areas are not overlooked to any significant extent.
- 10.5 In terms of acceptable internal floor areas, the nationally described space standards require that a 2 bed two storey dwelling should have an internal floor area of between 70 to 79 square metres, depending on the number of occupants while a 3 bed two storey dwelling should have an internal floor area of between 84 to 102 square metres. For a 4 bed two storey dwelling, the requirement is 103 to 130 square metres. It is noted that the proposed units would comply with the requirements of the nationally described space standards.

11. DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 11.1 The area is noted to be characterised by a mix of dwelling types mostly of two storey in height. The proposed design is contemporary, and the scale of the dwellings would be in keeping with that of existing dwellings in the area.
- 11.2 In terms of appearance, the dwellings on the larger parcel would be finished in red brick, to match the dwellings on Lilac View Close while the proposed dwellings on the smaller parcel would be finished in buff brick, to reflect the stone finish of the properties on Knowl Road.
- 11.3 Furthermore, the proposal represents a logical extension of built form as the site adjoins an existing built-up area to the north. It is therefore considered that the proposal would be in accordance with relevant provisions of Policy JP-P1 (Sustainable Places) of the Places for Everyone Joint Plan which require that development integrates well with and respect local character.

12. HIGHWAY ISSUES AND PUBLIC RIGHT OF WAY

- 12.1 Paragraph 114 of the National Planning Policy Framework (NPPF) provides that planning decisions should ensure that safe and suitable access to a site can be achieved for all users while paragraph 115 provides that 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.
- 12.2 Vehicular access to the larger parcel is taken from Lilac View Close while that for the smaller parcel would be off Knowl Road. Visibility at the proposed accesses is

considered acceptable from highway safety point of view. In addition, the proposal includes provision of adequate on-site parking and turning facilities to minimise the potential for severe on-street parking.

- 12.3 In terms of potential impact on local highway network capacity, it is considered that the scale of the proposed development is not such that would lead to a severe detrimental impact on capacity.
- 12.4 The applicant has submitted a Transport Statement which concludes that the proposal would not lead to severe or unacceptable highway issues. The Transport Statement as well as other documents relating to the application have been discussed with the Council's Highway Engineer and they have raised no objections in relation to highway safety subject to the imposition of conditions. Formal comments are however still being awaited from the Highway Engineer.
- 12.5 A public right of way crosses the site. Paragraph 104 of the NPPF provides that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. The proposal includes a diversion of the public right of way such that it would now run along the eastern and northern site boundaries. The proposal would not lead to the closure of this public footpath and the extent of diversion is not considered to be such that would detract significantly from the recreational benefits of the right of way.
- 12.6 The Ramblers Group has raised no objection to the proposed diversion of the right of way subject to the footpath being reinstated to a safe condition and the provision of a retaining wall where the right of way runs adjacent the stream to the north of the site. There is also no objection to the diversion from the Council's PRow Officer provided the concerns raised by the Ramblers Group are adequately addressed.

13. DRAINAGE ISSUES

- 13.1 In relation to planning and flood risk, paragraph 165 of the NPPF provides that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 13.2 The site is located within Flood Risk Zone 1, which is the zone that is least liable to flooding. However, it is noted that the site experiences surface water flooding issues. The application has been reviewed by the Lead Local Flood Authority and United Utilities and the two have recommended a condition requiring the submission of details of a sustainable surface water drainage scheme for approval prior to the commencement of the development. It is therefore considered that the site could be made safe with the implementation of an effective surface water drainage scheme and this can be addressed by appropriate planning conditions.
- 13.3 Furthermore, it is noted that the site lies within a Groundwater Source Protection Zone and in order to ensure that the proposal does not lead to unacceptable impact on groundwater, United Utilities have recommended a condition requiring the submission of a construction management plan detailing how the development would be implemented without causing harm to groundwater.
- 13.4 Having regard to the foregoing, it is considered that drainage issues relating to the proposal can be addressed by appropriate planning conditions.

14. TREES, ECOLOGY AND BIODIVERSITY NET GAIN

- 14.1 The proposal includes the removal of at least 20 trees. However, a robust landscaping proposal has been submitted and this includes the planting of replacement trees that would mitigate the impact of the lost trees. The applicant has also submitted a Tree Protection Plan which addresses how the retained trees would be protected during the construction phase of the development.
- 14.2 The proposal has been reviewed by the Council's Tree Officer and they have advised that subject to the development being implemented in accordance with the proposed landscaping plan, the proposal would be in accordance with the provisions of Policies JP-G6 (Urban Green Space) and JP-G7 (Trees and Woodland) of the Places for Everyone Joint Plan.
- 14.3 An ecology report was submitted with the application and the report concludes that the proposal would not lead to unacceptable impact on ecology. Greater Manchester Ecology Unit have raised no objection to the proposal subject to conditions requiring that tree removal should not be undertaken during bird nesting season as well as a method statement indicating how the works would be undertaken without causing harm to wildlife.
- 14.4 It is important to point out that the application was made prior to the mandatory requirement for biodiversity net gain coming into effect. Notwithstanding, in accordance with the provisions of para. 185(b) of the NPPF which requires that plans should identify and pursue opportunities for securing measurable net gains for biodiversity, the applicant was requested to submit a biodiversity enhancement plan.
- 14.5 The resulting biodiversity net gain assessment indicates that there would be an overall loss of 2 biodiversity units and Greater Manchester Ecology Unit have recommended a financial contribution of £20,000 to mitigate the loss. This can be addressed via a Section 106 Agreement with the applicant.

15. AFFORDABLE HOUSING AND PUBLIC OPEN SPACE

- 15.1 Paragraph 66 of the NPPF provides that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. Similarly, Policy JP-H2 (Affordability of New Housing) also provides that substantial improvements will be sought in the ability of people to access housing at a price they can afford.
- 15.2 In accordance with the provisions of paragraph 66 of the NPPF, the proposal includes the provision of four affordable units. The units proposed would all be sited on the smaller parcel. They would all have two bedrooms each. The applicant has also confirmed that the affordable housing to be provided would be in accordance with the First Home requirements and would be sold at a price no higher than £250,000 per unit.
- 15.3 As such, the proposal would boost affordable housing provision in the area thus enhancing home ownership in accordance with the objectives of Policy JP-H2 of the Places for Everyone Joint Plan.
- 15.4 The affordable housing proposal has been reviewed by the Council's Strategic Planning Officers and they have advised that the proposal is acceptable in principle. The delivery

of the affordable housing proposal can be achieved through a Section 106 planning agreement with the applicant.

- 15.5 With regard to public open space provision, Chapter 8 of the NPPF addresses the promotion of healthy and safe communities and to achieve this, paragraph 97 of the NPPF requires planning positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, **open space** (emphasis added), cultural buildings, public houses and places of worship) and other local services.
- 15.6 In the same vein, Policy JP-P7 of the Places for Everyone Joint Plan (Sport and Recreation) requires new development to provide new and/or improved existing facilities commensurate with the demand they would generate while Policy 23 of the Oldham Local Plan requires all major residential development to contribute towards the provision of new or enhanced open space.
- 15.7 The proposal includes the provision of public open space along the northern site boundary. The Council's Open Space Study 2022 indicates that the ward in which the site is located is sufficient in accessibility to all the required types of open space recreational facilities except provision for children and young people.
- 15.8 On the basis of the identified deficiency in open space provision in the area, and the scale of the development, it is estimated that a contribution of £139,931.52 would be required in accordance with the provisions of Policy 23 of the Oldham Local Plan, to address the deficiency and potential demand that would be generated by the development.
- 15.9 The applicant has been requested to confirm that they would be willing to enter into a Section 106 Legal Agreement regarding the payment of the estimated financial contribution towards the provision of public open space. However, the applicant has advised that they think the scheme would not be viable if they have to pay the stated amount. They have not submitted any evidence (by way of a viability assessment) to support their claim that the scheme would not be viable if they have to contribute £139,931.52 towards open space. P
- 15.10 Policy 23 (Open Spaces and Sports) of the Oldham Local Plan provides that all residential developments 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. As the applicant has not demonstrated that the scheme would not be financially viable if they have to contribute towards the provision of public open space, the proposal would be contrary to relevant provisions of Policy 23.

16. CONCLUSION

- 16.1 Whilst it is noted that the site is allocated for housing development in the Local Plan, adequate provisions have however not been made for contribution towards public open space and the applicant has not demonstrated with evidence that the proposal would not be financially viable if they have to contribute towards the provision of public open space. In this regard, the scheme would not be in accordance with the provisions of Policy 23 of the Oldham Local plan and would thus not enhance the health and wellbeing of users of the development.

16.2 Accordingly, it is recommended that the application be refused for the reason set out below.

1. Without adequate provision for public open space on or off site, and with no acceptable arrangement for financial contribution in lieu, the proposed development would in this regard, detract from the quality of life and well-being of future residents of the development and would therefore be contrary to relevant provisions of Policy 23 (Open Spaces and Sports) of the Oldham Local Plan, Policy JP-P7 (Sport and Recreation) of the Places for Everyone Joint Plan and Chapter 8 of the National Planning Policy Framework.

SITE LOCATION PLAN (NOT TO SCALE):

