

PLANNING COMMITTEE
Regulatory Committee
Agenda

Date Wednesday 6 June 2018

Time 6.00 pm

Venue Crompton Suite, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

- Notes
1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Kaidy McCann in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Kaidy McCann Tel. 0161 770 5151 or email Kaidy.McCann@oldham.gov.uk
 3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Friday, 1 June 2018.
 4. FILMING - The Council, members of the public and the press may record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:
Councillors Akhtar, G. Alexander, Ali, S Bashforth (Chair), Ball, Brownridge, Davis, H. Gloster, Haque, Harkness, Hewitt, Hudson and Qumer

Item No

- 1 Apologies For Absence
- 2 Urgent Business

Urgent business, if any, introduced by the Chair

3 Declarations of Interest

To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.

4 Public Question Time

To receive Questions from the Public, in accordance with the Council's Constitution.

5 Minutes of Previous Meeting (Pages 1 - 6)

The Minutes of the meeting of the Planning Committee held on 18th April 2018 are attached for Members' approval.

6 PA/340670/17 - Gordon Street, Chadderton, Oldham (Pages 7 - 14)

Outline application for an erection of a warehouse (class B8). Access, Appearance, Layout and Scale to be considered. Landscaping is reserved.

7 PA/341119/17 - 87-89 Yorkshire Street, Oldham, OL1 3ST (Pages 15 - 22)

Change of use of first and second floor from a night club (Sui Generis) and pub (A4 Drinking establishments) to 12 no. apartments (C3 Use Class) and self-storage units (B8 Storage or distribution)

8 PA/341172/17 - Yew Tree Community School, Alcester Street, Chadderton, OL9 8LD (Pages 23 - 30)

1) Construction of an artificial surface - multi use games area (MUGA) 2) Associated fencing on an area of the school playing field 3) Increase the sporting provision, outdoor education facility and community use.

9 PA/341270/18 - Land of Royley, Royton, Oldham, OL2 5DY (Pages 31 - 40)

Erection of 12 no. dwelling houses and 8 no. apartments

10 PA/341486/18 - 73 Market Street, Shaw, OL2 8NP (Pages 41 - 46)

Change of use from retail (Use class A1) to restaurant (Use class A3) and hot food takeaway (Use class A5) together with associated external mechanical extract ducting; infilling opening to existing single storey rear addition

11 AD/341557/18 - Land at junction of Wildmoor Avenue and Lees New Road, Oldham, OL4 5PJ (Pages 47 - 56)

A "gateway feature" to identify the entry point of Holts Village

12 Appeals (Pages 57 - 88)



Oldham
Council

Appeals

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PLANNING COMMITTEE
18/04/2018 at 6.00 pm

Present: Councillor S Bashforth (Chair)
Councillors Ali, Fielding, Gloster, Hewitt, Hudson, Iqbal,
Jacques, McCann and Price

Also in Attendance:

Alan Evans	Group Solicitor
Stephen Irvine	Head of Planning and Infrastructure
Wendy Moorhouse	Principal Transport Officer
Graham Dickman	Development Management Team Leader
Hannah Lucitt	Planning Officer
Graeme Moore	Planning Officer
Matthew Taylor	Planning Officer
Sian Walter-Browne	Principal Constitutional Services Officer

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors
Klonowski and Shuttleworth.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Planning Committee
meeting held on 21st March 2018 be agreed as a correct record.

6 **PA/340209/17 - 149A MANCHESTER ROAD, GREENFIELD,
OL3 7HJ**

APPLICATION NUMBER: PA/340209/17 (Reserved matters)

APPLICANT: Kaberry Building

PROPOSAL: Reserved matters application for 4 .no dwellings
(approval of appearance, landscaping, layout and scale)
following outline permission for residential development
approved under application no. PA/337274/15.

LOCATION: 149A MANCHESTER ROAD, GREENFIELD, OL3
7HJ

It was MOVED by Councillor Hudson and SECONDED by Councillor McCann that the application be REFUSED (against Officer recommendations).



On being put to the vote 8 VOTES were cast IN FAVOUR OF REFUSAL and 1 VOTE was cast AGAINST, with 1 ABSTENTION.

DECISION: That the application be REFUSED for the following reasons:-

The proposal is overdevelopment of the site that results in:

- *increased overlooking and a loss of privacy to adjacent residents;*
- *insufficient amenity space being available for occupiers of the new houses; and,*
- *insufficient turning space being provided for large delivery and refuse vehicles to manoeuvre into and around the proposed site.*

As such, the proposal is unsustainable development and contrary to:

- *Policy 9 of Oldham's LDF Joint DPD which seeks to protect the amenity of existing and future residents; and,*
- *Policy 4 of Oldham's Joint DPD which seeks to ensure highways safety by requiring appropriate highways safety measures and schemes are implemented as part of development proposals.*

NOTES:

1. An Objector and the Applicant's agent attended the meeting and addressed the Committee on this application.

7 **PA/340925/17 - 49 HIGHER HOUSE CLOSE,
CHADDERTON, OL9 8LW**

APPLICATION NUMBER: PA/340925/17 (Full Planning Permission)

APPLICANT: First Choice Homes, Oldham

PROPOSAL: 1) Demolition of existing dwelling 2) Erection of 11.no dwellings

LOCATION: 49 Higher House Close, Chadderton, OL9 8LW

It was MOVED by Councillor Fielding and SECONDED by Councillor Hewitt that the application be APPROVED.

On being put to the vote, Members voted unanimously IN FAVOUR OF APPROVAL.

DECISION: That the application be GRANTED subject to the conditions as set out in the report

NOTES:

1. The Applicant's agent attended the meeting and addressed the Committee on this application.

8 PA/340947/17 - 160 OLDHAM ROAD, FAILSWORTH, MANCHESTER, M35 0RA

APPLICATION NUMBER: PA/340947/17 (Full Planning Permission)

APPLICANT: Mandale Apartments 2 Ltd

PROPOSAL: Change of use of ground floor retail unit (Use class A1) to form 14 no. residential apartments (Use class C3)

LOCATION: 160 Oldham Road, Failsworth, Manchester, M35 0RA

It was **MOVED** by Councillor Fielding and **SECONDED** by Councillor Jacques that the application be **APPROVED**.

On being put to the vote, Members voted unanimously **IN FAVOUR OF APPROVAL**.

DECISION: That the application be **GRANTED** subject to the conditions as set out in the report and as amended in the Late List.

NOTES:

1. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 16.

9 PA/340982/17 - 19-21 MILNROW ROAD, SHAW, OL2 8AP

APPLICATION NUMBER: PA/340982/17 (Full Planning Permission)

APPLICANT: Clements Court Properties Ltd

PROPOSAL: Residential development comprising of 8 no. houses and 2 no. apartments with associated parking

LOCATION: 19-21 Milnrow Road, Shaw, OL2 8AP

It was **MOVED** by Councillor Gloster and **SECONDED** by Councillor Hewitt that the application be **APPROVED**.

On being put to the vote, Members voted unanimously **IN FAVOUR OF APPROVAL**.

DECISION: That the application be **GRANTED** subject to the conditions as set out in the

10

PA/341040/17 - LAND TO THE NORTH OF DELPH CHAPEL, DELPH LANE, DELPH, OL3 5HX

APPLICATION NUMBER: PA/341040/17 (Outline Planning Permission)

APPLICANT: Ms Rothermel

PROPOSAL: Outline application for 2 no. dwellings with access, appearance, layout and scale to be considered, landscaping reserved.

LOCATION: Land to the north of Delph Chapel, Delph Lane, DELPH, OL3 5HX

It was **MOVED** by Councillor Bashforth and **SECONDED** by Councillor Iqbal that the application be **APPROVED**.

On being put to the vote, Members voted unanimously **IN FAVOUR OF APPROVAL**.

DECISION: That the application be **GRANTED** subject to the conditions as set out in the report.

NOTES:

1. An Objector, the Applicant and a Ward Councillor attended the meeting and addressed the Committee on this application.

11

HH/341083/17 - 2 & 3 BROOKSIDE TERRACE, DELPH, OLDHAM, OL3 5EW

APPLICATION NUMBER: HH/341083/17 (Full Planning Permission)

APPLICANT: Saddleworth Construction

PROPOSAL: First floor rear extension

LOCATION: 2 & 3 Brookside Terrace, Delph, Oldham, OL3 5EW

It was **MOVED** by Councillor Hudson and **SECONDED** by Councillor Jacques that the application be **APPROVED**.

On being put to the vote, Members voted unanimously **IN FAVOUR OF APPROVAL**.

DECISION: That the application be **GRANTED** subject to the conditions as set out in the report.

- 12 **PA/341212/18 - PLOT 8, NETHERFIELD CLOSE,
WOODFIELD CENTRE, OLDHAM OL8 4ET**
APPLICATION NUMBER: PA/341212/18 (Full Planning
Permission)

APPLICANT: Mr Kamaly

PROPOSAL: Proposed detached dwelling

LOCATION: Plot 8, Netherfield Close, Woodfield Centre,
Oldham OL8 4ET

It was MOVED by Councillor Bashforth and SECONDED by
Councillor Ali that the application be APPROVED.

On being put to the vote, Members voted unanimously IN
FAVOUR OF APPROVAL.

DECISION: That the application be GRANTED subject to the
conditions as set out in the report.
- 13 **PA/341320/18 - LAUREL BANK, KERSHAW STREET,
SHAW, OL2 7AJ**
APPLICATION NUMBER: PA/341320/18 (Full Planning
Permission)

APPLICANT: Oldham Council

PROPOSAL: Change of use for first floor (Use class B1) to
Education use (Use class D1)

LOCATION: Laurel Bank, Kershaw Street, Shaw, OL2 7AJ

It was MOVED by Councillor Bashforth and SECONDED by
Councillor Iqbal that the application be APPROVED.

On being put to the vote, Members voted unanimously IN
FAVOUR OF APPROVAL.

DECISION: That the application be GRANTED subject to the
conditions as set out in the report.
- 14 **PA/341390/18 - TEXACO HOLLINWOOD SERVICE
STATION, 257 MANCHESTER ROAD, OLDHAM, OL8 4RH**
APPLICATION NUMBER: PA/341390/18 (Removal and
Variation of Conditions)

APPLICANT: Anwar & Company Ltd

PROPOSAL: Removal of Condition 5 restriction of opening
hours from PA/023286/88

LOCATION: Texaco Hollinwood Service Station, 257
Manchester Road, Oldham, OL8 4RH



It was MOVED by Councillor Bashforth and SECONDED by Councillor Price that the application be REFUSED (against Officer recommendations).

On being put to the vote 9 VOTES were cast IN FAVOUR OF REFUSAL and 0 VOTES were cast AGAINST, with 1 ABSTENTION.

DECISION: That the application be REFUSED for the following reasons:

The nature of additional late night noise, activity and disturbance caused by the extended opening hours at the petrol filling station would be detrimental to the residential amenity of the occupiers of the nearby residential properties on Moorfield Road and Chelbourne Drive. The proposal would therefore be contrary to Policy 9 of Oldham's LDF Joint DPD which seeks to protect the amenity of existing residents.

NOTES:

1. A Ward Councillor and the Applicant attended the meeting and addressed the Committee on this application.

15 **APPEALS**

Members gave consideration to the Planning Appeals update.

RESOLVED that the content of the Planning Appeals update report be noted.

16 **LATE LIST**

RESOLVED that the information related to the submitted planning applications as at 18th April 2018, as contained in the Late List be noted.

The meeting started at 6.30 pm and ended at 7.50 pm

APPLICATION REPORT - PA/340670/17

Planning Committee, 6 June, 2018

Registration Date: 18/08/2017
Ward: Chadderton Central

Application Reference: PA/340670/17
Type of Application: Outline Planning Permission

Proposal: Outline application for an erection of a warehouse (class B8).
Access, Appearance, Layout and Scale to be considered.
Landscaping is reserved.

Location: Gordon Street, Chadderton, Oldham
Case Officer: Graeme Moore

Applicant Cascade Electrolite Ltd
Agent : Peter Harrison Architects

THE SITE

The site is located on land adjacent to Gordon Street, Chadderton. The site at present is currently vacant, comprising of 0.2 hectares, with an existing metal palisade boundary fence around the perimeter of the application site.

The site is located immediately adjacent to Gorse Mill which is an impressive Grade II listed mill building. The neighbouring area is characterised by additional mill buildings and modern day low rise industrial sheds, with residential properties located to the south.

Access to the site is gained via Gordon Street, on to the A663 Broadway towards the M62 and M60 respectively.

THE PROPOSAL

An outline planning application with access, appearance, layout and scale to be determined at this stage, has been submitted for the erection of a warehouse. The warehouse will provide a total of 1210 sq m of floorspace and measures 47m x 21m x 7.5m. The proposal is sited so that it runs parallel to the existing Gorse Mill and Gordon Street.

The size of the application site and nature of the proposed development does not exceed any of the thresholds stated within the first or second schedules to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017; accordingly the application has not been screened by the Local Planning Authority.

PLANNING HISTORY

The following applications are of relevance:

- PA/334252/13 - Extension of time limit to PA/58146/10 (Outline application for erection of warehouse (class B8). Access, Appearance, Layout and Scale to be considered. All other matters reserved. Granted 03/10/2013
- PA/049892/05 - Outline application for warehouse development (Class B8). Siting, design, external appearance and access to be considered. (Landscaping to be reserved for later consideration). Granted 02/11/2005
- PA/043136/02 - Outline application for erection of warehouse, siting, design, external appearance and access to be considered, landscaping to be reserved. Granted 16/9/2002

ALLOCATION AND PLANNING GUIDANCE / POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is re-iterated within paragraphs 12 and 210 of the NPPF.

The site is allocated as part of a Business Employment Area (Broadway / Greengate) within the Council's adopted Local Development Framework (LDF).

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 'Joint DPD')

Core Strategy

Policy 3 An Address of Choice

Policy 5 Promoting Accessibility and Sustainable Transport Choices

Development Management Policies

Policy 9 Local Environment

Policy 13 Employment Areas

Policy 14 Supporting Oldham's Economy

Policy 20 Design

Supplementary Planning Guidance

Oldham and Rochdale Urban Design Guide

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 has been publicised on the Council's web-site, by press advertisement and by site notice. No representations have been received.

CONSULTATIONS

Highways Engineer - No objections, subject to a condition requiring the provision of the proposed parking and manoeuvring areas.

Environmental Health - No objections, subject to conditions in relation to landfill gas and working hours.

Highways England - No objections.

DETERMINING ISSUES

1. Principle of the development
2. Design, appearance, landscaping and impact
3. Environmental impact
4. Access, servicing, parking and highway safety

ASSESSMENT

Principle of the development

The principle of the proposed development is considered to be acceptable – and has already been established under the previous permissions - at the scale proposed in this location. The application site forms part of an existing industrial area, and will make a positive and productive contribution to these existing uses.

The application demonstrates that such a facility can be accommodated on the existing site, close to all existing facilities, and within a sustainable location. The site is part of the Greengate Business Employment Area. Policy 13, (Employment Areas) and Policy 14, (Supporting Oldham's Economy) within the DPD support proposals for development for employment generating uses within this existing industrial area.

Paragraph 111 of the NPPF states that: *'Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land'*.

The site has had a former industrial use. It is therefore considered that the proposed development and the principle of the regeneration of the site is in accordance with national guidance contained within paragraph 111.

Design, appearance, landscaping and impact

Guidance within Section 7 ('Requiring good design') of the NPPF is relevant, together with DPD policies 1 (Climate Change and Sustainable Development), 9 (Local Environment), 20 (Design) and 24 (Historic Environment), which provide guidance on the design of new development.

The proposed building lies parallel to the existing Gorse Mill and Gordon Street, with access gained from Gordon Street. The proposed design reflects the character and appearance of adjacent and surrounding recently built industrial buildings.

In terms of its materials, height, bulk and massing and appearance, the proposed building will be in keeping with the existing commercial and industrial vernacular.

Turning to the impact on the setting of the listed mill building adjacent to the site, whilst it is acknowledged that the proposal neither protects or enhances the setting of the listed building, the previous approvals and the current architectural context of the area means that any architectural qualities that the mill had in relation to its setting have been irreversibly lost over time, with the introduction of the Aldi store and the McDonalds for instance. Therefore, it is considered that the proposal will not cause a degree of harm to the setting of the listed building that would justify a refusal.

The proposed location, scale, massing and design of the building would have no impacts upon any other surrounding building or properties in regard to issues such as overlooking, overshadowing or having an overbearing or oppressive impact. Landscaping is reserved for subsequent approval.

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 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.

Environmental impact

National guidance within paragraphs 109, 120, 121 and 122 of the NPPF and policies 7, 8 and 9 of the Council's Joint DPD are relevant, which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The Environmental Health team has advised that they have no objections to the proposal subject to a condition requiring a landfill gas investigation report be submitted before development commences on site. Furthermore, it is considered that an informative could be added to the decision notice to advise the applicant that paragraph 120 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

With regard to hours of operation, previous approvals have restricted activity to between 07.00 hours and 22.00 hours on Monday to Saturday, and it is considered that a similar restriction should apply.

Access, servicing, parking and highway safety

Guidance within the NPPF Section 4 ('Promoting sustainable transport') is relevant, together with policies 5 (Promoting Accessibility and Sustainable Transport Choices), 9 (Local Environment), 13 (Employment Areas) and 20 (Design) of the Joint DPD. Guidance contained within the Oldham and Rochdale Design Guide's set out the standards and criteria against which the highway implications of the development are assessed.

An existing access serves the site from Gordon Street which is already utilised by cars and heavy goods vehicles (HGVs) as part of the existing operation of the BEA. The site edged red incorporates the site of the proposed new industrial building, and an area of car parking. The access will be gated. 15 parking spaces will be provided for staff and visitors, including one disabled person's space. Footways are provided around the perimeter of the building to connect the parking areas to the building access points.

The Highways Engineer is satisfied that the additional traffic generated by the proposed development will not have a significant or adverse impact on the local highway network. The development site is in a sustainable location with access to public transport and opportunities for walking and cycling. Parking provision is adequate, and the highways engineer is satisfied that service vehicles will be able to enter the site, turn and leave in a forward gear.

Therefore, in taking account of 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.

Conclusion

Paragraph 197 of the NPPF states that 'in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development'.

The proposal has been fully assessed against national and local planning policy guidance. On balance, it is considered that the proposal is acceptable in principle and is acceptable in terms of the appearance and impact upon the visual amenity of this site and surrounding area. The proposal will have no detrimental impacts upon the environmental quality of this locality, or pedestrian and highway safety. The proposal, subject to the imposition of planning conditions, accords with the aforementioned policy guidance.

Recommendation

For the reasons set out in this report the proposal is considered to be acceptable when assessed against national and local planning policy and conditional approval of planning permission is recommended.

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or two years from the date of approval of the last of the reserved matters.

Reason - To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No part of the development hereby permitted shall be commenced until details of the:-

- 1) Landscaping

of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

Reason - To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be fully implemented in accordance with the approved plan and specifications, received on 18/08/17, which is referenced as 2515/AL/1001 C.

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

4. 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.

5. 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 written report and recommendation have been submitted to and approved 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 250 metres of a former landfill site.

6. The development hereby approved shall not be brought into use unless and until the access, turning area and car parking spaces have been provided in accordance with

the approved plan received on 18th August 2017 (Ref: Dwg No. 2515/A1/1001 C). 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.

7. Any floodlighting or security lights within the curtilage of the proposed development shall be positioned and operated in accordance with a scheme submitted to the Local Planning Authority. The lights shall not be brought into use unless and until the Local Planning Authority has approved the scheme in writing.

Reason - To protect the amenity of occupants of nearby premises.

8. The building and/or externally mounted plant and equipment shall be insulated in accordance with a scheme submitted to and approved by the Local Planning Authority before the development is first brought into use. Any work implementing the scheme shall be completed before use and shall be retained at all times thereafter.

Reason - To ensure the protection of nearby premises.

9. No vehicle movements to and from and/or within the site shall take place outside the hours of 22.00 and 07.00 Monday to Saturday and at no times on Sunday or Bank Holidays and Public Holidays.

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

10. No development approved by this permission shall be commenced until details for the provision and implementation, of a surface water management/regulation scheme has been approved by the Local Planning Authority.

Reason - To ensure that the site is satisfactorily drained and avoidance of pollution of the environment and in accordance with Policy 19 of the Local Development Framework.

11. Secure cycle parking facilities shall be provided within the site prior to the first occupation of the development hereby permitted, in accordance with details that shall first have been submitted and approved in writing by the Local Planning Authority. Such facilities shall thereafter remain available for users of the development.

Reason; To ensure adequate cycle storage facilities are available to users of the development.

340670



APPLICATION REPORT - PA/341119/17

Planning Committee, 6 June, 2018

Registration Date: 18/01/2018
Ward: Saint Mary's

Application Reference: PA/341119/17
Type of Application: Full Planning Permission

Proposal: Change of use of first and second floor from a night club (Sui Generis) and pub (A4 Drinking establishments) to 12 no. apartments (C3 Use Class) and self-storage units (B8 Storage or distribution)

Location: 87-89 Yorkshire Street, Oldham, OL1 3ST

Case Officer: Graham Dickman

Applicant Samrum investments Ltd
Agent : Debtal Architecture Ltd

THE SITE

This application relates to conjoined buildings comprising a pair of three-storey mid-terrace properties fronting onto Yorkshire Street; a large flat roof single-storey structure to the rear containing a large roof terrace above, and a L-shaped two storey brick building which extends through to Bartlam Place at the rear.

Yorkshire Street at this point contains a mix of commercial uses with a hot food takeaway to one side and a vacant, derelict, property on the other. The area has a significant presence in Oldham's night-time economy with a number of late-night bars and clubs in the local vicinity.

There are commercial premises to the rear along with the Coliseum Theatre.

THE PROPOSAL

It is proposed to retain the existing A4 drinking establishment use on the ground floor of the frontage building with an existing doorway on the right-hand side of the frontage segregated internally to provide a stairway access to the first and second floors. On each of these floors it is proposed to install three self-contained flats, two at the front of the building and one at the rear.

At present the ground floor rear elevation of this building is fully enclosed. In order to provide light to the new rear flats it is proposed to remove the existing link and form a private 2 metre wide open area to be used by the occupants of the future first floor flat.

Due to the rising site levels, the ground floor of the central section of the premises is set level with the first floor of the frontage building, with one usable floor and small basement area below. This floor will be used to provide waste bin storage and for a group of storage rooms which would be rented to nearby businesses. Access will be taken from Bartlam Place to the rear.

The rear section of the site will be accessed from Bartlam Place and will comprise an entrance stairway, a duplex unit and two, one-bed flats fronting Bartlam Place. The stairway will also provide access to a first floor flat, and to a shared terrace area from which two further flats will be accessed, one within the roofspace of the building.

The final unit will be accessed from the gated yard area which also serves as an access to the rear of the Coliseum.

RELEVANT HISTORY OF THE SITE:

PA/036578/97 - Alterations to front elevation. Approved 12/03/98

PA/029325/90 - Proposed nightclub within existing bank and new extension on remaining land to link up to existing pub and nightclub. Approved 05/11/92

PA/026850/90 - Two storey rear extension. Approved 07/02/91

PA/023701/89 - Change of use to bar and solarium. Approved 25/05/89

CONSULTATIONS

Environmental Health – There are concerns with the proposal on the grounds that the location within an area which late-night entertainment venues which are known to generate significant levels of noise and disturbance would not ensure a suitable standard of living for future residents. The concerns remain that noise mitigation requires passive ventilation which can only be achieved by residents keeping windows closed. Additional concerns relate to the impact on residents from odours from the adjacent hot food establishment, and air quality from Yorkshire Street.

Traffic Section – No objections

Greater Manchester Police Architectural Liaison Unit - Suggest incorporation of various security features and deletion of staircase adjacent to flat 10.

REPRESENTATIONS

The occupiers of neighbouring properties have been notified and a site notice displayed.

An objection has been received from the Oldham Coliseum theatre on the grounds that, although the theatre is due to move to a new site, they will continue to operate from the existing premises until early 2020. The roller shutter on Bartlam Place is a point of access for scenery entering and leaving the building. This occurs approximately 30 times per year and takes place mostly on Saturday night from 11pm until 4am Sunday morning. At 9am on Sunday morning, the next show arrives and is unloaded from a trailer into the theatre. The bedroom windows of flats 5, 6 and 11 overlook the loading area. The nature of our business is such that the busy periods are during anti-social hours.

In addition, the main access door to the development on Bartlam Place is currently adjacent to the theatre's waste management area, which is also overlooked by the bedroom windows of flats 5, 6 and 11. The bottle recycling from the theatre bars takes place at the end of the shift, usually on Tuesday to Saturday. The housekeeping department are on site from 7am and need to dispose of waste from the theatre into the bins, and there is no alternative location for this.

PLANNING CONSIDERATIONS

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. This requirement is reiterated in Paragraph 11 of the National Planning Policy Framework (NPPF).

In this case the 'development plan' is the Joint Development Plan Document (DPD) 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 allocated within the Town Centre boundary as indicated on the Proposals Map associated with the Joint Development Plan Document.

Therefore, the following policies are considered relevant:

Policy 2 - Communities
Policy 3 - An address of choice
Policy 9 - Local Environment
Policy 11 - Housing
Policy 15 – Centres
Policy 20 – Design
Policy 23 – Open Spaces and Sports
Policy 25 – Developer Contributions

The NPPF requires that planning decisions have regard to the three dimensions of sustainable development – the economic role, the social role, and the environmental role.

Increased housing supply

DPD Policy 3 seeks to ensure a balanced housing market which is sustainable to meet the needs and demands of urban and rural communities. This will include the provision of small and relatively affordable units by using land efficiently. Policy 11 requires all residential developments to deliver a mix of appropriate housing types, sizes and tenures to meet the borough's needs and demands, in locations where they are appropriate to the area, and accessible to public transport and key services.

NPPF paragraph 23 advises local planning authorities to recognise that residential development can play an important role in ensuring the vitality of centres and set policies to encourage residential development on appropriate sites. Furthermore, paragraph 51 states that local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies”.

In this context, the application relates to the re-use of an existing building in a highly sustainable location, which will make a small contribution towards the provision of, and will help to diversify the supply of housing in the borough. This weighs in favour of the proposal. However, this determination must also have regard to any other impacts on the surrounding area which will be discussed below.

Town centre impact

DPD Policy 15 recognises the importance of town centres, an approach reflected in paragraph 23 of the NPPF which states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres. Local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. In addition, it is recognised that residential development can play an important role in ensuring the vitality of centres, and policies should be set out to encourage residential development on appropriate sites.

Residential use is not incompatible with the economic requirements of a thriving town centre, and indeed the introduction of a resident population can itself enliven town centres and provide custom for local services. Nevertheless, it is necessary to ensure that the introduction of residential accommodation does not undermine the function of the centre.

The application site occupies a location close to establishments which offer a late night entertainment function, particularly at weekends, which can generate significant levels of noise and associated activity. As a consequence the premises will be subject to high levels of ambient noise at anti-social hours. Where conflict arises, powers exist under Environmental Health legislation to restrict the operation of noise generating businesses.

This could have serious implications for those businesses if they are no longer able to operate, an impact specifically identified in the representation from the Coliseum Theatre.

The draft replacement NPPF was published for consultation in March and government's response to that process is awaited. The document therefore carries limited overall weight, although it gives a clear indication of government's thinking.

In that regard at paragraph 80 it states that "Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (including places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where an existing business or community facility has effects that could be deemed a statutory nuisance in the light of new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to secure suitable mitigation before the development has been completed".

It is vital therefore that due consideration is given to the impact of the development on both the amenity of future residents, and any implications for nearby businesses and community facilities.

Impact on amenity

DPD Policy 9 seeks to ensure that the Council will protect and improve local environmental quality and amenity by ensuring development does not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on privacy, safety, security, noise, pollution, visual appearance, access to daylight and other nuisances.

In this instance, there are a number of issues to consider, including the size and quality of the individual accommodation, access to light, security, and the impacts of noise from neighbouring uses.

Government published the "Technical housing standards – nationally described space standard" document in March 2015. Although the standards within the document are not mandatory in Oldham, they nevertheless provide a guide to the type and level of accommodation which would be deemed satisfactory.

In this respect, although each of the units indicate the provision of a double bed within the accommodation, none of those units would strictly comply with the minimum standards for two person accommodation, although they would meet the standards for single person accommodation. This would require a minimum of 50 square metres, whilst the proposed units vary between 37 and 46 square metres, with the duplex unit covering 55 square metres (58 square metres required).

In view of the non-adopted status of the standards, it may be possible to allow some deficiency where the overall benefit of the development could be justified. However, in this instance, having regard to other matters set out below, it is not considered that the deficiency could be justified.

Whilst the option of replacing with single beds would be available, this would be difficult to control under planning legislation and would be in effect unenforceable. It would therefore fail the necessary tests set out in paragraph 206 of the NPPF.

Whilst the outlook from a number of units has been improved during consideration of the application, such as to the units at the rear of the frontage building, and this would not of itself justify refusal; this must be considered in the wider context of the amenity standards afforded by these units.

In respect of noise nuisance from both external sources and the ground floor bar (A4) use, the applicant has undertaken an acoustic assessment which has provided a form of passive sound insulation to the flats. The report recommends good quality glazing to deal with the noise, but this glazing will only be effective if the windows are kept closed. To deal with this the report recommends installing passive acoustically treated vents. The Environmental

Health officer has commented that these would not provide enough ventilation to enable the windows to remain closed, especially in the summer as the area of ventilation is quite small.

If windows are to remain closed it is considered that some other form of ventilation is required. This could be something like whole building ventilation that doesn't just rely on passive ventilation from tiny vents in each apartment. This could also possibly deal with the potential odour and air quality problems that were raised in the original consultation response. The inlet for such a system could be drawn from an area away from cooking odours of adjacent takeaways and also away from the heavily trafficked road at the front of the development.

With regard to the impact from the ground floor bar use, no details have been submitted to date to demonstrate how suitable noise mitigation will be achieved. Reference has been made to controls which exist under the Building Regulations; however, these do not take into consideration to control over external noise from the use, such as noise from customers outside the premises, or external break-out of noise from open windows, or activities such as the disposal of waste, bottles etc.

Finally, the relationship with the Coliseum needs to be given due consideration. This is an important community facility. DPD Policy 2 supports proposals which contribute towards improved health and well-being for the people of Oldham, and encourage the continued use of existing community facilities. It is inevitable that some significant disturbance to those residents at the rear of the site will result from the activities associated with the Coliseum, in particular where set changes take place in the early hours at a weekend.

Whilst it is anticipated that the Coliseum will be relocated, and thus remove this particular noise source, this is not imminent, and implementation of the residential permission in the meantime would lead to potential conflict. However, given the infrequent nature of those activities, and the fact that there are other sources of external noise at that time raising the ambient noise level, this factor by itself would not justify refusal of the application. It does however add to the concerns regarding suitability of the use.

Traffic and parking

Although no facilities are proposed for off-street parking associated with the use, it is noted that the site occupies a highly sustainable town centre location, and that such residential units have a tendency towards low levels of car ownership. Nevertheless, there are public parking facilities in the locality which would be available outside of the working day.

Design

DPD Policy 20 seeks to ensure high quality of design in new development. Whilst no significant external alterations to the premises are proposed, the introduction of a new use will inevitably lead to improvements in the appearance and maintenance of the building leading to a positive benefit to the character of the area.

Developer contributions

DPD Policy 23 requires that all residential developments should contribute towards the provision of new or enhanced open space. However, this is superseded by national Planning Practice Guidance which restricts such tariff style contributions to developments of over 10 units. In this instance, that threshold is exceeded and a contribution would normally be required. However, it is noted that the proposed re-use would involve considerable alteration to bring the building up to a decent standard, including damage resulting from the poor condition of the adjoining derelict unit which has led to water ingress problems. Additional costs would be encountered in ensuring that a satisfactory scheme of acoustic mitigation was installed to secure a decent standard of residential amenity.

Consequently, although no viability assessment has been submitted, it is considered that a contribution would not be required in this instance.

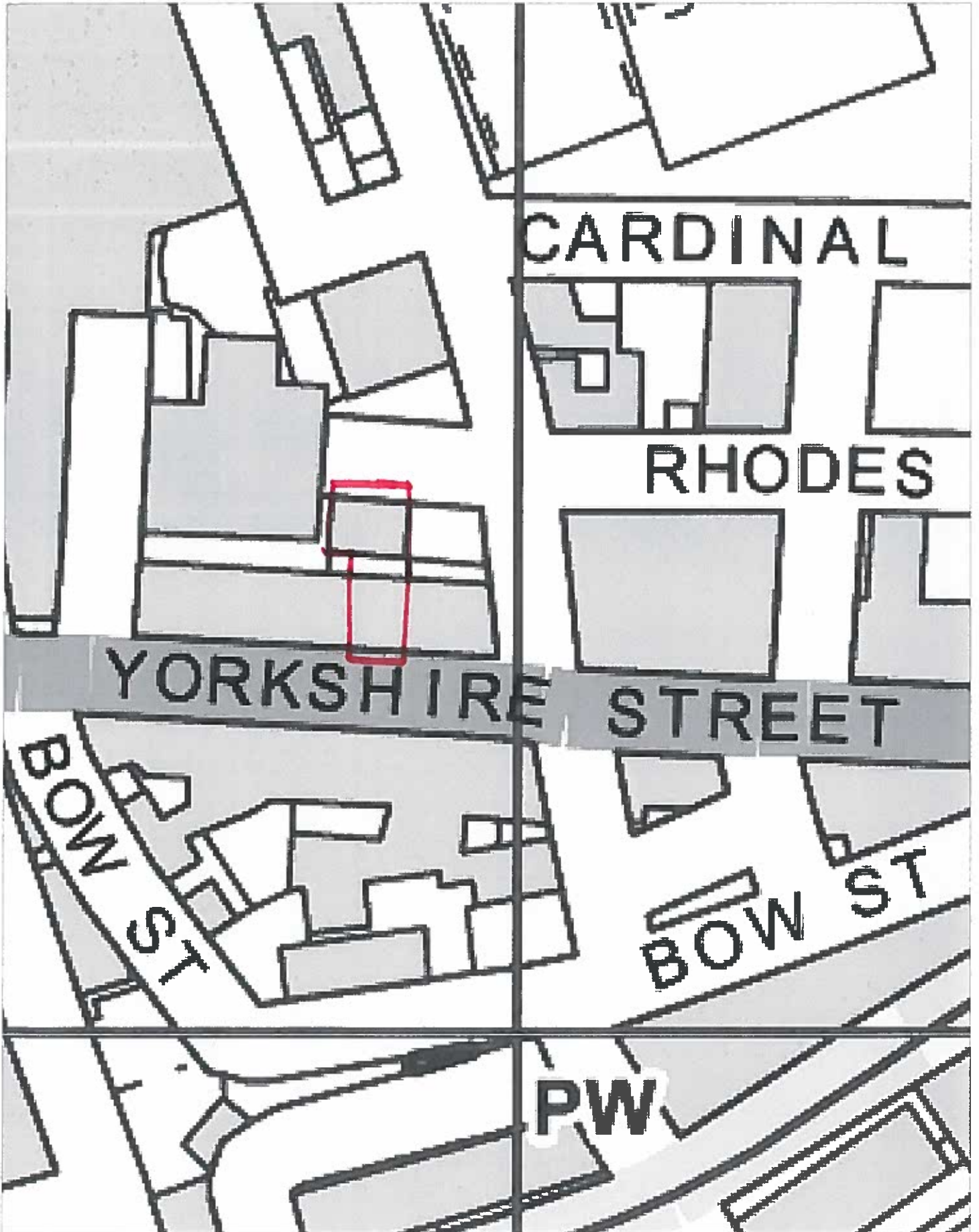
Conclusion

This application requires a balanced judgement, taking into consideration the benefits of bringing into practical use a vacant building in a prominent location and the investment this would introduce. In addition, the provision of additional residential accommodation will in a small way assist the borough in bringing forward improved housing supply. The encouragement on local planning authorities to increase the supply of housing is recognised; however, this should not be at the expense of permitted poor standards of development.

However, this must be weighed against the standard of amenity which would be afforded to future residents, both in terms of potential nuisance from noise and smells, and the quality of the accommodation provided in terms of the space available, outlook, and restrictions, for instance on opening windows, consequent to the acoustic mitigation measures. In this regard it is concluded that the development would not provide a satisfactory level of accommodation and would therefore fail to satisfy DPD Policy 9 and the guidance within the National Planning Policy Framework.

1. The proposed development will involve the introduction of residential accommodation into an area which is subject to existing noise from neighbouring entertainment venues and activity associated with those uses. The applicant has failed to supply adequate information to demonstrate that future residents will not endure an unacceptable loss of amenity having regard to the impact from neighbouring activities and the limited internal space and outlook available from the proposed apartments. The proposal would therefore be contrary to Policy 9 of the Oldham Local Development Framework Joint Core Strategy and Development Management Policies DPD and the objectives of the National Planning Policy Framework to secure a good standard of amenity for all existing and future occupants of land and buildings.

341119



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APPLICATION REPORT - PA/341172/17

Planning Committee, 6 June, 2018

Registration Date: 04/01/2018
Ward: Chadderton South

Application Reference: PA/341172/17
Type of Application: Full Planning Permission

Proposal: 1) Construction of an artificial surface - multi use games area (MUGA) 2) Associated fencing on an area of the school playing field 3) Increase the sporting provision, outdoor education facility and community use.

Location: Yew Tree Community School, Alcester Street, Chadderton, OL9 8LD

Case Officer: Richard Byrne

Applicant Yew Tree School
Agent : Pentagon Sport Ltd

THE SITE

This application relates to Yew Tree Community School, Alcester Street, Chadderton. The area of the development is part of the existing playing field adjacent to the north eastern boundary and a car park serving the school.

THE PROPOSAL

Planning permission is sought for the construction of a multi-use games area with an artificial surface. The proposed pitch is enclosed by a green 3 metre high paladin welded mesh fence. The pitch would measure 60 metres in length by 30 metres in width and is laid with a 50mm high artificial grass on a 400 mm compacted surface.

The applicant states that the pitch would be used by the pupils during the school day and a limited number of local children's teams during the evenings, weekends and in the day outside of term time. Notwithstanding the normal school day the proposed pitch would be open to external use between 0800 Hours – 1900 Hours (Monday to Friday), 0900 Hours – 1300 hours (Saturdays) and 1000 Hours – 1300 Hours (Sundays and Bank Holidays).

RELEVANT HISTORY OF THE SITE

PA/333930/13 - 1) Single storey extensions (including link building with the creation of an internal courtyard and extension to main entrance) 2) Extension of car parking 3) Various external alterations to elevations. Granted 31 October 2013.

PA/059470/11 - Extension of existing car park from 19 spaces to 29 spaces. Granted. 26 April 2011

There have also been various other minor applications associated with the school.

RELEVANT PLANNING POLICIES AND GUIDANCE

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 11 of the National Planning Policy Framework (NPPF).

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is unallocated on the Proposals Map associated with this document.

The following DPD Policies are considered to be relevant:

Policy 1 - Climate change and sustainable development;
Policy 5 - Promoting accessibility and public transport choices;
Policy 6 - Green Infrastructure
Policy 9 - Local environment;
Policy 19 – Water and Flooding;
Policy 20 - Design;
Policy 21 - Protecting Natural Environmental Assets;
Policy 23 - Open spaces and sports; and,

CONSULTATIONS

Pollution Control	No objection subject to the attachment of a planning condition to restrict the times of the use of the pitch.
Traffic Section	No objection in principle subject to the submission of a parking management plan secured by planning condition.
Sport England	No objection as the proposal broadly meets the requirements of paragraph 74(iii) of the NPPF and the following exception to Sport England Policy: 'E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields'.
Drainage Engineer	Drainage plan required
The Ramblers Association	No objection

REPRESENTATIONS

The proposed development has been advertised by means of individual consultation letters sent to the occupiers of the neighbouring properties and a site notice erected adjacent to the site. As a result of the publicity two representations have been received and are summarised as follows:

- Opening times are queried;
- Adverse effect to highway safety;
- Inadequate vehicular parking;
- Increase of noise and general disturbance;
- Increase in light pollution and air pollution;
- Effect on house prices.

PLANNING CONSIDERATIONS

The main issues for consideration comprise the following:

- Principle of land use;
- Design and Appearance;
- Residential Amenity;
- Highway safety; and,
- Effect on drainage.

Principle of land use

DPD Policy 2 states that the Council will support development that contributes to the health and wellbeing of people. DPD Policy 23 states that the development of a site that is currently or was most recently used as open space or for sport and recreation will be permitted provided it can be demonstrated the development brings significant benefits to the community that would outweigh the harm resulting from the loss of open space.

The existing area is currently used as part of the school playing field for the delivery of physical education and for children's outdoor play. The proposed new artificial playing field with associated fencing would provide an all-weather facility which would benefit the school and external community users including local clubs.

In terms of open space and sports provision, the proposal would provide an improvement to the existing and create a new facility with a significant benefit to the community. Whilst the proposal would not provide new space as such, it would provide an enhanced facility to the existing playing field which would enable sport to be played throughout the year whereas at present the grass playing field can only be used during periods of good weather.

On the basis of the above, it is considered that the proposal would give rise to considerable benefits to the school and to the wider community through the provision of an enhanced playing facility and is supported by local and national planning policy.

Furthermore, Sport England has been consulted and in response it does not wish to raise an objection. Sport England considered the proposal would broadly meet the requirements of Paragraph 74 of the NPPF and that it constitutes the provision of a facility where the benefits to the development of sport outweigh any detriment caused by the loss of part of the playing field.

Design and Appearance

The new pitch would be surfaced with artificial grass and enclosed with a modest 3 metre high paladin fence.

It is considered the pitch and enclosing fence would assimilate against the setting of the school and the backdrop of the playing field. It will not compromise the views from any onlookers, looking into the site.

Security

It is considered that the proposed pitch is appropriately enclosed which promotes its security when not in use. Given the perimeter of the school is also enclosed by a fence and views of the pitch can be readily seen it is not considered the development would further harm the level of site security.

Residential Amenity

DPD Policy 9 aims to safeguard the users or occupiers of adjoining land or properties from significant impacts associated with development proposals. It also requires developments to be appropriate for their intended end users or occupiers.

Taking into account the open nature of the pitch, the enclosing paladin fencing and the separation distance to residential properties it is not considered there would be a loss of sunlight, daylight, or outlook, that there would be an overbearing impact on the existing neighbouring properties that are adjacent to the school field boundary. The resulting effect to residential amenity relates to the noise and general disturbance from balls hitting the enclosing fencing and from users/spectators during open play.

Effect on Gordon Avenue, Sycamore Avenue and Williams Crescent

This new pitch does not have any floodlights and therefore would only be able to be used

during daylight hours. There are therefore no light issues raised by the proposed pitch. Nevertheless, it is recognised that residents would be likely to experience more shouting from players / spectators than currently experienced and this additional noise outside of normal school hours could affect the enjoyment of the rear gardens which back onto the school field or when windows are open. In these circumstances, there will be some loss of residential amenity to these residents.

The applicant states that the use of the pitch would be restricted to the use of the school during term time. After school and during holidays the pitch would be available for use for up to 9 a side matches. Chaddy Park Football Club and Midway FC have expressed an interest in the use of the pitch during evenings, weekends and outside of school term time.

The anticipated hours of use would finish at 1900 hours during the weekday and 1300 on weekends. It is therefore not considered that the noise from the pitch will be significant enough to outweigh the community benefit of providing a multi-weather pitch which will be used by the school children and local sports clubs. Given the absence of an objection from Environmental Health, it is considered that the noise levels from such a usage will be of a type or length of time that would not unduly cause disturbance to such an extent it would be difficult to sustain a reason for refusal on having an adverse effect on residential amenity.

Highway safety

The existing car park which serves the school will provide a parking space for 35 vehicles available for the users of the proposed pitch outside of school hours. The control of the gate for access would be in the control of either a member of staff of the school or regular users of the pitch (such as sports clubs).

The traffic section acknowledges parking demand in the area is high and there is an existing problem in the area with congestion caused by parked vehicles during the school drop off and pick up periods.

Taking into account the anticipated level of usage governed by the size and the availability of the existing car park outside of the school day, it is considered the peak amount of vehicles can be accommodated safely off the public highway. In this instance it is considered expedient to require the submission of a parking management plan to ensure that parking within the school grounds is managed during the use of the pitch to alleviate any significant impact on the public highway and to highway safety from parked vehicles.

Effect on drainage

The proposed pitch is laid on an open texture surface course which is based on a crushed aggregate layer with 100 mm perforated pipes running at 10 intervals leading to a natural soakaway. This would enable the permeable surface to manage the flow of surface water.

It is considered expedient to attach a condition to require the details of the drainage to be submitted and a maintenance plan be submitted once the works are complete. This is to ensure that the drainage issues are assessed in totality, once the development is completed. .

Details of the pitch construction and its drainage are considered to be acceptable in principle.

Other Issues

Property Values

Residents have raised concern that the proposal would have a detrimental impact on property values in the area. In response it is noted that this is not a material planning consideration that can be taken into account in considering the merits of a proposal.

Effect on air pollution

It is noted the school is located in an air quality management area due to the close proximity to major and local transport routes. Given the absence of an objection from the Environmental Health section of the Council and the size of the sports pitch it is not anticipated that the level of use would result in significant rise in air pollution to recommend refusal of the application.

Conclusion

There are a number of positive planning considerations which weigh in favour of this proposal. The proposal would provide an additional sport facility for the school which can additionally be used by local groups for sport and recreation purposes which is in line with national and local planning policy that seeks to improve and increase the number of such facilities. The development would promote healthy communities and the benefits sports participation brings.

The effect of noise has been balanced against the benefits the development would bring, taking into account the fact that no floodlighting is proposed and the use would mainly be during daylight hours.

The effect on drainage and highway safety, subject to planning conditions, is acceptable.

Overall, it is considered the proposed pitch is acceptable.

RECOMMENDATION

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 permitted shall be fully implemented in accordance with the following plans and specifications:

Location Plan - received 22 May 2018;
Proposed Block Plan received 4 January 2018;
Proposed Site Plan received 8 December 2017; and,
Proposed elevations of the paladin fence - received 8 December 2017.

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 Parking Management Plan, showing the operation and availability of the school car park during the opening times of the proposed sports pitch, has been submitted to and approved in writing by the Local Planning Authority. Thereafter all measures that form part of the approved management plan shall be implemented and remain available for users of the facility.

Reason - To ensure that adequate off-street parking facilities are provided for the development so that parking does not take place on the highway to the detriment of highway safety.

4. The use hereby approved shall not operate outside of the following hours:

0800 Hours – 1900 Hours (Monday to Friday)
0900 Hours – 1300 hours (Saturdays)
1000 Hours – 1300 Hours (Sundays and Bank and Public Holidays)

Reason - To protect the residential amenity of adjacent residents from noise and disturbance.

5. No development shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- separate systems for the disposal of foul and surface water;
- details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including any necessary flow attenuation measures and the use of SUDS (where appropriate), to ensure that the post-development discharge rate does not exceed the pre-development discharge rate (including an appropriate allowance for climate change).

The duly approved scheme shall be implemented before the development is first brought into use and shall be maintained as such thereafter.

Reason - To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere and that adequate measures are put in place for the disposal of foul and surface water (including an appropriate allowance for climate change).

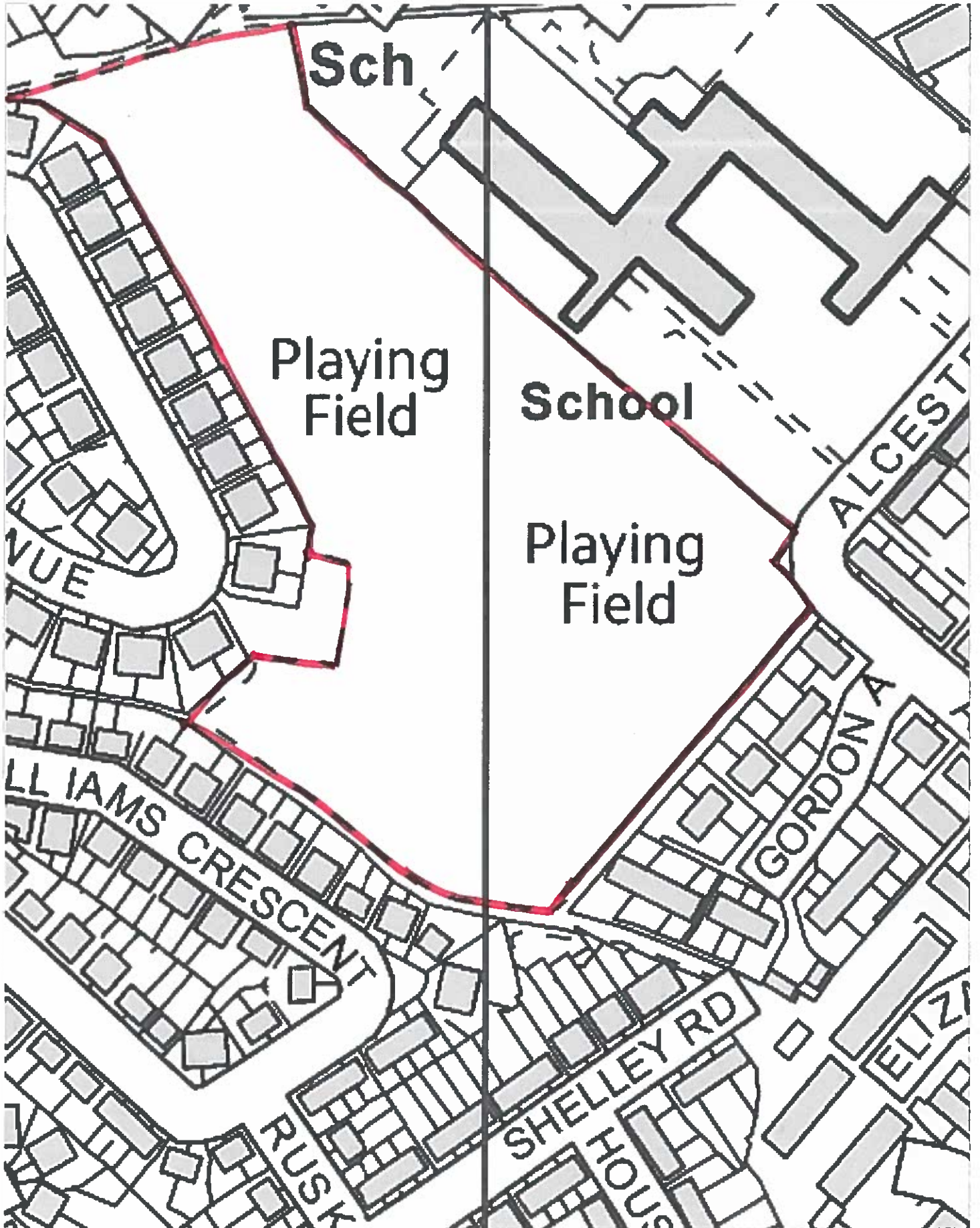
6. Prior to the commencement of use of the sports pitch, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:

- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's 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.

341172



APPLICATION REPORT - PA/341270/18

Planning Committee, 6 June, 2018

Registration Date: 10/01/2018
Ward: Royton North

Application Reference: PA/341270/18
Type of Application: Full Planning Permission

Proposal: Erection of 12 no. dwellinghouses and 8 no. apartments
(Resubmission of PA/340555/17)
Location: Land of Royley, Royton, Oldham, OL2 5DY
Case Officer: Graeme Moore

Applicant J Walker Homes Ltd
Agent : Nicol Thomas Ltd.

THE SITE

The application site consists of a single parcel of land located at the end of Royley, in Royton, Oldham.

The overall area of the site is approximately 0.29 hectare. The land rises in levels from south to north and from west to east. The existing site will be formulated to suit required levels. The neighbouring land to the perimeter of the site will be maintained as existing with the introduction of retaining structure walls.

A new site access is to be provided from Royley. Due to the site levels pedestrian access will be available to the tenants of the apartment block which overlooks Highlands Road.

The site has no public footpaths or rights of way. It is currently not accessible by the public and is surrounded by a secure fence which was erected by the applicant.

THE PROPOSAL

A full planning application has been submitted for 12 dwellings and eight apartments.

Houses range from 1½ to 2 ½ storey in height and all provide 200% parking. The apartment block is a 4 storey building but due to site levels will be 3 storeys when viewed from Highlands Road.

The site comprises vehicular and pedestrian access off Royley into a single 5.2m wide cul-de-sac access road, with a 1.8 metre footpath on either side of the road.

The application seeks consent for 12 No. houses constructed in either a semi-detached or detached form, or a 4 storey apartment block comprising:

- 8, one and two bedroom apartments;
- 2, two bedroom dormer bungalows; and
- 10, three bedroom dwellings.

PLANNING HISTORY

PA/340555/17 - Erection of 12 no. dwellinghouses and 8 no. apartments. Withdrawn.

PA/338037/16 – Proposed residential development of 4no. dwellings. Approved 24/6/2016

PA/053258/07 - Reserved matters application in relation to PA/50959/06 for all reserved matters (scale, appearance and landscaping) for erection of 28 no. apartments. Granted 26/7/2007

ALLOCATION AND PLANNING GUIDANCE / POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is re-iterated within paragraphs 12 and 210 of the NPPF.

The site is not allocated for any specific use within the Council's adopted Local Development Framework (LDF).

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')

Policy 1 Climate Change and Sustainable Development
Policy 3 An Address of Choice
Policy 5 Promoting Accessibility and Sustainable Transport Choices

Development Management Policies

Policy 9 - Local Environment
Policy 14 - Supporting Oldham's Economy
Policy 20 - Design

Supplementary Planning Guidance

Oldham and Rochdale Residential Design Guide

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 has been publicised on the Council's web-site, by neighbour notification, by press advertisement and by site notice. One representation was received, commenting on a raised water table being present on the site which has prevented it being developed in the past.

CONSULTATIONS

Highways Engineer - No objections, subject to conditions in relation to car parking and street layout.

Greater Manchester Police - No objections subject to a condition in relation to physical security

Drainage - No objections, subject to a condition requiring the submission of a drainage plan.

Environmental Health - No objections, subject to a condition requiring the submission of a

contaminated land survey.

DETERMINING ISSUES

1. Principle of the development
2. Environmental design, appearance, landscaping and impact
3. Environmental impact
 - Flood risk and drainage
 - Land and Groundwater conditions
4. Access, servicing, parking and highway safety

ASSESSMENT

Principle of the development

As the site is unallocated in the current DPD, it is considered that the most relevant policies to consider when determining the principle of the development are policies 1 and 3 of the DPD. Policy 1 states at point b) that proposal will be supported where they “*meet Oldham’s housing needs and demands by focusing residential land in sustainable and accessible locations in regeneration areas (including Oldham Town Centre and the Housing Market Renewal area), also in areas within and accessible to the borough’s other centres (of Chadderton, Failsworth, Hill Stores, Lees, Royton, Shaw and Uppermill), and in rural settlements (such as the Saddleworth villages).*”

The policy goes on to state that proposals that are of a high quality and reduce the risk of flooding and promote the prudent use of resources will also be supported.

It is therefore considered that the proposal does not conflict with the aims and guidance contained within policy 1 of the DPD

Policy 3 sets out the council’s approach for managing the release of housing land. Whilst the principle of residential development may be acceptable, it is considered necessary to assess the application against the three criteria above as required in Policy 3.

These three criteria are considered in turn below.

i) Housing land supply position

It is acknowledged that the proposal would provide a valuable contribution towards the borough’s housing land supply in what is considered to be a highly accessible and sustainable location.

i) Delivery of the borough’s regeneration priorities

The application site would consist of appropriate development for this area. In addition, as the proposal is for 2 and 3 bedroom homes and apartments it contributes to the mix of house types within the area, and will support regeneration of land in the local area.

i) Delivery of affordable housing to meet local affordable housing needs

The capacity of the proposed site does meet the threshold set out in Policy 10 for 15 dwellings or above. However, the applicant has submitted a viability assessment which makes clear that due to the abnormal costs associated with developing the site due to the site history of fly tipping (and the potential for significant land contamination) and the topography meaning that a large amount of piling for instance is required, it is not possible to provide any Section 106 contributions associated with the scheme. Having been assessed, the LPA does not believe that the proposal can support any contributions in this instance.

In addition to the above Policy 3 also states that the use of previously developed land and vacant or underused buildings is the council’s first preference for residential development

and the availability of such land, both in the locality and borough-wide, as assessed by the council's monitoring arrangements, will be the first consideration when regarding applications on greenfield sites. The site has been used for fly tipping and is in an unkempt state and it is considered therefore that the development of the site can be supported in principle.

Environmental design, appearance, landscaping and impact

Guidance within Section 7 ('Requiring good design') of the NPPF 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.

Site layout –

The site comprises vehicular and pedestrian access off Royley into a single 5.2m wide cul-de-sac access road, with a 1.8 metre footpath on either side of the road.

Given the previous consented proposal was for 28, 2 bedroom apartments it is considered that the scheme submitted follows the principles as set out in the Oldham & Rochdale Residential Design Guide SPD more effectively and more accurately reflects the prevailing character of the area and also works more effectively with the topography of the land.

The properties all have an active frontage to the new cul-de-sac. The siting of the dwellings furthermore provides a secure environment to the front of the properties with private amenity space provided in the rear gardens of the houses. A parking court is provided for the apartment block. All houses are designed to have private rear access with all refuse storage areas contained within rear gardens.

Turning to the relationship of the proposed apartment block with Highlands Road, it is noted that the proposed block lies forward of the existing building line. However, when looking at the existing dwellings being constructed adjacent to the proposed block, it is apparent that the building line has effectively been 'broken up' as the site layout approved under PA/338037/16.

The overall site layout is considered to be acceptable.

Building design and impact –

The scale of the new build respects the local vernacular, all of which is to a domestic scale and constructed in traditional materials. In relation to the apartment block fronting on to Highlands Road, it is noted that the property will be three storeys in height towards Highlands Road, whereas the existing traditional post-war semi-detached properties are two storey. However, when taking into account the separation distance between them, it is not considered to be overbearing.

Turning to the proposed dwellings, due to the levels associated with the development, there is considered to be no issues in relation to overlooking with the existing properties, as it will be the proposed dwellings which will be overlooked by the existing dwellings of Royley. In relation to the properties facing on to Malvern Close, there is a 15m distance from the rear to the side elevations of the existing properties which is considered acceptable. Where the dwelling are sited rear-to-rear a distance of 20m would normally be advocated. In addition to the siting, the landscaping plan details additional planting alongside the retaining wall to further ameliorate the impact of the proposed dwellings.

Responding to the local residential schemes, the fenestration choice is both simple and complimentary to their development. A choice of facing brickwork and plain slate grey roof tiles will work well with adjacent properties, with the mass of brickwork broken up by brick soldier courses and cills. Entrances are covered with robust and purpose built canopies.

The proposed location, scale, massing and design of the building would have no impacts upon any surrounding building or properties in regard to issues such as overlooking,

overshadowing or having an overbearing or oppressive impact.

Boundary treatments are shown on the submitted plans and will be conditioned as part of any approval granted. These detail retaining walls to be utilised and traditional 1.8m high timber fencing to rear boundaries.

Designing Out Crime-

The applicant submitted a Crime Impact Assessment which has been consulted on with the Greater Manchester Police Architectural Liaison Officer (PALO). The PALO has stated that subject to a condition securing the measures identified, they have no concerns with the proposal in principle. Therefore in taking account of the nature of the development, the security measures which are proposed, the comments made by the PALO and subject to the imposition of planning conditions, it is considered that the proposal will not increase the risk of crime or fear of crime in this location and that the proposal is acceptable when assessed against the aforementioned legislation, national planning guidance and local planning policy.

Design conclusion –

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 can be imposed to ensure that 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.

Environmental impact

Flood risk and drainage

National guidance contained within Section 10 ('Meeting the challenge of climate change, flooding and coastal change') of the NPPF, the NPPF technical guidance document and policy 19 (Water and Flooding) of the 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. It is noted that the response received from a member of the public mentioned the issue of a raised water table; however the Drainage consultee has stated that subject to the submission of a drainage plan, there are no concerns with the proposal in principle.

Therefore in taking account of the planning history of the site 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 the aforementioned national planning guidance and local planning policy.

Land and groundwater conditions

National guidance within paragraphs 109, 120, 121 and 122 of the NPPF and policies 7, 8 and 9 of the Council's Joint DPD are relevant, which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

Due to the previous fly tipping on the site, Environmental Health have requested a condition requiring the submission of a land contamination report, therefore it is considered that the proposal does not conflict with the aforementioned policies and guidance. Furthermore, an informative could be added to the decision to advise the applicant that paragraph 120

of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Access, servicing, parking and highway safety

Guidance within Section 4 ('Promoting sustainable transport') of the NPPF is relevant, together with policies 5 (Promoting Accessibility and Sustainable Transport Choices), 9 (Local Environment), and 20 (Design) of the Joint DPD, also guidance contained within the Oldham and Rochdale Design Guide's set out the standards and criteria against which the highway implications of the development are assessed.

The proposal has been assessed by the council's Highways Engineer who has stated that subject to a condition in relation to provision of parking spaces, there are no objections to the proposal. Therefore 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.

Conclusion

Paragraph 197 of the NPPF states that 'in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development'.

The proposal has been fully assessed against national and local planning policy guidance. On balance, it is considered that the proposal is acceptable in principle and is acceptable in terms of the appearance and impact upon the visual amenity of this site and surrounding area. The proposal will have no detrimental impacts upon the environmental quality of this locality, or pedestrian and highway safety. The site can be adequately drained and will not give rise to flooding problems. The proposal, subject to the imposition of planning conditions, accords with the aforementioned policy guidance.

For the reasons set out in this report the proposal is considered to be acceptable when assessed against national and local planning policy and conditional approval of planning permission is recommended.

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or two years from the date of approval of the last of the reserved matters.

Reason - To comply with 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 10/01/2018, which are referenced as follows M2873 (PL) 100, M2873 (PL) 101, M2873 (PL) 102, M2873 (PL) 103, M2873 (PL) 104, M2873 12G, M2873-13, M2873 PL 16 Rev E and M2873 (PL) Rev D.

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. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning authority. The scheme shall be completed in accordance with the approved plans.

Reason - To reduce the risk of flooding.

5. 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 site layout plan (Ref: Dwg No.M2873-12G). 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.

6. 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.

7. Prior to the commencement of any development, details of a scheme for protecting the nearby properties from noise and vibration from demolition/construction works shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved measures.

Reason - To protect the occupiers of nearby premises from unnecessary disturbance from noise and vibration.

8. The development shall be implemented in accordance with the submitted Crime Impact Assessment and its associated measures, detailing measures to minimise the risk of crime and meet the specific security needs of the application site and the development. The development shall not be brought into use until the approved measures have been implemented, which shall thereafter be retained and maintained for the lifetime of the development.

Reason - To ensure that the detailed design of the proposed development provides a safe and secure environment and reduces opportunities for crime

9. No development shall take place unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local

Planning Authority and these works shall be carried out as approved. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

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.

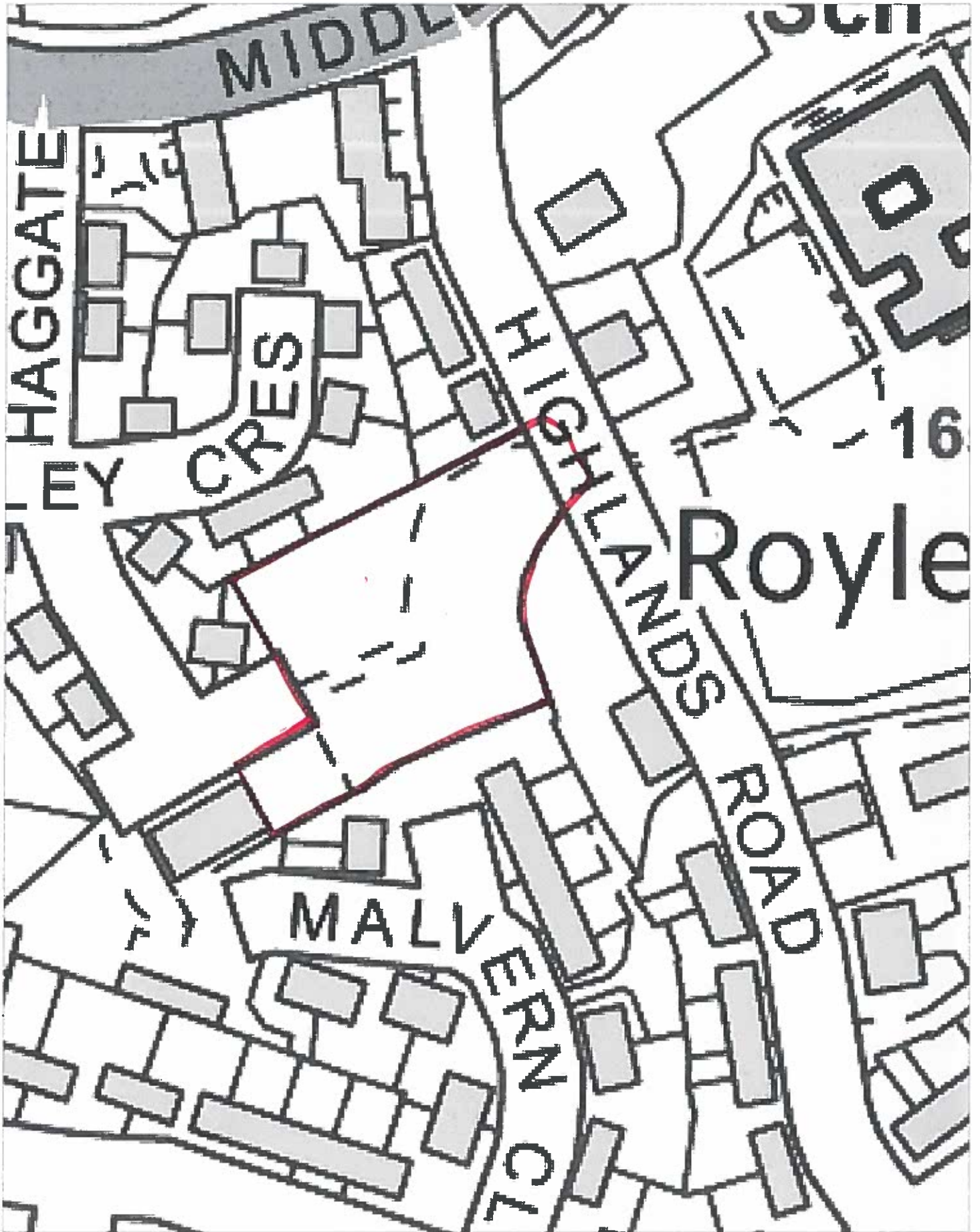
10. All hard and soft landscape works for the site to comply with condition 9 shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance the programme agreed with the Local Planning Authority. Thereafter, 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.

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.

11. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced or before the buildings to which the treatment relates are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure an acceptable form of development is achieved in the interests of amenity as such details were not submitted with the application.

341270



APPLICATION REPORT - PA/341486/18

Planning Committee, 6 June, 2018

Registration Date: 23/03/2018
Ward: Shaw

Application Reference: PA/341486/18
Type of Application: Full Planning Permission

Proposal: Change of use from retail (Use class A1) to restaurant (Use class A3) and hot food takeaway (Use class A5) together with associated external mechanical extract ducting; infilling opening to existing single storey rear addition

Location: 73 Market Street, Shaw, OL2 8NP

Case Officer: Graeme Moore

Applicant Mr Pilkington
Agent : AJ COCKER ASSOCIATES

THE SITE

The property is an existing retail unit which is currently unoccupied on the junction with Market Street and Greenfield Lane. Previously the unit was a public house but has since been converted into three retail units. There is also a relatively recent addition in the form of a two storey rear extension.

THE PROPOSAL

A full planning application has been submitted for the change of use of the ground floor from the existing A1 use. The proposal will involve changes to the existing retail units to form a takeaway unit and a sit down restaurant area. The proposal also involves the installation of a flue to deal with the fumes and odours associated with the use. It should be noted that the proposal does not involve any changes to the existing flats located above the existing retail units.

PLANNING HISTORY

PA/336970/18 - 1) Change of use of first & second floor to 6 no. flats 2) Roof extension 3) Associated works. Granted 07/08/2015

ALLOCATION AND PLANNING GUIDANCE / POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is re-iterated within paragraphs 12 and 210 of the NPPF.

The site is in an allocated 'Centre' within the Council's adopted Local Development Framework (LDF).

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)

Development Management Policies

Policy 9 Local Environment
Policy 15 Centres
Policy 20 Design

Supplementary Planning Guidance

Oldham Council – Vibrant Centres SPD.

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 has been 'called in' for determination by the Planning Committee by ward Councillor Dave Murphy.

The application has been publicised on the Council's web-site, by neighbour notification and by site notice. One comment has been received, however this is based on concerns regarding competition with existing takeaway facilities and therefore cannot be considered a material consideration.

CONSULTATIONS

Highways Engineer - No objections.

Environmental Health - No objections subject to conditions in relation to the treatment of odours/fumes and waste storage facilities.

DETERMINING ISSUES

1. Principle of the development
2. Amenity issues – noise, dust odour
3. Access, servicing, parking and highway safety

ASSESSMENT

Principle of the development

DPD Policy 1 requires the efficient use of buildings to support and improve the vitality and viability of the borough's centres with a view to encouraging economic prosperity.

It is noted the proposed use is a form of retail and falls under the threshold of Policy 16 'Local Services and Facilities'. As such it is necessary to consider whether the proposal complies with the provisions of Policy 15 'Centres'.

Insofar as food, drink and night-time economy uses are concerned, the policy requires the Applicant to demonstrate a 'need' for the proposal having regard to the number of existing (and proposed) establishments in the area. It also requires that it contributes positively to the local environment (including experience for visitors and users of the area), has no detrimental impact on human health and well-being, amenity, traffic generation, highway safety, and that it contributes positively to the visual appearance of the area and promotes community safety and security.

Policy 15 'Centres' is supplemented by the guidance afforded by the Vibrant Centres SPD. The guidance document under separate 'matters' draws attention to identifying need and to assist in assessing late night opening and its cumulative effect with other similar uses to

the vitality and viability of the town centre. Matters 1 – 4 relate to criterion 'a' of Policy 15 and matters 5 – 11 address the remaining criteria.

Under Matter 1 of the SPD written guidance is provided on how the proposed development may support / identify a need which takes account of any existing uses and how it impacts upon the vitality and viability of the area in which it is located. In the context of this application no information has been submitted purporting a need for a hot food takeaway, such as it providing for a niche market.

Matter 2 has regard to the number of existing A5 uses in a given frontage. It requires that no more than 10% of any ground floor frontage shall consist of an A5 use. Given regard to the existing uses in the parade, it is considered that the proposed change of use would not result in more than 10% of the ground floor frontage being taken up by A5 uses and that it is considered that the proposal is not contrary to Matter 2 of the SPD.

Matter 3 is concerned with the clustering of hot food takeaways and states that the Council will ensure that no more than two A5 uses should be located adjacent each other and between individual groups of A5 uses, there shall be at least two non-A5 uses. This requirement is complied with in this instance.

Taking into account the application site, the proposal and the matters 1-4, Officers consider there are no concerns with the proposal in principle.

Amenity issues – noise, dust, odour

National guidance within paragraph 123 of the NPPF and policy 9 (Local Environment) of the Council's Joint DPD provides guidance on pollution control and the impact of development on health, environmental quality, and amenity.

Policy 9 aims to safeguard the users or occupiers of adjoining land or properties from the impacts likely to be associated with development proposals. Furthermore Policy 15 and Matters 5 - 7 of the SPD 'Vibrant Centres' are concerned with the impact of the opening hours, disposal of waste and litter and odour respectively.

It is noted that the site comprises of retail units and that there are residential properties located above the adjacent retail units on the other side of Market Street including the flats associated with the pub. However, considering the town centre location it is considered that there will no detrimental impacts in terms of amenity on adjacent properties, subject to the imposition of conditions in relation to any flues, bin storage and hours restricting the opening times to between 9am and 11pm.

Access, servicing, parking and highway safety

The area immediately outside the premises on Market Street does have parking restrictions, with the bay marked as 'loading only' between 7am and 6pm. However, there is sufficient parking located nearby to support both people stopping off to use the takeaway element and for people using the restaurant. It is therefore considered that there would be no issues with the proposal from a highway safety point of view and this is backed up by the comments from the Highways Engineer.

Therefore, in taking account of the documentation submitted, the scale and nature of the development, and the technical advice given by the Council's Highways Engineer, it is considered that the proposed use can be adequately accommodated on the local highway network, that there would be adequate 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 policies 5 (Promoting Accessibility and Sustainable Transport Choices), 9 (Local Environment) and 20 (Design) of the DPD

Conclusion

Paragraph 197 of the NPPF states that in assessing and determining development

proposals, local planning authorities should apply the presumption in favour of sustainable development'.

The proposal has been fully assessed against national and local planning policy guidance. On balance, it is considered that the proposal is acceptable in principle and is acceptable in terms of the appearance and impact upon the visual amenity of this site and surrounding area. The proposal will have no detrimental impacts upon the environmental quality of this locality, or pedestrian and highway safety. The site can be adequately drained and will not give rise to flooding problems. The proposal, subject to the imposition of planning conditions, accords with the aforementioned policy guidance.

For the reasons set out in this report the proposal is considered to be acceptable when assessed against national and local planning policy and conditional approval of planning permission is recommended.

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 permitted shall be fully implemented in accordance with the plans received on 23/3/2018 which are referenced as follows:

P207-001/a;
JDQ336(1) and
JDQ336(2).

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 details of facilities for the storage and removal of refuse and waste materials have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the hot food takeaway is brought into use.

Reason - To ensure that the use is not harmful to the amenity of occupiers of nearby residential properties.

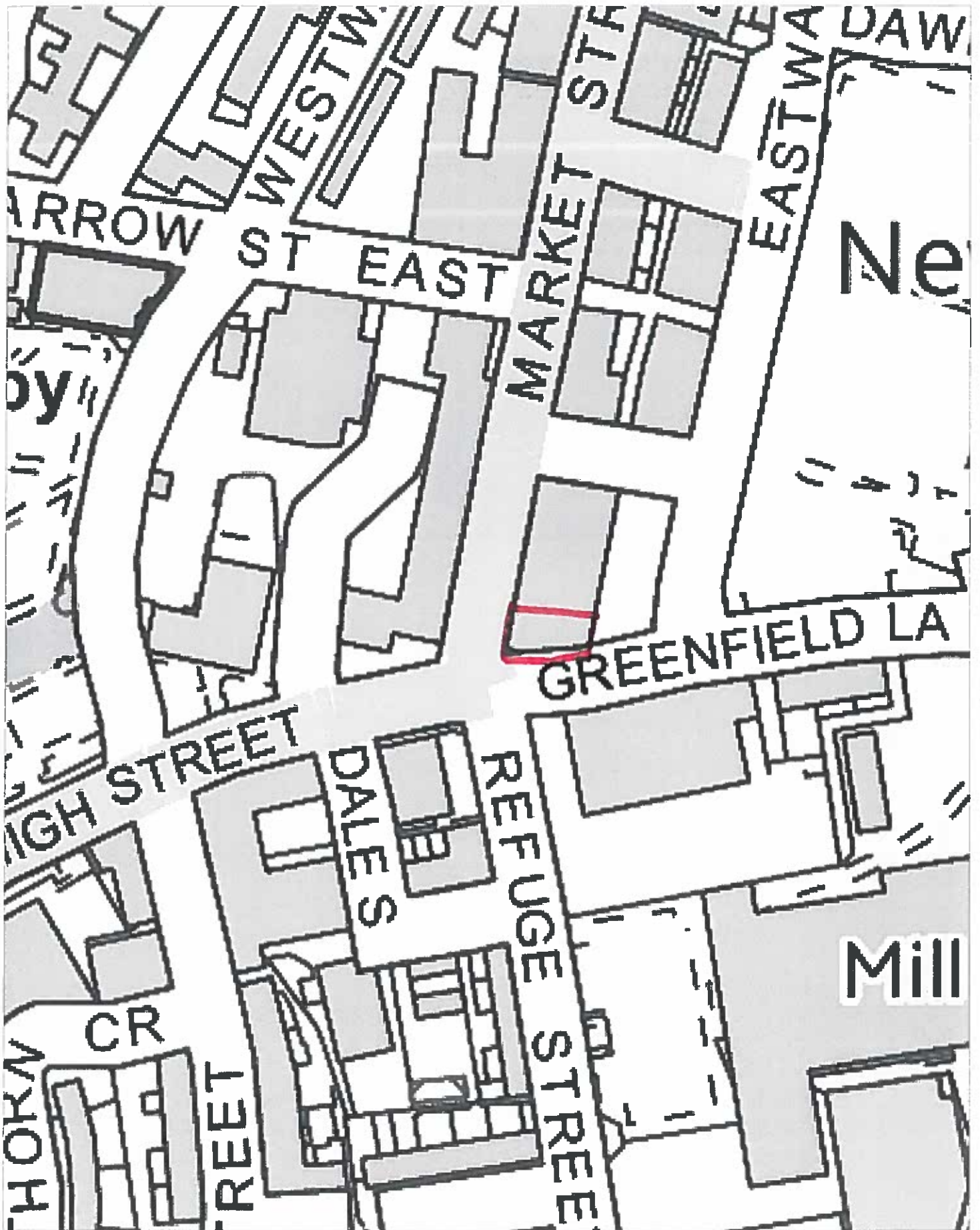
4. No development shall take place unless and until a scheme showing details of ventilation and fume extraction from the premises, the position and finish of any external flues and a programme of operation and equipment maintenance, in accordance with the manufacturer's recommendations has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed in its entirety before the use of the premises hereby permitted commences and thereafter it shall be retained, operated and maintained in accordance with the manufacturer's recommendations.

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

5. The hot food takeaway and restaurant premises shall not be open for trade or business (including food preparation and deliveries) except between the hours of 9am and 11pm on any day.

Reason - To safeguard the amenity of occupiers of residential properties (including the first floor flats).

341486



APPLICATION REPORT - AD/341557/18

Planning Committee, 6 June, 2018

Registration Date: 15/03/2018
Ward: Alexandra

Application Reference: AD/341557/18
Type of Application: Advertisement consent

Proposal: A "gateway feature" to identify the entry point of Holts Village.
Location: Land at junction of Wildmoor Avenue and Lees New Road, Oldham, OL4 5PJ
Case Officer: Richard Byrne

Applicant FCHO
Agent : FCHO

THE SITE

This application relates to the northern section of a parcel of land which is part of a wider swath of amenity space between Covert Road and Lees New Road. The application site is bounded by Covert Road, Wildmoor Avenue and Lees New Road.

THE PROPOSAL

Advertisement Consent is sought for a double sided non-illuminated freestanding totem sign. The proposed sign is set on a stone plinth and with a 1.95 metre high stone support. The sign, including the stone support measures 3.42 metres in height, 1.89 metres in width (sign is 1 metre) by 600 mm in depth.

The sign is aluminium with vinyl applied lettering against a white background. There is a detailing at the top of the sign representing a roof slope of a property.

This application has been submitted in retrospect as part of the sign has been erected.

RELEVANT HISTORY OF THE SITE

None.

CONSULTATIONS

Highway Engineer Does not wish to restrict the granting of Advertisement Consent.

REPRESENTATIONS

The application has been advertised by notification letters and a site notice. As a result of the publicity 11 individual representations and a signed petition containing 124 signatures have been received. The comments are summarised as follows:

Amenity

- The proposed feature by reason of its size, width, height, colour and materials is not in-keeping with the design and character of the properties or the landscape in the surrounding area;
- Large and imposing, made of unnatural materials and is aesthetically unpleasant;

- The feature is greatly imposing on the natural beauty and landscape of a rural area- it is plastic and its materials are not in keeping with the immediate surroundings
- Will have a negative visual impact on the open view over countryside around Hartshead Pike.
- Will have an unacceptably adverse impact on the amenities of the properties within view of the sign, by reason of its overbearing impact and its distinct deviation from the appearance of the local environment; and,
- Adversely affect outlook of nearby properties.

Public safety

- The sign is poorly located, right next to a junction, which obstructs the view of traffic approaching off Wildmoor Ave;
- Attract gatherings of young people and its location close to the mini-roundabout will constitute a heightened and unacceptable safety risk for young people, motorists, pedestrians and cyclists;
- The feature is a hazard for motorists and cyclists because it is a distraction when approaching a busy roundabout where people are already confused about right of way/ risk of collision/ injury; and,
- Attract anti-social behaviour.

Other matters

- Attract vandalism, as evidenced by previous graffiti on nearby features and a potential hazard for young people playing on or around the feature, as evidenced by similar incidents at features at this location and along Lees New Road;
- Money could be spent elsewhere in the area;
- Purports that Holts is owned and operated solely by First Choice Homes;
- Will affect perception for people wishing to move into the area;
- Will effect house prices and sales;
- Will act as a climbing frame for children;
- Wording on the sign is inaccurate- it advertises the area as a village, this is not the case as a village. This must include certain public amenities such as a church/ place of worship; and,
- Community was not consulted by FCHO.

This application has been referred to Planning Committee by Councillor S Mushtaq in accordance with the Council's Scheme of Delegation.

PLANNING CONSIDERATIONS

The proposal should be assessed against Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the National Planning Policy Framework. Advertisements should be subject to control only in the interests of amenity and public safety, these being the two fundamental control practice criteria embedded in Regulation 3.

The NPPF advocates that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Only advertisements which have an appreciation of the impact on a building or on their surroundings can be considered acceptable in the interests of amenity and public safety, which takes into account the overall cumulative impact with other advertisements in the surrounding area.

DPD Policy 9 stipulates that proposals will be permitted where they do not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape. DPD Policy 20 provides an overarching emphasis of promoting high quality design in developments in order that they reflect the character and distinctiveness of the area in accordance with 10 design principles.

Amenity

The effect on amenity can be defined as the impact on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

There are no mechanical parts on or inside the proposed advertisement sign or means of emitting noise. As such it is not considered the proposal would not harm the aural amenity of the area.

Turning to the effect on visual amenity, the land surrounding the application site forms part of a wider swath of public open space which runs adjacent to Lees New Road and then makes a return up Wildmoor Avenue. The footways which immediately surround the application site are populated by street lighting columns, a road traffic sign and telecommunication cabinets. The amenity space contributes towards the views and vistas in the area and makes a visual link between the existing residential area and the open countryside to the southeast.

It is not considered the proposed totem sign in terms of its height and massing would harm the visual amenity of the area. Although the proposed totem's height would project 3.5 metres, it is noted the approach along Lees New Road (in either direction), Covert Road and Wildmoor Avenue already has the presence of existing tall street furniture in its respective vista. As such, it is considered the proposed totem would not be a significant deviation or detract from the existing vistas. The proposal would introduce a tall structure into an area already populated by existing structures and is therefore considered to assimilate with the current views and vistas around the application site.

Taking into account the general spaciousness around the proposed totem sign it is not considered the ratio between the proposed height and its distance to the edge of the footway is disproportional and would have the perception of being out of scale with passers-by or within the wider streetscene.

It is noted there are views to the south east out over the open countryside. Nevertheless, the views have the presence of the street furniture, particularly the street lighting columns, in the immediate skyline. It is not considered the height and width of the proposed totem would significantly injure the existing views out into the open countryside.

Residents and passers-by will inevitably be aware of the proposed totem sign. However, the size of the font is considered to be proportional with the width of the sign and its colour scheme would not be in stark contrast with the sign or the surrounding area. The detailing at the top of the sign adds visual interest, promoting its intention as being a gateway feature.

It is considered the overall design including its plinth and stone support is considered to be acceptable in the interests of amenity

Public safety

Public safety is defined as matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians.

It is considered the proposed totem is sufficiently set back from the edge of the footway to maintain visibility for vehicles on the approaches and using the staggered junction of Covert Road and Wildmoor Avenue.

Similarly it is considered there is a sufficient degree of visibility afforded to vehicles on the approach to the roundabout with Lees New Road from Wildmoor Avenue.

It is not considered the proposed totem sign would hinder a vehicle's view of the approach to the Lees New Road's mini roundabout. As such the proposed totem sign does not have adverse bearing on the safe use of the highway by vehicular traffic.

In respect of pedestrian traffic the proposed sign is positioned in an open area of amenity

space and views can still be gained in and around the proposed totem.

Other matters

In regard to the potential of vandalism Members attention is drawn to the Advertisement Regulations where at Schedule Two it sets out five standard conditions which are enforceable by the Local Planning Authority. Of particular relevant are conditions three and four which state:

“...Any advertisement must be maintained in a condition that does not impair the visual amenity of the site...” and,

“...Any advertisement hoarding or structure is to be kept in a condition which does not endanger the public...”

The two above conditions would place the onus on the applicant to ensure that an act of vandalism will be rectified should this be an occurrence. Failure to maintain the proposed totem in an acceptable condition would become an enforceable matter.

The congregation of groups or the sign being used for other purposes that would create a potential disturbance would be a matter that would be addressed through other appropriate authorities. It is not considered the proposed totem sign would in itself pose a significant public safety risk.

It is noted the concerns expressed regarding the effect on house prices. In this respect the effect on house prices this is not a material consideration that can be taken into account in assessing this proposal.

In respect of the content of the sign, unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused if it is considered the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary, or offensive to public morals. It should be noted that this report considers the proposed totem is not harmful to amenity or public safety.

Conclusion

It is considered the proposed totem sign would not harm the amenity of the surrounding area and would not harm public safety.

Taking all the factors into account it is therefore recommended for approval.

RECOMMENDATION

Approve, subject to the following conditions:

1. The consent hereby granted is for a period not exceeding FIVE YEARS from the date of this consent.

Reason - Required to be imposed pursuant of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2. The advertisement hereby granted consent shall be displayed entirely in accordance with the following plans and specifications:

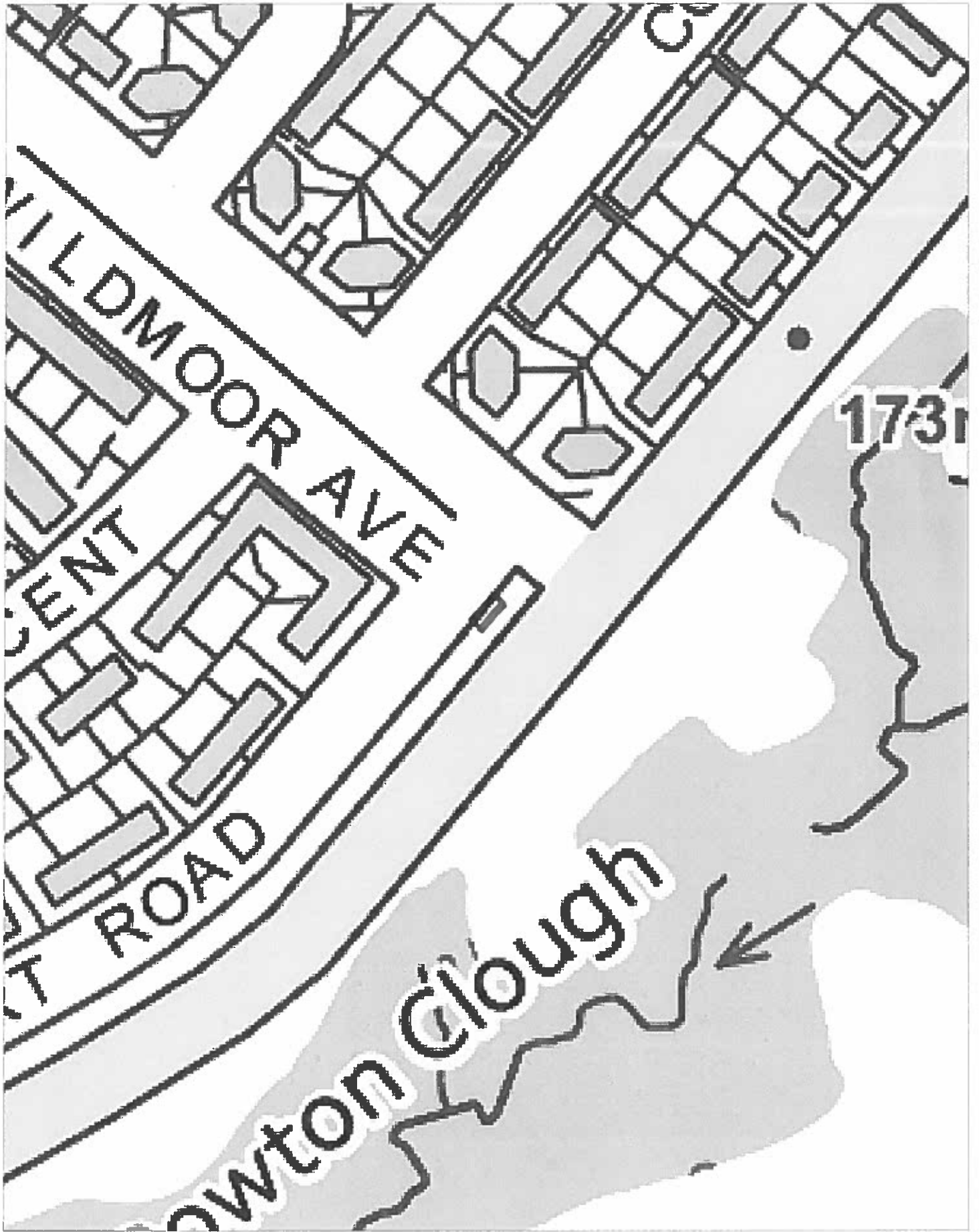
Location of proposed totem scaled 1:500 - received 29 March 2018;
Drawing Number: E5512-01 - received 15 March 2018; and,
Drawing showing sign and dimensions (ref: E/5512-2) - received 15 March 2018.

Reason - To ensure that the display is carried out in accordance with the approved plans and specifications.

3.
 - A. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - B. No advertisement shall be sited or displayed so as to -
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - C. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - D. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - E. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason - Required to be imposed pursuant of the Town and Country Planning (Control of Advertisements) Regulations 2007.

341557



PLANNING COMMITTEE - BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING AND INFRASTRUCTURE

PLANNING AND ADVERTISEMENT APPLICATIONS

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information defined by that Act.

THE BACKGROUND PAPERS

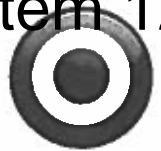
1. **The appropriate planning application file:** This is a file with the same reference number as that shown on the Agenda for the application. It may contain the following documents:
 - The application forms
 - Plans of the proposed development
 - Certificates relating to site ownership
 - A list of consultees and replies to and from statutory and other consultees and bodies
 - Letters and documents from interested parties
 - A list of OMBC Departments consulted and their replies.
2. **Any planning or advertisement applications:** this will include the following documents:
 - The application forms
 - Plans of the proposed development
 - Certificates relating to site ownership
 - The Executive Director, Environmental Services' report to the Planning Committee
 - The decision notice
3. Background papers additional to those specified in 1 or 2 above or set out below.

ADDITIONAL BACKGROUND PAPERS

1. The Adopted Oldham Unitary Development Plan.
2. Development Control Policy Guidelines approved by the Environmental Services (Plans) Sub-Committee.
3. Saddleworth Parish Council Planning Committee Minutes.
4. Shaw and Crompton Parish Council Planning Committee Minutes.

These documents may be inspected at the Access Oldham, Planning Reception, Level 4 (Ground Floor), Civic Centre, West Street, Oldham by making an appointment with the allocated officer during normal office hours, i.e. 8.40 am to 5.00 pm.

Any person wishing to inspect copies of background papers should contact Development Management telephone no. 0161 770 4105.



Planning Appeals Update

Planning Committee

Report of Head of Planning and Infrastructure

DATE OF COMMITTEE

June 2018

PLANNING APPEALS

WRITTEN REPRESENTATIONS

PA/340595/17 Greenfield House, Chew Valley Road, Greenfield, OL 3 7NF
PA/340260/17 Primrose Hill, Roebuck Lane, Strinesdale, Oldham, OL4 3RD

HOUSE HOLDER

HH/340994/17 127 Delph Lane, Oldham, OL3 5UT

ADVERTISEMENTS

APPEAL DECISIONS

PA/340115/17 99a and 99b High Street, Oldham, OL4 4LY
PA/340304/17 464 Oldham Road, Failsworth, M35 0FH
PA/340333/17 Former Shaw Bank Club, Dale Street, Shaw, Oldham, OL2 8RN
AD/340617/17 Adj 18 Oldham Road, Failsworth, M35 0JE
PA/340367/17 Parliament Square Café and Deli, 32-34 High Street, Oldham, OL1 1JA
HH/340979/17 31 Pennine Avenue, Chadderton, OL9 8PH

RECOMMENDATION - That the report be noted.

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information as defined by that Act.

Files held in the Development Control Section

The above papers and documents can be inspected from 08.40am to 4.30pm on level 12, Civic Centre, West Street, Oldham.



Appeal Decision

Site visit made on 13 March 2018

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th April 2018

Appeal Ref: APP/W4223/W/17/3192368 99a and 99b High Street, Oldham OL4 4LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Windle against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/340115/17, dated 19 April 2017, was refused by notice dated 28 June 2017.
 - The development proposed is alterations to form two units and four flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I saw that some internal works were on-going on the first and second floors of the building, though these were not at a stage where it could be determined if they were in full compliance with the submitted plans. For the avoidance of doubt, I have considered the appeal on the basis of the plans provided only.
3. The appellant has provided a signed and dated Unilateral Undertaking (UU) which offers to limit the tenancy of the flats. I shall return to this matter below.

Main Issue

4. The main issue is the effect of the development on the living conditions of future occupiers, with particular regard to internal living space.

Reasons

5. The appeal relates to a three storey building that forms part of a terrace on the High Street. The ground floor is currently in use as a single shop unit. This was in use as a charity shop at the time of my visit. The development would result in the subdivision of the shop into two units, with two one bedroom flats on the first floor. The second floor and attic space would be converted into two, two bedroom flats.
6. The Council has included reference to the Government's 'technical housing standards'¹ (THS) in its reason for refusal. However, the Written Ministerial Statement of 25 March 2015 makes it clear that such standards can only be

¹ Technical housing standards – nationally described space standard – March 2015 (Department for Communities and Local Government).

applied where there is a relevant current local plan policy. In this case, there is no such policy. The national standards cannot therefore be applied on a mandatory basis and consequently, this is not a matter which carries significant weight against the proposal. However, a core planning principle of the National Planning Policy Framework (the Framework) and the Joint Core Strategy and Development Management Policies (CSDM) (2011) is to ensure a good standard of living conditions for all existing and future occupants. Therefore while non-compliance with the THS is not decisive, the scale and configuration of internal living space provided remains an important factor in determining whether a good standard of accommodation is achievable.

7. Flat 1 would provide just 31 sqm of space, which in my judgement is severely limited. It would have a separate bedroom and shared living room kitchen area separated by a small corridor. The bathroom would be accessed through the bedroom. Although the size of the flat would only realistically cater to an individual, the overall lack of space would make it feel overly cramped and oppressive in nature. While a shared kitchen and living room might not be unusual, the total area given to these two functions would be constrained. The bedroom would also be small with limited circulation space. These characteristics would serve only to exacerbate the overall cramped conditions within the flat.
8. Flat 3 would provide 33 sqm of space on one level and then an additional 18 sqm in the attic. Even if I were to accept the limitation on occupancy suggested by the appellant, this would still be a significantly constrained amount of space for two people to share, particularly when a large proportion of the total floorspace is given over to the upstairs bedroom. Although both bedrooms would have their own WC and bathing facilities, the shared open plan kitchen and living area would again feel cramped and confined. Bedroom 2 also appears to be particularly small, even for a single occupancy room. The plans show that even with only a single bed there would be little circulation space. This room in particular would feel unduly cramped and would create an unacceptably confined and oppressive environment for any future occupants.
9. Flat 4 is the largest of the four flats and provides for a separate living room and kitchen. Although a dining area is shown on the plans, which would curtail the amount of shared space, the layout of that room would be open to some flexibility. Bedroom 2 of Flat 4 is larger than that of Flat 2. However, I still have some concern over whether the amount of space provided would be sufficient to provide occupants with a satisfactory form of accommodation. No wardrobe or other storage area is shown on the plan and while it may be possible to accommodate such basic furniture without obscuring the window, it would inevitably reduce space even further. Again, a significant proportion of the overall space of the flat relates to the attic room and would thus not be available for all occupants. Notwithstanding the overall scale of the flat, I am not convinced that its configuration would result in a satisfactory living environment for two people sharing.
10. I saw nothing to suggest the amount of light that would be likely to enter the habitable rooms would mitigate the harmful impacts of the either the overall amount of space or the configuration of any of these flats.
11. I have fewer concerns over the potential living environment within Flat 2, particularly if limited to one person. Although the kitchen and living area is still

open plan, it is nevertheless a larger area than Flat 1 and would not feel as cramped. The bedroom would also be larger and occupants would not feel as confined. Nonetheless, this does not alter my view that the other three flats would not provide an adequate amount of internal space to provide a satisfactory living environment.

12. In conclusion, I find that the development would cause harm to the living conditions of future occupants. Accordingly, there would be conflict with Policy 9 of the CSDM which seeks, amongst other things, to ensure development does not cause harm to the amenity of future occupants. There would also be conflict with paragraph 17 of the National Planning Policy Framework (the Framework) which seeks, amongst other things, to ensure development provides a good standard of amenity.

Other Matters

13. The appellant has suggested that the Council cannot demonstrate a five year supply of deliverable housing land as required by paragraph 47 the Framework. While the Council has disputed references made regarding the undersupply of housing or that there is a shortage of smaller housing, I have not been provided with detailed or substantive evidence from either party on the level of housing supply or what shortfall might exist. Four additional units would clearly be of some assistance in meeting housing needs. The site lies in a sustainable location with good access to facilities. There would therefore be some limited social, economic and environmental benefits associated with the development. The re-use of underutilised upper floors above a shop is also a recognised benefit. However, the small scale of development results in only moderate weight in favour of the proposal.
14. I have had regard to the appellant's evidence relating to the demand for smaller flats and likely difficulties in letting larger flats. However, the letter from a single agent is not convincing evidence of a significant shortage of this type of accommodation or that larger flats could not be let. In any event, I am not persuaded that allowing flats that would not provide acceptable living conditions would be an appropriate means of meeting local needs.
15. I note that planning permission was granted in 2012 for a similar form of development under the same policies as are in place now. I do not have the full details of this permission before me. The Council argues that the publication of the THS is a material change in circumstance, as these standards provide a clear indication of what should be considered to be acceptable in principle to create a satisfactory living environment. This permission has expired and while I have had regard to it, I have considered the appeal on its own merits based on the evidence before me. The earlier permission does not alter my view that the development would not provide an appropriate standard of accommodation.
16. The appellant has suggested that they have a legitimate fallback position in terms of being able to sub-divide the shop into two units and then creating two flats above each without requiring planning permission. Notwithstanding the somewhat convoluted approach described, to qualify for permitted development rights the upper floors must also be in an A1 or A2 use and be part of the same planning unit. There is little evidence before me in relation to the lawful use of the upper floors. They do not currently appear connected to the retail use on the ground floor and can be accessed separately. There is

insufficient evidence therefore to be certain that the upper floors would meet the requirements of permitted development. As such, there is no certainty that the fallback position is valid and thus I have given it only moderate weight in my decision.

17. The appellant has drawn my attention to an appeal² decision he considers relevant. I do not have the full details of that case and thus cannot conclude it is directly comparable to that before me. Importantly, the Inspector in that case concluded that the shortfall in size compared to the THS would not cause harm to living conditions. I have already concluded that the THS are not decisive in this case. Nonetheless, I still consider the flats to be too small and/or poorly configured to provide an acceptable standard of accommodation. This is a clear material difference to the alternative appeal.
18. As I have found that at least three of the flats would provide an inadequate degree of space for their intended occupancy levels, the UU would not result in an acceptable form of development or provide sufficient mitigation to make the development acceptable in planning terms. The UU does not therefore alter my decision.
19. Taking all matters into account, I find that the material considerations considered above do not outweigh the harm identified or lead me to a different conclusion as to the acceptability of the proposal. Even if the Council cannot demonstrate a five year supply of deliverable housing land, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when considered against the Framework as a whole. In such circumstances, paragraph 14 of the Framework does not suggest that permission should be granted. There is nothing to suggest therefore that a decision other than in accordance with the development plan should be made in this instance.

Conclusion

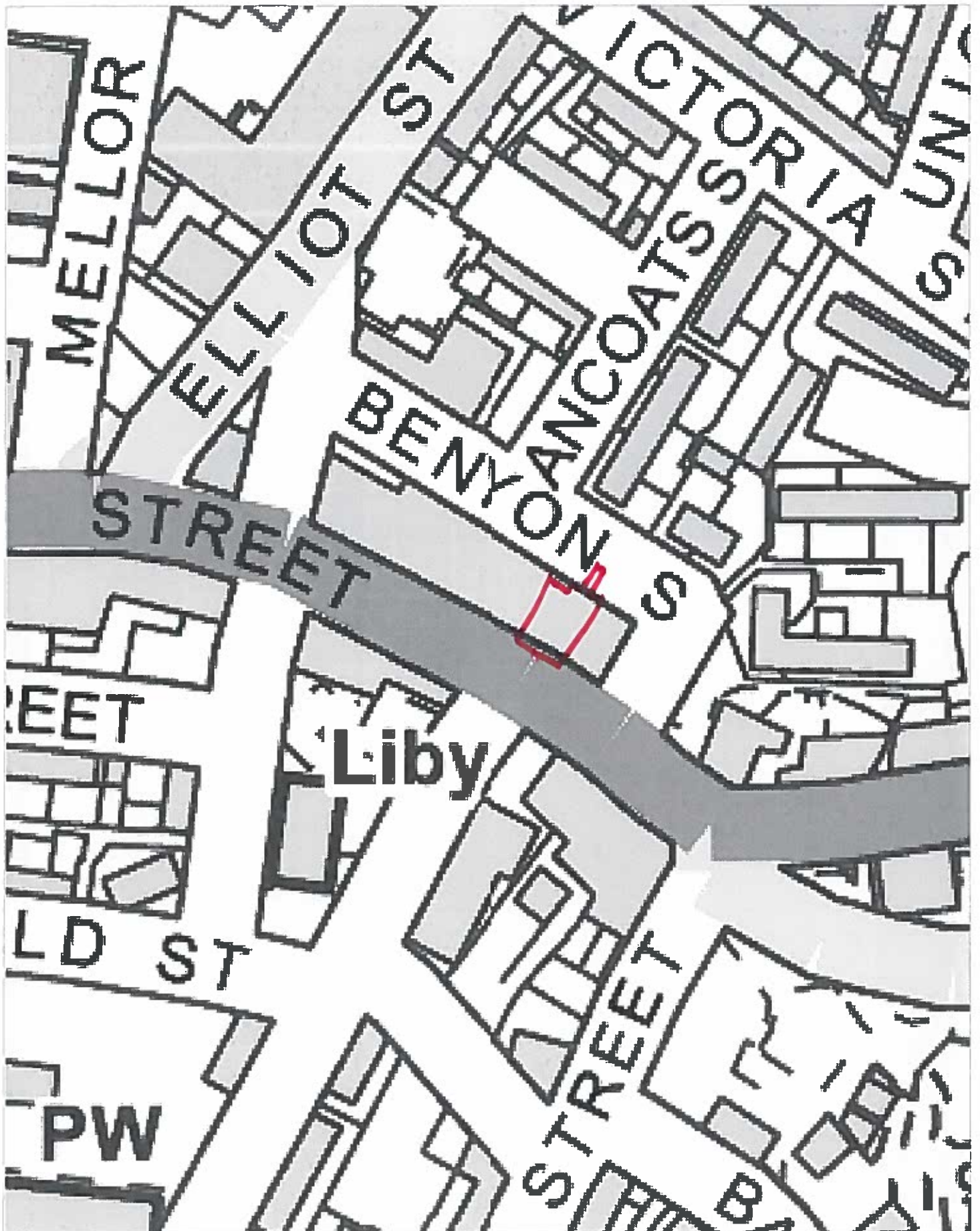
20. For the reasons given above I conclude that the appeal should be dismissed.

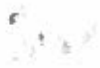
S J Lee

INSPECTOR

² Appeal reference: APP/Z5630/W/17/3171717

340115







Appeal Decision

Site visit made on 17 April 2018

by **Alison Partington BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st May 2018

Appeal Ref: APP/W4223/W/18/3194397

464 Oldham Road, Failsworth M35 0FH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Sargeant (Rintarah) against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/340304/17, dated 1 June 2017, was refused by notice dated 27 July 2017.
 - The development proposed is described as "the change of use of the first floor of former public house to massage centre with associated external staircase and new entrance door including new signage and porch (part retrospective)."
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of the first floor of former public house to massage centre with associated external staircase and new entrance door and porch at 464 Oldham Road, Failsworth M35 0FH in accordance with the terms of the application, Ref PA/340304/17, dated 1 June 2017, subject to the conditions set out in Annex A.

Procedural Matter

2. The change of use of the first floor has already taken place and the external door and staircase have been constructed. Although the description of development given refers to signage as well, the appellant has confirmed that this element is now being dealt with separately, and the Council's Officer's Report makes no reference to this element in its assessment either. Therefore, I am satisfied that they determined the application on this basis, and so I have determined the appeal likewise. Given this, in my formal decision I have removed the reference to the signage, and have left out the reference to the proposal being 'part retrospective' as this is superfluous.

Main Issue

3. The main issue in the appeal is whether or not the proposal would preserve or enhance the character or appearance of Failsworth Pole (Wrigley Head) Conservation Area.

Reasons

4. The appeal property is a former public house on the end of a terrace of commercial properties that lies within Failsworth Pole (Wrigley Head) Conservation Area. Section 72(1) of the *Planning (Listed Buildings and*

Conservation Areas) Act 1990 requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a conservation area. The area's association with Ben Brierley gives historic, as well as architectural, significance to the conservation area. However, there is no indication that the host property has any specific architectural or historic significance. The surrounding area has a mix of commercial and residential uses, and to the west of the site runs a canal.

5. The Council has not raised any objection to the proposed change of use which utilises the first floor of the former public house. It is indicated that the appellant provides deep tissue massage for musculoskeletal problems for people with a range of mainly work and sport related injuries and problems. Nothing I have seen or read, leads me to come to a different conclusion regarding this aspect of the appeal scheme.
6. The staircase, door and proposed porch are located on the western elevation of the property. As such there would be no views of them when approaching the site from the East. Moreover, due to the height of the boundary wall along the western edge of the site, the staircase cannot be seen when approaching the site from the west, and only part of the door and part of the proposed porch structure would be able to be seen. The visibility of these would be further reduced in the summer months when the vegetation immediately beyond the wall is in leaf. As such, I am satisfied that the appeal scheme would not be a prominent feature in the street scene.
7. In addition, I observed that a number of other buildings within the conservation area, including the prominent mill and chimney opposite the site, had external metal staircases and doors at high levels. Whilst these may not provide the main access to these buildings, their presence means these elements of the appeal scheme are not alien or incongruous features, or out of keeping with the character of the area.
8. The proposed porch is of a simple design which would be subservient to, and not detract from, the host property. Given there would be limited visibility of it from the public realm, subject to a condition controlling its colour, it would not be an intrusive feature that would harm the character and appearance of the area.
9. Consequently, I consider that the proposal would preserve the character and appearance of Failsworth Pole (Wrigley Head) Conservation Area. Accordingly, there would be no conflict with Policies 20 and 24 of the *Oldham Joint Core Strategy and Development Management Development Plan Document (adopted November 2011)* which seek to ensure that developments have a high quality of design that reflects the character of the local area and protects, conserves, and enhances heritage assets.

Other Matters

10. The Council have highlighted that the access to the first floor makes no provision for wheel chairs. Be that as it may, it appeared to me that the use was one that would predominantly operate on an appointment system rather than attracting casual trade from passers-by, and the appellant has indicated that alternative arrangements could be made to see people unable to access the premises, for example by treating them in their own home. In addition, there is no persuasive evidence that the proposal would lead to a loss of property values.

Conclusion and Conditions

11. For the reasons set out above I conclude the appeal should be allowed.
12. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans as this provides certainty. In the interests of the character and appearance of the area, a condition is required to control the external appearance of the proposal, although I have altered the wording from that suggested by the Council to reflect the fact that some of the proposal has already been implemented, and have combined the two conditions suggested into one. A condition to control opening hours is needed in order to protect the living conditions of nearby residents.

Alison Partington

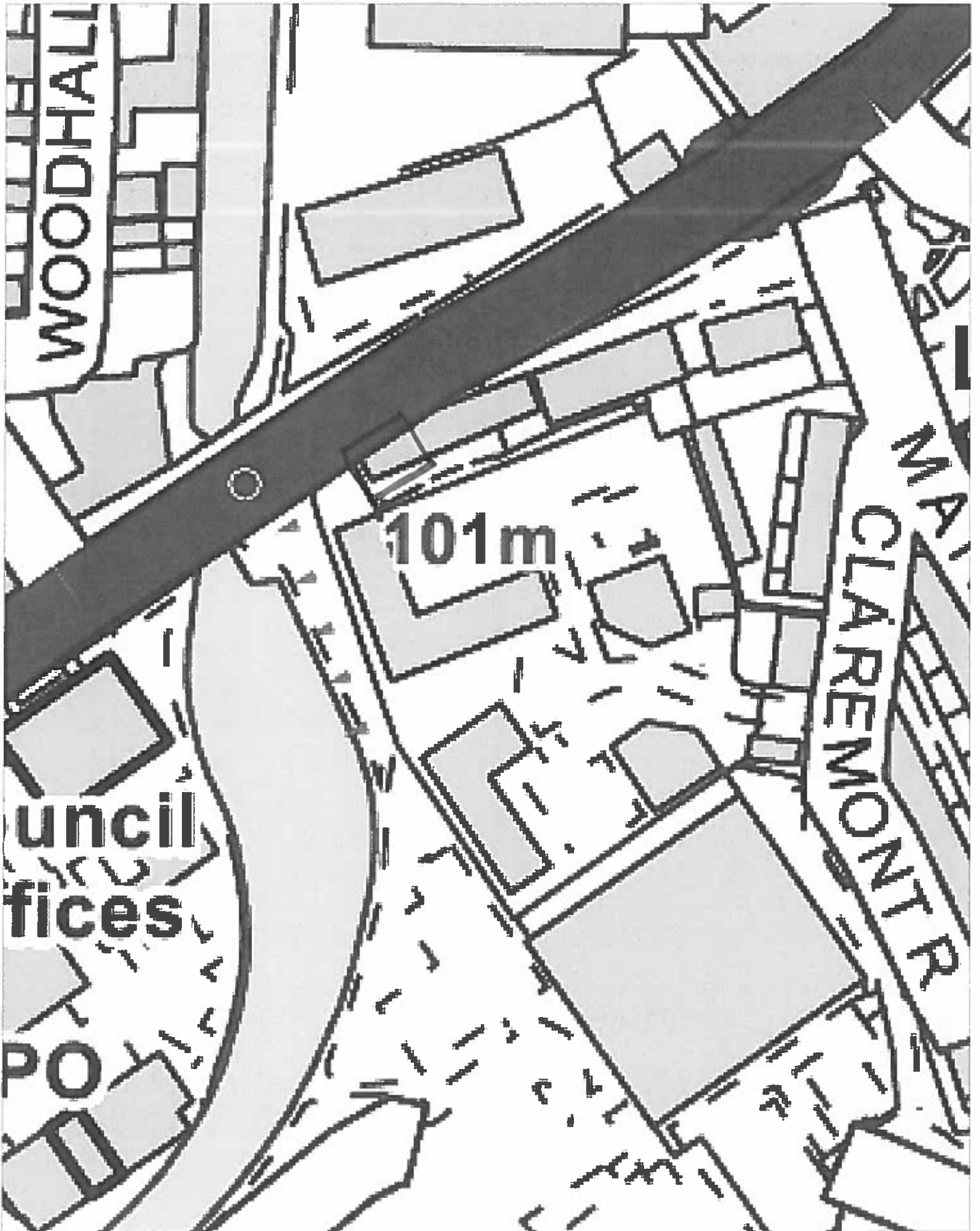
INSPECTOR

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Existing Elevation Facing South West; Existing First Floor Layout Plan; Isometric Views and View from Canal Bridge DWG1; Proposed Elevations DWG2; and Plan - New Porch at Roof and Landing Level DWG3.
- 3) No further development shall take place until samples of the materials to be used in the construction of the external surfaces of the porch, and a colour scheme for the porch, rainwater goods, and the external door, has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples and colour schemes.
- 4) The use hereby permitted shall only be open for customers between the following hours:
10.00 hours – 21:00 hours Monday to Sunday

340304





Appeal Decision

Site visit made on 23 April 2018

by **Siobhan Watson BA(Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 May 2018

Appeal Ref: APP/W4223/W/18/3194828

Former Shaw Band Club, Dale Street, Shaw, Oldham, OL2 8RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Widdall (Karma Ju-Jitsu) against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/340333/17, dated 6 June 2017, was refused by notice dated 24 November 2017.
 - The development proposed is the change of use of the ground floor from financial and professional services (use class A2) to Ju-Jitsu club (use class D2).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of the ground floor from financial and professional services (use class A2) to Ju-Jitsu club (use class D2) at the former Shaw Band Club, Dale Street, Shaw, Oldham, OL2 8RN in accordance with the terms of the application, Ref PA/340333/17, dated 6 June 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and Drawing No 31 "Ground Floor Plan as Proposed", dated 30 May 2017.
 - 3) The development hereby permitted shall not be brought into use until the car parking spaces have been marked out and provided in accordance with the approved plan. The spaces shall be retained and be available for parking thereafter.
 - 4) The use hereby permitted shall only take place between the following hours: 09:30 and 22:00 hours.

Main Issue

2. The main issue is the effect of the proposed change of use upon highway safety.

Reasons

3. The appeal building has a dance school on the first floor and is currently vacant at ground floor level. I understand that it was previously in use as an employment exchange.

4. Access to the site would be via Dale Street which also serves some engineering type workshops and housing; or from Diggle Street which is residential and has single yellow lines on both sides preventing parking during the day, Monday to Friday.
5. The building has a car park to the rear which contains space for some nine cars. The car park is possibly too small for all visitors to use. However, the site is within an urban area and near housing so it is likely that some people will arrive to the venue without a car especially as the Council accepts that the site is in a sustainable town centre location with excellent links to public transport. Furthermore, there are public car parks nearby, within easy walking distance.
6. The site's carpark is accessed along a narrow track which does not allow space for vehicles to pass. However, the track is straight and it would be easy for drivers to see whether or not a car is coming along it before entering. Therefore, I consider that conflict between vehicles is likely to be uncommon. Moreover, I do not consider that pedestrians using the access to the car park would be in danger because, as the access is so narrow, drivers are likely to go very slowly along it.
7. Furthermore, I do not accept that there would be significant conflict between cars and pedestrians on Dale Street because the road is very potholed and uneven. Therefore, it is likely that cars would drive slowly along it too. I have no technical evidence that drivers accessing the site would park so carelessly on Dale Street or Diggle Street that they would cause an obstruction to other road users. Neither do I have reason to believe that the use would generate so much traffic that it would lead to congestion at the road junctions.
8. I appreciate that cars might park on Diggle Street during the period of unrestricted car parking, in the evenings and weekends. This might result in some competition for spaces between users of the building and residents. However, due to the availability of other parking and transport options, I would not expect the parking demand to be so high that it would harm the living conditions of neighbours or would create a hazard.
9. Furthermore, the building was last used as an employment exchange and the Council has not provided any comparative evidence of the car parking and traffic implications between the proposed use and the last use. It would be unrealistic to expect the ground floor of the building to remain empty and I have no technical evidence that the proposed use would generate any more traffic or cause any more harm than would a Class A2 use.
10. I therefore conclude that the proposed change of use would not harm highway safety. Consequently, I find no conflict with Policy DMP 9 of the Oldham Local Development Framework¹ which, amongst other matters, seeks to protect local environmental quality including the prevention of harm to the safety of road users. Neither do I find conflict with Paragraph 32 of the National Planning Policy Framework which indicates that decisions should take account of whether safe and suitable access can be achieved.

¹ Development Plan Document - Joint Core Strategy and Development Management Policies, 2011

Other Matters

11. I note comments from a neighbour that the dance studio creates noise. However, whilst some comings and goings would arise as a result of the development, I have no reason to believe that they would be unacceptably noisy, especially against other activities within the district centre and I am mindful that the Council's Pollution Control, which was consulted about the application, made no comments. A condition controlling hours of operation can ensure that the site is not used during the night. I have taken into account all other matters raised but none outweigh the conclusions I have reached.

Conditions

12. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary, in the interest of precision, to define the plans with which the scheme should accord. It is necessary to limit the hours of operation in the interests of the living conditions of neighbours. A condition in respect of car parking is required in the interests of the living conditions of neighbours and highway safety.

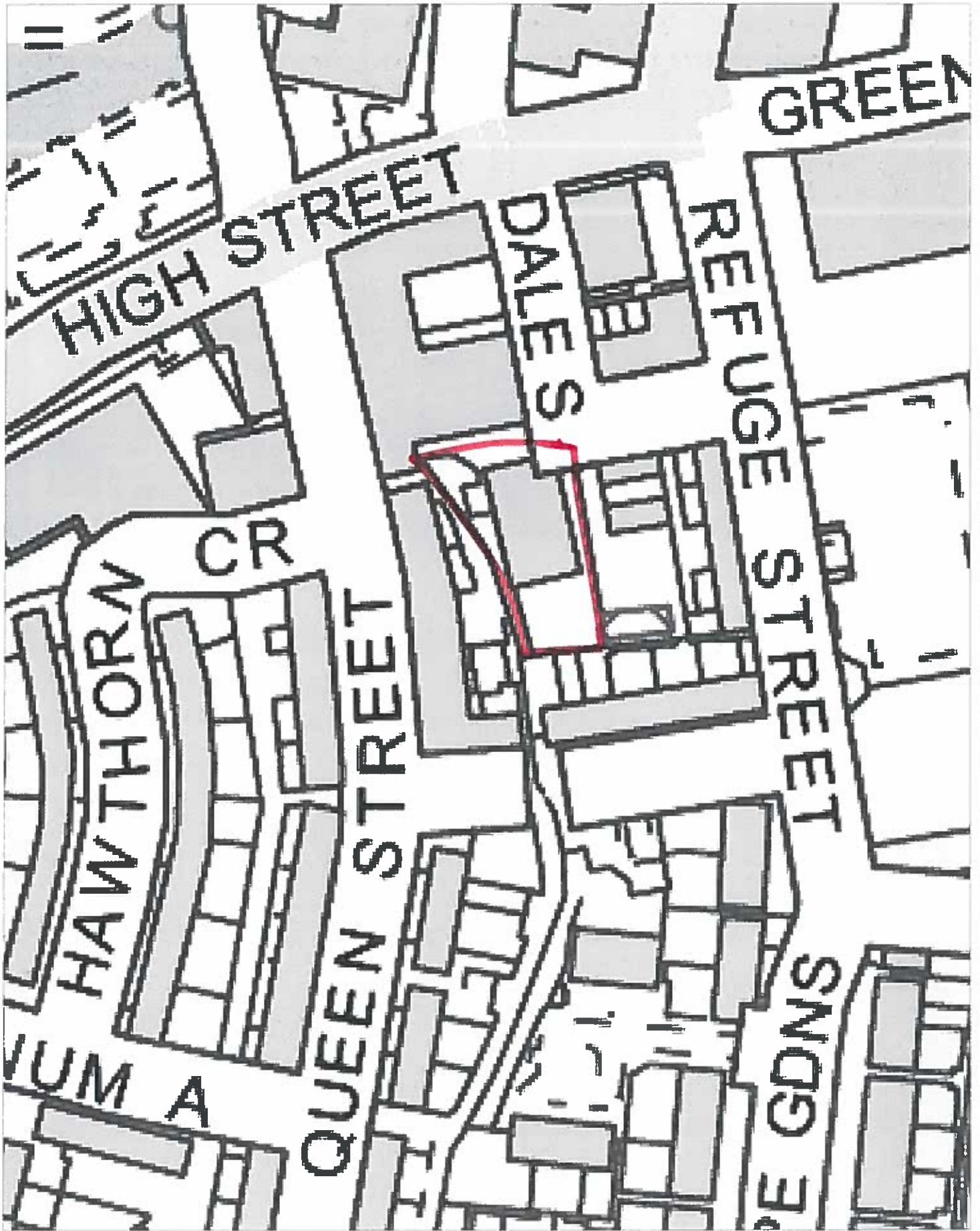
Conclusion

13. I allow the appeal subject to the above conditions.

Siobhan Watson

INSPECTOR

3+0333





Appeal Decision

Site visit made on 30 April 2018

by **Siobhan Watson BA(Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd May 2018

Appeal Ref: APP/W4223/Z/18/3195229

Advertising hoarding adjacent to 18 Oldham Road, Failsworth, M35 0JE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Paul O'Sullivan (Insite Poster Properties Ltd) against the decision of Oldham Metropolitan Borough Council.
 - The application Ref AD/340617/17, dated 8 August 2017, was refused by notice dated 14 December 2017.
 - The advertisement proposed is the replacement of an existing 48 sheet advertisement display with a digital LED display.
-

Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 - 1) No part of the sign shall exceed an illumination level of 300 candelas per square metre at any time.
 - 2) At all times, each advertisement shall be displayed for no fewer than 10 seconds and there shall be no special effects (including animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement.

Main Issue

2. The main issue is the effect of the advertisement hoarding on highway safety.

Reasons

3. The LED display would replace an existing 48 sheet poster hoarding and would be of a similar size and position. The road alongside the display site is straight and uncomplicated. There is a bus lane but this is on the opposite side of the road to the traffic which would be facing the sign. There are junctions near to the site but these are with fairly minor roads. I do not consider that the advertisement would distract drivers turning right across the bus lane as it would not interfere with views of oncoming traffic. The pedestrian crossing referred to by the Council is some distance from the site so the display would be too far away to distract drivers from the crossing.
4. I note the Council's comments that there have been 6 personal injury accidents within 150 metres of the site but I do not know over what time period these

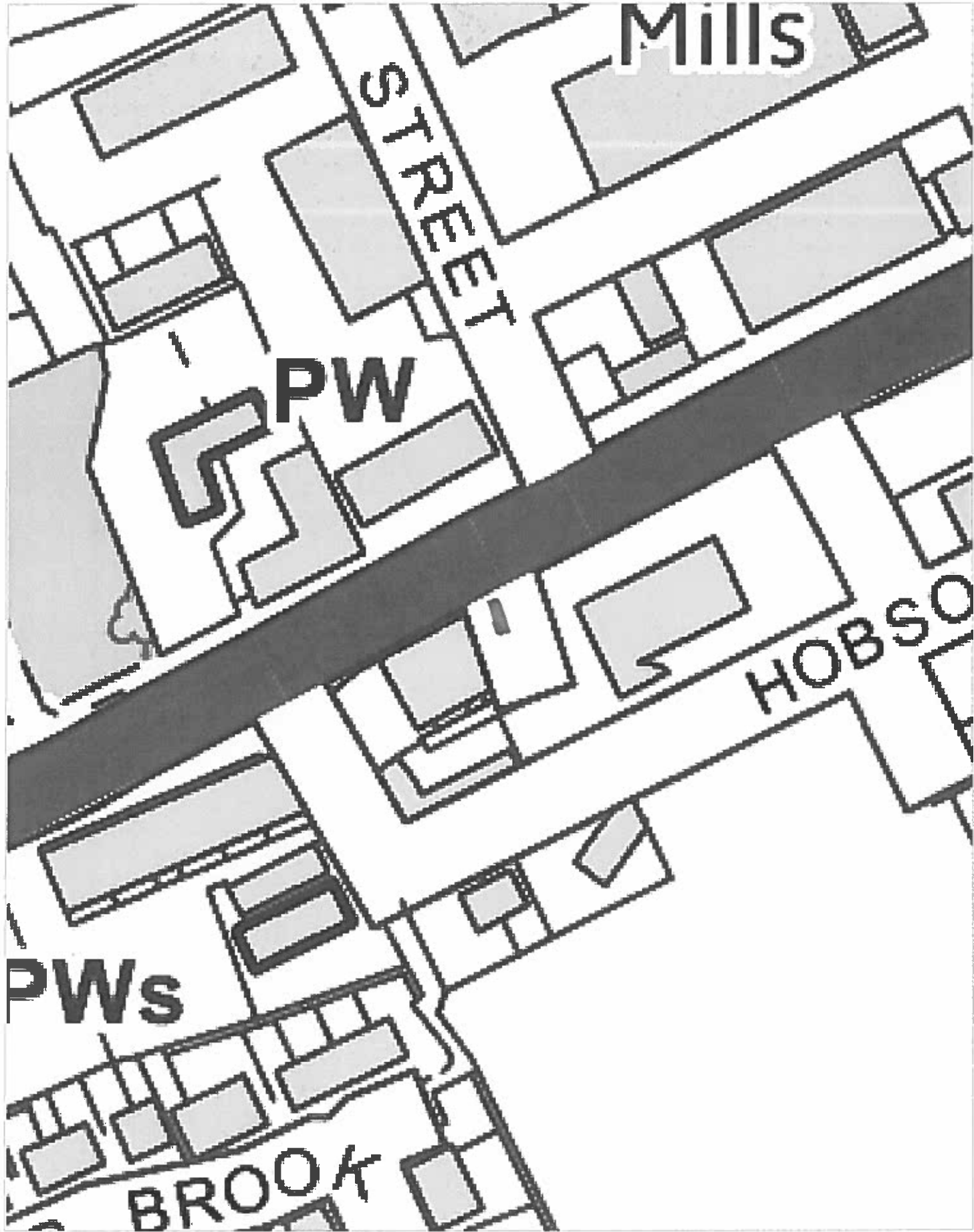
accidents have been recorded. For the above reasons I do not consider that the display would unacceptably add to the general risks on the road. This is especially as, in addition to the five standard conditions, I have imposed conditions in respect of luminance and display in order to ensure that the advert is not overly distracting.

5. I therefore conclude that the advertisement hoarding would not harm highway safety. Consequently, I find no conflict with the National Planning Policy Guidance which seeks to ensure that advertisements do not cause danger to road users.
6. I allow the appeal.

Siobhan Watson

INSPECTOR

340617





Appeal Decision

Site visit made on 23 April 2018

by **Siobhan Watson BA(Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2018

Appeal Ref: APP/W4223/W/18/3194968

Parliament Square Cafe and Deli, 32-34 High Street, Oldham, OL1 1JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R McGivern against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/340367/17, dated 26 May 2017, was refused by notice dated 4 August 2017.
 - The development proposed is the change of use of the public footway to place 10 tables and 20 chairs for outdoor dining.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development upon (i) pedestrian safety and (ii) the historic environment.

Reasons

Pedestrian Safety

3. The café is a corner property and the seating area would be on the pavement at the corner of High Street and Parliament Square. I noted on my visit, during the morning on a weekday, that pedestrians continuously walk around this corner very close to the shop front. The number of pedestrians would be much higher on a Saturday.
4. Introducing tables and chairs in this area would obstruct pedestrian flows, particularly as there are planters in front of the proposed seating area. Even one or two tables would cause an unacceptable obstruction and would force people to weave around the planters. This would be particularly cumbersome for people with pushchairs or those with mobility difficulties. At best, the seating area would cause annoyance and inconvenience and at worst, it might result in people bumping into each other or nearby objects. I appreciate that it is proposed to leave some 2.8m between the tables and the nearby planters but due to the corner location of the site and because it might be difficult to stop people pushing the barrier out further to gain more space, I consider that the outdoor seating would be inappropriate.
5. I therefore conclude that the proposed development would harm pedestrian safety. Therefore, it would conflict with DMP 9 of the Oldham Local

Development Framework¹ (OLDF) which, amongst other matters, seeks to protect local environmental quality and to ensure that development is safe.

Heritage

6. The site is adjacent to the Town Centre Conservation Area and is diagonally opposite Barclays Bank which is a Grade II Listed Building. The bank is an imposing 3-storey corner building which is ashlar faced with a Welsh slate roof containing dormers and a dome. The setting of this building is a busy and built up town centre. There are street-lights, a bus shelter, planters and other buildings close by. I consider that the tables and chairs would be characteristic with this town centre setting and they would be some distance from the Listed Building anyway. Furthermore, they would be removable and the development would be of a very small scale. I therefore consider that the development would not harm the setting of the Listed Building or the setting of the adjacent conservation area, within which the Listed Building is situated.
7. I therefore conclude that the proposed development would not harm the historic environment. Consequently, I find no conflict with DMP 20 or DMP 24 of the OLDF which, in combination, seek to ensure that development is of a high quality design and protects the historic environment.

Other Matters

8. I recognise that, in a small way, the development might help the vitality and vibrancy of the town centre and therefore it would have limited economic and social benefits. However, these benefits are not so significant as to outweigh the harm I have identified.

Conclusion

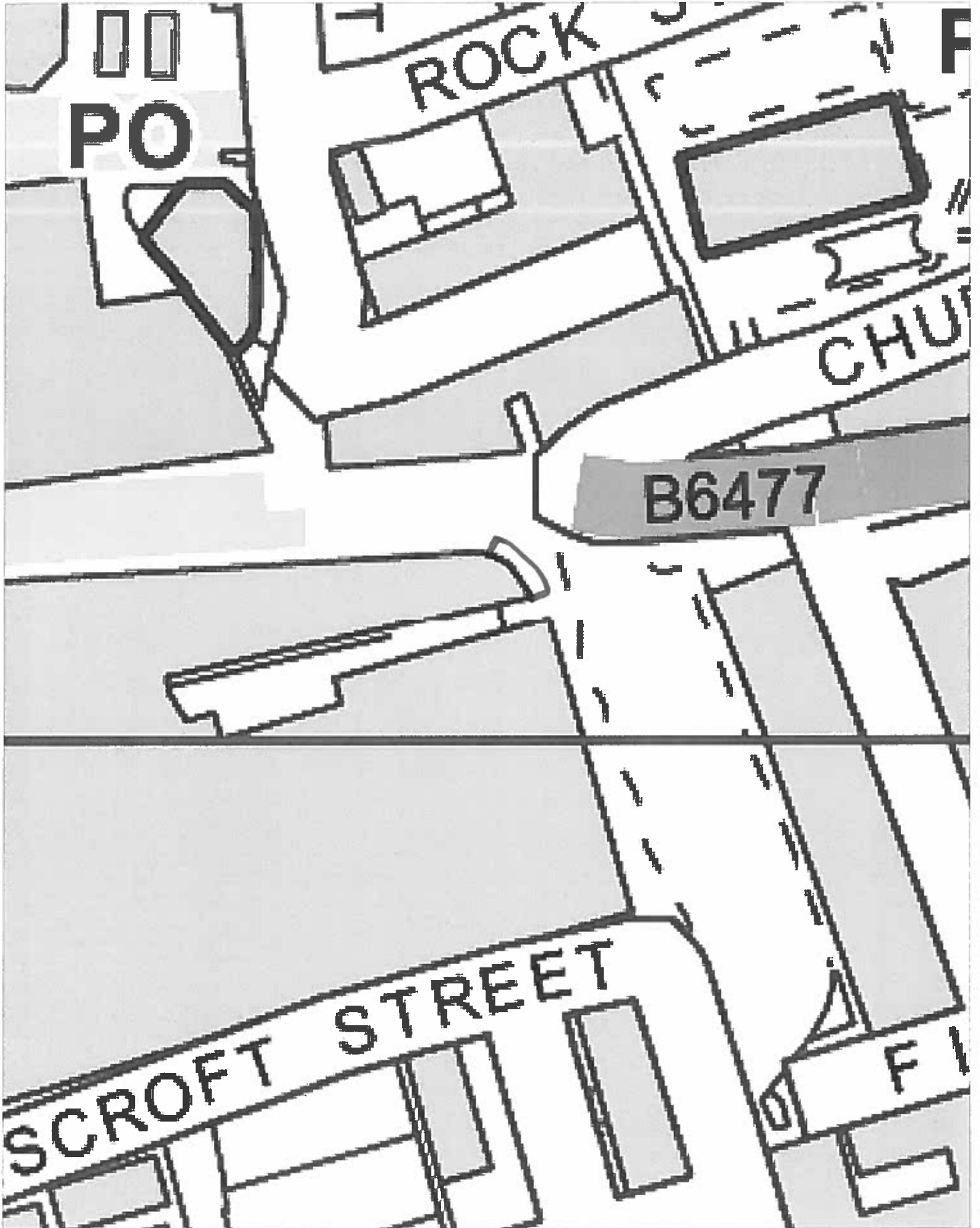
9. Although I find no harm to heritage I do find harm to pedestrian safety and therefore, I dismiss the appeal.

Siobhan Watson

INSPECTOR

¹ Development Plan Document – Joint Core Strategy and Development Management Policies, 2011

340367





Appeal Decision

Site visit made on 23 April 2018

by **W Johnson BA (Hons) DipTP DipUDR MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 May 2018

Appeal Ref: APP/W4223/D/18/3194536

31 Pennine Avenue, Chadderton OL9 8PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Phillip Heath against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/340979/17, dated 27 October 2017, was refused by notice dated 18 December 2017.
 - The development proposed is front and rear dormers.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. In the absence of the appellant for the access required site visit, I undertook an unaccompanied site inspection from public land, and, was satisfied that I could gather sufficient information to determine the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal site and the surrounding area.

Reasons

4. The properties located on Pennine Way are modest semi-detached bungalows of brick construction with tiled roofs with gable ends that are set behind front gardens enclosed by low boundary walls. Currently a high proportion of properties on Pennine Way do have dormer windows present on either the front, rear or both roof slopes, and this makes for a distinctive feature of the street scene, as they are in a location and of sufficient number to have a material effect on the character of the road on which the appeal property is located.
5. In contrast to the existing distinctive pattern of other dormers, the front and rear dormers as proposed would extend above the existing ridge line, and by a noticeable distance. It is acknowledged that the adjoining property to the host dwelling has a rear dormer that projects above the ridge, albeit only slightly, and, as a consequence, this does not form a prominent feature on the dwelling or in the surrounding area.

6. The appeal scheme, in comparison, by virtue of its size, design and projection above the ridge, would result in a bulky addition that would dominate the roof, would fundamentally alter its shape and would unbalance its form. The resulting significant adverse effect on the character and appearance of the host property would be readily visible in the street scene. It is noted that the facing materials proposed on the extension would consist of 'rustic tiles', but I consider that this would not provide sufficient mitigation to outweigh the harm otherwise created.
7. My attention has been drawn to other dormers in the area that have exceeded the ridge line. Whilst noting the presence of these extensions, relatively little detail has been provided regarding the particular planning backgrounds to those schemes. Without such information a full and detailed comparison between those developments and the case before me cannot be drawn except insofar as I was able to observe and assess the sites at my visit.
8. I note that majority of the dormers present in the street do not extend above the ridge line, and so contribute to a much more sympathetic pattern of extensions to the dwellings. Therefore, I attach limited weight to the properties that have dormers located above the ridge lines, as they are not a predominant design in the street, and, in any event, the fact that apparently similar dormers may exist is not a reason, on its own, to allow otherwise unacceptable development. I have considered this appeal proposal on its own particular merits and concluded that it would cause harm for the reasons set out above.
9. For the above reasons, I therefore conclude that the proposed front and rear dormer would unacceptably harm the character and appearance of the appeal site and the surrounding area. This would be contrary to Policy 9 and 20 of the Oldham Local Development Framework Joint Development Plan Document– Joint Core Strategy and Development Management Policies. These policies seek, amongst other things, to protect and improve local environmental quality and the amenity of an area, through high quality design that reflects the character of the area in which the development is taking place, and reinforcing local identity. As a result, the proposal would also be contrary to paragraph 60 of the National Planning Policy Framework, which amongst other things seeks to promote or reinforce local distinctiveness.
10. Whilst the appellant also refers to the absence of local objections and other harm arising from the scheme, these factors, for the reasons described, do not out-weigh my assessment of the main issue.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Wayne Johnson

INSPECTOR

340979



