

APPLICATION REPORT - PA/341410/18

Planning Committee, 19 September, 2018

Registration Date: 13/02/2018
Ward: Saddleworth South

Application Reference: PA/341410/18
Type of Application: Full Planning Permission

Proposal: Erection of four, three storey dwellings, and associated tree felling and landscaping.

Location: Land at Chew Valley Road, Greenfield, Oldham

Case Officer: Graeme Moore

Applicant Mr Taylor
Agent : Latham Architects

THE SITE

The application site comprises 0.38ha of land and is located on the north side of Chew Valley Road. Residential plots adjoin the site to the north. Opposite to the proposed site, on the south side of Chew Valley Road is a large open space associated with Greenfield St Mary's Primary School, the main building of which is set back from the street line. Fronting the south boundary of the street is a recent residential development located further towards the east.

There are no buildings on the application site and there is no evidence of previous development. There is an Area Tree Protection Order (TPO) in force which protects all the trees within the site boundary. The site topography falls approximately 3.5m towards the south-east with the entire north-west boundary elevated higher than the southern boundary adjacent to Chew Valley Road.

The application site is located immediately to the east of Greenfield's historical core. The site lies within an established residential area that has grown significantly since the inter-war period when large areas throughout the village were developed.

Buildings within the area are predominantly two storeys high with a few 21st century additions of up to three storeys in height. Predominately buildings have simple gabled roofs but hipped roofs are also present within some of the inter-war period developments.

The site is within 5-10 minutes walking distance from the Greenfield village centre. It is also easily accessible by public transport.

THE PROPOSAL

The proposal is for the construction of four, three storey dwellings, four bedroom, with associated works that include the felling of 65 trees.

The dwellings are proposed on a north / south axis, with the principal and rear elevations on an east / west axis. Access to the site is provided via a private drive from Chew Valley Road, whilst parking provision will be provided for two cars (one space, plus the garage).

In addition to the submitted plans the following documents have been submitted as supporting information:

- A Design & Access Statement (D&A);
- A Flood Risk Assessment (FRA); and
- Arboricultural Assessment (AA).

PLANNING HISTORY

None relevant to the determination of this application.

ALLOCATION AND PLANNING GUIDANCE / POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF 2018). The revised National Planning Policy Framework was published on 24 July 2018 and the policies within the revised Framework are material considerations which should be taken into account in dealing with applications

The site is not allocated for any specific use within the Council's adopted Local Development Framework (LDF), it is however covered by an area Tree Preservation Order (TPO)

The following policies of the Council's LDF are relevant to the determination of this application:

Joint Core Strategy and Development Management Policies Development Plan Document adopted 9 November 2011 (the 'DPD')

Core Strategy

Policy 1 Climate Change and Sustainable Development
Policy 6 Green Infrastructure

Development Management Policies

Policy 9 Local Environment
Policy 19 Water and Flooding
Policy 20 Design
Policy 21 Protecting Natural Environmental Assets

National planning guidance

The National Planning Policy Framework (NPPF) and the accompanying technical guidance document.

The National Planning Practice Guidance (NPPG)

PUBLICITY AND REPRESENTATIONS

The application was 'called in' for determination by former Councillor McCann on the following grounds:

- The proposed development would result in the loss of TPO trees;
- The immediate surrounding area is noted for flooding and the proposal could worsen the situation; and,
- Access to the site will be from Chew Valley Road and opposite the primary school, which could lead to conflict between pedestrians at school picking up and dropping off times.

Saddleworth Parish Council object to the application on the following grounds:

- The proposal will have an adverse effect on the trees, all of which are subject to

TPOs. Even with additional planting and the proposed landscape strategy, this will create a substantial gap in the attractive tree screen currently running along the whole length of site boundary to Chew Valley Road. Removal of the trees and the erection of dwellings will have a significant detrimental impact on the street scene and the character and visual amenity of the area. They consider the loss of this "beauty spot" would be wrong.

- They also have concerns about the safety of the pupils of St. Mary's Primary School, particularly at school opening and closing times along this stretch of the road. The addition of a further junction will create an unacceptable further hazard. The current footpath is only on one side of Chew Valley Road and part of this will be taken away by the proposal.
- There is also a safeguarding issue as the proposed houses will directly overlook the school and playground.
- The application states that the site is in a low flood risk zone. However, all residents and road users in the area know that it is renowned for flooding.
- Removal of the trees is contrary to the recommendations in "Valuing Oldham's Urban Forest 2017" (the i-Tree Eco project).

The application has been publicised on the Council's web-site, by press advertisement, neighbour notification and by site notice. 25 letters of objection were received, objecting on the following grounds:

Tree Loss

- The proposed development will remove over 25% of the tree belt, which will destroy their positive visual effect and the proposed houses will introduce a jarring and incongruous note into the street scene.
- The trees support an abundance of wildlife

Design

- The houses will introduce an incongruous and discordant element in the street scene, since the houses will be isolated from any surrounding built development, from Chew Valley Road.
- The trees form an attractive outlook from the rear rooms of properties on St Mary's Drive.

Amenity

- There will be a serious reduction in the amenity enjoyed by the occupants of the adjacent houses if the trees are removed and the four dwelling houses provided. The removal of the trees will open up the land to the rear and effectively expose the rear of the houses to the wider area.
- Increased noise and activity from Chew Valley Road will be introduced to what are now pleasant, peaceful gardens and rear rooms of the St Mary's Drive houses.
- The close proximity of the new dwelling houses and the lighting, noise and general activity in and around the domestic properties, will reduce the occupants' enjoyment of the St Marys Drive properties, in particular the use of rear gardens.

Flooding

- This part of Chew Valley Road, is subject to flooding during periods of heavy rainfall. At such times, traffic is diverted along St. Mary's Way due to the depth of water on Chew Valley Road. This is a situation known to the fire brigade, the police and the highway authority. The development, despite sustainable drainage systems, is likely to contribute to the risk of flooding due to the introduction of additional hard surfaces.

Highways

- The proposal will have an unacceptable impact upon highway safety.

CONSULTATIONS

Highways Engineer: No objection, subject to conditions.

Trees: Object to the proposal due to the loss of protected trees.

LLFA / Drainage: No objections, subject to conditions in relation to drainage.

Environmental Health: No objection, subject to conditions in relation to provision of waste storage facilities, landfill gas and contaminated land.

ASSESSMENT

Land Use

The Government published in 2018 a Housing White Paper entitled - 'Fixing Our Broken Housing Market'. The document outlined, amongst other things, the governments commitment to boosting housing supply to 300,000 homes a year. In order to achieve this number of homes built per year, the government committed to revising the NPPF, which was recently revised and published on the 24th July 2018.

Paragraph 11 of the NPPF (2018) makes clear that *"housing applications should be considered in the context of the presumption in favour of sustainable development [as set out in footnote 7 of the NPPF]. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

Paragraph 73 of the NPPF (2018) requires local planning authorities to *"identify and update annually a supply of specific deliverable sites the specific sites should, in addition, include a buffer:*

- a. 5% to ensure choice and competition in the market for land; or*
- b. 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plans, to account for any fluctuations in the market during that year; or*
- c. 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply"*

Policies 1(a) and 11 of the Joint DPD indicate that, when determining planning applications, the Council will ensure the effective and efficient use of land and buildings by promoting the reuse and conversion of existing buildings and development on previously developed land prior to the use of greenfield sites.

With respect to housing, Joint DPD policy 3 identifies a preference for residential development on previously developed land prior to the release of greenfield sites, with a target for 80% of housing to be constructed on previously developed land. However, the policy does, make an allowance for the remaining 20% to be delivered on greenfield sites and, accordingly, does not seek to impose a moratorium against the release of greenfield sites for residential development.

Joint DPD policy 3 sets out the Council's approach to assessing applications for residential development. The policy states that applications for residential development will be permitted where:

- (a) the site is allocated for residential development or mixed-use and has come forward in line with the council's approach to phasing; or
- (b) the site is allocated for residential development or mixed-use and has come forward prematurely from the phasing set out in the Site Allocations DPD and does not undermine other national and local guidance and policies: and
 - (i) a deliverable five-year supply of housing land cannot be demonstrated; or
 - (ii) it contributes to the delivery of the borough's regeneration priorities; or

(iii) it contributes to the delivery of affordable housing that meets the local affordable housing needs.

Policy 3 makes clear that proposals for residential development on non-allocated sites will be considered favourably where the three circumstances in criterion (b) are applicable, or it is for a small development, comprising a change of use or conversion or a site not identified in the Council's SHLAA.

Joint DPD policy 3 identifies an annual, boroughwide housing target of "at least 289 dwellings per year, net of clearance, on average over the LDF plan period up to 2026." The applicant has contended that the council cannot currently demonstrate an up to date 5 year housing land supply, based upon recent appeal decisions and the draft GMSF. With reference to the latest household projections and adjustments for economic growth and market signals, the applicant contends that the delivery of the new housing proposed by the development would provide a boost to the housing supply in the district.

The housing land supply position set out in the AMR is based on the target of 289 dwellings per annum in Joint DPD policy 3. However, Policy GM5 to Chapter 8 of the latest draft of the Greater Manchester Spatial Framework (GMSF), dated October 2016, identifies an objectively assessed housing need of 685 dwellings per annum for Oldham, some 396 above the figure in policy 3 of the Joint DPD. Additionally, the government's own standard housing methodology proposes a target of circa 716 dwellings per annum. Whilst the GMSF is an emerging plan, it provides the most up-to-date evidence with respect to OAN for each district in Greater Manchester and these targets have been utilised by Inspectors when assessing whether a Council is able to demonstrate an adequate supply of housing land.

For example, in allowing an appeal in Bolton following a Public Inquiry (ref APP/N4205/W/15/3136446), paragraph 24 of the Inspector's decision states that:

- *"Consultation on the draft vision, strategic objectives and strategic options for the GMSF along with the evidence base took place between November 2015 and early January 2016. A detailed analysis of housing need is included within the evidence base. This identifies a scenario which it indicates is considered to represent the Objectively Assessed Need for Greater Manchester and its individual districts. It explains that, because of the complex functioning of housing and labour markets within Greater Manchester, the relatively small distances involved in most migration and commuting, the issues of district identity and the availability of population and household data, the most appropriate unit of analysis below the Greater Manchester level is the individual districts. It indicates that the need in Bolton is for 965 dwellings per year over the period 2012 to 2035. The Council agrees that this figure is the outcome of a PPG compliant exercise and amounts to the best evidence of [a full, objective assessment of need] figure for Bolton."*

The GMSF is an emerging policy document which is at an early stage of preparation. It has not been through the full public consultation exercise and has not been subject to independent examination. Accordingly, it can carry only limited weight in the decision making process. Nevertheless, having regard to the example from Bolton above, it is apparent that the evidence base which informs the GMSF is being applied by Inspectors during the appeal process.

The Council's 2016-17 Monitoring Report indicates that, as of 1 April 2017, the five-year supply contains sufficient land to accommodate 2,743 dwellings, which provides a 6.55 year supply of deliverable housing land against the housing requirement set out in the Local Plan.

A partial update of the council's Strategic Housing Land Availability Assessment (SHLAA, 2017) also illustrates that there is sufficient potential housing land supply (8,492 dwellings) to meet the borough's housing requirements over the plan period.

It is acknowledged, that the Council's current five-year supply is not certain to meet proposed housing requirements in the draft GMSF (685dpa) or that set out in the

Government's 'Planning for the right homes in the right places' which has recently been consulted upon (716dpa). The revised NPPF, also requires local planning authorities to apply the standard CLG methodology when identifying the local housing need for the area. However, it is important to note, that these are still in draft / consultation form. Nevertheless the evidence supporting the draft GMSF and the recent Government consultation indicates a housing requirement for Oldham of between 685 and 716dpa.

The GMSF identifies a housing target for Oldham which is more than double that set out in DPD policy 3. Whilst the applicant has not provided any objective assessment which attempts to demonstrate that the Council is unable to demonstrate a five year supply of housing, the delivery of four new dwellings on the site would contribute to boosting the supply of housing land in the borough and that this is a factor which weighs significantly in favour of the scheme for the purposes of paragraph 73 of the NPPF (2018).

With respect to the remaining criteria in Policy 3 (ii) and (iii), it is apparent from the type and density of housing shown on the indicative layout the development would deliver larger family homes and higher-value housing which meet the needs and aspirations set out in criteria (a) and (c) of Joint DPD policy 11.

Whilst Joint DPD policy 3 seeks to deliver of the majority of new housing in the borough on previously developed land, it recognises that an allowance will need to be made for windfall development on greenfield sites. Therefore, there is no moratorium on the release of greenfield sites for housing development. As set out above, the housing target identified in Joint DPD policy 3 is below that indicated in the draft GMSF which provides the most up-to-date assessment of OAN. Whilst the GMSF is an emerging policy document and the applicant has not submitted any specific evidence which states, explicitly, that the Council is unable to demonstrate a five year supply of housing land, it follows that the development would boost the supply of housing in the borough which would contribute to a continued and robust supply with respect to the target cited in the GMSF which has been applied in recent appeal decisions elsewhere in Greater Manchester. The development would also contribute to the delivery of larger, high-value housing for the purposes of criterion (ii) to DPD policy 3.

Given the emphasis on promoting sustainable development and the need to boost housing supply in the borough, the applicants submitted further evidence which outlined the following, economic, social and environmental benefits of the scheme:

Economic: The development will bring about economic benefits for Greenfield and the district by introducing new residents that can help support the local economy generally and services in particular. Delivery of new homes in the Oldham area is a key contributor that will allow the authority to sustain a strong, responsive and competitive economy. There is a bus stop on the site frontage to Chew Valley Road which is served by the local bus service offering regular service to Oldham through to Manchester.

Social: The site is currently not accessible and has no social amenity value. The result of which is an unmanaged, densely planted site with limited biodiversity (see environmental paragraph). The northern boundary suffers from encroachment from neighbouring properties along St Mary's Drive and has been used for fly-tipping in the recent past. It is proposed that by establishing a residential use for the land, the development provides structured amenity (albeit private) as well as an opportunity to define the site provide much needed housing in this sustainable location.

Environmental: The loss of trees in this location due to development is deemed to be acceptable when considering the overall benefit the dwellings will bring to the land itself in terms of environmental contribution. The plantation is densely planted, overshadowing the under-storey with inadequate daylighting which does not provide the best quality for undergrowth planting to flourish. Many of the trees are in poor condition and require maintenance (and in some cases removal), especially along the Chew Valley Road boundary where the trees overhang the road and footpath.

In general, officers do not disagree with the benefits outlined above and in the consideration of the scheme, the benefits as outlined can be given weight in the decision making process.

Having considered the merits of the proposal, it is considered that the use of the site for residential purposes is acceptable in principle.

Design

Guidance within Section 12 ('Achieving well designed places') of the NPPF (2018) document is relevant, together with policies 1 (Climate Change and Sustainable Development), 9 (Local Environment) and 20 (Design), which provide guidance on the design of new development are relevant to the assessment of this application.

Site layout –

The site layout will result in the loss of approximately 65 trees, which are protected by an area TPO, of varying quality ranging from class B (trees that are worthy of retention) to U (trees that are dead, diseased or dying).

The dwellings themselves are laid out in a 'link-detached' form, being connected in pairs by the garage of the dwellings fronting on to Chew Valley Road. Both plots 1 and 4 are arranged so that the principal elevation faces towards the courtyard arrangement for the site, but also respond positively to the Chew Valley Road frontage, with a considered elevational and fenestration response so that the street is not left with a blank elevation facing it. Furthermore, the elevational response to Chew Valley Road, will also help aid in natural surveillance of the area.

Building design –

The dwellings are proposed to be constructed out of natural stone, with timber cladding utilised in certain locations in order to break up the massing of the building. UPVC windows are also proposed with dark grey surrounds. Given that the prevailing character of dwellings in Greenfield is one of stone properties and two to three storey properties, the design of the proposed dwellings is not considered to be out of character with the area.

The submitted D&A indicates various designs were considered with the massing and the challenge of creating strong frontage to Chew Valley Road being a particular challenge, whilst also creating a sense of place for the private court and front gardens of each dwelling.

It should also be noted that it is considered that the proposed dwellings are of some architectural merit, being as they are bespoke and intended to minimise the impact on the site. Particular care is considered to have been given to the design of the dwellings in relation to the roof lines, how the dwellings relate to the ground and the location of the windows on the upper floors. Furthermore, the general scale and massing proportions of the proposed dwellings are considered to be modest, rather than trying to accommodate the largest dwellings on the site. Overall, the submitted proposed demonstrates a considered response to the constraints of the site.

Landscaping & boundary treatment–

It is noted that the gardens for the dwellings have been kept to a minimum, in order to minimise the number of trees lost on the site. To further enable the impact of the scheme to be mitigated, the applicant has submitted a comprehensive landscaping scheme. The submitted landscaping scheme details 10 trees being planted along with significant hedge planting to line the northern boundary of the application site and the rear boundaries of properties on St Mary's Drive. In addition, further wild flowers will be planted/seeded. In relation to the boundary treatment, the existing boundary to Chew Valley Road will remain in the form of a stone wall, whilst in between the properties there is intended to be a mix of hedges and timber fences.

Design conclusion –

Policy 20 of the DPD states that amongst other things, proposals should not conflict with the

character of the area, be sustainable, promote ease of movement and legibility amongst other things. When assessing the proposal and the elements it will introduce as noted above, it is considered that the proposal supports the aims of policy 20.

A number of objections have argued that the scheme will introduce a discordant and incongruous feature in to the streetscene. It is also argued that the proposal will lead to a loss of outlook from the rear of the properties on St Mary's Drive. However, the loss of a view, is not a material consideration in determining planning applications. Whilst these are considered to be reasonable objections to the proposal, taking into account its overall setting, it is considered that the introduction of four dwellings in this site is a measured response to the constraints and opportunities of the site and therefore acceptable.

The proposed landscaping and boundary treatments will further help ameliorate the impact of the proposal. Therefore, in taking account of the context and character of the site and surrounding area, it is considered that the overall design concept, the layout of the site and the scale and design of the building and associated infrastructure are acceptable. Suitably worded planning conditions could be imposed to ensure that any outstanding details are submitted to and approved in writing by the LPA. Overall, it is considered that the visual and physical impact of the proposed development would be acceptable and in accordance with the aforementioned national planning guidance and local planning policy.

Amenity

Turning to the impact of the properties on the existing dwellings on St Mary's Drive, it is considered that this will be minimal. This is due to the distance and elevational differences between the plot and the dwellings on St Mary's Drive. There is a distance of approximately 16m between the side elevation of the nearest proposed dwelling and the nearest affected dwellings located on St Mary's Drive. For the record, the following distances have been recorded:

Nearest point to site boundary

4 St Mary's Drive = 11 metres
6 St Mary's Drive = 12.5 metres
8 St Mary's Drive = 14 metres
10 St Mary's Drive = 18 metres

Nearest point to car port/balcony

4 St Mary's Drive = 13 metres (Plot 2)
6 St Mary's Drive = 15.5 metres (Plot 2)
8 St Mary's Drive = 19.5 metres (Plot 3)
10 St Mary's Drive = 21.5 metres (Plot 3)

Nearest point to main house

4 St Mary's Drive = 16 metres (Plot 2)
6 St Mary's Drive = 18 metres (Plot 2)
8 St Mary's Drive = 21.5 metres (Plot 3)
10 St Mary's Drive = 24 metres (Plot 3)

Furthermore there is only one window on the northern elevations of both properties which serve a bathroom.

Amenity conclusion

It is noted that the drawings indicate that the garage roofs of all the properties could be used as a roof top terrace, which would normally give rise to concerns in relation to overlooking. However, due to the differences in land levels, even if the properties closest to those on St Mary's Drive, choose to use the garage roofs as terraces, they would not be able to overlook the private amenity space to the rear of properties on St Mary's Drive, due to the

difference in land levels (whereby those on St Mary's Drive are level with the first floor of the proposed properties). Nevertheless, should this be a concern to members, a condition could be applied to any permission either requesting a level of screening or preventing the use of the areas as roof top terraces.

Additionally, it is considered that in order to protect the architectural integrity of the proposed dwellings and the amenity of the surrounding area and properties, that permitted development rights are removed from the dwellings once they are occupied. A condition is recommended which reflects this.

The proposed location, scale, massing of the dwellings would have no impacts upon any surrounding building or properties in regard to loss of privacy, overlooking, loss of light overshadowing or have an overbearing or oppressive impact. It is considered that the proposal will not lead to an unacceptable impact on the neighbouring properties amenity, by virtue of the distances involved. It is therefore considered that the proposal does not conflict with the aims of policies 9 and 20 of the DPD.

Trees

National guidance within paragraphs 175, 176 and 177 of the NPPF (2018) are relevant, together with DPD policies 1, 6, 9 and 21.

The application was submitted with an Arboricultural Assessment (AA) which outlines the following:

- In order to facilitate the development it will be necessary to remove **T32, T33, G36** (21, sycamore and ash trees), **T37, T38, T39, T41, T42, T43, T44, G45** (31, horse chestnut and sycamore trees), **T46, T47, T48** and **G49** (13, horse chestnut and sycamore trees). These trees are confined to an area measuring approximately 35m x 17m at the north western end of the site. The entire length of this stretch of Chew Valley Road is over 200m.
- Of the trees proposed to be removed, **G36, T38, G45, T48** and **G49** (67 trees) fall into retention category 'C' (trees of low quality) and **T32, T33, T37, T39, T41, T42, T43, T44, T46** and **T47** (10 trees) fall into retention category 'B' (trees of moderate quality).

Whilst the development will require the removal of approximately 65 trees within the central area of the site, it should be noted that a tree planting scheme of at least 18 trees and hedgerows is included within the proposals. The applicants state that this will act to mitigate tree losses, improve the visual and ecological benefits of the site and provide increased species and age diversity to the local treescape and amenity of the area.

Policy 6 – Green Infrastructure - is a core strategy policy. It refers to Oldham's rich and vast built and natural environment. These include a range of nature conservation areas and other natural assets. It states that:

"We will value our local natural, built and historic environments, green infrastructure, biodiversity, geodiversity and landscapes, and their wider settings."

The Policy includes a number of criteria that control and guide development including, the most relevant to this application being;

"Development proposals, where appropriate, must:

- d) Promote and enhance the boroughs green infrastructure network. This currently consists of nature conservation sites, strategic recreation routes, green corridors and links, canals and open spaces which are defined below...*
- g) Enhance and reinforce distinctive elements of the boroughs landscapes and have regard to the Oldham landscape character assessment."*

The Policy identifies open spaces as:

Paragraph 5.70 - "...parks and gardens, natural and semi-natural green spaces; green corridors; outside sports; amenity green space; recreational provision for children and young people; allotments and community gardens; cemeteries and church yards and civic spaces."

This policy therefore applies to all green spaces, whether or not shown on the Proposals Map, under the provisions of policy 6. The loss of the TPO'd trees is consequently considered to be contrary to this policy.

The council's tree officers do not fully support the proposal in its current form.

When assessing the proposal against the requirements of policy 21 (Protecting Natural Environment Assets), which is considered to be the most relevant policy in relation to the loss of TPO trees, it is considered the most relevant point to consider is that in para b) of policy 21 which states that:

In exceptional circumstances where development is unavoidable and cannot be accommodated elsewhere:

- v.) *the applicant must demonstrate the need for, and the over-riding public interest and benefits of, the development.*
- vi.) *the development must set out how the proposals will protect and enhance the nature conservation, including how any harm will be minimised effectively through design and mitigation measures.*

As stated previously, the applicant has already stated the benefits of the proposal, in terms of its economic, social and environmental benefits. Furthermore, in relation to policy 21 the applicants state that the proposal will have the following benefits and mitigation measures:

- Poor quality trees to be removed to open up undergrowth and improve daylighting. The applicants state that this will increase the quality of planting creating a better environment or flora and fauna.
- Stems of removed trees will be left in place with bat and bird boxes attached to enhance and support wildlife and biodiversity.
- 'Bug Hotels' and Habitat Log Piles will be included in the external garden design to support wildlife and biodiversity.
- A tree management plan is proposed.
- Tree Planting - New trees will be native British trees that are commonly found in the area and will be sited mainly within the front shared courtyard and the boundary with the rear gardens of St Mary's Drive.
- Native Hedgerow Planting - A selection of native species has been considered to support wildlife and provide a good source of food for a wide variety of species.

The majority of the objections received are in relation to the loss of the trees. In order to mitigate the loss of the trees, some additional planting is proposed. However, this will not replace what has been lost. It is considered that on balance, the proposed mitigation measures as outlined above, will in future years, lead to a boost in biodiversity in the immediate area.

Tree protection

The AA goes on to state that in order to ensure the effective protection of retained trees during development, a protective barrier will be installed, in accordance with BS5837: 2012 and may comprise of protective fencing and/or ground protection. This will be the first job on site following the tree removal and pruning works. The fencing will be positioned to protect the entire Root Protection Area (RPA) of the retained trees, in order to create a Construction Exclusion Zone (CEZ).

The AA states that routes for pedestrian and site traffic will 'ideally' be located outside, and diverted away from, the RPAs of the retained trees. The AA states that where this is not

possible, temporary protective surfaces (ground protection) must be laid over the exposed RPAs which will distribute the weight of site vehicles, machinery or pedestrians whilst allowing moisture to reach the tree rooting area beneath. Such surfaces should be constructed in accordance with BS5837: 2012. Taking the above measures into account, it is considered imperative that a condition is applied to any permission requiring the submission of a Arboricultural Method Statement (AMS) detailing the specific protection measures necessary for each tree. This should specify the required fencing standard and positions (the creation of the Construction Exclusion Zone), acceptable construction techniques and necessary tree works.

Trees conclusion

In taking account of the location of the site, the nature and scale of the proposed development, the findings of the arboricultural assessment and the advice given by consultees, it is considered that the proposal would have a detrimental impact upon the existing TPO'd trees, weight must therefore be given to this in the assessment of this application.

The schemes benefits outlined by the applicant and their agent are noted.

Policy 21 does allow for development to occur in locations such as this, provided they meet certain criteria. On balance, it is considered that the need for and benefits of the scheme, coupled with the programme of works to protect and enhance nature conservation effectively demonstrates 'exceptional circumstances' which, in turn means, that the proposal is in accordance with the aforementioned policies and guidance in the opinion of officers. Whilst the loss of the trees is regrettable and weighs against the scheme, on balance the benefits of new housing and the significant mitigation measures proposed, outweigh this loss.

Flood risk and drainage

National guidance contained within Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the NPPF (2018), the NPPF technical guidance document and policy 19 (Water and Flooding) of the Council's DPD are relevant.

The site is not within an area identified as being at risk from flooding within the Environment Agency's Indicative Flood Maps. However, it is known that the area directly adjacent to the site floods during periods of heavy rainfall, possibly due to the presence of a culvert which runs through the site. To this end, the applicant was requested to submit a Flood Risk Assessment (FRA). The findings of the FRA stated that there is a private culvert entering the site, that there is an existing sluice/headwall evident near to the junction with Chew Valley Road and St Mary's Drive, but that there was no evidence of Open Watercourse on site serving the sluice. Both OMBC's drainage team and the LLFA agreed with the findings of the FRA.

In order to mitigate the impact of the proposal, the applicants propose the use of Sustainable Urban Drainage System (SUDS), with a connection to the surface water culvert that crosses the site from St Mary's Drive. Further investigation will need to be undertaken to understand what works will need to be done to the culvert in order to achieve the run off rates required of 1.4l/s. This will be done in conjunction with OMBC's drainage team, the LLFA and the applicant. The strategy also involves the creation of a storage tank, which is to be located under the front driveways of plots three and four of the proposed scheme, to control surface water run-off. Conditions are recommended in order to ensure the scheme does not exacerbate the existing situation. Indeed, it should improve it as no SUDS scheme is in place on the site currently.

Whilst it is accepted there is a capacity issue on Chew Valley Lane during periods of heavy rainfall, advice from OMBC LLFA and OMBC Drainage confirms that the applicants are required to demonstrate the proposal will not exacerbate the existing situation. In order to achieve this, the provision of on site flood storage works is required. This will regulate and control water flow from the site. As stated above, it is considered that for planning purposes,

a drainage solution is achievable. Therefore, whilst the objections received from members of the public are noted, on the basis of the advice from the statutory consultees, it is considered that a ground for refusal based upon on drainage or surface water run off related matters could not be sustained or reasonably defended.

In taking account of the planning history of the site, the findings of the FRA and the comments of the technical consultees, it is considered that the proposal would not increase the flood risk at the site or within the wider area, and that, subject to the imposition of planning conditions, the site could be adequately drained. The proposal is therefore considered to be acceptable when assessed against national planning guidance and local planning policy.

Highways

Guidance within Section 9 ('Promoting sustainable transport') of the NPPF (2018) document is relevant, together with policies 5 (Promoting Accessibility and Sustainable Transport Choices), 9 (Local Environment) and 20 (Design) of the DPD, set out the standards and criteria against which the highway implications of the development are assessed.

The proposed development is located within a sustainable location with excellent links to public transport. The site also has access to a wide range of amenities. The amount of traffic generated by four additional dwellings, in a well established residential area will have no significant impact on the local highway network.

The internal layout of the development site will allow cars to turn so that they can leave the site onto the A669 Chew Valley Road in a forward gear. Having consulted the Highways Engineer, it is noted that there are some reservations about the amount of parking provision - there will be one garage and one driveway parking space per dwelling. However, the layout does not lend itself to any additional parking within the site for visitors or residents. Nevertheless, in the absence of any local or national parking standards, it is considered that a ground for refusal based upon highways and/or parking related matters could not be sustained and reasonably defended on the grounds that planning legislation contained within the NPPF (2018) only allows refusals if the impact of a proposal would be 'severe' something which the scheme put forward for determination, clearly, would not be. Equally, more parking provision would result in an additional loss of TPO trees.

As a private driveway, the internal layout will not be considered for adoption by the Local Highway Authority. Furthermore, a 2m wide footpath will ensured by planning condition to ensure highway safety at the site entrance.

In taking account of the documentation submitted, the scale and nature of the development, the technical advice given by the Council's highway engineer and subject to the imposition of the recommended planning conditions, it is considered that the proposed use can be adequately accommodated on the local highway network, that there would be adequate access, servicing, circulation and car parking arrangements and that the proposal would not have any detrimental impacts upon pedestrian or highway safety. For these reasons the proposal is considered to be acceptable when assessed against the aforementioned policies.

Other Matters

Turning to the other matters raised during the consultation process, specifically:

- In relation to the impact on wildlife, whilst it is accepted that the scheme will have some impact on any existing wildlife during the construction period. It is considered that, post completion, with the mitigation measures installed, the proposal will lead to a net gain in biodiversity over time.
- Turning to the issues raised in relation to noise and disturbance, disturbance during the construction period is to be expected. However, upon completion, it is considered that the impact of four properties in this location is unlikely to lead to a level of noise and

disturbance which would warrant a reason for refusal that could be reasonably defended or sustained at appeal.

- The concerns raised surround the site being a local beauty spot are noted, however, the landscape is not statutorily protected. As such, a reason for refusal based upon the loss of beauty spot is not sustainable in planning terms.
- With regards to the concerns raised in relation to the safeguarding of the school, it is considered that these carry no weight. The dwellings are located more than 20m away from the main school building, whilst the school site itself is already bound by residential development of varying scale. Therefore, it is considered that a reason for refusal based upon the safeguarding of the school could be not be reasonably defended or sustained at appeal.

Conclusion

Paragraph 38 of the NPPF states that

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible'.

The proposal has been fully assessed against national and local planning policy guidance. As stated in the body of the report, weight is given to the need to boost the supply of housing in Oldham and in particular the Saddleworth area, which suffers from historically low levels of provision. The impact that the loss of TPO'd trees will have on the character and appearance of the area weigh against it. In relation to highways and flooding matters, having consulted the relevant consultees, it is considered that the issues will not sustain a reason for refusal and conditions can be imposed on any permission granted which would address the matters raised by the respective technical consultees. The decision therefore boils down to which element is given more weight, the need to deliver more housing, or the need to protect existing trees.

On balance, it is considered that the economic and social benefits of the scheme, coupled with the need to boost the supply of housing across the borough, outweigh the environmental harm that the scheme would generate. Furthermore, it is considered that the design of the dwellings are done in such a way as to minimise their footprint and thus reduce the impact on amenity means that the proposal meets the requirements of policies 9 and 20 of the DPD. Additional mitigation has been proposed, in order to boost the biodiversity of the area to compensate for the loss of the TPO'd trees, which means that officers consider the proposal to be in accordance with policies 6 and 21 of the DPD. Given the above reasons, it is considered that on balance, for the reasons set out in this report, the proposal is acceptable when assessed against national and local planning policy and subsequently conditional approval of planning permission is recommended.

Reccomendation

Approve 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 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 plans and specifications, received on 13/02/2018, which are referenced as follows 7203_08_02, 7203_08_03, 7203_08_05, 7203_08_06, 7203_08_07,

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 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.

4. The submitted landscaping scheme as shown on the Landscape Enhancements Plan (ref. 7203_08_14), submitted on the 2nd August 2018 shall be implemented in full and before the occupation of the first dwelling on site.

Reason - To ensure that the development site is landscaped to an acceptable standard in the interests of protecting the visual amenity and character of the site and its surroundings.

5. All hard and soft landscape works for the site to comply with condition 4 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.

6. No dwelling shall be occupied until, a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. The scheme shall include a detailed maintenance and management regime for the storage facility. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To ensure adequate drainage facilities are provided to serve the development and/or to prevent pollution of the water environment

7. A scheme(s) for the accommodation of additional flows impacting upon the watercourse network and detailing works in the vicinity of any watercourse; shall be submitted to and approved in writing by the Local Planning Authority before the occupation of the first dwelling. The scheme shall cater for the impact resulting from the minimum 100 year return period storm event. No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed.

Reason: To protect the site and the wider area from flooding.

8. 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.

9. 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.

10. No development or other operations shall take place on site in connection with the development hereby approved until, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. No development or other operation shall take place except in complete accordance with the approved Method Statement. Such Method Statement shall include full details of the following:

- a) Implementation, supervision and monitoring of the approved Tree Protection Scheme
- b) Implementation, supervision and monitoring of the approved Tree Work Specification
- c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme
- d) Timing and phasing of Arboricultural works in relation to the approved development.

Reason: For the avoidance of doubt and to ensure all parties are aware of the approved operations, whilst ensuring the continued well being of the trees in the interest of the amenity of the locality

11. No development shall take place, (including any works of demolition), until a Construction Method Statement has been submitted to, and approved in writing by, the LPA. The approved statement shall include scaled drawings illustrating the provision for -

- 1) The parking of site operatives and visitors vehicles.
- 2) Loading and unloading of plant and materials.
- 3) Management of construction traffic and access routes.
- 4) Storage of plant and materials used in constructing the development.
- 5) Measure to prevent mud and debris being brought onto the highway.

The scheme approved shall be implemented throughout the construction period.

Reason: In the interests of highway safety

12. Notwithstanding the provisions of Classes A, B, C, D, E, F, G and H of Schedule 2 Part 1 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, the dwelling(s) hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the dwellings.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of adjoining dwellings/the resulting amount of space around the dwelling and to safeguard the character and appearance of the building(s) and its surroundings

13. 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 10th May 2018 (Ref: Dwg No.7203_08_03 Rev A). 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.

14. The development hereby approved shall not be commenced unless and until a highway improvement to Chew Valley Road including provision of a 2.0 metre footway near the access road has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be brought into use unless and until the approved scheme has been fully implemented.

Reason - To facilitate the movement of traffic generated by the development in the interests of highway safety.

Land at Chew Valley Road, Greenfield

