

APPLICATION REPORT - PA/341540/18

Planning Committee, 18 July, 2018

Registration Date: 06/04/2018
Ward: Royton South
Application Reference: PA/341540/18
Type of Application: Full Planning Permission

Proposal: Proposed residential development for 28 units and associated parking
Location: Former Byron Street Infant and Nursery School, Byron Street, and former police station, Radcliffe Street, Royton
Case Officer: Luke Ashley
Applicant HNA Architects Ltd
Agent : HNA Architects Ltd

THE SITE

The application proposal is split over two distinct sites which are located in a mixed residential and commercial area. The former school site is a cleared area and adjoins the rear of housing on Radcliffe Street to the north, Cardigan Street to the west, Byron Street to the south which faces two storey flats, and commercial premises across Milton Street to the east.

The former police station site includes the land occupied by the former building and an adjoining area of open space. It is adjoined by the Royton Leisure Centre to the south, Cardigan Street to the east, Radcliffe Street to the north, across which is Royton Park, and Park Street to the west which is fronted by terraced housing.

THE PROPOSAL

The application relates to the erection of 28 dwellings and associated parking and landscaping split over the two sites in a mix of terraced, semi-detached and detached buildings with either off-street parking provided within the curtilage of the dwelling or via integral garaging.

The former school site contains 20 properties which face towards Cardigan Street, Byron Street and Milton Street, with car parking areas to the front comprising two spaces per property. The former police station site and adjacent open area will accommodate 8 properties, 4 detached and 2 pairs of semi-detached houses. All the houses are two storey, although some properties also contain rooms within the roof space.

The applicant has stated that parking in the local area was congested due to high volumes of on-street parking within the surrounding streets. To off-set this issue the proposal also includes a separate car park for 18 vehicles located adjacent to the sports centre with access from Cardigan Street. This car park will be constructed by the applicant, with ownership then transferred to the Council.

RELEVANT HISTORY OF THE SITE:

DEM/338982/16 - Demolition of the Byron Street School - Granted in September 2016
PA/335177/14 - Demolition of existing pool, police station and other commercial buildings, erection of a Leisure Centre, setting out of car park and landscaping works - Granted in April 2014

RELEVANT PLANNING POLICIES AND GUIDANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated by Paragraph 11 of the National Planning Policy Framework (NPPF) that states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case, the 'Development Plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham. It contains the Core Strategies and Development Management policies used to assess and determine planning applications.

The application site is unallocated by the Proposals Map associated with this document.

CONSULTATIONS

Environmental Health	No objection subject to conditions relating to landfill gas and ground contamination.
Highway Engineer	No objection subject to conditions relating to the provision of parking spaces in accordance with the approved plans prior to first occupation.
The Coal Authority	No objection subject to standing advice.
Greater Manchester Ecology Unit	No objection subject to conditions relating to no removal of hedgerows until a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests and for a scheme of Biodiversity Enhancement Measures.
Greater Manchester Police Architectural Liaison Unit	GMP required a number of amendments to the scheme to improve security. The scheme has since been amended.
Drainage	No objection subject to a condition relating to the provision of separate foul and surface water drainage.
United Utilities	No objection subject to conditions relating to the implementation of the works included within the FRA, and for management and maintenance of the SUDS systems

REPRESENTATIONS

The following objections have been received in regard to this proposal;

- Building on the old police station site would remove the field and trees and severely reduce views of the park;
- It will also block light and increase the need for parking on the street;
- The building work itself will cause disruption and noise, which residents have already experienced;
- There is a covenant on this land regarding its future use.

- Questions who on the council will project manage this so that residents can communicate their problems?
- Has any thought gone into where the contractors' vehicles are going to go especially when the project is nearing completion and parking on the building site is unavailable?
- When the new leisure centre was built in 2015 it was required that a lay-by was built for the essential delivery of various services to the Leisure Centre, which needs to remain;
- The potential of devaluation of adjacent properties;
- Under the impression that if building was to take place on the site of the police station it would not include the open space that adjoins Park Street where the trees are;
- There has been no opportunity for those that will be affected to have a real say.

PLANNING CONSIDERATIONS

The main issues for consideration comprise:

Principle of land use;
 Economic Viability and the provision of Open Space and Affordable Housing payments;
 Design;
 Neighbouring amenity;
 Drainage and flood risk;
 Ground conditions;
 Ecology;
 Access and Parking;
 Energy;
 Comments on Representations.

Principle of land use

A key objective of DPD Policies 1, 3, 5 & 11 is the effective and efficient use of land by promoting development on previously developed sites in accessible and sustainable locations, above greenfield sites. This echoes the advice offered in the NPPF at Paragraph 17 which states that the core planning principles include encouraging the effective use of land by reusing previously developed land. The sites were previously occupied by a school and a police station, with the exception of a small area of open space. The majority of the site area would therefore fall within the definition of 'previously developed land' set out in the NPPF. The NPPF also guides the Council in regards to providing a wide choice of high quality homes.

The Council's Annual Monitoring Report (AMR) sets out the potential housing land supply and has identified individual sites and wider local areas for housing development. This latest AMR is for 2016/17 and both of the sites covered by the application have also been identified within the Strategic Housing and Land Availability Assessment (SHLAA) (2012) as potential sites for residential development.

The former police station site is identified in the SHLAA for a smaller area than the application site, as it excludes the open space area, which at the time formed part of the leisure centre site. The landscaped land adjacent to the former police station and leisure centre is identified within the Open Space Study as Amenity Greenspace.

The Council seeks to make the borough an 'address of choice'. To achieve this, a range of attractive accommodation must be provided to suit all housing requirements by providing high quality, choice and diversity in new residential developments.

DPD Policy 3 requires major residential development to have access to at least three key services. As a guide, 'access' is currently defined as being within approximately 480

metres or approximately ten minutes walk time to a key service. With regard to accessibility, Policy 5 'Promoting Accessibility and Sustainable Transport Choices' states that development should be focused in the most accessible locations and that use of public transport, walking and cycling should be encouraged.

Given the sustainable location of the site; its close proximity to a range of key services (notably Royton Leisure Centre, Royton Health Centre, Royton District Centre and Shaw Road Business Employment Area (BEA8) and public transport routes, the scheme is acceptable in land use and sustainable development terms and has significant economic, environmental and social benefits.

In addition, and in specific regard to criteria ii) of Policy 3 which states that proposals shall contribute to the delivery of the borough's regeneration priorities, the proposal directly results in bringing forward an identified Regeneration Development Opportunity site, and has been marketed as such by the Council's regeneration team.

It is therefore considered that the principle of residential development on this site is justified. The application provides much needed housing to the borough in a location which is well served by local services and transport links and is clearly considered as a sustainable location.

Economic Viability and the provision of Open Space and Affordable Housing payments

It should be noted that the applicant is re-assessing the position in regard to off-site payments in relation to affordable housing and public open space (POS). At the time of writing this report, the figures relating to affordable housing and POS are yet to be agreed, and an update will be provided to Members at the Committee meeting.

Affordable Housing

Developments of 15 dwellings or above must be considered under DPD Policy 10 which sets out a target 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. As such, the applicant must provide evidence, via the submission of a viability report, of how the scheme satisfies the affordable housing requirements.

The viability assessment submitted by the applicant states that they have compared the return generated by the development, taking into account the associated land cost and measured this against a market return on gross development value of 20%. The report goes on to state that the findings of the assessment clearly demonstrate that even without any Section 106 payments, viability is a significant issue for this scheme and as such the imposition of any contributions would further exacerbate the viability concern.

This is a material consideration within the assessment of the scheme, in that it would be unreasonable for the local authority to impose such an additional cost and thereby remove any incentive to develop the site. The authority has assessed the findings of this viability statement and has found that a payment should be required. As noted above, negotiations are continuing between the applicant and the Council, the outcome of which shall be presented to members at the Committee meeting.

Open Space

DPD Policy 23 requires 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 it is not practicable or desirable.

The landscaped area adjacent to the former police station and leisure centre was originally included within the application for the adjacent leisure centre as landscaped land and is identified in the Open Space Study as Amenity Greenspace. Therefore, the applicant is required to justify the loss of the open space in accordance with Policy 23.

If the loss was deemed acceptable, a contribution to open space provision would need to be provided to compensate. As the Design and Access statement recognises the site is somewhat limited in size and there are other well established open spaces nearby it may be appropriate for an off-site contribution to open space; however this would need to be fully justified in relation to the policy criteria. Those criteria contained within Policy 23 are as follows;

Development of a site that is currently or was most recently used as open space will be permitted provided it can be demonstrated the development brings substantial benefits to the community that would outweigh the harm resulting from the loss of open space and;

- a replacement facility which is at least equivalent in terms of usefulness, attractiveness, quality and accessibility, and where appropriate quantity, to existing and future users is provided by the developer
- if replacement on another site is neither practicable nor desirable, an agreed contribution is made by the developer to the council for new provision or the improvement of existing open space or outdoor sport and recreation facilities and its maintenance within an appropriate distance from the site, or within the site

Whilst Policy 23 supports the protection of open spaces, it should also be read that not all spaces are of equal merit and that some can be made available for alternative uses, providing an opportunity to remedy deficiencies in the quality, quantity and accessibility of open space provision.

In this particular instance the pocket of land is primarily used as a cut through from Park Street and on to Radcliffe Street, as evidenced by the pedestrian desire route which is visible cutting across the site. There are 2 benches which could serve local residents, however, it is considered much more likely that those residents would opt to use the adjacent Royton Park for recreational purposes.

When weighed against the merits of the planning application, it is considered that the loss of this open space should not weigh against any approval. However, unless it can be demonstrated that the scheme would be unviable, a financial contribution towards off-site public open space will be required.

Design

DPD Policy 9 requires that new development does not result in a significant, adverse impact on the visual amenity of the surrounding area or significantly harm the amenities of occupiers of existing or future neighbouring properties, whilst Policy 20 includes the requirement that development proposals should promote high quality design and reflect local character. In addition, the Core Planning Principles within paragraph 17 of the NPPF seek to ensure high quality design and a good standard of amenity for existing and future occupants of land and buildings.

Both plots are bounded by a mix of buildings, with a variety of building materials used. It is recognised that any development providing residential units should match the scale and massing of the surrounding residential uses and in this regard the proposal illustrates traditional two storey dwellings with hipped roofs. These are laid out with clear building lines fronting onto the nearest public highway with gardens contained to the rear and screened from public view / access. This traditional arrangement is considered appropriate for this location, and the approach to developing separate blocks of buildings also follows the wider street plan in this part of Royton.

The main Radcliffe Street elevation which bounds the site from the adjacent Royton Park requires a high quality street scene to be provided along this attractive street frontage. The application provides a well-defined street frontage, with an appropriate mix of detached and semi-detached dwellings.

The elevational drawings submitted also illustrate a positive approach having been taken in regard to the main front elevation of each unit. The use of bay windows, moderately scaled dormer windows, covered front porches, stone lintels and soldier course brickwork provide relief to each elevation and points of interest which are otherwise not evident within the surrounding vernacular. Although differing from the existing house types which are currently in-situ, these dwellings will be considered attractive additions to the street scene.

In design terms, the loss of the existing open space along the Radcliffe Street elevation has a potential adverse impact on the street scene. However on balance, the wider improvements made to the public realm are considered to outweigh this loss. Moreover, the open character of this part of Radcliffe Street is not compromised to such an extent that a refusal on design grounds would be warranted, given the spacing provided between each unit, the set back provided from the main highway and the existence of the adjacent park which still provides the dominant visual open space.

Neighbouring Amenity

With regard to the relationship with the houses on Park Street, any views of the gable of the nearest house will be oblique only due to these properties being set further south from this nearest plot. The primary views would therefore be towards the proposed rear garden area, and therefore the separation between both the new and the existing dwellings is considered appropriate. The resulting street pattern would not feel cramped or oppressive and as such the amenity of these neighbours is not considered as having been compromised.

The dwellings set along Byron Street face out towards the rear of an apartment block (Runnymede Court) and provide a separation distance of 21.5m. This distance allows for privacy to be retained to the existing and future residents and would not introduce a built form which appears cramped and oppressive. As there are no detrimental implications in regards to residential amenity at this location due to the appropriate interface distances having been maintained between these two opposing elevations, there are therefore no objections raised in regard to residential amenity.

The rear of those existing dwellings fronting onto Radcliffe Street will face either the rear gardens of the proposed houses or the gable walls of new properties. As these will be set a minimum distance of 13 metres away, this relationship is considered to be acceptable.

No further residential properties would be directly affected by the development, and therefore the proposals would satisfy the objectives of DPD Policy 20.

Drainage and flood risk

The Strategic Flood Risk Assessment and the EA Flood Risk Maps indicate that both sites are in Flood Zone 1 which is classified as having a 'very low' probability of flooding. A Flood Risk Assessment (FRA) is therefore not required; however the applicant has provided a brief FRA, drainage strategy and details of sustainable drainage (SUDS).

The drainage systems will be designed to ensure that the site does not impact on the existing sewer system other than as permitted by the local water authority with the use of suitable attenuation and hydro brakes. Permeable pavement SUDs will be incorporated into the drainage design for private parking areas and piped drainage systems for roof water with flows restricted to 5 l/s and appropriate attenuation provided within the drainage systems.

The Council's Drainage team and United Utilities have raised no objection to the contents of the FRA or Utilities Statement and are content to condition the application in regard to the submission of a detailed drainage scheme prior to the commencement of development.

Ground Conditions

The sites were previously occupied by a school and police station. Therefore the sites are likely to have been filled and regraded and made ground deposits may be present beneath the sites. A Phase 1 Desk Study accompanies the submission and has been assessed by Environmental Health. The general findings of this study indicate that the potential risks associated with landfill gas and ground contamination are limited, and that subject to the relevant testing and monitoring prior to development any risk can be mitigated. Environmental Health have found no reason to doubt these findings and recommend works to be undertaken to address both landfill gas and ground contamination prior to the commencement of development.

Ecology

The information submitted with the application includes an ecology survey, arboricultural method statement and an arboricultural impact assessment. The conclusions of each of these supporting documents indicate generally low ecological interest and Greater Manchester Ecology Unit (GMEU) concurs with these findings. The response from GMEU notes that the site supports some trees, scrub and a hedgerow that may be used by nesting birds and advises that conditions be attached to any permission in regard to the provision of a detailed check of vegetation for active birds' nests immediately before the vegetation is cleared. In addition it is recommended that any approval shall include measures for biodiversity enhancement.

Access and Parking

The application has been assessed by the Highways Engineer. It is recognised that the proposed development is in a sustainable area, with good links to public transport and access to a wide range of local amenities. In relation to the parking arrangements proposed, it is noted that each dwelling will have two dedicated parking spaces, and a small car park is proposed which will accommodate vehicles displaced from the highway. There is currently a high demand for on-street parking along Byron Street, Cardigan Street, Milton Street and Radcliffe Street, and there are existing Traffic Regulation Orders in place to control on street parking in the area.

The Traffic Regulation Orders will require amendment to accommodate the proposed development, and a Section 106 contribution of £6,000 will be required for this. This will involve the signing and lining requirements and advertising costs. Additional waiting restrictions will be required to afford visibility to the proposed driveways along Byron Street

and Cardigan Street.

The Highways Engineer does not expect that the introduction of an additional 28 dwellings will generate a significant amount of traffic in the area to the detriment of highway safety, and is satisfied that, with amendments to the Traffic Regulation Orders, parking provision can be maintained at an acceptable level in the area. There are no reasons to object to planning permission being granted for highway safety reasons.

It should also be noted that the car park being provided by the applicant to be sited adjacent to the existing leisure centre will be transferred over to the Council. This asset transfer forms part of a separate agreement attached to the sale of the land.

Energy

Joint DPD policy 18 states that residential developments of over 10 dwellings will be required to reduce energy emissions in line with Part L of the Building Regulations through compliance with a rising scale of 'Code Level' ratings assessed against the Code for Sustainable Homes. However, National Planning Practice Guidance makes clear that, with the exception of legacy cases, the Code for Sustainable Homes has been withdrawn.

Given the above, it is considered that there is conflict between the requirements of DPD policy 18 and national guidance which post-dates the policy and therefore such a requirement cannot be imposed.

Comments on Representations

The objections received against this proposal raise a number of additional issues.

In relation to land values, this is not something which can be controlled via the land use planning system and accordingly is not material to the determination of this proposal.

Concerns were also raised in relation to the construction process and how this will affect local residents. This concern is more effectively dealt with under environmental legislation enforced by the council's Environmental Health team.

With regard to the concerns raised in regard to how the application was publicised, it can be confirmed that the development was advertised by site notice adjacent to the land and individual letters were sent to those residents adjoining the site. These actions accordingly fall within the statutory requirements and the Council's Scheme of Community Involvement.

Conclusion

The application seeks full planning permission for a residential development of up to 28 dwellings with associated car parking located on two separate sites previously used as a school and as a police station.

The proposed residential development would contribute to boosting the borough's supply of housing land in a sustainable location and would make provision for family homes in accordance with the Council's wider regeneration objectives. The indicative layout demonstrates that the amount of development proposed can be accommodated on the site without harming the character and appearance of the area by virtue of its layout, scale, pattern and density, and that an appropriate relationship can be achieved with surrounding occupiers to ensure that it has no adverse impact on the amenity and living conditions of adjoining occupiers through loss of outlook, privacy or daylight.

The development would provide a safe and suitable means of access for all highway users and the proposal would not have a severe residual cumulative impact on the highway network, either adjacent to or further away from the site.

Appropriate contributions would also be secured towards highway improvements, affordable housing and open space proportionate to the development's size and scale, and accounting for viability constraints. Measures would also be put in place to ensure that the development has no adverse impacts with respect to ecology, flooding and contamination.

The proposal is therefore in accordance with the requirements of the relevant policies in the Joint Core Strategy and Development Management Policies Development Plan Document and the National Planning Policy Framework.

RECOMMENDATION

It is recommended that Committee resolves (1) to approve the application subject to the conditions set out below and to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure the following:

(i) A commuted sum payment of £6,000 towards the implementation of an amended Traffic Regulation Order to cover signing and lining requirements and advertising costs, with additional waiting restrictions along Byron Street and Cardigan Street.

(ii) A commuted sum payment, in respect of affordable housing and public open space, details of which shall be confirmed to the Committee members

(2) To authorise the Head of Planning & Development Management to issue the decision notice upon satisfactory completion of the agreement.

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 the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the approved plan and specifications, received on 4th July 2018, which is referenced as follows

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and those plans received on 12th March 2018 and referenced as follows;

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1222/102
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Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. 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.

4. 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.

5. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of biodiversity and the protection of species.

6. Prior to the commencement of any development, a scheme of Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and the measures shall be retained thereafter.

Reason - In the interests of biodiversity and the protection of species.

7. The drainage for the development hereby approved, shall be carried out in accordance with the principles set out in the submitted Flood Risk Assessment (Ref No. 1238/SJG, dated 5th March 2018) which was prepared by Build Vision. No surface water shall drain directly or indirectly into the public sewer. Any variation to the discharge of foul drainage shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason - To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

8. Prior to occupation of the development, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason - To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

9. No development shall take place unless and until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located.

10. No dwelling shall be brought into use unless and until the access and car parking space for that dwelling has been provided in accordance with the approved plan received on 4th July 2018 (Ref: Dwg No.1222/001 Rev F). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that 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.

11. All hard and soft landscape works for the site as illustrated within the plan referenced 1222-001-Rev F as shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance 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.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no windows or other openings permitted by the Order shall be inserted in the side elevation of the approved dwellings which are set adjacent to 60 to 78 Radcliffe Street without the prior written consent of the Local Planning Authority.

Reason - To protect the amenities of the occupiers of nearby properties.

..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**

Royton Park



