

APPLICATION REPORT – FUL/353940/25
Planning Committee 17th December 2025

Registration Date: 9th January 2025
Ward: Shaw

Application Reference: FUL/353940/25
Type of Application: Full Application

Proposal: Residential development of 21 No. dwellings with associated landscaping and access arrangements.

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

Case Officer: Abiola Labisi
Applicant: BLJD Land
Agent: Mrs Caroline Tamworth

1. INTRODUCTION

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

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved, subject to the prior completion of a Section 106 agreement relating to the provision of affordable housing and open space management, and conditions referenced at the end of this 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 split into two parcels by Knowl Road, Shaw. The larger of the two parcels which is irregular in shape, lies to the south of Lilac View Close while the smaller parcel which is triangular in shape, 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 and these properties are predominantly two storey in height.
- 3.2 There are some mature trees along the Knowl Road boundaries as well as along the southern site boundary. 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 2024

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 parcel. 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-bed units whilst ten would be three bedroom units. The remaining seven units would provide four bedrooms. 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.”

- 5.2 Under planning application reference FUL/350791/23, permission was refused for a residential development comprising of the erection of 21 dwellings on the same site as the current application. The decision was issued on the 31 July 2024, and the reasons for refusal were:

- 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.*
- 2. The applicant has failed to demonstrate that safe and adequate access can be provided to the site. In particular, the applicant has not provided sufficient detail or clarified concerns raised about the width, gradients, and general configuration of the proposed access road. Consequently, the Local Planning Authority remains concerned that this would result in an increase in the risk of accidents, and be detrimental to the highway safety aims and objectives of Local Development Plan Policies 5 and 9, Policy JP-C8 of the Places for Everyone Joint Development Plan, and paragraph 115 of the National Planning Policy Framework.*

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.
United Utilities	Formal response received. Raised no objection subject to the submission of a proposal for sustainable drainage system to serve the development as well as CEMP to ensure the protection of groundwater during construction.
Highways	Formal comments received. Raised no objection subject to submission of details relating to the construction and drainage of the access and parking spaces.

Greater Manchester Ecology Unit	Formal response received. Raised no objection subject to conditions relating to biodiversity net gain, biodiversity enhancement and protection of wildlife.
Coal Authority	Formal response received. Stated that the site does not fall within the Development High Risk Area and therefore raised no objection.
Tree Officer	Formal response received. Raised no objection subject to development implemented in accordance with submitted Tree Protection Plan and Landscaping Proposals.
Planning Policy	Formal response received. No objection subject to conditions relating to affordable housing and open space contributions.
Environment Agency	Formal response received. Raised no objection but recommended a watching brief condition re potential contamination.
Ramblers	Formal response received. No objection subject to reinstatement of the footpath to a safe condition and provision of retaining wall adjacent the stream.
Greater Manchester Police Crime Prevention	Formal response received. No objection from crime prevention point of view provided scheme is implemented in accordance with the details contained in the Crime Impact Statement.

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, 52 representations have been received raising the following (summarised) issues:

- Highway safety issues due to inadequate road network (addressed under paras 12.1 -12.5);
- Impact on public right of way (addressed under paras. 12.6 – 12.7);
- Flooding and foul drainage issues (addressed under paras. 13.2 – 13.3);
- Adverse impact on wildlife and biodiversity (addressed under para 14.2 – 14.7);
- Noise disturbance from construction activities (addressed under para 10.3);
- Impact on privacy due to proximity to existing properties (addressed in para 10.2);
- Impact on ground water and nearby water course (addressed under para. 13.4).
- Additional traffic and impact on adjacent horse riding school (addressed under paras. 12.4 – 12.5)

- Pressure on local amenities and infrastructure (addressed under paras. 9.2, 9.3, 12.1 – 12.5 and 13.2 – 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, 2024. 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 Section 5 of the National Planning Policy Framework highlights the Government's aim to boost housing supply across the country and in this regard, paragraph 61 of the NPPF provides that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
- 9.5 Further on the need to boost housing supply, and specifically with regard to the role of small sites in achieving this aim, paragraph 73 of the NPPF provides that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly. Accordingly, the NPPF provides that:
- 'To promote the development of a good mix of sites local planning authorities should seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom- build housing; amongst others.'*
- 9.6 In addition, Policy JP-H1 (Scale, Distribution and Phasing of New Housing Development) of the Places for Everyone Joint Plan provides that a minimum of 175,185 net additional dwellings is expected to be delivered over the period 2022-2039, or an annual average of around 10,305.
- 9.7 The site is allocated for residential development within the Oldham Local Plan, the proposal relates to residential development which would boost housing supply and contribute towards both national and local housing supply targets. The relatively small size of the site also means the development can be built out relatively quickly. 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 of the Oldham Local Plan the impact of the development on surrounding residents needs to be considered alongside ensuring that the proposals provide suitable accommodation and amenity 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 Furthermore, 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 97 to 124 square metres. It is noted that the proposed units would comply with the requirements of the nationally described space standards.
- 10.6 Similarly, Policy JP-H3 of the Places for Everyone Joint Plan requires that new residential development shall comply with the requirements of the nationally described space standards insofar as gross internal floor area as well as bedroom sizes is concerned. As stated above, the proposal would comply with the requirements of the nationally described space standards. The policy also requires that new development should be built to the accessible and adaptable standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable. This requirement has not been addressed within the submission but can be adequately addressed by relevant planning conditions and through building control legislations.
- 10.7 Having regard to the foregoing therefore, it is considered that the proposal would not result in any unacceptable amenity issues.

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 115 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 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 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 assessment took into consideration the scale of the proposed development and any potential highway impact on existing neighbouring uses. Significantly, the assessment included identifying critical locations on the network with a poor accident record, using personal injury accident data obtained from CrashMap for the most recently available 5-year period and the analysis demonstrates that no accident has occurred along Knowl Road, Lilac View Close, Mount View Road and Clough Road and Mark Lane over the period. It was therefore concluded that the existing network can support existing uses and a development of the proposed scale.
- 12.5 The Transport Statement as well as other documents relating to the application have been discussed with and reviewed by the Council's Highway Engineer and they have raised no objections in relation to highway safety subject to the imposition of conditions relating to construction and drainage details for the access and parking spaces.
- 12.6 A public right of way crosses the site. Paragraph 105 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. The Council's PRoW Officer has confirmed that the proposed diversion of the right of way is acceptable in principle.
- 12.7 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 170 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. A Flood Risk Assessment prepared by Build Vision Design Engineers was submitted with the application. The report provides that surface water would be drained via sustainable means while foul water would discharge into nearest public sewer.
- 13.3 The application has been reviewed by United Utilities and they have not raised any objection to the proposed surface water and foul water drainage plans but 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.
- 13.4 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 and nearby water course.
- 13.5 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 Policy JP-G7 of the Places for Everyone Joint Plan provides that where development would result in the loss of existing trees, there would be a requirement for replacement on the basis of two new trees for each tree lost, or other measures that would also result in a net enhancement in the character and quality of the treescape and biodiversity value in the local area, with a preference for on-site provision. The policy also aims to protect trees and woodland during the construction phase of development.
- 14.2 There are some existing trees and hedges on the site proposed for removal to facilitate the proposed development. However, a robust landscaping proposal has been submitted which 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.
- 14.3 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.

- 14.4 An ecology assessment/report prepared by Arbtech was submitted with the application. The report notes that the site is not subject to any statutory ecological designation and that there are no known statutory sites nearby. Furthermore, no national network sites (SAC, SPA, Ramsar) are located within 2.5km radius of the site. The report concludes that subject to some precautionary measures, the proposal would not lead to unacceptable impact on ecology.
- 14.5 The proposal and submitted ecology reports have been reviewed by Greater Manchester Ecology Unit (GMEU) and they 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. A bird and bat box strategy was also recommended in order to enhance wildlife/biodiversity on site.
- 14.6 Paragraph 187 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment and in line with this, 10% biodiversity net gain is mandatory under Schedule 7A of the Town and Country Planning Act, 1990 (as inserted by Schedule 14 of the Environment Act, 2021). Similarly, Policy JP-G8 (A net enhancement of biodiversity and geodiversity) of the Places for Everyone Joint Plan provides that through local planning and associated activities a net enhancement of biodiversity resources will be sought.
- 14.7 The development will result in the loss of grassland and former allotments to development as well as resulting in the loss of trees. Open space along the stream and tree planting is proposed as mitigation.
- 14.8 A biodiversity assessment and metric have been submitted with the application. The assessment and metric have been reviewed by Greater Manchester Ecology Unit and they have advised that they are satisfied with the assessment and the biodiversity net gain proposal. To secure this, GMEU have recommended that the 30 year habitat management and monitoring plan (HMMP) condition be attached to any grant of permission. This condition will need to be discharged post decision and the HMMP shall take into consideration all issues raised by GMEU in their assessment of the proposal.
- 14.9 Having regard to the foregoing, it is considered that the proposal would not lead to unacceptable impacts on trees, ecology and biodiversity.

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 that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures. 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. The policy also aims to support provision of affordable housing as part of new developments.

- 15.2 In accordance with the NPPF and local policies requirements for affordable housing as part of a major residential development, the proposal includes the provision of four affordable units. Two of the affordable units proposed would be sited on the smaller parcel with the remaining two being sited on the larger parcel. They would all have two bedrooms each. The affordable housing provision would represent approx. 19% of the total number of units to be provided on site.
- 15.3 The current target set out in policy 10 of the Oldham Local Plan is for 7.5% of the total development sales value to go towards the delivery of affordable housing, unless it can be clearly demonstrated to the Council's satisfaction that this is not viable. Furthermore, affordable housing is required to be provided on-site unless there are exceptional circumstances that would justify otherwise.
- 15.4 With regard to tenure mix, the emerging Local Housing Needs Assessment (update 2024) recommends a tenure split of 65% social/affordable rent and 35% intermediate tenure.
- 15.5 With regard to the number of affordable units to be provided, a financial viability assessment of the scheme has been undertaken and the report has been reviewed by an independent assessor. The independent assessor has confirmed that the scheme would not be financially viable if the number of affordable units sought exceeds the number proposed by the applicant. Relevant local policies allow for some waiver in the provision of affordable housing where it can be demonstrated that such provision would render a scheme unviable. As such, the number proposed in this instance is considered acceptable and the proposal would therefore 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.
- 15.6 Whilst no details of tenure split have been provided, the applicant has indicated that the affordable housing to be provided would be in accordance with the First Home requirements and would be offered to a local housing provider. The applicant has also advised that the affordable units' estimated price would be £259,000 per unit, being open market value, not discounted.
- 15.7 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.
- 15.8 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 98 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.
- 15.9 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.
- 15.10 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.

- 15.11 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 £32,937 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.
- 15.12 Policy 23 of the Local Plan requires contributions towards public open space where a development of this scale and nature is proposed. The policy however provides that this requirement can be waived where it can be robustly demonstrated that the scheme would not be viable if financial contributions towards public open space are to be paid. The applicant has demonstrated via a financial viability assessment that any financial contribution towards public open space would render the scheme financially unviable and this claim has been verified on behalf of the Local Planning Authority by an independent assessor.
- 15.13 In addition to the above, whilst it is noted that public open space plays a significant role in the wellbeing of residents in an area, it is considered in this instance that, on balance, having regard to the scale of the development and the robust landscaping scheme proposed, and also taking into consideration the provision of an area designated as public open space along the northern site boundary, the lack of contribution towards public open space would not detract from the wellbeing of existing and future residents to an extent that would justify a refusal of planning permission.

16. ENERGY EFFICIENCY

- 16.1 Policy JP-S2 (Carbon and Energy) of the Places for Everyone Joint Plan aims to deliver a carbon neutral Greater Manchester by 2038 and as a result, it is intended that a dramatic reduction in greenhouse gas emission is achieved within the region. In relation to new development, it is therefore expected that all new development should be net zero carbon, unless it can be demonstrated that it is not practicable or financially viable.
- 16.2 Whilst an energy statement which demonstrates how the proposal complies with the requirements of Policy JP-S2 has not been submitted with the application, it is considered that the issue can be addressed by way of relevant planning conditions.

17. PREVIOUS REASONS FOR REFUSAL

- 17.1 A similar proposal was refused on the site under planning ref. FUL/350791/23 on the 31st of July 2024 for two reasons. The first reason was in relation to public open space and the second was in relation to highway safety.
- 17.2 In addressing the first refusal reason, the applicant has now submitted a financial viability assessment which concludes that the scheme would not be viable if financial contributions were to be made towards public open space. The assessment has been verified by an independent assessor and with Policy 23 allowing for a waiver where it can be demonstrated that a scheme would not be viable if financial contributions were to be made, it is considered that the first refusal reason for the previous scheme has been adequately addressed and the current scheme would be in compliance with relevant provisions of Policy 23 of the Oldham Local Plan and Policy JP-P7 of the Places for Everyone Joint Plan.
- 17.3 In relation to the second refusal reason which concerns highway safety and insufficient details relating to the construction of the access road, it is noted that in this instance,

the applicant's highway consultants and the Council's Highway Engineer have worked together to come up with an acceptable proposal from highway safety and network capacity point of view and the Highway Engineer has on this occasion recommended the application for approval, stating that:

"The highway layout is acceptable in terms of access and parking provision. An existing definitive right of way will require diversion, and an acceptable alternative route has been suggested in liaison with the Councils public rights of way officer.

The proposed development will not generate an additional significant amount of traffic or demand for on street parking to the detriment of highway safety and I therefore do not object to the granting of planning permission for highway safety reasons."

- 17.4 Having regard to the foregoing, it is considered that the current scheme has satisfactorily addressed the reasons for the refusal of the previous scheme.

18. CONCLUSION

- 18.1 The site is allocated for housing development within the Oldham Local Plan and the proposal would be in accordance with relevant local and national housing policies. In addition, the proposal would not lead to any significant adverse impact on the character of the area, neither would it impact on the amenity of existing and future residents negatively. The impact on biodiversity is also considered acceptable. As such, it is recommended that the application be approved, subject to a Section 106 Agreement relating to affordable housing and biodiversity net gain as well as other conditions set out below.

19. RECOMMENDATION

- 19.1 The application is therefore recommended for approval 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall be consistent in terms of colour, size and texture with those stated on the plans and application form. REASON - To ensure that the appearance of the development is acceptable having regard to Policy JP-P1 (Sustainable Places) of the Places for Everyone Plan (2024).
 4. Prior to the commencement of the construction of any buildings hereby approved, details of a finished floor level for that building shall be submitted to and approved in writing by the Local Planning Authority. The proposed level(s) shall be defined relative to a datum or datum points, the location of which has previously been agreed in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details. REASON - To ensure

that the details of the development are satisfactory having regard to Policy 9 of the Oldham Local Plan and Policy JP-P1 (Sustainable Places).

5. Notwithstanding the plans hereby approved the development shall be built to the accessible and adaptable standard in Part M4(2) of the Building Regulations, unless it is first demonstrated to and agreed in writing by the Local Planning Authority that the specific site conditions make this impractical. Reason: Having regard to the requirements of Policy JP-H3 of the Places for Everyone Joint Development Plan Document (adopted 21 March 2024).
6. Prior to the commencement of any above ground building works, details for demonstrating that the building shall be consistent with the 2022 Part L of the Building Regulations and with the measures in TABLE 5.1 of Places for Everyone Policy JP-S2, unless it can be demonstrated that it is not practicable or financially viable, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. REASON - In order to secure a sustainable form of development having regard to Policy JP-S2 of the Places for Everyone Joint Development Plan Document.
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 report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition. REASON - In order to protect public safety, because the site is located within 250m of a former landfill site and in accordance with Policy 9 of the Oldham Local Plan.
8. No development shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition. REASON - In order to protect public safety and the environment and in accordance with Policy 9 of the Oldham Local Plan.
9. A watching brief relating to unidentified contamination shall be set up during the construction phase of the development hereby approved. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved. REASON: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site, in accordance with paragraph 187 of the National Planning Policy Framework.
10. Prior to the commencement of the development hereby approved, the applicant/developer shall submit a Construction Environment Management Plan (CEMP) which (a) details how any demolition and construction on site will be managed to control dust, noise and vibration so as not to cause health and

nuisance issues to the existing occupiers of residential and commercial sites close to the development. The plan shall reference the Institute of Air Quality Management's latest guidance on the assessment of dust from construction and demolition, (b) includes Pollution Risk Assessments and Method Statements. The Statement shall provide for:

- i) Protection of surface and groundwater resources;
- ii) Best practise on the use and storage of fuels, oils and chemicals, to remove the risk of causing pollution during construction;
- iii) the parking of vehicles of site operatives and visitors;
- iv) loading and unloading of plant and materials;
- v) storage of plant and materials used in constructing the development;
- vi) wheel washing facilities; and,
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The CEMP must be agreed in writing by the Local Planning Authority before development commences and unless otherwise agreed in writing by the Local Planning Authority any mitigation in the agreed CEMP shall be adhered to during any demolition or construction works.

REASON - to prevent development that may result in unacceptable impacts on human health, surface and groundwater resources, in accordance with Policy 9 of the Oldham Local Plan.

11. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365.
 - ii. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - iii. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - iv. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;
 - v. Incorporate mitigation measures to manage the risk to groundwater; and
 - vi. Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development. REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with relevant provisions of Section 14 of the National Planning Policy Framework.

12. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and,
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan. REASON: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with relevant provisions of Section 14 of the National Planning Policy Framework.

13. None of the dwellings hereby approved shall be occupied until the access to the site and car parking spaces for that dwelling have been provided in accordance with the approved plans (Drawing 2726-PL-700-006 Rev 20) and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles. REASON: To ensure adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

14. Prior to any above ground works being undertaken on site, an external lighting design strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall (i) show how and where street lighting will be installed and through appropriate lighting contour plans demonstrated clearly that any impacts on the potential for bats to forage or commute along the brook corridor is negligible, and, (ii) Specify frequency and duration of use. All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy. REASON: In order to protect wildlife, in accordance with provisions of Section 15 of the National Planning Policy Framework.

15. No tree or shrub clearance or demolition of any building on site shall occur 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 works and written confirmation provided that no active bird nests are present, which has been agreed in writing by the Local Planning Authority. REASON - In the interest of biodiversity, in accordance with relevant provisions of Section 15 of the National Planning Policy Framework.

16. Prior to any earthworks or vegetation clearance being undertaken on site, a precautionary working measures method statement for protection of mammals (including hedgehog and badger) and amphibians shall be provided to and agreed in writing by the Local Planning Authority. REASON – To protect wildlife, in the

interest of biodiversity, in accordance with relevant provisions of Section 15 of the National Planning Policy Framework.

17. Prior to any earthworks being undertaken on site, a method statement detailing eradication and/or control measures for himalayan balsam, rhododendron and Japanese knotweed should be supplied to and agreed to in writing by the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority. REASON: To prevent the spread of invasive species, in accordance with provisions of Wildlife & Countryside Act 1981 (as amended).
18. Prior to any above ground works being undertaken on site, a biodiversity enhancement proposal shall be submitted to and approved in writing by the Local Planning Authority. The proposal which shall include a bird and bat box strategy, shall detail how biodiversity would be enhanced on the site. The development shall be implemented in accordance with the approved biodiversity enhancement proposal. REASON - In the interest of biodiversity, in accordance with relevant provisions of Section 15 of the National Planning Policy Framework.
19. The development hereby approved shall be implemented in full accordance with the details set out in the Arboricultural Impact Assessment and Arboricultural Method Statements prepared by JCA Ltd, Arboricultural and Ecological Consultants (JCA Ref. 22966-Rev3/LW and 22966b-Rev2/LW respectively) and received on 01/12/2025 as well as the proposed landscaping plan. All hard and soft landscape works shall then be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. 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 and 21 of the Oldham Local Plan, and Policy JP-G7 of the Places for Everyone Joint Plan.
20. No above ground construction of any building hereby approved shall commence until a scheme and timetable for the achievement of on-site Biodiversity Net Gain, to include a written 30-year Habitat Management and Monitoring Plan (HMMP), has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved plan. REASON - To ensure that the proposals result in enhancement of biodiversity having regard to Policy JP-G8 of the Places for Everyone Plan (2024).

SITE LOCATION PLAN (NOT TO SCALE):

