

**APPLICATION REPORT – RES/353501/24**  
**Planning Committee 26<sup>th</sup> February 2025**

Registration Date: 7<sup>th</sup> November 2024  
Ward: Shaw

Application Reference: RES/353501/24  
Type of Application: Reserved Matters

Proposal: Reserved matters application for the Appearance, Layout, and Scale of Phase 2 of a residential development pursuant to outline application VAR/349651/22.

Location: Former Shaw Distribution Park, Linney Lane, Shaw, OL2 8HF

Case Officer: Graham Dickman  
Applicant: Bellway Homes  
Agent: Rebecca Dennis

**1. INTRODUCTION**

1.1 This application is presented to Planning Committee in accordance with the Scheme of Delegation as it relates to a Major application.

**2. RECOMMENDATION**

2.1 It is recommended that the application is approved subject to the conditions set out at the end of this report.

**3. SITE DESCRIPTION**

3.1 The application site constitutes the southern half of a larger site which has most recently been used for distribution and warehouse purposes.

3.2 The site is occupied by a large, modern distribution warehouse and associated vehicle parking areas. The access into the site is to the south via a mini roundabout off Beal Lane.

3.3 The River Beal crosses the eastern and southern sections of the site.

3.4 The adjoining northern half of the site has been cleared. An existing planning permission has been granted for the first phase of residential redevelopment, and construction on that phase is presently underway.

3.5 The Metrolink tram line runs along the western boundary, beyond which are residential properties, with further residential properties to the east of the site.

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

- 4.1 The application involves the submission of Reserved Matters for the second phase of the redevelopment of the former distribution and warehousing site.
- 4.2 A single vehicular access to the site will be provided via a reconfigured entrance served by an existing mini-roundabout on Beal Lane.
- 4.3 The proposals incorporate 192 homes in a mix of mews, semi-detached and detached properties at a density of approximately 27 dwellings per hectare.
- 4.4 57% (110 properties) will be developed on behalf of a registered social housing provider.
- 4.5 The River Beal will flow in open channel around the eastern and southern boundaries of the site within an area of public open space. A footpath link will continue northwards through this area to link up with the first phase development to the north.

#### Environmental Impact Assessment

- 4.6 The outline application to which this present application is related was assessed in accordance with Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). That application was accompanied by an Environmental Statement (ES).
- 4.7 The present application is accompanied by a Statement of Conformity which reviews the previous ES and concludes that the Reserved Matters do not give rise to any additional significant effects and alter the previous conclusions.
- 4.8 This assessment is agreed and therefore no further Environmental Statement is required.

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

CND/354027/25 - Discharge of Conditions 8 (CEMP Amenity), 9 CEMP (Ecology), 10 (remediation), 11 (gas), 12 (hydromorphology), 14 (water framework), 15 (drainage), 17 (Metrolink), 26 (access detail), 27 (travel plan) and 28 (piling) relating to application VAR/349651/22 (Phase 2). Pending determination

CND/351308/23 - Discharge of Condition Nos 8 (CEMP), 9 (River Beal CEMP), 10 (Contamination), 11 (Gas), 13 (Channel Details), 14 (EU Water Framework), 15 (Drainage), 17 (Protect Tram), 26 (Access Drainage), 27 (Travel Plan) and 28 (Piling) relating to approved application VAR/349651/22. Pending determination

RES/350957/23 - Reserved matters application for the Appearance, Landscaping, Layout, and Scale of Phase 1 of a residential development pursuant to outline application VAR/349651/22. Approved 19 October 2023

CND/350686/23 - Discharge of condition No 4 (Design Code) relating to approved application VAR/349651/22. Discharged 21 March 2023

CND/350650/23 - Discharge of Condition No 6 (Archaeology) relating to approved application VAR/349651/22. Discharged 12 June 2023

CND/350019/22 - Application for discharge of condition 5 (phasing plan) related to application VAR/349651/22. Discharged 25 November 2022

CND/349652/22 - Discharge of condition no. 11 (Ground Gas Monitoring) relating to app VAR/349651/22. Pending determination

VAR/349651/22 - Variation of conditions to allow for phased development, including revised site drainage proposals - 2 (approved plans), 4 (design code framework), 8 (CEMP re-aligned River Beal), 9 (remediation strategy), 12 (Channel details), 13 (EU Water Framework Directive), 14 (surface and foul water drainage), 18 (energy), 19 (finished floor levels), 20 (invasive species), 21 (biodiversity), 22 (ecology surveys), 24 (internal highways details), 26 (interim travel plan) and 28 (crime impact statement) relating to application OUT/345898/20. Approved 10 November 2022

NMA/348981/22 – Non-material amendment to re-word Conditions 8 and 13 of planning permission reference OUT/345898/20 to allow demolition and site clearance prior to compliance with the conditions. Approved 26 May 2022

OUT/345898/20 - Outline planning permission (with all matters reserved except for access) for Residential development (use class C3) together with new publicly accessible open space; landscaping; de-culverting of the River Beal, surface water drainage infrastructure, car parking and other necessary works with access from Linney Lane and Beal Lane following the demolition of existing buildings and structures'. Approved subject to legal agreement 31 March 2022

## **6. RELEVANT PLANNING POLICIES**

- 6.1 The Places for Everyone (PfE) Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024.
- 6.2 The PfE Plan must now be considered in the determination of planning applications, alongside Oldham's Joint Core Strategy and Development Management Development Plan Document (Local Plan), adopted November 2011, in accordance with the National Planning Policy Framework (NPPF).
- 6.3 The site is allocated as a Business Employment Area on the plan associated with the Local Plan. This application was carried over as a saved policy of the Oldham Unitary Development Plan.
- 6.4 As such, the following policies are considered relevant to the determination of this application:

### Places for Everyone

Policy JP-H3: Housing

Policy JP-S1: Sustainable Development

Policy JP-S2: Carbon and Energy

Policy JP-S4: Flood Risk and the Water Environment

Policy JP-S5: Clean Air

Policy JP-S6: Resource Efficiency

Policy JP-J1: Supporting Long-Term Economic Growth

Policy JP-J2: Employment Sites and Premises

Policy JP-J4: Industry and Warehousing Development

Policy JP-G2 Green Infrastructure Network

Policy JP-G3: River Valleys and Waterways

Policy JP-G7: Trees and Woodland

Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity

Policy JP-P1 Sustainable Places

Policy JP-C8: Transport Requirements of New Development

### Core Strategy

Policy 1: Climate Change and Sustainable Development

Policy 9: Local Environment

Policy 13: Employment Areas

Policy 14: Supporting Oldham's Economy

Policy 22: Protecting Open Land

Policy 23: Open Spaces and Sports.

## **7. CONSULTATIONS**

Highways Officer	No objections subject to conditions in respect of access and parking provision, and a construction management plan.
Environmental Health	No objection in principle subject to implementation of acoustic mitigation measures.
Environment Agency	Updated details in respect of the River Beal channel are required.
TfGM	No objections as vehicle restraint barriers are shown towards the Metrolink boundary.
United Utilities	Require an updated remediation strategy.
G M Ecology Unit	No objections subject to conditions in relation to updated species surveys as required, invasive species mitigation, and a biodiversity enhancement plan.
Trees Officer	Insufficient details of proposed replacement tree planting have been submitted at this stage.

## **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 no representations have been received.
- 8.3 Shaw & Crompton Town Council has recommended approval of the application.

## **ASSESSMENT OF THE PROPOSAL**

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

- 9.1 The principle of the comprehensive re-development of an established employment site for residential development has been established by virtue of previous planning approvals OUT/345898/20 and VAR/349651/22.
- 9.2 All conditions attached to those approvals, along with a Section 106 agreement, continue to apply and associated Condition Discharge applications are pending determination.
- 9.3 In respect of the comments noted above from the Environment Agency, United Utilities and the Trees Officer, these matters will be resolved through agreement on the final configuration of the River Beal channel.
- 9.4 The present application seeks Reserved Matters approval for the appearance, layout and scale of the proposed residential development. As final details of the River Beal channel have not yet been finalised, approval of details of landscaping has been removed from the submission. This will need to be subject to a later application once the river channel details are finalised and agreed.
- 9.5 In addition, as a requirement of the Section 106 agreement associated with the outline approval, the applicant was required to submit a financial appraisal to demonstrate whether the development could achieve a 'Profit on Costs' to require a further financial contribution towards affordable housing.
- 9.6 The appraisal has been submitted and independently assessed on behalf of the Council. This confirms that no further financial contribution is due. Notwithstanding, it is noted that the latest scheme includes a 57% provision of social housing units. This is significantly in excess of the requirement of 20% as set out in the Section 106 agreement associated with the outline approval.
- 9.7 The present scheme incorporates a total of 110 homes (57%) which will be affordable, comprising 47 homes (24%) shared ownership, 25 homes (13%) affordable rent, and 38 homes (20%) discounted market value.
- 9.8 The principle of the present development proposals is therefore acceptable.

### **10. SCALE AND APPEARANCE**

- 10.1 The outline approval was subject to the requirement for submission of a Design Code Framework and this has previously been approved under a separate Condition Discharge application.
- 10.2 Within the development a mix of house types have been provided to add to visual interest. These include a range of house designs and tenures, with a mix of 2, 3 and 4 bedroomed houses. All properties extend to two-storey in height.

- 10.3 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 walls are used in place of timber fencing to improve the appearance.
- 10.4 Overall, the layout is reflective of existing built development in the local area (including that utilised in the first phase), and the dwellings are of an appropriate scale and density to their surroundings.
- 10.5 A 'Materials Layout' has been submitted which illustrates the use of red brick and grey roof tiles throughout the scheme.

## **11. DESIGN AND AMENITY ISSUES**

- 11.1 The design, scale, density, and layout of the development secures satisfactory relationships between properties both within the layout and to the neighbouring dwellings, ensuring suitable outlook and levels of privacy.
- 11.2 All properties contain areas of private amenity space as well as ready access to the public open space and footpath routes in the immediate surroundings.
- 11.3 An Environmental Noise Study has been submitted with the application. In respect of the amenity of future residents of the development, the primary concerns relate to the impact of noise from the tramline.
- 11.4 Therefore, a scheme of acoustic mitigation will be incorporated into the houses. In addition, a 2.4 metre acoustic fence will be provided to the tramline.
- 11.5 The Environmental Health Officer has no objections subject to implementation of the mitigation measures.
- 11.6 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. Mandatory compliance is however subject to an adopted local plan policy being in place.
- 11.7 In terms of those space standards, including accessibility and adaptability of dwellings, under both the original outline approval and detailed approval for Phase 1 of the development, the Places for Everyone Plan (Pfe) had not been adopted, and therefore compliance with the Nationally Described Space Standards (NDSS) was not formally required.
- 11.8 Since that time, Pfe Policy JP-H3 has been adopted.
- 11.9 The NDSS assessment submitted with the application demonstrates that the majority (10 out of 12) of the proposed house types meet or exceed the standards based on overall area. The two house types, the Joiner and Tailor, which do not comply with NDSS, fall 10% short of the standard. These house types were previously approved under Phase 1.
- 11.10 The applicant has confirmed that Great Places Housing Association has agreed to purchase a significant number of units on Phase 2 to deliver additional affordable housing which exceeds the requirement of the original Section 106 agreement. This is

regarded as a significant benefit with 57% provision being well in excess of the 20% requirement within the Section 106 agreement.

- 11.11 The applicant has commented that this delivery deal is based specifically on the submitted house types and is subject to grant funding from Homes England. The funding programme requires the floor slabs to be installed by March 2026 and there is a significant amount of work to be undertaken (demolition and remediation etc) to achieve this date, that there is no flexibility in the build programme, and the Homes England grant cut-off date is fixed with no opportunity to extend it.
- 11.12 Should this deadline be missed (resulting from changes to the contract) the grant funding will fall away along with the contract with Great Places. The delivery of additional affordable housing will therefore not be realised. The delivery of this significant number of additional affordable homes is therefore subject to the level of compliance within the submitted scheme.
- 11.13 PfE Policy JP-H3 also requires all new dwellings be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.
- 11.14 Whilst most of the proposed house types will be built to the M4(2) standard, 3 house types do not comply (Baxter, Sawyer and Tailor+). These house types cannot accommodate the standard owing to their size. However, the same material considerations above apply in this respect. The outline planning permission does not require M4(2) compliance, nor did the planning policy at the time of determination.
- 11.15 As such, there are material considerations which justify the minor departure from Policy JP-H3 in respect of the development proposals.

## **12. HIGHWAYS ISSUES**

- 12.1 NPPF paragraph 115 states 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 The site is in a sustainable location with excellent access to public transport with a wide range of local amenities within walking and cycling distance. Traffic generation associated with the proposed residential re-development of the site was fully assessed at outline approval stage.
- 12.3 The proposed highway layout, including car parking provision, is acceptable and will be considered for adoption by the local Highway Authority. This will include the provision of new cycle and pedestrian infrastructure through the site which will link through to Linney Lane as part of Phase 1 of the works.

## **13. BIODIVERSITY AND TREES**

- 13.1 Biodiversity Net Gain is required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

- 13.2 As the proposal seeks approval of Reserved Matters in relation to a development which was granted planning permission prior to 12 February 2024, the proposal is exempt from this statutory requirement.
- 13.3 Nevertheless, Condition 22 of the outline approval required that any Reserved Matters application should be accompanied by a scheme to mitigate for the loss of on-site biodiversity. Consequently, a biodiversity net gain assessment and 30 year management and maintenance plan has been submitted.
- 13.4 Having assessed the submission, GMEU is satisfied with the landscape proposals although a lack of detail with regards the species of native tree proposed and the bat and bird are included. Therefore, it is recommended that the final details of the biodiversity enhancement plan with regards planting schedules, bird and bat boxes is conditioned as part of any permission.
- 13.5 An Arboricultural Impact Assessment has been submitted. At present the Council's Trees Officer is unable to confirm that the replacement and additional tree planting across the site would comply with the two for one requirement since the final details of the River Beal channel are not confirmed. As noted earlier, this will therefore need to be resolved via a separate Reserved Matters application for landscaping and discharge of the relevant planning conditions of the outline approval.

#### **14. DRAINAGE AND GROUND CONDITIONS**

- 14.1 Matters associated with drainage, including the treatment to the River Beal channel, and remediation in relation to ground conditions, are subject to conditions of the outline approval and are primarily to be dealt with via that process.
- 14.2 Satisfactory implementation of both the requirements of the outline and reserved matters approvals must be attained in order for the development to be carried out.

#### **15. CONCLUSION**

- 15.1 In terms of overall layout, the proposed residential development largely reflects that approved under the previous Reserved Matters application.
- 15.2 The scheme will allow implementation of the second phase of a development which will assist with the Council's supply of new properties in a sustainable, brownfield location.
- 15.3 Whilst it would be preferable for all details in relation to the River Beal channel to be confirmed alongside the housing details, for the reasons set out above in relation to funding criteria, the present approach is acceptable as it will help secure significant affordable housing provision.

#### **16. 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. Prior to occupation of the first dwelling hereby approved, full details of a biodiversity enhancement plan, to include planting schedules and provision of bird and bat boxes, along with a 30 year management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details. REASON - To ensure that the proposals result in enhancement of biodiversity having regard to Policies 9 and 21 of the Oldham Local Plan, paragraph 174 of the NPPF, and Policy JP-G8 of the Places for Everyone Joint Development Plan.
3. The development shall be implemented in full accordance with the measures set out in the Invasive Weed Management Plan Ref: NIG/DN20235 Rev A. REASON - To prevent the spread of invasive species having regard to Policies 9 and 21 of the Oldham Local Plan.
4. Should the development hereby approved not commence before March 2025, a further assessment of the River Beal for presence of otter shall be undertaken and the finding submitted to and approved in writing by the Local Planning Authority. REASON - In order to ensure the protection of valuable species having regard to Policy 9 of the Oldham Local Plan.
5. Prior to the commencement of any earthworks within the site, a survey of the site and the adjacent Metrolink site boundary for the presence of badger shall be undertaken and the findings submitted to and approved in writing by the Local Planning Authority. REASON – In order to ensure the protection of valuable species having regard to Policy 9 of the Oldham Local Plan.
6. The development shall be implemented in accordance with the acoustic mitigation recommendations as set out in Section 6.0 of the submitted Red Acoustics Environmental Noise Study (R2309-REP01A-JW dated 21 October 2024. All such measures, or any subsequent equivalent measures to the written satisfaction of the Local Planning Authority, shall be retained at all times thereafter. REASON – In order to protect the amenity of the occupiers of the proposed dwellings having regard to Policy 9 of the Oldham Local Plan.
7. No dwelling shall be occupied until the access to the site and car parking for that dwelling has been provided in accordance with the approved plans 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 Policy JP-C8 of the Places for Everyone Joint Development Plan and Policies 5 and 9 of the Oldham Local Plan.
8. Prior to the commencement of any development hereby approved, including site clearance, a site-specific 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 the use of the nearby highways for construction traffic, including the phasing and use of the pedestrian and cycle link, material deliveries and storage, and car parking for employees. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before

the construction works are commenced and shall be maintained for the duration of the construction works. REASON - In the interests of highway safety having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan.

9. No work on site shall commence unless and until adequate wheel cleaning equipment, the details of which shall be submitted to and approved by the Local Planning Authority, has been installed on the site. Thereafter, all vehicles, which leave the site, and which have travelled over a non-tarmac surface shall use the wheel cleaning equipment provided, before leaving the site, such that all vehicles are in such a state of cleanliness that they do not foul the highway with mud or other material. The equipment shall, for the duration of the construction works, be maintained in good working order and shall not be removed unless agreed by the Local Planning Authority. REASON - In the interests of highway safety having regard to Policy 9 of the Oldham Local Plan.

# SITE LOCATION PLAN (NOT TO SCALE)

