

PLANNING COMMITTEE Regulatory Committee Agenda

Date Wednesday 20 December 2023

Time 6.00 pm

Venue Council Chamber, 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 Constitutional Services in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Constitutional Services Tel. 0161 770 5151 or email Constitutional.Services@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, 15 December 2023.
 4. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council’s website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti social behaviour will always be filmed.

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Please also note the Public attendance Protocol on the Council’s Website

https://www.oldham.gov.uk/homepage/1449/attending_council_meetings

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:
Councillors Akhtar, S. Bashforth, Cosgrove, Davis, Fryer, H. Gloster,
Harkness, Hince, Hobin, Ibrahim (Vice-Chair), Iqbal, Lancaster, Surjan
(Chair) and Woodvine

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 - 4)
The Minutes of the meeting of the Planning Committee held on 15th November 2023 are attached for Members' approval.
- 6 FUL/350293/22 - Site of Bailey Mill, Delph New Road, Delph (Pages 5 - 32)
Redevelopment of former mill site to create 60 no. dwellings comprising a mix of new build houses and apartments, conversion of two existing buildings to houses and apartments, along with demolition of selective listed buildings. Creation of ancillary access roads, infrastructure and open space.
- 7 LBC/350294/22 - Site of Bailey Mill, Delph New Road, Delph (Pages 33 - 54)
Conversion of retained West warehouse and office building, retention of chimney, along with demolition of the weaving shed, concrete link structure, Oldham Road warehouse, boiler house and remnants of the main mill, to facilitate the redevelopment of former mill site to create 60 no. dwellings and ancillary infrastructure and open space
- 8 FUL/351514/23 - Phase R4, Foxdenton Strategic Site, Land North of Foxdenton Lane, Chadderton (Pages 55 - 68)
Residential development of 42 dwellings with main vehicular access onto

Broadway (via Phase R5 and R6), pedestrian, cycle and emergency access onto Foxdenton Lane, car parking, roads, landscaping, associated engineering works and ancillary development.

9 FUL/351570/23 - OAFK, Boundary Park, Hilbre Avenue, Oldham (Pages 69 - 82)

Replacement of existing grass training pitch known as Little Wembley (and floodlights, means of enclosure and ball-catch fencing) with a new multi-sports 3G pitch with associated earth works / engineering operations / retaining structure (to provide a flat surface), ball-catch fencing, security and acoustic fencing, 8 column sports lights, 10 cycle parking spaces, and the erection of an ancillary single storey building to accommodate changing rooms, classroom / office, toilets and refreshments area,, a bin store and associated hard and soft landscaping. Access via the existing access from Hilbre Avenue.

10 Appeals Update Report (Pages 83 - 86)

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PLANNING COMMITTEE
15/11/2023 at 6.00 pm

Present: Councillor Surjan (Chair)
Councillors S. Bashforth, Cosgrove, Davis, Fryer, H. Gloster,
Harkness, H. Harrison (Substitute), Hince, Ibrahim (Vice-Chair),
Iqbal, Lancaster and Woodvine

Also in Attendance:

Graham Dickman	Major Projects Development Lead
Alan Evans	Group Solicitor
Martyn Leigh	Development Management Team Leader
Kaidy McCann	Constitutional Services
Wendy Moorhouse	Principal Transport Officer
Peter Richards	Head of Planning

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Akhtar
and Hobin.

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 meeting of the Planning
Committee held on the 18th October 2023 be approved as a
correct record.

**6 HOU/351143/23 - GATEHEAD FARM, GATE HEAD ROAD,
DELPH**

APPLICATION NUMBER: HOU/351143/23

APPLICANT: Mr and Mrs Richard and Vicki Harold

PROPOSAL: New vehicle/pedestrian gate

LOCATION: Gatehead Farm, Gate Head Road, Delph, Oldham,
OL3 5QE,

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

On being put to the vote it was UNANIMOUSLY cast IN FAVOUR OF APPROVAL.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report.

NOTES:

In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 11.

7

FUL/351141/23 - LAND WEST OF LEONARD WAY, ROYTON

APPLICATION NUMBER: FUL/351141/23

APPLICANT: Miranda Bell

PROPOSAL: Two general industrial (Use Class B2) and storage and distribution (Use Class B8) units with ancillary offices, electricity substation, access, associated car parking, service yards and landscaping.

LOCATION: Land west of Leonard Way, Royton

It was MOVED by Councillor Davis and SECONDED by Councillor Ibrahim that the application be APPROVED

On being put to the vote 10 VOTES were cast IN FAVOUR OF APPROVAL and 1 VOTES were cast AGAINST with 2 ABSTENTIONS.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report and subject to the following additional condition:

“Prior to the commencement of any above ground works, comprising either the construction of the buildings or creation of any hardstanding, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the above construction works are commenced, which shall be maintained for the duration of the construction works.”

NOTES:

That an Objector and the Applicant attended the meeting and addressed the Committee on this application.

8

FUL/351218/23 - LAND EAST OF ALBERT STREET, HOLLINWOOD

APPLICATION NUMBER: ~~Page 12~~ FUL/351218/23



APPLICANT: Mr Simon Foden

PROPOSAL: Full planning application for the demolition of the gas holder, erection of employment development comprising five units (Use Class E(g) (ii) (iii) / B2 / B8 Uses) with ancillary E (g) (i) office space, car parking and vehicular, pedestrian circulation with access onto Olive Claydon Way

LOCATION: Land east of Albert Street, Hollinwood, Oldham, OL8 3QR

It was MOVED by Councillor H. Harrison and SECONDED by Councillor Cosgrove that the application be APPROVED.

On being put to the vote it was UNANIMOUSLY cast IN FAVOUR OF APPROVAL.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report.

NOTES:

That the Applicant attended the meeting and addressed the Committee on this application.

9

MMA/351522/23 - FORMER Highbarn Resource Centre, Royton

APPLICATION NUMBER: MMA/351522/23

APPLICANT: Mr Birkett

PROPOSAL: Variation of conditions 2 (approved plans) and 3 (approved Energy Assessment Report) attached to planning permission approved under reference FUL/347787/21 (Full planning permission for the development of a three-storey apartment block comprising 30 residential apartments (Use Class C3) with associated landscaping, access/egress, car parking, drainage and necessary supporting infrastructure.)

LOCATION: Former Highbarn Resource Centre, High Barn Street, Royton, Oldham, OL2 6DW

It was MOVED by Councillor Hince and SECONDED by Councillor Fryer that the application be APPROVED.

On being put to the vote it was UNANIMOUSLY cast IN FAVOUR OF APPROVAL.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report.

10

APPEALS UPDATE REPORT

RESOLVED that the Appeals Update report be noted.

11

LATE LIST

RESOLVED that the information as contained in the late list be noted.



Oldham
Council

The meeting started at 6.00 pm and ended at 6.57 pm

APPLICATION REPORT – FUL/350293/22 Planning Committee 20th December 2023

Registration Date 10th February 2023
Ward Saddleworth North

Application Reference FUL/350293/22
Type of Application Full

Proposal Redevelopment of former mill site to create 60 no. dwellings comprising a mix of new build houses and apartments, conversion of two existing buildings to houses and apartments, along with demolition of selective listed buildings. Creation of ancillary access roads, infrastructure and open space.

Location Site of Bailey Mill, Delph New Road, Delph

Case Officer Graham Dickman
Applicant R Gledhill & Sons Ltd
Agent Jason Kennedy

1. INTRODUCTION

1.1 This application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as a Major Development which if approved would represent a departure from the provisions of the Development Plan.

2. RECOMMENDATION:

2.1 It is recommended that the application be approved subject to the conditions set out in this report.

3. SITE DESCRIPTION

3.1 The site comprises the former Bailey Mill industrial complex which was statutorily listed Grade II as buildings and structures of special architectural and/ or historic interest in 2015. The development site is also contained within the New Delph Conservation Area boundary.

3.2 The principal main woollen mill was almost completely destroyed by fire in 2016. Various ancillary buildings survive. However, many of these structures are in a poor state of repair.

3.3 The remaining structures comprise:

- Small ancillary parts of the main mill building;
- Boiler house;
- Chimney;
- Blending shed;
- Weaving shed;

- Warehouse adjoining Oldham Road; and,
 - Office building adjoining Oldham Road.
- 3.4 Vehicular access is obtained from Delph New Road to the south which leads on to the cul-de-sac of Station Approach. Site levels then generally rise to the north where a retaining wall supports Oldham Road above.
- 3.5 On the south-east side of Station Approach is a modern residential development of two and three storey properties. To the north-east fronting Oldham Road are further residential properties.
- 3.6 When viewed from Oldham Road two buildings within the site, the aforementioned office and warehouse buildings, are visible. Each has stone facings and extends to a single storey on the road frontage. Further along Oldham Road to the north-west are two short terraces of residential properties which back onto the application site.
- 3.7 To the west, within the site boundary, is a naturally vegetated area of tree cover, beyond which is a field. The route of the 'Delph Donkey' a recreational path along the route of the former railway line, cuts through the site in a south-west/ north-east direction.
- 3.8 Across Delph New Road to the south is a modern industrial development.

4. THE PROPOSAL

- 4.1 The application seeks full planning approval for a redevelopment of this former 19th century industrial mill site.
- 4.2 An associated application for Listed Building Consent (LBC/350294/22) for the restoration or removal of elements of listed structures to facilitate the development also appears on this Committee agenda.
- 4.3 The development will comprise 60 dwellings in a mix of new build properties and conversion of retained buildings. Vehicular access will be provided solely from Delph New Road via Station Approach. A new roadway will extend south-west/ north-east along the 'Delph Donkey' route.
- 4.4 Block 1 is a four-storey block designed to reflect the character of the original main mill structure. The building will be occupied by a mix of 7 four-bedroom houses with accommodation over all four floors, and 9 two-bedroom apartments on the three upper floors.
- 4.5 Block 2 involves a conversion of the former west warehouse which occupies a sloping site and varies in height between two and three storeys. The proposal will create a mix of 5 two-bedroom and 4 one-bedroom apartments.
- 4.6 Block 3 is a new four-storey block. It abuts the boundary with Oldham Road which is situated atop a retaining wall resulting in the building rising to only two storeys on this roadside elevation. The building will contain 4 two-bedroom and 9 one-bedroom apartments. This building will replace the present Oldham Road warehouse.
- 4.7 Block 4 involves the conversion of the former mill office building. It abuts the boundary with Oldham Road which is situated atop a retaining wall resulting in the building rising to only one storey on this roadside elevation and two storeys facing

into the site. The building will contain 3 three-bedroom houses.

- 4.8 The remainder of the development will comprise individual or small groups of houses:
- Plot 17 four-bedroom house with an attached driveway and garage.
 - Plots 18 and 19 are a pair of three-bedroom houses.
 - Plots 20 to 23 are a mews block of 2 three-bedroom and 2 two-bedroom houses.
 - Plot 24 is a four-bedroom detached house.
 - Plots 25 and 26 are a pair of three-bedroom semi-detached houses.
 - Plot 27 is a link detached four-bedroom house.
 - Plots 28 and 29 are a pair of three-bedroom semi-detached houses.
 - Plots 30 to 32 are a mews block of 3 three-bedroom houses.
 - Plots 33 to 35 are a three-storey block of 3 three-bedroom houses.
- 4.18 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.19 The proposal would represent an Urban Development Project within paragraph 10(b) of Schedule 2 of the Regulations. However, at 0.3 hectares it would not exceed the applicable threshold of 1 hectare, nor is the site located within any impact distance of a 'sensitive area' as defined in the Regulations.
- 4.20 Consequently, an Environmental Statement is not required.

5. PLANNING HISTORY

LBC/350294/22 - Conversion of retained West warehouse and office building, part retention of chimney, along with demolition of the weaving shed, concrete link structure, Oldham Road warehouse, boiler house and remnants of the main mill, to facilitate the redevelopment of former mill site to create 60 no. dwellings and ancillary infrastructure and open space. Pending determination

LB/339098/16 – Demolition of mill buildings. Refused 4th October 2017

PA/336787/15 – Demolition of mill buildings. Approved 27th August 2015

PA/334863/13 – Construction of new vehicular access roadway. Approved 12th February 2014

PA/058738/10 – Construction of new vehicular access roadway. Approved 24th December 2010

PA/052280/06 – Construction of new vehicular access roadway. Approved 4th September 2007

CA/046894/04 – Demolition of buildings. Refused 17th June 2004

PA/046670/04 – Formation of a new vehicular access following demolition of existing buildings. Refused 2nd June 2004

PA/038882/99 - Outline application for partial demolition of mills and redevelopment for residential purposes, including erection of new dwellings and formation of new access. Means of access to be considered, all other matters reserved. Withdrawn

On adjacent site (Station Approach):

CA/42878/02 - Demolition of goods warehouse. Approved 4th July 2002

PA/42362/01 - Erection of 21 dwellings comprising 15 houses and 6 apartments. Approved 23rd May 2002

6. RELEVANT PLANNING POLICIES

6.1 The Joint Core Strategy and Development Management Policies Development Plan Document adopted in 2011 (the Local Plan) is the relevant document for this type of proposal within the adopted Development Plan for Oldham.

6.2 On the proposals map associated with this document, the site largely comprises a Phase 1 Housing allocation. However, the western section is located within the Green Belt on the Proposals Map.

6.3 As such, the following policies are considered relevant to the determination of this application:

Policy 1 – Climate Change and Sustainable Development;
Policy 3 – An Address of Choice;
Policy 5 – Promoting Accessibility and Sustainable Transport Choices;
Policy 6 – Green infrastructure;
Policy 9 – Local Environment;
Policy 10 – Affordable Housing;
Policy 11 – Housing;
Policy 14 – Supporting Oldham’s Economy;
Policy 18 – Energy;
Policy 19 – Water and Flooding;
Policy 20 – Design;
Policy 21 – Protecting Natural Environmental Assets;
Policy 22 – Protecting Open Land;
Policy 23 – Open Spaces and Sports;
Policy 24 – Historic Development; and,
Policy 25 – Developer Contributions.

Saved UDP Policy D1.5 - Protection of Trees on Development Sites

6.4 Bailey Mills is a Grade II listed building (listing date 21st December 2015) and is within the New Delph Conservation Area. The provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas Act 1990 are also applicable.

7. CONSULTATIONS

Highways Officer	No objections subject to a condition for the provision of the proposed access and parking arrangements.
Environmental Health	Recommend conditions in relation to land contamination and landfill gas investigation, and a construction Management Plan.
Conservation Officer	Considers that the applicant has failed to provide sufficient information to demonstrate that the Oldham Road warehouse is in a condition which would present its effective conversion.
Historic England	There are concerns regarding the implications on heritage grounds and the Council should ensure consideration is given to addressing the requirements of the NPPF and statutory duty to protect heritage assets.
Council for British Archaeology	Object to the proposals on the grounds that they fail to have adequate regard to the site's historic significance and lead to the loss of existing heritage buildings.
Association for Industrial Archaeology	Consideration should be given to the retention of other surviving structures on the site.
GM Archaeological Advisory Service	The Heritage Statement advocates a programme of historic building recording prior to demolition. It is strongly recommended that this comprises a Level 3 survey.
GM Ecology Unit	Require further information to ensure the development secures biodiversity net gain as satisfactory compensation for the loss of biodiversity on the site.
Trees Officer	No objections subject to a scheme of off-side replacement tree planting being agreed.
United Utilities	Having regard to the submitted Floor Risk Assessment, the proposals are acceptable. However, a condition is

	recommended to require a detailed drainage design.
Environment Agency	No objections in principle. The developer should have regard to any impact on the nearby Main River and to assess any impact on controlled waters in accordance with the EA's published advice.
Coal Authority	The site does not fall within the defined Development High Risk Area. This would however be subject to the Coal Authority's Standing Advice.
Ramblers	Note that the 'Delph Donkey' path is retained; but moves across the access road. It is suggested that an elevated pedestrian crossing is built at this point.
Peak & Northern Footpaths Society	Recommend introduction of a short access path to allow access from the existing public footpaths to the south and south of the site.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised by neighbour notification letters, display of site notice, and publication of a press notice as a major development, as a Departure, as affecting the setting of a listed building and the character and appearance of a Conservation Area,
- 8.2 In response, 13 letters of objection, 2 neutral comments, and 4 letters of support have been received raising the following (summarised) issues:

Support comments

- 8.3 The development provides more housing in Saddleworth (discussed at paragraph 19.5 below);
- 8.4 It ensures maintenance of the Delph Donkey (discussed at paragraph 13.4 below); and,
- 8.5 It will allow redevelopment of a dangerous site in a state of disrepair for 8 years and removes the danger of children playing on the mill site. (discussed at paragraph 19.4 below)

Objection comments

- 8.6 4 storey building will overlook houses, with balconies will cause overlooking, and lead to loss of light. (discussed at paragraph 15.3-15.5 below);
- 8.7 Traffic will add to existing highway danger at entrance. There is a need to improve the visibility splay to the right and the creation of pavement on Delph New Road would help. (discussed at paragraph 14.1 below);
- 8.8 Inadequate parking (discussed at paragraph 14.3 below);
- 8.9 All development should be within the footprint of the mill, not including Green Belt. (discussed at Section 10 below);
- 8.10 Impact of new residents on primary school and doctors (when added to other developments in the area) (discussed at paragraph 19.8 below);
- 8.11 Too homogenous, modern looking design (discussed at paragraph 11.42 below);
- 8.12 Demolition of historic buildings will affect historical outlook (discussed at Section 11 below);
- 8.13 Loss of mature trees and impact on habitats (discussed at paragraph Section 16 below);
- 8.14 No provision of affordable or accessible housing (discussed at paragraphs 12.11 and 15.3 below);
- 8.15 Risk of subsidence (discussed at paragraph 17.7 below);
- 8.16 Poor local transport links (discussed at paragraph Section 14 below);
- 8.17 Driveways onto Station Approach will be a danger concern (discussed at Section 14 below);
- 8.18 Plots 17, 18, 19 will cause loss of privacy (discussed at paragraph 15.6 below);
- 8.19 Disruption during building phase and clearing site would cause health risks. (discussed at paragraph 15.7 below);
- 8.20 Potential flood risk (discussed at paragraph 17.1-2 below); and,
- 8.21 Impact on garages to the north-east (discussed at paragraph 17.7 below)
- 8.22 Saddleworth Parish Council oppose the construction of the dwellings in the Green Belt (discussed at Section 10), require further information on access plans during construction (15.7), have concerns regarding the use of 'corten' steel cladding (13.4), and require an assessment of impacts on NHS services (19.8).
- 8.23 Delph Community Association has commented that there appears to be no access from the development onto the Delph Donkey Line Bridleway for walkers or cyclists (14.4), and concerns were also raised about the visibility from the exit from Station Approach onto Delph New Road with the increased traffic that the new housing will generate (Section 14).

- 8.24 Debbie Abrahams MP has drawn attention to the concerns of a local resident and requested that those concerns are fully considered in assessment of the application.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The application site has a historic use within the textile industry dating from the mid-19th century. Local Plan Policy 14 states that the loss of an employment site to other uses will only be permitted where the applicant can clearly demonstrate that it is no longer appropriate or viable to continue the existing use. However, the Local Plan also designates the site as a Phase 1 Housing Allocation. In addition, it has also been included in the Council's Strategic Housing Land Availability Assessment (SHLAA).
- 9.2 The adjacent residential development on Station Approach similarly represents a former industrial site granted permission for new housing in 2002.
- 9.3 These factors recognise the long-standing presumption that continued industrial use of the site, having regard to its condition, topography, and relationship with neighbouring land uses, would be inappropriate.
- 9.4 In respect of considering this specific planning application; it is noted that in addition to the former industrial site, part of the proposed development site lies within the Green Belt. This aspect will be addressed separately below.
- 9.5 As the remaining buildings on the site are subject to statutory listing and the site is located within the New Delph Conservation Area, it is also necessary to consider how and whether the historical fabric of the site can be incorporated into a development scheme. This matter will also be addressed below.

10. GREEN BELT

- 10.1 As noted above, the bulk of the application site lies within the defined urban area. The proposals however incorporate a section of land, amounting to appropriately 25% of the overall site area and extending 50 metres from the western boundary of the urban area, which is located within the designated Green Belt. This area is shown to accommodate 8 new dwellings.
- 10.2 NPPF Paragraph 149 states that a local planning authority should regard the construction of new buildings or other development as inappropriate in the Green Belt. A list of exceptions is defined; however, the proposed residential development would not comprise one of those types of development and would therefore present inappropriate development.
- 10.3 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 10.4 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, noting that the essential characteristics of Green Belts are their openness and their permanence.

- 10.5 The Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.6 The settlement of Delph is small and self-contained. Although the development would extend the built area further along the north side of Delph New Road towards Dobcross, given the retained separation and extent of existing built development along the south side of Delph New Road, the merging of settlements would not be at risk.
- 10.7 The proposal will clearly result in encroachment of built development into the Green Belt in conflict with the third purpose.
- 10.8 In its favour, it can be argued that the proposal would (subject to the assessment of viability below) lead to redevelopment of a derelict urban site.
- 10.9 The applicant has commented that even though the land is contained within green belt, it had formed part of the former Bailey Mill operations site and railway sidings. However, there is no present evidence of such use on site and the area has become largely naturally vegetated. Nor does such development appear to be shown on historical maps. Therefore, little weight can be given to this factor.
- 10.10 Consequently, the proposals will comprise inappropriate development in the Green Belt. NPPF paragraph 147 states that inappropriate development is by definition harmful to the Green Belt and should not be approved unless very special circumstances exist which demonstrate that the harm to the Green Belt is clearly outweighed by other considerations.

11. HISTORIC ENVIRONMENT

- 11.1 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 11.2 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that with respect to conservation areas special attention should be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 11.3 In addition, NPPF Part 16 sets out guidance on the approach to be taken in considering proposals which would affect heritage assets.
- 11.4 Paragraph 195 states that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of

the proposal".

- 11.5 At paragraph 196 it cautions that "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision".
- 11.6 Paragraph 197 requires local planning authorities to take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 11.7 It continues at paragraph 198, stating that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 11.8 At paragraph 200 it states that "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of...grade II listed buildings...should be exceptional."
- 11.9 Paragraph 201 states that "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 11.10 Finally at Paragraph 204, it concludes that "Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred".
- 11.11 The Bailey Mills site has a strong historic significance in the development of the Delph area as reflected in the statutory listing of the existing buildings. It is recognised that little of the principal building on the site, around which later structures will have developed, presently exists.
- 11.12 However, as the heritage amenity bodies have commented, this can give greater

emphasis to those buildings which remain and the contribution they can make to an understanding of that historic importance.

- 11.13 The New Delph Conservation Area is located just to the south of the village of Delph and encompasses the site. The conservation area today has seen many changes, not least with the loss of substantial railway infrastructure and the introduction of 20th century residential development.
- 11.14 The existing traditional vernacular buildings' still exhibit architectural qualities, such as stone mullion window openings. Nearly all properties are constructed in stone (with some brickwork where evident is later 20th /21st century buildings'), with either slate or stone flag roofs.
- 11.15 A series of structural condition surveys have been periodically undertaken in 2016 and recently updated in 2021 and 2022 to support this planning application and the associated listed building consent application.
- 11.16 It should be noted that the listing description acknowledges that many of the buildings on site were inaccessible due to their condition. That situation is unlikely to have improved.
- 11.17 Each of the remaining structures can be considered in turn.

The mill building

- 11.18 Small parts of the former mill building, including the remnants of the water and stair tower and the connection to the Oldham Road warehouse remain. However, the Structural Survey indicates that they have been open to the elements and a substantial amount of moisture damage has occurred.
- 11.19 As a consequence, it is not considered that a genuine potential for the renovation and re-use of these structures exists, either individually or as part of the new construction. Therefore, it is considered appropriate that they be removed without significant loss to the value of the heritage asset or the wider site.
- 11.20 The redevelopment proposals acknowledge the former mill's scale and prominence within the mill site and therefore seeks to recreate that significance with a building of similar siting and magnitude, and with fenestration to reflect the vertical emphasis of its predecessor.

Buildings to be retained

- 11.21 The former office building which also adjoins Oldham Road. Neither the masonry walls nor the roof have been identified as having obvious defects.
- 11.22 The building is currently the earliest structure on the site following the construction of the main mill and therefore has a historic significance in the development of the site. The building also exhibits subtle architectural relief and detail. Whilst little of the interior survives, the building is considered to have a high significance and is worthy of retention and repurposing.
- 11.23 The 'west warehouse' is a 19th century structure which the listing notes as being largely obscured by later structures. The removal of those structures will enhance the building's presence on the site. New window openings will be formed to reflect the scale and style of the existing fenestration.

- 11.24 The chimney is a visible landmark on the site and comprises two parts, an original stone lower section and a later upper brick section. The applicant's survey indicates that this does not appear to be adequately tied together and may pose a future management risk at the site. A more detailed investigation will be required to determine if any specialist remedial work would be required. This may include intrusive investigation to ensure the chimneys foundations are sufficient, along with a level survey to determine if the structure is plumb. The top of the chimney may require sealing to prevent water ingress which may cause issues to the inside of the chimney.
- 11.26 Subject to such assessment, the proposals have been amended to retain this structure at its present height.

Buildings to be removed

- 11.27 The boiler house, engine house and coal shed represent an important historical element of the site's development. The building itself has been found to be in a poor state of repair and was largely inaccessible at the time of listing. Necessary repairs have been identified as including a new roof and first floor. There are no retained elements which evidence the former power system and given the condition of the structures, an accurate assessment of the significance of any remaining features is difficult to establish.
- 11.28 Given the condition of the structures there is little scope for renovation and re-use. Furthermore, the practical reconfiguration and retention of the buildings would be difficult to achieve within the context of ensuring the effective functioning of the wider site layout.
- 11.29 At the western edge of the complex is the former blending and weaving sheds. This has been identified as a considerably altered 20th century structure. This would require various remedial measures to bring it to practical residential use. It is proposed that this building will be replaced with a mews block which incorporates a roofline to reflect its predecessor.
- 11.30 The warehouse building which adjoins Oldham Road has a particular visual prominence due to its presence on the road frontage, albeit sited at a lower level to the highway with a single floor visible. Several issues with masonry were noted, including the need to make good the gables, with the roof trusses being decayed. The proposals envisage a replacement to this building covering a similar footprint and roof design to reflect the style of its predecessor.
- 11.31 The Oldham Road warehouse replaced a former weavers house and is early 20th century in construction. The building is single storey to the roadside and three storeys to the yard side, taking account of the fall of the land. The building is stone construction with a tin roof and is wedge shaped in plan form.
- 11.32 The applicant indicates that the condition of the building is poor and re-use would require a number of structural interventions. Nevertheless, the building would be capable of retention and conversion. However, this would result in additional costs, which would be likely to further undermine the viability of the site. Consequently, it is proposed to replace the building with a contemporary structure.
- 11.33 The Council for British Archaeology, whilst not objecting to the principle of the residential re-use of the site, has objected to the quantum of demolition and

- replacement of buildings. It considers that the proposed layout fails to now retain the historic layout and show how those structures have contributed to the industrial processes.
- 11.34 It is recognised that the buildings which remain represent the culmination of change over time during the operation of the mill. Given the deterioration in condition of the buildings, there are practical difficulties in ensuring their re-purposing and continued incorporation into the redevelopment scheme.
- 11.35 The focus of the site would have been the main mill building. As noted above, little of this structure now exists. The proposals however seek to retain this focus through the development of a replacement residential block reflecting a similar footprint, scale, and design emphasis within the fenestration.
- 11.36 Of the structures which linked the mill to the remainder of the operational buildings, including the engine and boiler houses and associated small structures, it is acknowledged that these will be lost as features of the redevelopment. In condition/structural terms, difficulties in retention and re-use are evident, it is also difficult to envisage how the layout and scale of the structures could be incorporated without restricting the potential for satisfactory access and servicing of the redeveloped neighbouring buildings. Whilst the overall retention of these buildings would be preferred, it is considered that this would be likely to further undermine the viability of the development.
- 11.37 The chimney however will be retained as an important element of the redevelopment scheme. This structure acts both as a prominent visual focus and as a representation of the site's industrial past. The open areas around the chimney have the potential to incorporate interpretation information into the scheme.
- 11.38 The removal of these structures nevertheless allows views to be achieved towards the retained blocks 2 and 4, along with the redeveloped block 3 which will continue to reflect the scale and design of its predecessor.
- 11.39 The replacement dwellings occupying the site of the western warehouse have similarly been sited and designed to re-create the presence of the present building.
- 11.40 The remainder of the site's development occupies either land which would have featured the former railway line and sidings which no longer exist, although reflecting in the line of the recreational 'Delph Donkey' path, or in the undeveloped Green Belt land to the west. The layout of new buildings in these areas, whilst not directly reflecting the site's industrial past, are of a scale and layout which do not overwhelm the buildings within that more historic core of the site.
- 11.41 It is considered that, in accordance with NPPF paragraph 197, the scheme has had due regard to "the desirability of sustaining and enhancing the significance of heritage assets", whilst creating a development which will re-use a site which presently fails to contribute positively to the conservation of heritage assets or to local character and distinctiveness.
- 11.42 Throughout it is considered that the development provides a variety of property and building sizes and styles, whilst reflecting the character of local vernacular, and the adjacent modern development.

12. VIABILITY

- 12.1 The application is accompanied by a Viability Appraisal which considers the financial viability of the scheme particularly in the context of establishing the desire to secure the retention and re-use of existing historic buildings where this is feasible. It compares the costs with a scheme which proposes retention of more of the historic structures.
- 12.2 The assessment also considers the financial viability of the development and whether policy compliant contributions towards affordable housing and open space could be achieved.
- 12.3 Policy 10 requires 7.5% of the total development sales value to go towards the delivery of affordable housing. In most cases, on average, 7.5% of GDV is usually around 10-20% of the site capacity. In this location, which is identified as a high value area, it is expected that this would be more than 10% of the site capacity. There is a need for affordable housing within Saddleworth.
- 12.4 From a calculation of the proposed bedspaces, it is anticipated that a financial contribution of c.£317,000 would be required.
- 12.5 The submitted assessment concludes that a percentage return on development of the proposed scheme would be 11.67% dropping to 9.59% for a scheme involving a greater degree of original building retention and conversion.
- 12.6 The financial report and the conclusions therein have been independently re-assessed having regard to RICS Guidance Note 94/2012 and Historic England's 'Enabling Development and Heritage Assets' guidance.
- 12.7 The review considers that there will be an uplift in costs due to general specification of external materials that will be required (external stone, natural roof slates) to ensure compliance with the heritage and conservation area, but also the costs currently experienced on residential projects and to achieve current more stringent Building Regulations requirements.
- 12.8 In conclusion, the review has anticipated that there will be a 16% uplift on the budget allowed for by the applicant.
- 12.9 Despite an increased GDV and reduced costs relating to amendments made to contingency, marketing/sales fees and land value, the increase in construction costs in line with the associated construction costs assessment means that the residual profit reduces from 11.67% to 7.62%.
- 12.10 Ultimately the proposed scheme provides a higher residual profit, albeit reduced in comparison with the submitted Viability Statement. This is well below an expected target of 15-20% of gross development value set out in national Planning Practice Guidance. It also shows that the alternative scheme to retain and convert additional buildings on the site would reduce this margin further.
- 12.11 It is evident that the proposal will provide the best possible option for securing the practical re-use of the site which takes into consideration the importance of retaining as much of the building's heritage value as possible. However, the provision of affordable housing and open space could not be achieved due to the development's viability position.

13. DESIGN AND APPEARANCE

- 13.1 The proposed development includes a mix of property types, designs, and heights. This is primarily influenced by the need to recognise the historic heritage of the main site. This is reflected in the siting of the buildings in this part of the site and in the fenestration detail and use of materials.
- 13.2 A significant amount of variation in design has been achieved through the layout providing visual interest when passing through the site.
- 13.3 Facing materials will focus on the use of sandstone walling and natural slate roofing. The Conservation Officer has commented that the majority of the existing buildings consist of coursed square sandstone, and therefore, to respect the existing stone masonry, it would be expected that the new development also consists of coursed square sandstone rather than the proposed random laying.
- 13.4 The use of corten steel panels, intended to reflect the industrial aesthetic of the site, has been questioned by the Parish Council. This is proposed primarily around the ground levels of the proposed buildings. Although there are concerns about the ultimate colour, this is deemed acceptable in this context.
- 13.5 All these details will be subject to condition for the provision of samples to be submitted for approval in advance of the development commencing. This will cover all facing materials, windows and doors, and rainwater goods.

14. HIGHWAY ISSUES

- 14.1 A Transport Assessment has been submitted with the application and has been considered by the Council's Highways Officer. It is concluded that the levels of traffic generation to and from the site, including the use of the site entrance, would be at a level which would not result in adverse impact on the surrounding highway network.
- 14.2 An originally proposed car park access from Oldham Road has not however been deemed necessary and has been deleted from the proposals.
- 14.3 On-site car parking of one space for two-bed units and 2 spaces for larger units has been incorporated. The highway layout is acceptable with good pedestrian infrastructure and an acceptable level of car parking provision.
- 14.4 The 'Delph Donkey' recreational route continues to pass through the site. Measures to ensure safe crossing of the route will be incorporated in association with the adoption of the highway.

15. RESIDENTIAL AMENITY

- 15.1 The application is accompanied by an Acoustic Assessment which considers any potential impact from noise sources in the vicinity of the site and concludes that with the incorporation of upgraded glazing, trickle ventilation, and acoustic barriers to properties which may be affected by traffic noise, the scheme will create an acceptable living environment for future residents.
- 15.2 In respect of the Nationally Described Space Standards, a checklist has been

submitted which demonstrates that all house and apartment types either meet or exceed the required overall space standard, which applies equally to bedroom sizes.

- 15.3 All properties will be required to satisfy Part M of the Building Regulations in ensuring accessibility to properties.
- 15.4 In respect of the relationship with neighbouring residential properties, the dominant structure on the site will be replacement for the former mill of new block 1. As this will have a similar bulk and form to its predecessor it is not considered that it will result in an unacceptable degree of overshadowing of the neighbouring properties to the south on Station Approach or those to the north and east on Oldham Road.
- 15.5 In terms of impact on privacy, bedroom accommodation on the upper floors will face towards Station Approach, a number of which have window openings on the northern elevation. Those aspects of the properties face the street and are open to public views. Balconies originally proposed to face these properties have nevertheless been removed from the design in order to reduce any potential adverse impact.
- 15.6 Two rows of existing houses on Oldham Road will face towards the development site, albeit from a significantly elevated vantage point. The new dwelling at Plot 27 will be situated in close proximity to the rear of 29 to 33 Oldham Road. However, this new property occupies a lower site level, and has been designed to create a single storey aspect to the rear with no facing windows.
- 15.7 Other relationships between the proposed houses and existing dwellings secure satisfactory standards of amenity with appropriate separation distances.
- 15.8 Whilst there inevitably may be some disturbance to neighbouring properties during the construction period, this would be temporary. A Construction Management Plan will be required as a condition of any approval to control access arrangements and manage potential issues associated with noise and dust.

16. ECOLOGY AND LANDSCAPING

- 16.1 The application is accompanied by a Preliminary Ecological Assessment, Tree Impact Report, a Biodiversity Net Gain Report and BNG Metric Calculation, along with on-site landscaping proposals.
- 16.2 GM Ecology Unit has considered the impact on ecology and protected species has raised no objections subject to various conditions which will be included within any approval recommendation.
- 16.3 GMEU has however commented that replacing woodland with hedgerows or individual trees does not provide adequate compensation for the loss, and the Trees Officer has similarly noted that it will be necessary for off-site compensation to be provided for the loss of trees.
- 16.4 Having regard to these factors, it will be necessary for the developer to demonstrate how appropriate compensation will be provided to satisfy Local Plan Policy and the requirements of NPPF paragraph 174. This will be required by means of a planning condition.

17. DRAINAGE AND GROUND CONDITIONS

- 17.1 The entire site is situated in Flood Zone 1 as per the Environment Agency's flood map for planning, which indicates a low probability of a flood event (less than 1 in 1,000 annual probability). Notwithstanding this, the NPPF requires proposals for sites of 1 hectare or more that are in Flood Zone 1 to be accompanied by a site-specific flood risk assessment (FRA). A Flood Risk Assessment has been prepared and accompanies the application.
- 17.2 The report concludes that there is a low probability of flooding and therefore, the proposed development doesn't result in an unacceptable risk of flood or drainage problems.
- 17.3 The details have been considered by United Utilities which has confirmed that the drainage proposals are acceptable in principle, subject to a planning condition for submission of a detailed scheme.
- 17.4 A Geo-environmental Appraisal incorporating a 'Phase 1' Desk Study and has been undertaken. A number of potential contaminants have been identified having regard to the historic use of the site and measures are recommended in order to ensure the site is suitable for the proposed residential use.
- 17.5 The Coal Authority has confirmed that the site is not within a high-risk area.
- 17.6 On the basis of this information, the Environmental Health Officer has raised no objections to the development subject to detailed assessments being carried out and the results and any necessary remedial measures submitted for approval.
- 17.7 Both the construction of new dwellings and conversion works will be subject to approval under the Building Regulations to ensure the development can be constructed safely. Notwithstanding, full details of proposed site levels and any retaining structures will be required as a condition of the approval.

18. ENERGY

- 18.1 Policy 18 of the Local Plan requires all major developments to reduce energy emissions based on reductions over and above Part L of the Building Regulations 2010 or 2013.
- 18.2 A condition will be imposed requiring submission of a statement to demonstrate how the necessary targets will be met.

19. PLANNING BALANCE AND CONCLUSION

- 19.1 Assessment of this application requires careful consideration and a balancing of a range of significant factors. Principal amongst these are the Council's statutory responsibilities under the Listed Buildings & Conservation Areas Act, and the protection of the Green Belt.
- 19.2 Having regard to the present condition of the site, and specifically the previous loss of the principal mill building to fire, it is considered that the proposals would lead to 'less than substantial harm' to the significance of the heritage asset.

- 19.3 In such circumstances, NPPF paragraph 202 requires that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”
- 19.4 The primary public benefit from the development would be the practical re-use of the site which would overcome the continuing blight of the local area and would prolong the serious problems of visual harm, the continuing eroding of the structural condition of the remaining listed structures and potential for anti-social behaviour which exist.
- 19.5 The proposal will also secure the provision of an additional 60 properties providing improved housing choice, with a mix of property types, in the Delph area.
- 19.6 Nevertheless, the concerns of the heritage amenity bodies and the Council’s Conservation Officer, that the justification for the loss of existing buildings on the site has not been adequately evidenced remains. In particular, the Oldham Road warehouse is proposed for demolition. Additional costs would result from the retention and conversion of this building.
- 19.7 The viability appraisal and its independent review have concluded that the development is on the cusp of viability. It is questionable whether the introduction of additional costs from retention of the Oldham Road warehouse would push the scheme below a viable threshold.
- 19.6 In order to achieve a viable scheme, it has been demonstrated that the retention of more of the remaining building fabric would not be achievable without further compromising viability.
- 19.8 In addition, it has been necessary to propose a quantum of development to allow for the retention of existing heritage buildings as proposed, development within an adjoining area of Green Belt would be required, including the loss of an area of existing tree cover.
- 19.9 Furthermore, it is apparent that the scheme would not be capable of providing contributions towards affordable housing or education/health facilities.
- 19.10 Ultimately, this is a matter of planning judgement and assigning weight to these various factors. The additional costs associated with the site make re-development a challenge. The site has lain vacant and in an increasing state of dereliction since the fire to the main mill in 2016. There is little prospect for a development which would secure the retention of a greater extent of the existing buildings or be achieved in the confines of the previously developed site, that is, those areas not in the Green Belt.
- 19.11 This is a difficult decision, as approval of the scheme conflicts which planning policies in relation to green belt and heritage protection. Nevertheless, the public benefits of facilitating a viable redevelopment scheme are determined to outweigh those harms.
- 19.12 On balance therefore, it is recommended that the application should be approved as very special circumstances exist to outweigh the harm to the Green Belt and the heritage assets. This would be subject to a range of conditions covering the phasing of the development, the achievement of appropriate tree planting and biodiversity gain, and ensuring that materials are used throughout which are appropriate to the site’s setting and heritage.

RECOMMENDED CONDITIONS

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. No development shall commence until a scheme for the phasing of the works, including the conversion or demolition of existing buildings as proposed, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details. REASON – In order to ensure the development is undertaken in a manner which enhances the heritage of the site through the conversion and re-use of existing listed buildings can be secured having regard to Policy 24 of the Oldham Local Plan, Part 16 of the NPPF and provisions of Section 66(1) and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
4. Prior to the commencement of the development hereby approved, the following information shall be submitted to and approved in writing by the Local Planning Authority: A full site survey showing: (i) the datum used to calibrate the site levels (ii) levels along all site boundaries (iii) levels across the site at regular intervals (iv) floor levels of adjoining buildings, and full details of the proposed ground and finished floor levels of all buildings and proposed levels for external areas, including any retaining structures. The development shall be implemented only in full accordance with the approved details. REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and to ensure that the details of the development are satisfactory having regard to Policies 9 and 20 of the Oldham Local Plan.
5. No development hereby approved shall commence until a scheme for the provision, landscaping, and future management and maintenance of the areas of public open space and retained chimney within the site has been submitted to and approved in writing by the Local Planning Authority. The open space shall be provided in accordance with the approved scheme and shall be retained thereafter. REASON - To ensure satisfactory retention of the amenity spaces having regard to Policy 21 of the Oldham Local Plan.
6. No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including coursing of stonework, pointing, windows, doors, lintels and cills, and rainwater goods, and for the roof, have been submitted to and approved in writing by the Local Planning Authority. The masonry shall consist of coursed square sandstone and windows shall be recessed. The 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 details. REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policies 20 and 24 of the Oldham Local Plan.
7. No cleaning of the stonework of any existing buildings shall be undertaken until a

detailed specification for the cleaning method and materials to be used has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken thereafter solely in accordance with the approved methods. REASON – To protect the fabric of the historic building having regard to Policy 24 of the Oldham Local Plan.

8. No development shall commence until a scheme of measures for the provision of on-site historic interpretation to reflect the site's heritage has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details. REASON – In order to ensure the development is undertaken in a manner which ensures that the enhancement of the heritage of the site through the conversion and re-use of existing listed buildings can be secured having regard to Policy 24 of the Oldham Local Plan, Part 16 of the NPPF and provisions of Section 66(1) and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
9. Notwithstanding the details indicated on the approved hardworks plans ref 283-REL-XX-XX-DR-L-4/03 and 283-REL-XX-XX-DR-L-4/04, samples or a detailed specification for the facing materials to be used, to include boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. REASON – In order to ensure the development is undertaken in a manner which ensures that the enhancement of the heritage of the site having regard to Policy 24 of the Oldham Local Plan.
10. No demolition or development works shall take place until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority. The WSI shall cover the following:
 1. A phased programme and methodology of investigation and recording to include:
 - a historic building investigation (Level 3) of the former mill prior to demolition;
 - pending the results of the above, an intra-demolition watching brief;
 - archaeological evaluation trenching following the demolition works; and,
 - pending the results of the above, targeted open-area excavation.
 2. A programme for post-investigation assessment to include:
 - analysis of the site investigation records and finds; and,
 - production of a final report on the significance of the heritage interest recorded.
 3. Deposition of the final report with the Greater Manchester Historic Environment Record.
 4. Dissemination of the results of the site investigations commensurate with their significance, including a permanent heritage display / information panel.
 5. Provision for archive deposition of the report, finds and records of the site investigation.
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

REASON - To record and advance understanding of the significance of any heritage

assets to be lost (wholly or in part) and to make this evidence (and any archive generated) publicly accessible having regard to Policy 24 of the Oldham Local Plan.

11. Prior to first occupation of any dwelling, a lighting design strategy for biodiversity for areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and,
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting be installed without prior consent from the Local Planning Authority.

REASON - To ensure the protection and enhancement of features and species of ecological interest having regard to Policy 21 of the Oldham Local Plan, and to the Wildlife and Countryside Act 1981.

12. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (this may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and,
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON - to ensure the protection and enhancement of features and species of ecological interest having regard to Policy 21 of the Oldham Local Plan, and to the Wildlife and Countryside Act 1981.

13. No development shall commence until a scheme and timetable for the achievement of Biodiversity Net Gain, to include provision for birds and bats, and for the provision of off-site replacement/additional tree planting, has been submitted to and approved

in writing by the Local Planning Authority. The planting scheme shall be fully implemented in accordance with the approved details and timescale. REASON - To ensure that the proposals result in enhancement of biodiversity having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and paragraph 174 of the NPPF.

14. No works to trees or shrubs shall take place between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority. REASON - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981, having regard to Policy 21 of the Oldham Local Plan.
15. No development shall commence until details of measures for the treatment of the retained on-site pond, to include ecological enhancement measures and for the safety of users of the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. REASON – In order to ensure the enhancement of on-site biodiversity and the safety of users of the site having regard to Policies 9, 20 and 21 of the Oldham Local Plan.
16. Prior to the commencement of development (including demolition, ground works, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved in writing by the Local Planning Authority, detailing the containment, control, and removal Himalayan balsam on site. The measures shall be carried out strictly in accordance with the approved scheme. REASON - To prevent the spread of invasive plant species having regard to Policy 9 of the Oldham Local Plan.
17. All soft landscape works shall be carried out in accordance with the approved plan Ref: 263-REL-XX-XX-DR-L-3/01, 283-REL-XX-XX-DR-L-4/01 and 263-REL-XX-XX-DR-L-3/01 263-REL-XX-XX-DR-L-4/02 prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Thereafter any trees or shrubs which die, are removed, or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
18. Prior to the commencement of any part of the development hereby approved, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, all existing retained trees and hedges on and adjacent to the site, other than those indicated for removal on the approved plans, shall be physically protected from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause. This shall be achieved by the erection of 2.3 m high fencing using vertical and horizontal scaffolding poles, or other stout fencing to Local Authority approval with the uprights driven well into the ground, erected in accordance with BS5837:2005, outside the canopy. The fencing shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas. REASON - Prior approval of such details is necessary to protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.

19. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts and arrangements for construction vehicle access. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the construction works. REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.
20. The development shall be implemented in full accordance with the measures recommended in the submitted Noise Impact Assessment (Ref:22.036.1.R1 dated 1 April 2022) and no property shall be occupied until the measures applicable to that property have been installed. The measures shall be retained thereafter. REASON – In order to ensure a satisfactory standard of amenity for future residents having regard to Policy 9 of the Oldham Local Plan.
21. 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety having regard to Policy 9 of the Oldham Local Plan.
22. 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.
23. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - i. An investigation of the hierarchy of drainage options in the National Planning Practice
 - ii. Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - iii. A restricted rate of discharge of surface water agreed with the local planning authority
 - iv. (if it is agreed that infiltration is discounted by the investigations);
 - v. Levels of the proposed drainage systems including proposed ground and finished

- floor
- vi. levels in AOD;
 - vii. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - viii. Foul and surface water shall drain on separate systems.

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

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development. REASON - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution having regard to Policies 9 and 19 of the Oldham Local Plan.

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

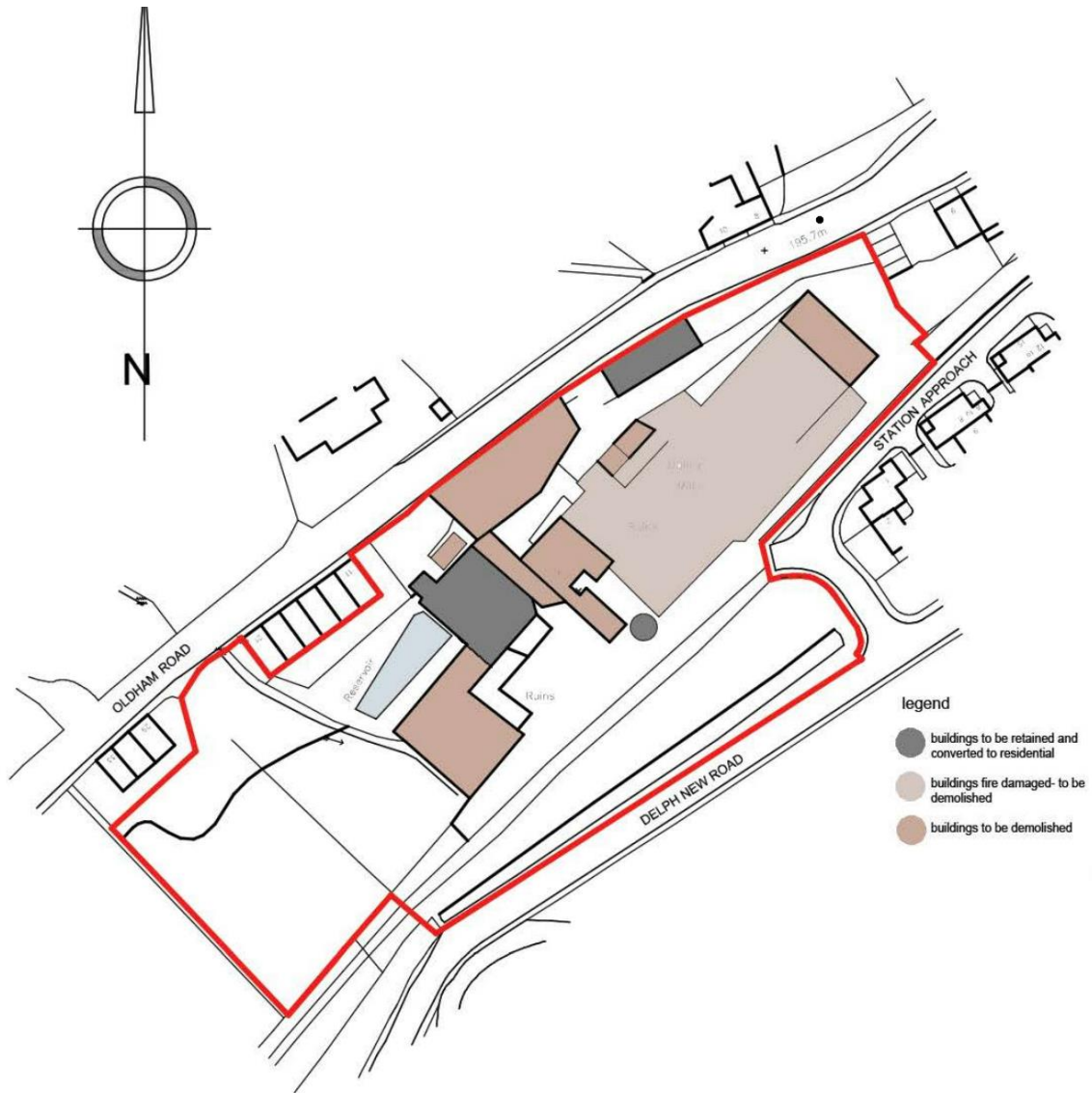
REASON - To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development having regard to Policies 9 and 19 of the Oldham Local Plan.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification), no development within Class A, AA, B, and E of Part 1 of Schedule 2 shall be carried out unless permission is granted by the Local Planning Authority. REASON - In order to protect the appearance and character of the area, including the site's historic heritage, having regard to Policies 9, 20 and 24 of the Oldham Local Plan.
26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A or C of Part 2 of Schedule 2 shall be carried out unless permission is granted by the Local Planning Authority. REASON - In order to protect the appearance and character of the area, including the site's historic heritage, having regard to Policies 9, 20 and 24 of the Oldham Local Plan.
27. Prior to the commencement of the construction of any building, details for demonstrating that each building will achieve a 15% reduction in carbon emissions against Part L of the Building Regulations 2013 shall first be submitted to and

approved in writing by the Local Planning Authority. No individual building shall be first occupied until the approved measures have been fully implemented for that building. REASON - In order to secure a sustainable form of development having regard to Policies 1 and 18 of the Oldham Local Plan.

28. No dwelling shall be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan and the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles. REASON - To ensure adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)



PLANNING COMMITTEE – BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING

PLANNING APPLICATIONS AND LISTED BUILDING CONSENT 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

The appropriate application file: This is an electronic file containing the same reference number as that shown on the Agenda for the application. It may contain the following documents:

- The application forms;
- Certificates relating to site ownership;
- Plans and/or documents detailing the proposed development;
- Technical reports identifying potential impacts and mitigation;
- Design and Access Statements and / or Planning Statements;
- Formal responses from internal and external statutory and non-statutory consultees; and,
- Correspondence and/or documents from received from interested parties.

The application forms (redacted), ownership certificate (redacted), plans showing the proposed development, technical reports, Design and Access Statements, and Planning Statements, where provided are available to view on the Council's website using the [Public Access platform](#).

www.oldham.gov.uk

Responses from statutory and non-statutory consultees and correspondence/documents from interested parties can be requested by making contact with the Planning Service by telephone or email:

0161 770 4105 / Planning@oldham.gov.uk

ADDITIONAL BACKGROUND PAPERS

1. The adopted Local Plan (the Joint Core Strategy and Development Management Policies Development Plan Document (Core Strategy)
2. 'Saved' policies from the Unitary Development Plan
3. The National Planning Policy Framework (NPPF)
4. Minutes of the meetings of Saddleworth Parish Council Planning Committee
5. Minutes of the meetings of Shaw and Crompton Parish Council Planning Committee

Guidance on how to access these documents is available by making contact with the Planning Service by telephone or email: 0161 770 4105 / Planning@oldham.gov.uk

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APPLICATION REPORT – LBC/350294/22 Planning Committee 20th December 2023

Registration Date 10th February 2023
Ward Saddleworth North

Application Reference LBC/350294/22
Type of Application Listed Building Consent

Proposal Conversion of retained West warehouse and office building, retention of chimney, along with demolition of the weaving shed, concrete link structure, Oldham Road warehouse, boiler house and remnants of the main mill, to facilitate the redevelopment of former mill site to create 60 no. dwellings and ancillary infrastructure and open space

Location Site of Bailey Mill, Delph New Road, Delph

Case Officer Graham Dickman
Applicant R Gledhill & Sons Ltd
Agent Jason Kennedy

1. INTRODUCTION

1.1 This application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as a Major Development.

2. RECOMMENDATION:

2.1 This application is subject to the provisions of the 'Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015' whereby if a written objection is received from either Historic England or a National Amenity Society, the application must be referred to the Secretary of State for Levelling Up, Housing and Communities.

2.2 The application is subject to objections from the Council for British Archaeology and Historic England, Therefore, if Committee resolves that it is minded to approve the application, it must be referred.

2.2 The Secretary of State has 28 days to determine whether to call in the application for their own determination.

2.3 Thereby it is recommended that the application be approved subject to:

1. the conditions set out in this report,
2. confirmation from the Secretary of State that it is not intended to call in the application for determination.
3. The Head of Planning shall be authorised to issue the decision following the satisfaction of the above matters.

3. SITE DESCRIPTION

- 3.1 The site comprises the disused Bailey Mill industrial complex which was statutorily listed Grade II as containing buildings and structures of special architectural and/ or historic interest in 2015. The development site is also contained within the New Delph Conservation Area boundary.
- 3.2 The principal main woollen mill was almost completely destroyed by fire in 2016. Various ancillary buildings survive. However, many of these structures are in a poor state of repair.
- 3.3 The remaining structures comprise:
- Small ancillary parts of the main mill building
 - Boiler house
 - Chimney
 - Blending shed
 - Weaving shed
 - Warehouse adjoining Oldham Road
 - Office building adjoining Oldham Road
- 3.4 Vehicular access is obtained from Delph New Road to the south which leads on to the cul-de-sac of Station Approach. Site levels then generally rise to the north where a retaining wall supports Oldham Road above.
- 3.5 On the south-east side of Station Approach is a modern residential development of two and three storey properties. To the north-east fronting Oldham Road are further residential properties.
- 3.6 When viewed from Oldham Road two buildings within the site, the aforementioned office and warehouse buildings, are visible. Each has stone facings and extends to a single storey on the road frontage. Further along Oldham Road to the north-west are two short terraces of residential properties which back onto the application site.
- 3.7 To the west, within the site boundary, is a naturally vegetated area of tree cover, beyond which is a field. The route of the 'Delph Donkey' a recreational path along the route of the former railway line, cuts through the site in a south-west/ north-east direction.
- 3.8 Across Delph New Road to the south is a modern industrial development.

4. THE PROPOSAL

- 4.1 The application seeks Listed Building Consent for works in relation to the existing buildings which form part of the Bailey Mills site. This includes works for the conversion of the retained west warehouse and office building to residential use. However, the proposal also includes the demolition of the weaving shed, concrete link structure, Oldham Road warehouse, boiler house and remnants of the main mill building.
- 4.2 These works are required to facilitate the redevelopment of the former mill site to create 60 no. dwellings with ancillary infrastructure and open space.
- 4.2 An associated application for planning permission (FUL/350293/22) for this

development also appears on this Committee agenda.

- 4.3 The resultant development will comprise 60 dwellings in a mix of new build properties and conversion of retained buildings. Vehicular access will be provided solely from Delph New Road via Station Approach. A new roadway will extend south-west/ north-east along the 'Delph Donkey' route.
- 4.4 Block 1 is a four-storey block designed to reflect the character of the original main mill structure. The building will be occupied by a mix of 7 four-bedroom houses with accommodation over all four floors, and 9 two-bedroom apartments on the three upper floors.
- 4.5 Block 2 involves a conversion of the former west warehouse which occupies a sloping site and varies in height between two and three storeys. The proposal will create a mix of 5 two-bedroom and 4 one-bedroom apartments.
- 4.6 Block 3 is a new four-storey block. It abuts the boundary with Oldham Road which is situated atop a retaining wall resulting in the building rising to only two storeys on this roadside elevation. The building will contain 4 two-bedroom and 9 one-bedroom apartments. This building will replace the present Oldham Road warehouse.
- 4.7 Block 4 involves the conversion of the former mill office building. It abuts the boundary with Oldham Road which is situated atop a retaining wall resulting in the building rising to only one storey on this roadside elevation and two storeys facing into the site. The building will contain 3 three-bedroom houses.
- 4.8 The remainder of the development will comprise individual or small groups of houses:
 - Plot 17 four-bedroom house with an attached driveway and garage.
 - Plots 18 and 19 are a pair of three-bedroom houses.
 - Plots 20 to 23 are a mews block of 2 three-bedroom and 2 two-bedroom houses.
 - Plot 24 is a four-bedroom detached house.
 - Plots 25 and 26 are a pair of three-bedroom semi-detached houses.
 - Plot 27 is a link detached four-bedroom house.
 - Plots 28 and 29 are a pair of three-bedroom semi-detached houses.
 - Plots 30 to 32 are a mews block of 3 three-bedroom houses.
 - Plots 33 to 35 are a three-storey block of 3 three-bedroom houses.

5. PLANNING HISTORY

LBC/350294/22 - Conversion of retained West warehouse and office building, part retention of chimney, along with demolition of the weaving shed, concrete link structure, Oldham Road warehouse, boiler house and remnants of the main mill, to facilitate the redevelopment of former mill site to create 60 no. dwellings and ancillary infrastructure and open space. Pending determination

LB/339098/16 – Demolition of mill buildings. Refused 4th October 2017

PA/336787/15 – Demolition of mill buildings. Approved 27th August 2015

PA/334863/13 – Construction of new vehicular access roadway. Approved 12th February 2014

PA/058738/10 – Construction of new vehicular access roadway. Approved 24th December 2010

PA/052280/06 – Construction of new vehicular access roadway. Approved 4th September 2007

CA/046894/04 – Demolition of buildings. Refused 17th June 2004

PA/046670/04 – Formation of a new vehicular access following demolition of existing buildings. Refused 2nd June 2004

PA/038882/99 - Outline application for partial demolition of mills and redevelopment for residential purposes, including erection of new dwellings and formation of new access. Means of access to be considered, all other matters reserved. Withdrawn

On adjacent site (Station Approach):

CA/42878/02 - Demolition of goods warehouse. Approved 4th July 2002

PA/42362/01 - Erection of 21 dwellings comprising 15 houses and 6 apartments. Approved 23rd May 2002

6. RELEVANT PLANNING POLICIES

6.1 The Joint Core Strategy and Development Management Policies Development Plan Document adopted in 2011 (the Local Plan) is the relevant document for this type of proposal within the adopted Development Plan for Oldham.

6.2 On the proposals map associated with this document, the site largely comprises a Phase 1 Housing allocation. However, the western section is located within the Green Belt on the Proposals Map.

6.3 As such, the following policies are considered relevant to the determination of this application:

Policy 3 – An Address of Choice;

Policy 11 – Housing; and,

Policy 24 – Historic Development

6.4 Bailey Mills is a Grade II listed building (listing date 21st December 2015) and is within the New Delph Conservation Area. The provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas Act 1990 are also applicable.

7. CONSULTATIONS

Conservation Officer	Considers that the applicant has failed to provide sufficient information to demonstrate that the Oldham Road warehouse is in a condition which would present its effective conversion.
Historic England	There are concerns regarding the implications on heritage grounds and the Council should ensure consideration is given to addressing the requirements of the NPPF and statutory duty to protect heritage assets.
Council for British Archaeology	Object to the proposals on the grounds that they fail to have adequate regard to the site's historic significance and lead to the loss of existing heritage buildings.
Association for Industrial Archaeology	Consideration should be given to the retention of other surviving structures on the site.
GM Archaeological Advisory Service	The Heritage Statement advocates a programme of historic building recording prior to demolition. It is strongly recommended that this comprises a Level 3 survey.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised by neighbour notification letters, display of site notice, and publication of a press notice as a major development, as a Departure, as affecting the setting of a listed building and the character and appearance of a Conservation Area.
- 8.2 In response, 13 letters of objection, 2 neutral comments, and 4 letters of support have been received raising the following (summarised) issues:

Support comments

- 8.3 The development provides more housing in Saddleworth (discussed at paragraph 19.5 below)
- 8.4 It ensures maintenance of the Delph Donkey (discussed at paragraph 13.4 below)
- 8.5 It will allow redevelopment of a dangerous site in a state of disrepair for 8 years and

removes the danger of children playing on the mill site. (discussed at paragraph 19.4 below)

Objection comments

- 8.6 4 storey building will overlook houses, with balconies will cause overlooking, and lead to loss of light. (discussed at paragraph 15.3-15.5 below)
- 8.7 Traffic will add to existing highway danger at entrance. There is a need to improve the visibility splay to the right and the creation of pavement on Delph New Road would help. (discussed at paragraph 14.1 below)
- 8.8 Inadequate parking (discussed at paragraph 14.3 below)
- 8.9 All development should be within the footprint of the mill, not including Green Belt. (discussed at Section 10 below)
- 8.10 Impact of new residents on primary school and doctors (when added to other developments in the area) (discussed at paragraph 19.8 below)
- 8.11 Too homogenous, modern looking design (discussed at paragraph 11.42 below)
- 8.12 Demolition of historic buildings will affect historical outlook (discussed at Section 11 below)
- 8.13 Loss of mature trees and impact on habitats (discussed at paragraph Section 16 below)
- 8.14 No provision of affordable or accessible housing (discussed at paragraphs 12.11 and 15.3 below)
- 8.15 Risk of subsidence (discussed at paragraph 17.7 below)
- 8.16 Poor local transport links (discussed at paragraph Section 14 below)
- 8.17 Driveways onto Station Approach will be a danger concern (discussed at Section 14 below)
- 8.18 Plots 17, 18, 19 will cause loss of privacy (discussed at paragraph 15.6 below)
- 8.19 Disruption during building phase and clearing site would cause health risks. (discussed at paragraph 15.7 below)
- 8.20 Potential flood risk (discussed at paragraph 17.1-2 below)
- 8.21 Impact on garages to the north-east (discussed at paragraph 17.7 below)
- 8.22 Saddleworth Parish Council oppose the construction of the dwellings in the Green Belt (discussed at Section 10), require further information on access plans during construction (15.7), have concerns regarding the use of 'corten' steel cladding (13.4), and require an assessment of impacts on NHS services (19.8).
- 8.23 Delph Community Association has commented that there appears to be no access from the development onto the Delph Donkey Line Bridleway for walkers or cyclists

(14.4), and concerns were also raised about the visibility from the exit from Station Approach onto Delph New Road with the increased traffic that the new housing will generate (Section 14).

- 8.24 Debbie Abrahams MP has drawn attention to the concerns of a local resident and requested that those concerns are fully considered in assessment of the application.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The application site has a historic use within the textile industry dating from the mid-19th century. Local Plan Policy 14 states that the loss of an employment site to other uses will only be permitted where the applicant can clearly demonstrate that it is no longer appropriate or viable to continue the existing use. However, the Local Plan also designates the site as a Phase 1 Housing Allocation. In addition, it has also been included in the Council's Strategic Housing Land Availability Assessment (SHLAA).
- 9.2 The adjacent residential development on Station Approach similarly represents a former industrial site granted permission for new housing in 2002.
- 9.3 These factors recognise the long-standing presumption that continued industrial use of the site, having regard to its condition, topography, and relationship with neighbouring land uses, would be inappropriate.
- 9.4 As the remaining buildings on the site are subject to statutory listing and the site is located within the New Delph Conservation Area, it is also necessary to consider how and whether the historical fabric of the site can be incorporated into a development scheme. This matter will also be addressed below.
- 9.5 In respect of considering this specific planning application; it is noted that in addition to the former industrial site, part of the proposed development site lies within the Green Belt. This aspect will be addressed separately below.

10. HISTORIC ENVIRONMENT

- 10.1 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.2 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that with respect to conservation areas special attention should be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 10.3 In addition, NPPF Part 16 sets out guidance on the approach to be taken in considering proposals which would affect heritage assets.
- 10.4 Paragraph 195 states that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal

(including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal".

- 10.5 At paragraph 196 it cautions that "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision".
- 10.6 Paragraph 197 requires local planning authorities to take account of:
 - "a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness"
- 10.7 It continues at paragraph 198, stating that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 10.8 At paragraph 200 it states that "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of...grade II listed buildings...should be exceptional."
- 10.9 Paragraph 201 states that "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use".
- 10.10 Finally at Paragraph 204, it concludes that "Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred".
- 10.11 The Bailey Mills site has a strong historic significance in the development of the Delph area as reflected in the statutory listing of the existing buildings. It is recognised that little of the principal building on the site, around which later structures will have developed, presently exists.
- 10.12 However, as the heritage amenity bodies have commented, this can give greater emphasis to those buildings which remain and the contribution they can make to an understanding of that historic importance.

- 10.13 The New Delph Conservation Area is located just to the south of the village of Delph and encompasses the site. The conservation area today has seen many changes, not least with the loss of substantial railway infrastructure and the introduction of 20th century residential development.
- 10.14 The existing traditional vernacular buildings' still exhibit architectural qualities, such as stone mullion window openings. Nearly all properties are constructed in stone (with some brickwork where evident is later 20th. /21st century buildings'), with either slate or stone flag roofs.
- 10.15 A series of structural condition surveys have been periodically undertaken in 2016 and recently updated in 2021 and 2022 to support this planning application and the associated listed building consent application.
- 10.16 It should be noted that the listing description acknowledges that many of the buildings on site were inaccessible due to their condition. That situation is unlikely to have improved.
- 10.17 Each of the remaining structures can be considered in turn.

The mill building

- 10.18 Small parts of the former mill building, including the remnants of the water and stair tower and the connection to the Oldham Road warehouse remain. However, the Structural Survey indicates that they have been open to the elements and a substantial amount of moisture damage has occurred.
- 10.19 As a consequence, it is not considered that a genuine potential for the renovation and re-use of these structures exists, either individually or as part of the new construction. Therefore, it is considered appropriate that they be removed without significant loss to the value of the heritage asset or the wider site.
- 10.20 The redevelopment proposals acknowledge the former mill's scale and prominence within the mill site and therefore seeks to recreate that significance with a building of similar siting and magnitude, and with fenestration to reflect the vertical emphasis of its predecessor.

Buildings to be retained

- 10.21 The former office building which also adjoins Oldham Road. Neither the masonry walls nor the roof have been identified as having obvious defects.
- 10.22 The building is currently the earliest structure on the site following the construction of the main mill and therefore has a historic significance in the development of the site. The building also exhibits subtle architectural relief and detail. Whilst little of the interior survives, the building is considered to have a high significance and is worthy of retention and repurposing.
- 10.23 The 'west warehouse' is a 19th century structure which the listing notes as being largely obscured by later structures. The removal of those structures will enhance the building's presence on the site. New window openings will be formed to reflect the scale and style of the existing fenestration.
- 10.24 The chimney is a visible landmark on the site and comprises two parts, an original

stone lower section and a later upper brick section. The applicant's survey indicates that this does not appear to be adequately tied together and may pose a future management risk at the site.

- 10.25 A more detailed investigation will be required to determine if any specialist remedial work would be required. This may include intrusive investigation to ensure the chimneys foundations are sufficient, along with a level survey to determine if the structure is plumb. The top of the chimney may require sealing to prevent water ingress which may cause issues to the inside of the chimney.
- 10.26 Subject to such assessment, the proposals have been amended to retain this structure at its present height.

Buildings to be removed

- 10.27 The boiler house, engine house and coal shed represent an important historical element of the site's development. The building itself has been found to be in a poor state of repair and was largely inaccessible at the time of listing. Necessary repairs have been identified as including a new roof and first floor. There are no retained elements which evidence the former power system and given the condition of the structures, an accurate assessment of the significance of any remaining features is difficult to establish.
- 10.28 Given the condition of the structures there is little scope for renovation and re-use. Furthermore, the practical reconfiguration and retention of the buildings would be difficult to achieve within the context of ensuring the effective functioning of the wider site layout.
- 10.29 At the western edge of the complex is the former blending and weaving sheds. This has been identified as a considerably altered 20th century structure. This would require various remedial measures to bring it to practical residential use. It is proposed that this building will be replaced with a mews block which incorporates a roofline to reflect its predecessor.
- 10.30 The warehouse building which adjoins Oldham Road has a particular visual prominence due to its presence on the road frontage, albeit sited at a lower level to the highway with a single floor visible. Several issues with masonry were noted, including the need to make good the gables, with the roof trusses being decayed. The proposals envisage a replacement to this building covering a similar footprint and roof design to reflect the style of its predecessor.
- 10.31 The Oldham Road warehouse replaced a former weavers house and is early 20th century in construction. The building is single storey to the roadside and three storeys to the yard side, taking account of the fall of the land. The building is stone construction with a tin roof and is wedge shaped in plan form.
- 10.32 The applicant indicates that the condition of the building is poor and re-use would require a number of structural interventions. Nevertheless, the building would be capable of retention and conversion. However, this would result in additional costs, which would be likely to further undermine the viability of the site. Consequently, it is proposed to replace the building with a contemporary structure.
- 10.33 The Council for British Archaeology, whilst not objecting to the principle of the residential re-use of the site, has objecting to the quantum of demolition and replacement of buildings. It considers that the proposed layout fails to now retain the

historic layout and show how those structures have contributed to the industrial processes.

- 10.34 It is recognised that the buildings which remain represent the culmination of change over time during the operation of the mill. Given the deterioration in condition of the buildings, there are practical difficulties in ensuring their re-purposing and continued incorporation into the redevelopment scheme.
- 10.35 The focus of the site would have been the main mill building. As noted above, little of this structure now exists. The proposals however seek to retain this focus through the development of a replacement residential block reflecting a similar footprint, scale, and design emphasis within the fenestration.
- 10.36 Of the structures which linked the mill to the remainder of the operational buildings, including the engine and boiler houses and associated small structures, it is acknowledged that these will be lost as features of the redevelopment. In condition/structural terms, difficulties in retention and re-use are evident, it is also difficult to envisage how the layout and scale of the structures could be incorporated without restricting the potential for satisfactory access and servicing of the redeveloped neighbouring buildings. Whilst the overall retention of these buildings would be preferred, it is considered that this would be likely to further undermine the viability of the development.
- 10.37 The chimney however will be retained as an important element of the redevelopment scheme. This structure acts both as a prominent visual focus and as a representation of the site's industrial past. The open areas around the chimney have the potential to incorporate interpretation information into the scheme.
- 10.38 The removal of these structures nevertheless allows views to be achieved towards the retained blocks 2 and 4, along with the redeveloped block 3 which will continue to reflect the scale and design of its predecessor.
- 10.39 The replacement dwellings occupying the site of the western warehouse have similarly been sited and designed to re-create the presence of the present building.
- 10.40 The remainder of the site's development occupies either land which would have featured the former railway line and sidings which no longer exist, although reflecting in the line of the recreational 'Delph Donkey' path, or in the undeveloped Green Belt land to the west. The layout of new buildings in these areas, whilst not directly reflecting the site's industrial past, are of a scale and layout which do not overwhelm the buildings within that more historic core of the site.
- 10.41 It is considered that, in accordance with NPPF paragraph 197, the scheme has had due regard to "the desirability of sustaining and enhancing the significance of heritage assets", whilst creating a development which will re-use a site which presently fails to contribute positively to the conservation of heritage assets or to local character and distinctiveness.
- 10.42 Throughout it is considered that the development provides a variety of property and building sizes and styles, whilst reflecting the character of local vernacular, and the adjacent modern development.

11. VIABILITY

- 11.1 The application is accompanied by a Viability Appraisal which considers the financial viability of the scheme particularly in the context of establishing the desire to secure the retention and re-use of existing historic buildings where this is feasible. It compares the costs with a scheme which proposes retention of more of the historic structures.
- 11.2 The assessment also considers the financial viability of the development and whether policy compliant contributions towards affordable housing and open space could be achieved.
- 11.3 Policy 10 requires 7.5% of the total development sales value to go towards the delivery of affordable housing. In most cases, on average, 7.5% of GDV is usually around 10-20% of the site capacity. In this location, which is identified as a high value area, it is expected that this would be more than 10% of the site capacity. There is a need for affordable housing within Saddleworth.
- 11.4 From a calculation of the proposed bedspaces, it is anticipated that a financial contribution of c.£317,000 would be required.
- 11.5 The submitted assessment concludes that a percentage return on development of the proposed scheme would be 11.67% dropping to 9.59% for a scheme involving a greater degree of original building retention and conversion.
- 11.6 The financial report and the conclusions therein have been independently re-assessed having regard to RICS Guidance Note 94/2012 and Historic England's 'Enabling Development and Heritage Assets' guidance.
- 11.7 The review considers that there will be an uplift in costs due to general specification of external materials that will be required (external stone, natural roof slates) to ensure compliance with the heritage and conservation area, but also the costs currently experienced on residential projects and to achieve current more stringent Building Regulations requirements.
- 11.8 In conclusion, the review has anticipated that there will be a 16% uplift on the budget allowed for by the applicant.
- 11.9 Despite an increased GDV and reduced costs relating to amendments made to contingency, marketing/sales fees and land value, the increase in construction costs in line with the associated construction costs assessment means that the residual profit reduces from 11.67% to 7.62%.
- 11.10 Ultimately the proposed scheme provides a higher residual profit, albeit reduced in comparison with the submitted Viability Statement. This is well below an expected target of 15-20% of gross development value set out in national Planning Practice Guidance. It also shows that the alternative scheme to retain and convert additional buildings on the site would reduce this margin further.
- 11.11 It is evident that the proposal will provide the best possible option for securing the practical re-use of the site which takes into consideration the importance of retaining as much of the building's heritage value as possible. However, the provision of affordable housing and open space could not be achieved due to the development's viability position.

12. DESIGN AND APPEARANCE

- 12.1 The proposed development includes a mix of property types, designs, and heights. This is primarily influenced by the need to recognise the historic heritage of the main site. This is reflected in the siting of the buildings in this part of the site and in the fenestration detail and use of materials.
- 12.2 A significant amount of variation in design has been achieved through the layout providing visual interest when passing through the site.
- 12.3 Facing materials will focus on the use of sandstone walling and natural slate roofing. The Conservation Officer has commented that the majority of the existing buildings consist of coursed square sandstone, and therefore, to respect the existing stone masonry, it would be expected that the new development also consists of coursed square sandstone rather than the proposed random laying.
- 12.4 The use of corten steel panels, intended to reflect the industrial aesthetic of the site, has been questioned by the Parish Council. This is proposed primarily around the ground levels of the proposed buildings. Although there are concerns about the ultimate colour, this is deemed acceptable in this context.
- 12.5 All these details will be subject to condition for the provision of samples to be submitted for approval in advance of the development commencing. This will cover all facing materials, windows and doors, and rainwater goods.

Other matters applicable to the wider re-development scheme

13. GREEN BELT

- 13.1 As noted above, the bulk of the application site lies within the defined urban area. The proposals however incorporate a section of land, amounting to appropriately 25% of the overall site area and extending 50 metres from the western boundary of the urban area, which is located within the designated Green Belt. This area is shown to accommodate 8 new dwellings.
- 13.2 NPPF Paragraph 149 states that a local planning authority should regard the construction of new buildings or other development as inappropriate in the Green Belt. A list of exceptions is defined; however, the proposed residential development would not comprise one of those types of development and would therefore present inappropriate development.
- 13.3 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 13.4 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, noting that the essential characteristics of Green Belts are their openness and their permanence.
- 13.5 The Green Belt serves five purposes:
 - a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and

- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 13.6 The settlement of Delph is small and self-contained. Although the development would extend the built area further along the north side of Delph New Road towards Dobcross, given the retained separation and extent of existing built development along the south side of Delph New Road, the merging of settlements would not be at risk.
- 13.7 The proposal will clearly result in encroachment of built development into the Green Belt in conflict with the third purpose.
- 13.8 In its favour, it can be argued that the proposal would (subject to the assessment of viability below) lead to redevelopment of a derelict urban site.
- 13.9 The applicant has commented that even though the land is contained within green belt, it had formed part of the former Bailey Mill operations site and railway sidings. However, there is no present evidence of such use on site and the area has become largely naturally vegetated. Nor does such development appear to be shown on historical maps. Therefore, little weight can be given to this factor.
- 13.10 Consequently, the proposals will comprise inappropriate development in the Green Belt. NPPF paragraph 147 states that inappropriate development is by definition harmful to the Green Belt and should not be approved unless very special circumstances exist which demonstrate that the harm to the Green Belt is clearly outweighed by other considerations.

14. HIGHWAY ISSUES

- 14.1 A Transport Assessment has been submitted with the application and has been considered by the Council's Highways Officer. It is concluded that the levels of traffic generation to and from the site, including the use of the site entrance, would be at a level which would not result in adverse impact on the surrounding highway network.
- 14.2 An originally proposed car park access from Oldham Road has not however been deemed necessary and has been deleted from the proposals.
- 14.3 On-site car parking of one space for two-bed units and 2 spaces for larger units has been incorporated. The highway layout is acceptable with good pedestrian infrastructure and an acceptable level of car parking provision.
- 14.4 The 'Delph Donkey' recreational route continues to pass through the site. Measures to ensure safe crossing of the route will be incorporated in association with the adoption of the highway.

15. RESIDENTIAL AMENITY

- 15.1 The application is accompanied by an Acoustic Assessment which considers any potential impact from noise sources in the vicinity of the site and concludes that with the incorporation of upgraded glazing, trickle ventilation, and acoustic barriers to properties which may be affected by traffic noise, the scheme will create an acceptable living environment for future residents.

- 15.2 In respect of the Nationally Described Space Standards, a checklist has been submitted which demonstrates that all house and apartment types either meet or exceed the required overall space standard, which applies equally to bedroom sizes.
- 15.3 All properties will be required to satisfy Part M of the Building Regulations in ensuring accessibility to properties.
- 15.4 In respect of the relationship with neighbouring residential properties, the dominant structure on the site will be replacement for the former mill of new block 1. As this will have a similar bulk and form to its predecessor it is not considered that it will result in an unacceptable degree of overshadowing of the neighbouring properties to the south on Station Approach or those to the north and east on Oldham Road.
- 15.5 In terms of impact on privacy, bedroom accommodation on the upper floors will face towards Station Approach, a number of which have window openings on the northern elevation. Those aspects of the properties face the street and are open to public views. Balconies originally proposed to face these properties have nevertheless been removed from the design in order to reduce any potential adverse impact.
- 15.6 Two rows of existing houses on Oldham Road will face towards the development site, albeit from a significantly elevated vantage point. The new dwelling at Plot 27 will be situated in close proximity to the rear of 29 to 33 Oldham Road. However, this new property occupies a lower site level, and has been designed to create a single storey aspect to the rear with no facing windows.
- 15.7 Other relationships between the proposed houses and existing dwellings secure satisfactory standards of amenity with appropriate separation distances.
- 15.8 Whilst there inevitably may be some disturbance to neighbouring properties during the construction period, this would be temporary. A Construction Management Plan will be required as a condition of any approval to control access arrangements and manage potential issues associated with noise and dust.

16. ECOLOGY AND LANDSCAPING

- 16.1 The application is accompanied by a Preliminary Ecological Assessment, Tree Impact Report, a Biodiversity Net Gain Report and BNG Metric Calculation, along with on-site landscaping proposals.
- 16.2 GM Ecology Unit has considered the impact on ecology and protected species has raised no objections subject to various conditions which will be included within any approval recommendation.
- 16.3 GMEU has however commented that replacing woodland with hedgerows or individual trees does not provide adequate compensation for the loss, and the Trees Officer has similarly noted that it will be necessary for off-site compensation to be provided for the loss of trees.
- 16.4 Having regard to these factors, it will be necessary for the developer to demonstrate how appropriate compensation will be provided to satisfy Local Plan Policy and the requirements of NPPF paragraph 174. This will be required by means of a planning condition.

17. DRAINAGE AND GROUND CONDITIONS

- 17.1 The entire site is situated in Flood Zone 1 as per the Environment Agency's flood map for planning, which indicates a low probability of a flood event (less than 1 in 1,000 annual probability). Notwithstanding this, the NPPF requires proposals for sites of 1 hectare or more that are in Flood Zone 1 to be accompanied by a site-specific flood risk assessment (FRA). A Flood Risk Assessment has been prepared and accompanies the application.
- 17.2 The report concludes that there is a low probability of flooding and therefore, the proposed development doesn't result in an unacceptable risk of flood or drainage problems.
- 17.3 The details have been considered by United Utilities which has confirmed that the drainage proposals are acceptable in principle, subject to a planning condition for submission of a detailed scheme.
- 17.4 A Geo-environmental Appraisal incorporating a 'Phase 1' Desk Study and has been undertaken. A number of potential contaminants have been identified having regard to the historic use of the site and measures are recommended in order to ensure the site is suitable for the proposed residential use.
- 17.5 The Coal Authority has confirmed that the site is not within a high-risk area.
- 17.6 On the basis of this information, the Environmental Health Officer has raised no objections to the development subject to detailed assessments being carried out and the results and any necessary remedial measures submitted for approval.
- 17.7 Both the construction of new dwellings and conversion works will be subject to approval under the Building Regulations to ensure the development can be constructed safely. Notwithstanding, full details of proposed site levels and any retaining structures will be required as a condition of the approval.

18. ENERGY

- 18.1 Policy 18 of the Local Plan requires all major developments to reduce energy emissions based on reductions over and above Part L of the Building Regulations 2010 or 2013.
- 18.2 A condition will be imposed requiring submission of a statement to demonstrate how the necessary targets will be met.

19. PLANNING BALANCE AND CONCLUSION

- 19.1 Assessment of this application requires careful consideration and a balancing of a range of significant factors. Principal amongst these is the Council's statutory responsibilities under the Listed Buildings & Conservation Areas Act.
- 19.2 Having regard to the present condition of the site, and specifically the previous loss of the principal mill building to fire, it is considered that the proposals would lead to 'less than substantial harm' to the significance of the heritage asset.
- 19.3 In such circumstances, NPPF paragraph 202 requires that "where a development

proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”

- 19.4 The primary public benefit from the development would be the practical re-use of the site which would overcome the continuing blight of the local area and would prolong the serious problems of visual harm, the continuing eroding of the structural condition of the remaining listed structures and potential for anti-social behaviour which exist.
- 19.5 The proposal will also secure the provision of an additional 60 properties providing improved housing choice, with a mix of property types, in the Delph area.
- 19.6 Nevertheless, the concerns of the heritage amenity bodies and the Council's Conservation Officer, that the justification for the loss of existing buildings on the site has not been adequately evidenced remains. In particular, the Oldham Road warehouse is proposed for demolition. Additional costs would result from the retention and conversion of this building.
- 19.7 The viability appraisal and its independent review have concluded that the development is on the cusp of viability. It is questionable whether the introduction of additional costs from retention of the Oldham Road warehouse would push the scheme below a viable threshold.
- 19.6 In order to achieve a viable scheme, it has been demonstrated that the retention of more of the remaining building fabric would not be achievable without further compromising viability.
- 19.8 In addition, it has been necessary to propose a quantum of development to allow for the retention of existing heritage buildings as proposed, development within an adjoining area of Green Belt would be required, including the loss of an area of existing tree cover.
- 19.9 Furthermore, it is apparent that the scheme would not be capable of providing contributions towards affordable housing or education/health facilities.
- 19.10 Ultimately, this is a matter of planning judgement and assigning weight to these various factors. The additional costs associated with the site make re-development a challenge. The site has lain vacant and in an increasing state of dereliction since the fire to the main mill in 2016. There is little prospect for a development which would secure the retention of a greater extent of the existing buildings or be achieved in the confines of the previously developed site, that is, those areas not in the Green Belt.
- 19.11 This is a difficult decision, as approval of the scheme conflicts which planning policies in relation to green belt and heritage protection. Nevertheless, the public benefits of facilitating a viable redevelopment scheme are determined to outweigh those harms.
- 19.12 On balance therefore, it is recommended that the application should be approved as the benefits of securing a viable re-use of the site, which includes the retention of the office building, west warehouse, chimney, and opportunities to allow for the continued interpretation of the site's heritage, would represent significant public benefits sufficient to outweigh the harm through loss of those buildings sought for removal. This would be subject to a range of conditions including the phasing of the development, and ensuring that materials are used throughout which are appropriate to the site's setting and heritage.

RECOMMENDED CONDITIONS

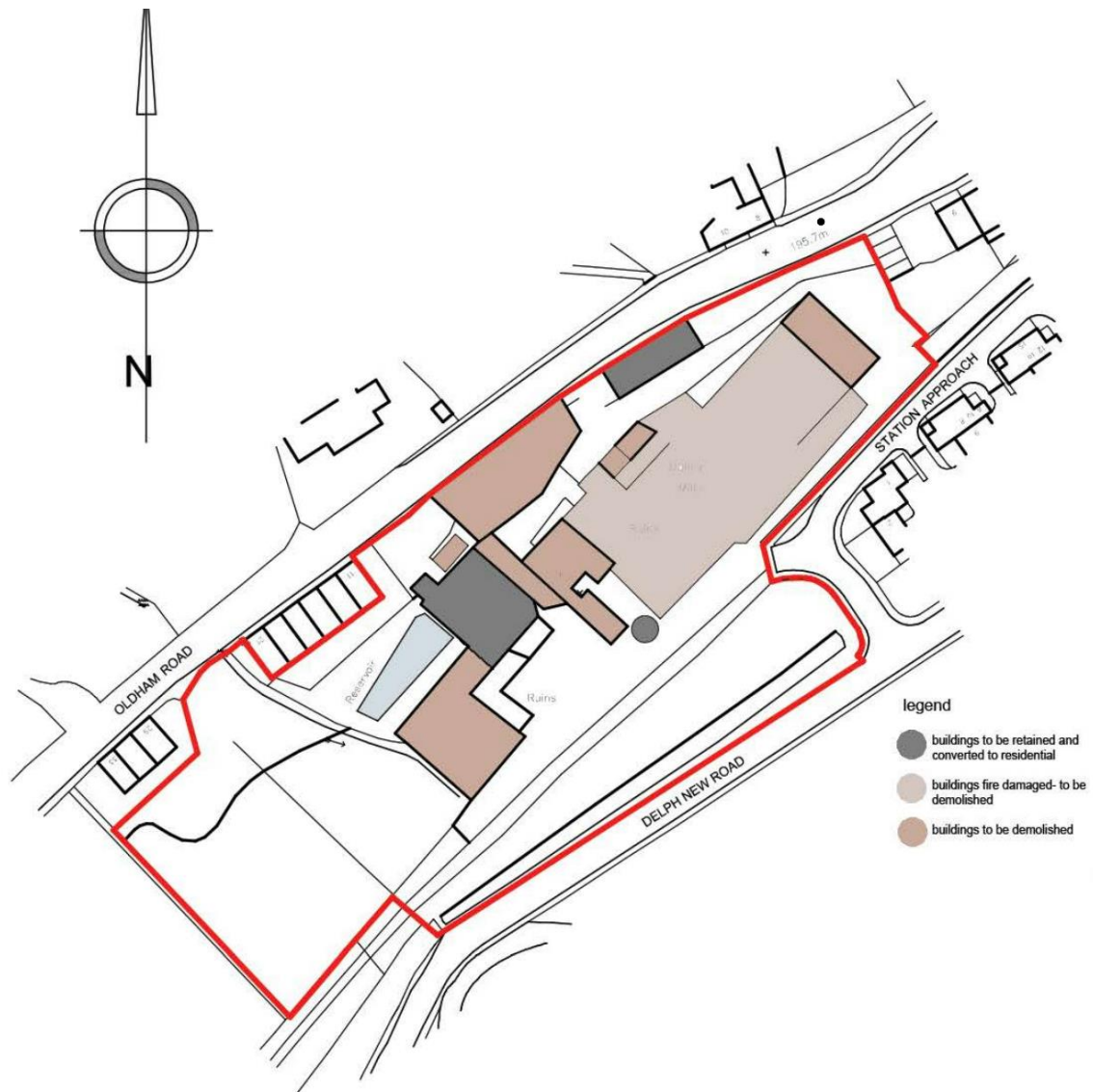
1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. No development shall commence until a scheme for the phasing of the works, including the conversion or demolition of existing buildings as proposed, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details. REASON – In order to ensure the development is undertaken in a manner which enhances the heritage of the site through the conversion and re-use of existing listed buildings can be secured having regard to Policy 24 of the Oldham Local Plan, Part 16 of the NPPF and provisions of Section 66(1) and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
4. Prior to the commencement of the development hereby approved, the following information shall be submitted to and approved in writing by the Local Planning Authority: A full site survey showing: (i) the datum used to calibrate the site levels (ii) levels along all site boundaries (iii) levels across the site at regular intervals (iv) floor levels of adjoining buildings, and full details of the proposed ground and finished floor levels of all buildings and proposed levels for external areas, including any retaining structures. The development shall be implemented only in full accordance with the approved details. REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and to ensure that the details of the development are satisfactory having regard to Policies 9 and 20 of the Oldham Local Plan.
5. No development hereby approved shall commence until a scheme for the provision, landscaping, and future management and maintenance of the areas of public open space and retained chimney within the site has been submitted to and approved in writing by the Local Planning Authority. The open space shall be provided in accordance with the approved scheme and shall be retained thereafter. REASON - To ensure satisfactory retention of the amenity spaces having regard to Policy 21 of the Oldham Local Plan.
6. No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including coursing of stonework, pointing, windows, doors, lintels and cills, and rainwater goods, and for the roof, have been submitted to and approved in writing by the Local Planning Authority. The masonry shall consist of coursed square sandstone and windows shall be recessed. The 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 details. REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policies 20 and 24 of the Oldham Local Plan.
7. No cleaning of the stonework of any existing buildings shall be undertaken until a detailed specification for the cleaning method and materials to be used has been

submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken thereafter solely in accordance with the approved methods. REASON – To protect the fabric of the historic building having regard to Policy 24 of the Oldham Local Plan.

8. No development shall commence until a scheme of measures for the provision of on-site historic interpretation to reflect the site's heritage has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details. REASON – In order to ensure the development is undertaken in a manner which ensures that the enhancement of the heritage of the site through the conversion and re-use of existing listed buildings can be secured having regard to Policy 24 of the Oldham Local Plan, Part 16 of the NPPF and provisions of Section 66(1) and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
9. Notwithstanding the details indicated on the approved hardworks plans ref 283-REL-XX-XX-DR-L-4/03 and 283-REL-XX-XX-DR-L-4/04, samples or a detailed specification for the facing materials to be used, to include boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. REASON – In order to ensure the development is undertaken in a manner which ensures that the enhancement of the heritage of the site having regard to Policy 24 of the Oldham Local Plan.
10. No demolition or development works shall take place until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority. The WSI shall cover the following:
 1. A phased programme and methodology of investigation and recording to include:
 - a historic building investigation (Level 3) of the former mill prior to demolition;
 - pending the results of the above, an intra-demolition watching brief;
 - archaeological evaluation trenching following the demolition works;
 - pending the results of the above, targeted open-area excavation.
 2. A programme for post-investigation assessment to include:
 - analysis of the site investigation records and finds
 - production of a final report on the significance of the heritage interest recorded.
 3. Deposition of the final report with the Greater Manchester Historic Environment Record.
 4. Dissemination of the results of the site investigations commensurate with their significance, including a permanent heritage display / information panel.
 5. Provision for archive deposition of the report, finds and records of the site investigation.
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

REASON - To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence (and any archive generated) publicly accessible having regard to Policy 24 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)



PLANNING COMMITTEE – BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING

PLANNING APPLICATIONS AND LISTED BUILDING CONSENT 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

The appropriate application file: This is an electronic file containing the same reference number as that shown on the Agenda for the application. It may contain the following documents:

- The application forms;
- Certificates relating to site ownership;
- Plans and/or documents detailing the proposed development;
- Technical reports identifying potential impacts and mitigation;
- Design and Access Statements and / or Planning Statements;
- Formal responses from internal and external statutory and non-statutory consultees; and,
- Correspondence and/or documents from received from interested parties.

The application forms (redacted), ownership certificate (redacted), plans showing the proposed development, technical reports, Design and Access Statements, and Planning Statements, where provided are available to view on the Council's website using the [Public Access platform](#).

www.oldham.gov.uk

Responses from statutory and non-statutory consultees and correspondence/documents from interested parties can be requested by making contact with the Planning Service by telephone or email:

0161 770 4105 / Planning@oldham.gov.uk

ADDITIONAL BACKGROUND PAPERS

1. The adopted Local Plan (the Joint Core Strategy and Development Management Policies Development Plan Document (Core Strategy)
2. 'Saved' policies from the Unitary Development Plan
3. The National Planning Policy Framework (NPPF)
4. Minutes of the meetings of Saddleworth Parish Council Planning Committee
5. Minutes of the meetings of Shaw and Crompton Parish Council Planning Committee

Guidance on how to access these documents is available by making contact with the Planning Service by telephone or email: 0161 770 4105 / Planning@oldham.gov.uk

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APPLICATION REPORT – FUL/351514/23 Planning Committee 20th December 2023

Registration Date 22nd August 2023
Ward Chadderton Central

Application Reference FUL/351514/23
Type of Application Full

Proposal Residential development of 42 dwellings with main vehicular access onto Broadway (via Phase R5 and R6), pedestrian, cycle and emergency access onto Foxdenton Lane, car parking, roads, landscaping, associated engineering works and ancillary development.

Location Phase R4, Foxdenton Strategic Site, Land north of Foxdenton Lane, Chadderton

Case Officer Graham Dickman
Applicant Jake Crompton
Agent Amanda Oakden

1. INTRODUCTION

1.1 This application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as a Major proposal for more than 20 dwellings.

2. RECOMMENDATION:

2.1 It is recommended that the application be approved subject to the conditions set out in this report and that the Head of Planning shall be authorised to issue the decision following the completion of a Section 106 agreement requiring:

- Education contribution of £75000 on occupation of 50% of the dwellings in this phase and a further £75000 on occupation of 75% of the dwellings; and,
- Submission of a Linear Park Scheme to secure the implementation of Phase 2 of the linear park.

3. SITE DESCRIPTION

3.1 The proposed development site occupies a roughly rectangular field located to the north of Foxdenton Lane, from which it is separated by a row of semi-detached dwellings and their gardens.

3.2 An existing track leads from the south-east corner of the site, passing the rear of the existing houses before emerging onto Foxdenton Lane.

3.3 To the east of the site are sports pitches associated with Newman College. To the

north is a previously approved and largely complete residential estate (RES/345691/20), and to the west, land levels fall away towards a wooded area and Wince Brook within the proposed linear park.

4. THE PROPOSAL

- 4.1 This is a full application for the erection of 42 dwellings with a mix of detached, semi-detached, and short mews, two-storey properties. The properties are laid out along a cul-de-sac which will be accessed from the new residential development to the north. An emergency access, constrained by removable bollards, will also be incorporated which will utilise the existing track from Foxdenton Lane.
- 4.2 The dwellings will comprise 9 two-bedroom, 29 three-bedroom and 4 four-bedroom properties. All properties will be sold on a shared ownership basis providing the opportunity to purchase between 10% and 75% of the full market value of the property; the remainder provided on a rental basis. Buyers will then have the option to move to full ownership when they can afford it.
- 4.3 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.4 The proposal would represent an Urban Development Project within paragraph 10(b) of Schedule 2 of the Regulations. However, it does not exceed the applicable thresholds of 5 hectares in site area or 150 dwellings.
- 4.5 Nevertheless, the site occupies an area of primarily semi-improved grassland and a survey of the site's ecological value has been undertaken. Reports in relation to ground conditions, drainage and flood risk, and highway implementations have also been submitted.
- 4.6 On the assessment of this information the development would not have a significant, or wider than local impact, and would therefore not constitute development for which an Environmental Statement is required.

5. PLANNING HISTORY

- 5.1 FUL/345659/20 - Residential development of up to 160 dwellings with vehicular access onto Broadway and Milton Drive, car parking, roads, landscaping and associated works and infrastructure following demolition of existing buildings. Approved 3 June 2021 Relates to Phases 5 and 6 of PA/337091/15.
- 5.2 RES/345691/20 - Details of reserved matters for appearance, landscaping and layout for development of Linear Park at Zone L1 of the Broadway Green Masterplan. Pending determination. Approved 8 July 2021
- 5.3 PA/337091/15 – Variation of conditions 29, 30, 31 (Part A), and 41, 42 and 43 (Part B) of permission PA/334355/13 Hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution

(B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park, to allow phased development and occupation of floorspace and dwellings specified within the 'trip generation threshold' (as defined within Curtins note ref. TPMA1328/STRAT001) prior to the completion of the highway link road ('Interim Trip Generation Threshold') and offsite junction works at A663/Foxdenton Lane/Eaves Lane and M60 Junction 21 ('Trip Generation Threshold'). Approved 28 September 2015

- 5.4 PA/334355/13 - A hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution (B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park. Approved 23 October 2014

6. RELEVANT PLANNING POLICIES

- 6.1 The Joint Core Strategy and Development Management Policies Development Plan Document adopted in 2011 (the Local Plan) is the relevant document for this type of proposal within the adopted Development Plan for Oldham. The site is located within a Business Employment Area within the Local Plan.

- 6.2 However, the development site also forms Phase 4 of the wider Foxdenton Strategic Site, which has obtained outline planning permission for residential use. As such, the following policies are considered relevant to the determination of this application:

Policy 1 - Climate Change and Sustainable Development;
 Policy 3 – An Address of Choice;
 Policy 5 - Promoting Accessibility and Sustainable Transport;
 Policy 9 - Local Environment;
 Policy 10 – Affordable Housing;
 Policy 11 – Housing;
 Policy 18 – Energy;
 Policy 20 – Design;
 Policy 21 – Protecting Natural Environmental Assets;
 Policy 23 – Open Spaces and Sports; and,
 Policy 25 – Developer Contributions

- 6.4 Saved UDP Policy D1.5 – Protection of Trees on Development Sites, is also relevant.

7. CONSULTATIONS

Highways Officer	No objection subject to conditions in relation to the provision of the accesses and parking spaces.
Environmental Health	Recommend conditions in relation to the need for land contamination and landfill gas assessment and

	submission of a Construction Management Plan.
United Utilities	Recommend conditions requiring implementation of the submitted drainage scheme and for future management thereof.
G M Ecology Unit	Recommend conditions in relation to development in proximity to the watercourse, invasive species, and ecological enhancement.
Trees Officer	No objections following the submission of amended plans to increase the proposed tree planting.
G M Archaeological Unit	Recommend that a programme of pre-development archaeological works should be undertaken.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters to all properties which adjoin the site, by display of a site notice on Foxdenton Lane, and publication of a press notice.

8.2 In response, four representations have been received raising the following (summarised) issues:

- The original plans had access from Foxdenton Lane and the use of the access road serving Phases 5/6 may not be adequate for the extra traffic (discussed at paragraph 11.5 below);
- The proposals will add to existing traffic problems in the area (discussed at paragraph 11.5 below);
- As the new development is 100% social housing statistically this could also increase anti-social behaviour increasing insurance premiums and add to high levels of crime in the area noted in the Crime Impact Statement (discussed at paragraph 12.6 below);
- Insufficient consultation has been carried out with residents on Foxdenton Lane (discussed at paragraph 8.1 above);
- It is questioned what measures will be in place to prevent nuisance during construction which is already taking place (discussed at paragraph 12.5 below);

- Lancashire Wildlife Trust consider that the ecological site surveys are out of date, that there is insufficient detail of how the brook will be protected, and that there is no assessment of biodiversity net gain (discussed at paragraph 14.3 below); and,
- Increased light pollution following recent developments (discussed at paragraph 12.4 below).

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 This application is for a residential development on land identified as Phase R4 of the wider Foxdenton Strategic Site, on which outline planning permission for residential development has previously been granted. The principle of residential development on this site has therefore been established within this extant consent.
- 9.2 Although the proposal has been submitted as a Full application due to a slight variation in the site boundary, it remains necessary to consider the application with due regard to the approval which has previously been granted and the obligations required as part of the legal agreement which accompanied that earlier permission.
- 9.3 Firstly, this included a requirement to expend the equivalent of £120,000 on affordable housing.
- 9.4 In this instance, the whole development is proposed to be brought to market as a shared ownership scheme, in accordance with one of the definitions of Affordable Housing as set out in the NPPF. The subsequent benefit would therefore exceed that of the original obligation. In order to ensure the scheme is implemented on this basis, the requirement will nevertheless be subject to control by a planning condition. This is an approach which reflects that used on the earlier Phase R5/R6 of the wider development immediately to the north.
- 9.5 Secondly, there is a requirement for a pro rata contribution towards the funding of primary school places within a 2 mile radius of the strategic Foxdenton site.
- 9.6 For Phase 4, this amounts to £75,000 to be paid on occupation of 50% of the dwellings in this phase and a further £75,000 on occupation of 75% of the dwellings. This will be included within a new Section 106 agreement.
- 9.7 Thirdly, the legal agreement included a requirement for a contribution towards new or enhanced open space in line with the requirement of Local Plan Policy 23.
- 9.8 The requirement for public open space was considered at the outline planning permission stage, whereby it was determined that the provision of the adjacent proposed Linear Park would ensure appropriate open space provision is facilitated. This is to be secured by the new Section 106 agreement which requires a scheme for provision of Phase 2 of the linear park in line with the original permission for the wider Foxdenton Strategic Site.

10. DESIGN AND APPEARANCE

- 10.1 All properties extend to two storeys in height. This is an appropriate scale in relation to the setting of the site and neighbouring residential areas.
- 10.2 Facing materials will comprise a mix of rustic colours incorporating shades of red, orange and browns with red or grey roof tiles.
- 10.3 The development also includes areas of private amenity space and tree planting as well as ready access to the public open space and footpath routes in the immediate surroundings.
- 10.4 Where properties are located on corner plots, the houses are designed to include window openings to break up the elevations. Where rear gardens adjoin highway frontages, matching brick wall and fences are used in place of concrete post/ timber fencing to improve the appearance.
- 10.5 Overall, the layout is reflective of modern built development in the local area, and the dwellings are of an appropriate scale and density.

11. HIGHWAY ISSUES

- 11.1 A Transport Statement has been submitted which provides an assessment of the projected impact on the capacity of the highway network. This confirms that this development, in combination with other recent housing developments, would not have a material impact on highway capacity or safety.
- 11.2 With the exception of one pair of two-bedroom properties which have one off-road parking space, all other properties will be provided with 2 off-road parking spaces. All properties will be fitted with off-road electric vehicle charging points.
- 11.3 The submitted Construction Management Plan indicates that all construction traffic will continue to access the site via the existing track leading from Foxdenton Lane, following the approach used in connection with earlier phases of the residential development. The exception to this will be the timber frame kits for the dwellings which will be delivered on articulated lorries via the development access which joins Broadway at Newman College.
- 11.4 Following completion of the development, the direct Foxdenton Lane route will serve as an emergency access allowing improved links for pedestrians and cyclists, whilst restricting vehicular traffic. The detailed design of these measures will be controlled by planning condition.
- 11.5 The Highways Officer has assessed the submitted details noting that the strategic impacts of the development have been considered previously during the assessment of the earlier hybrid application. This included the effects of the expected traffic generation on the wider local and strategic highway network and resulted in a range of mitigation measures being required, some of which are now complete.
- 11.6 The internal layout is generally acceptable in terms of the geometry and layout of the highway, and it is intended that it is adopted by the Local Highway Authority under a Legal Agreement.

12. RESIDENTIAL AMENITY

- 12.1 The designs and layout of the development secure satisfactory relationships between properties, both within the layout and to the neighbouring dwellings on Foxdenton Lane, ensuring suitable outlook and levels of privacy.
- 12.2 In respect of the amenity of future residents, the 'Technical housing standards – nationally described space standard' (NDSS) provides guidance to local planning authorities on the minimum standards expected to be achieved in new and converted residential developments. The applicant has submitted details of building and room sizes confirming full compliance with the standards.
- 12.3 The application site will adjoin residential properties to the south and north, and open space to the west. To the east are the grounds of Newman College, which includes a floodlit sports pitch to the north-east. The impact on future residents has been assessed as part of the submitted Noise Impact Assessment, which has recommended the installation of an acoustic fence to those properties which adjoin the pitch.
- 12.4 Adjacent properties to the development site on Foxdenton Lane will adjoin rear or side gardens of new properties and therefore should not be subject to noise or light nuisance.
- 12.5 Whilst it is acknowledged that some disturbance may be experienced during building operations, this is a temporary feature, and will be subject to measures set out in the submitted Construction Management Plan including hours of 7.30am until 6pm on weekdays and 8.30am until 1pm on Saturdays only.
- 12.6 A Crime Impact Statement (CIS) has been submitted. Although GM Police has been consulted, no comments have been received. The CIS notes that crime levels in the area prior to 2019 were higher than average; however, there is no evidence that the introduction of additional residential development in this area, or the tenure of that development, would lead to an increase in crime or anti-social behaviour. Additionally, the development design is consistent with the principles of Secured by Design.

13. DRAINAGE AND GROUND CONDITIONS

- 13.1 A Flood Risk Assessment has been submitted which confirms that the development site lies within Flood Zone 1 at the lowest risk of flooding. A drainage design drawing has also been submitted and this has been accepted by United Utilities. Implementation of the scheme will be subject to planning condition.
- 13.2 A Phase 1 Geo-environmental Assessment has been undertaken. The report notes that further investigations will be required prior to the commencement of development. Therefore, conditions, as recommended by the Environmental Health Officer, will be required.

14. ECOLOGY AND LANDSCAPING

- 14.1 The application is accompanied by an updated Ecological Appraisal including the results of an update walkover study. This confirms that the development site itself is of limited ecological value.

- 14.2 Nevertheless, the site boundary includes areas adjacent to Wince Brook (which are not proposed for development) and appropriate protection measures will be necessary during construction to prevent any contaminants reaching the brook corridor.
- 14.3 Whilst Lancashire Wildlife Trust has questioned the validity of the surveys undertaken due to their age, GM Ecology Unit has confirmed that it is satisfied with the submitted information. This is subject to the aforementioned protection of the brook corridor, a scheme to deal with invasive species, and a contribution to bird and bat mitigation.
- 14.4 With regard to biodiversity net gain, it is accepted that the mitigation strategy agreed at outline application stage in relation to delivery of the Linear Park will satisfy the requirement for biodiversity enhancement. This will be controlled by a mix of legal agreement and planning conditions.
- 14.5 Following comments from the Council's Trees Officer, a revised landscaping scheme, updated Arboricultural Impact assessment and Method Statement have been submitted. The revised scheme includes a significant increase in the number of trees to be planted within the undeveloped areas of the site.

15. ENERGY

- 15.1 The application is accompanied by an Energy Statement which demonstrates how the development will comply with the requirements of Policy 18 of the Local Plan. These measures will be subject to planning condition.

16. CONCLUSION

- 16.1 The proposed development will bring to fruition a previously approved residential development site and will make a further contribution to the Council's available housing land supply within a sustainable urban area. This includes the significant provision of affordable housing.
- 16.2 The development would therefore represent a satisfactory use of land and can be accommodated without detriment to the surrounding area.

RECOMMENDED CONDITIONS

Granted, subject to the following conditions:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. The drainage for the development hereby approved shall be carried out in

accordance with the principles set out in the submitted Foul & Surface Water Drainage Design Drawing 30614/1, dated 08/2023. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage scheme shall be completed in accordance with the approved details and shall be retained thereafter for the lifetime of the development. REASON - To prevent an undue increase in surface water run-off and to reduce the risk of flooding having regard to Policy 19 of the Oldham Local Plan.

4. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a 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 to manage the risk of flooding and pollution during the lifetime of the development having regard to Policy 19 of the Oldham Local Plan.

5. The development shall be implemented in full accordance with the measures and timetables set out in the Written Scheme of Investigation for Archaeological Evaluation Trenching by Lanpro Services (Ref: 4258/H, December 2023). The condition will be fully discharged following submission of details to confirm that all required measures have been satisfactorily completed. REASON - To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible having regard to Policy 24 of the Oldham Local Plan.
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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety having regard to Policy 9 of the Oldham Local Plan.
7. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within

250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.

8. All hard and soft landscape works shall be carried out in accordance with the approved plan Ref: 4451 101 Rev D prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority subject to the submission of a detailed planting plan, schedule of trees, and a methodology for the planting. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
9. No works to trees or shrubs shall take place between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority. REASON - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981 having regard to Policy 21 of the Oldham Local Plan.
10. The development shall be implemented in full accordance with the measures set out in the 'Vegetation and Invasive Weed Management Plan' prepared by Knotweed Eradication, dated 21st August 2023. REASON - To prevent the spread of invasive plant species having regard to Policy 9 of the Oldham Local Plan.
11. No development, including site clearance or earth moving, shall take place or other material or machinery brought on site until the measures as set out in Appendix 3 of the Construction Environmental Management Plan (November 2023, Version 2) have been implemented. All measures set out in the plan shall be maintained for the duration of the construction period in accordance with the approved details. REASON - In order to safeguard the amenities of the adjoining premises and the area and to ensure the protection of the watercourse and the ecological interests of the area having regard to Policies 9 and 21 of the Oldham Local Plan.
12. Prior to first occupation of the individual dwellings identified on the submitted plan Ref: 6116 Figure 1 for installation of a bat or bird box, the box shall be affixed to that property as indicated. The boxes shall be retained thereafter. REASON - To enable ecological enhancement of the site having regard to Policy 21 of the Oldham Local Plan.
13. No dwellings at Plots 1 to 6 (inclusive) shall be occupied until a 2.4 metre high acoustic barrier, as recommended in the submitted Noise Impact Assessment (Ref:500-887-R1-2, July 2023), has been installed. The barrier shall be retained at all times thereafter. REASON - In the interests of the amenity of future occupiers having regard to Policy 20 of the Oldham Local Plan.
14. The development shall be implemented in accordance with the measures set out in the submitted Energy Statement, August 2023. REASON - To ensure a sustainable form of development that accords with the provisions of Policy 18 of the Oldham Local Plan.

15. No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan.
16. No dwelling shall be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles. REASON - To ensure adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.
17. The development hereby approved shall not be commenced until a drawing which shows details of the proposed emergency access have been submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be complete before any dwelling is occupied. REASON - To ensure connectivity to and from the site for pedestrians and cyclists having regard to Policies 5 and 9 of the Oldham Local Plan.
18. The development hereby approved shall be implemented in full accordance with the Affordable Housing Statement dated August 2023 as a scheme of shared ownership properties. The properties shall be subject to such occupation and sale thereafter; unless a variation to the scheme has been submitted to and approved in writing by the Local Planning Authority. REASON - To ensure the provision of affordable housing having regard to Policy 10 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)



PLANNING COMMITTEE – BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING

PLANNING APPLICATIONS AND LISTED BUILDING CONSENT 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

The appropriate application file: This is an electronic file containing the same reference number as that shown on the Agenda for the application. It may contain the following documents:

- The application forms;
- Certificates relating to site ownership;
- Plans and/or documents detailing the proposed development;
- Technical reports identifying potential impacts and mitigation;
- Design and Access Statements and / or Planning Statements;
- Formal responses from internal and external statutory and non-statutory consultees; and,
- Correspondence and/or documents from received from interested parties.

The application forms (redacted), ownership certificate (redacted), plans showing the proposed development, technical reports, Design and Access Statements, and Planning Statements, where provided are available to view on the Council's website using the [Public Access platform](#).

www.oldham.gov.uk

Responses from statutory and non-statutory consultees and correspondence/documents from interested parties can be requested by making contact with the Planning Service by telephone or email:

0161 770 4105 / Planning@oldham.gov.uk

ADDITIONAL BACKGROUND PAPERS

1. The adopted Local Plan (the Joint Core Strategy and Development Management Policies Development Plan Document (Core Strategy)
2. 'Saved' policies from the Unitary Development Plan
3. The National Planning Policy Framework (NPPF)
4. Minutes of the meetings of Saddleworth Parish Council Planning Committee
5. Minutes of the meetings of Shaw and Crompton Parish Council Planning Committee

Guidance on how to access these documents is available by making contact with the Planning Service by telephone or email: 0161 770 4105 / Planning@oldham.gov.uk

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APPLICATION REPORT – FUL/351570/23 Planning Committee 20th December 2023

Registration Date 1st September 2023
Ward Coldhurst

Application Reference FUL/351570/23
Type of Application Full

Proposal Replacement of existing grass training pitch known as Little Wembley (and floodlights, means of enclosure and ball-catch fencing) with a new multi-sports 3G pitch with associated earth works / engineering operations / retaining structure (to provide a flat surface), ball-catch fencing, security and acoustic fencing, 8 column sports lights, 10 cycle parking spaces, and the erection of an ancillary single storey building to accommodate changing rooms, classroom / office, toilets and refreshments area,, a bin store and associated hard and soft landscaping. Access via the existing access from Hilbre Avenue.

Location Little Wembley training pitch, Oldham Athletic Football Club, Boundary Park, Hilbre Avenue, Oldham OL1 2PA

Case Officer Graham Dickman
Applicant Oldham Athletic Football Club
Agent Richard Gee

1. INTRODUCTION

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

2. RECOMMENDATION:

2.1 It is recommended that the application be approved subject to the conditions set out in this report.

3. SITE DESCRIPTION

3.1 The application relates to the north-west corner of the Boundary Park Football Stadium site. It comprises an existing enclosed grass football pitch and an adjoining area of car parking separated by a mounded area of former spoil material. There are 4 existing floodlight columns.

3.2 Clayton Playing Fields is to the west, separated from the site by a footpath.

3.3 To the north and north-east are established housing areas on Broadway and Downham Close. Further housing is located across a small area of open land to the south on Boundary Drive.

4. THE PROPOSAL

- 4.1 It is proposed to replace the existing facility with a new full-sized, football and rugby league compliant 3G pitch with overall dimensions of 106m by 70m. The site will be re-graded to remove an existing slope, resulting in a lowering of the existing pitch level on the eastern side. Illumination will be provided via 8 new energy-saving LED sports lights at 15m heights.
- 4.2 Acoustic timber fencing and ball-catch fencing will be utilised where the site adjoins residential properties. Existing garden boundary fencing is to be retained.
- 4.3 There will be an associated ancillary changing room building, which will also encompass a classroom and office, toilets, and a refreshment area.
- 4.4 The structure measures 19m by 18m by 2.4m in height containing 4 changing rooms, two either side of a central pergola to be used as a café area. Walls to be faced with vinyl graphics over painted profile steel.
- 4.5 There will also be a separate refuse storage enclosure measuring 6.7m by 3.15m, and 2.7m in height.
- 4.6 Ancillary landscaping, comprising additional planting to northern boundary, will be carried out.
- 4.7 Approval for use of the facility is sought between 08.00 hours until 18.00 hours on Saturdays, and from 09.00 hours until 21.00 hours on all other days.
- 4.8 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.9 The proposal would represent an Urban Development Project within paragraph 10(b) of Schedule 2 of the Regulations. However, at 0.3 hectares it would not exceed the applicable threshold of 1 hectare, nor is the site located within any impact distance of a 'sensitive area' as defined in the Regulations.
- 4.10 Consequently, an Environmental Statement is not required.

5. PLANNING HISTORY

- 5.1 PA/053017/07 - Outline application for mixed use redevelopment including demolition of existing and construction of new south and west stands, with a combined capacity of 6,200 seats and accommodation comprising spectator facilities, Hotel (west stand) and Fitness club (south stand), Residential apartments (553 Units) and key worker housing (140 Units), Ancillary retail/cafe units together with associated landscaping and external works. Approved 9 May 2008

6. RELEVANT PLANNING POLICIES

- 6.1 The Joint Core Strategy and Development Management Policies Development Plan Document adopted in 2011 (the Local Plan) is the relevant document for this type of proposal within the adopted Development Plan for Oldham. The site is partly allocated within a Green Corridor and Link and partly unallocated on the Proposals Map associated with the Local Plan.

As such, the following policies are considered relevant to the determination of this application:

- Policy 1 - Climate Change and Sustainable Development
- Policy 5 - Promoting Accessibility and Sustainable Transport
- 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

7. CONSULTATIONS

Highways Officer	No objection subject to the retention of existing car parking areas adjacent to the site.
Environmental Health	No objections subject to conditions in relation to hours of use and maximum noise levels.
Drainage	Recommend a condition for further drainage details and for a pre- and post- development condition survey of the watercourse running under the site.
United Utilities	Recommend a condition for a drainage assessment and submission of a drainage scheme.
Sport England	Clarification in relation to the noise and lighting assessments has been requested.
G M Ecology Unit	No objections in principle subject to conditions in relation to invasive species and biodiversity enhancement.
Environment Agency	No objections

8.1 PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.2 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of site notices, and publication of a press notice.

8.3 In response, 3 representations have been received raising the following (summarised)

issues:

- The proposal will increase light pollution (discussed at paragraphs 10.4-10.5 below);
- The proposal will increase noise and smells (discussed at paragraphs 10.6-10.7 below);
- There will be increased activity into the evenings and at weekends (discussed Section 10 below);
- The bin store is too close to residential properties and is unsightly (discussed at paragraph 10.8 below);
- There are restrictive covenants on the land (discussed at paragraph 14.1 below); and,
- Reduction in property value (discussed at paragraph 14.2 below)

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The proposal relates to the upgrading of an existing grass sports pitch which forms part of the wider Oldham Athletic football stadium.
- 9.2 NPPF Paragraph 98 recognises the importance for the health and well-being of communities of providing opportunities for access to sport and physical activity.
- 9.3 In respect of existing facilities, NPPF Paragraph 99 states these should not be developed unless an assessment has been undertaken to show either that the facility is surplus to requirements, any loss would be replaced by equivalent or better provision, or the development is for alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current or former use.
- 9.4 The proposal will result in the loss of a grass pitch and its replacement with an all-weather pitch which will provide a more durable facility allowing more intense use and be of better quality in terms of being entirely flat and with improved lighting and changing facilities.
- 9.5 In assessing the proposals, Sport England (SE) has referred to its Playing Fields Policy and Guidance which notes that SE will oppose development proposals which would lead to the loss of all or any part of a playing field unless one of the exceptions is met.
- 9.6 In this regard SE initially objected that it has not been demonstrated that there is an excess of playing pitches in terms of club or community playing pitch provision, or there is no evidence to suggest that the playing field is not needed, or that the loss outweighs the loss of the existing natural turf pitch has not been established, in view of the need and demand.
- 9.7 In response, the applicant has provided the following comments:

- 9.8 Revisions have been made to the pitch design to create a pitch which is 106m by 70m. This would satisfy the standards for both football and rugby league, including allowing for necessary run-off areas to all sides. It would also provide a suitable training area for rugby union.
- 9.9 The pitch specification will be in accordance with the FA's 3G pitch guidance and be RFL and World Rugby compliant.
- 9.10 The re-positioning of floodlight columns has been designed to take account of the relationship with the perimeter rail and any spectator facilities.
- 9.11 The fencing scheme has been amended to reflect FA guidance to a consistent height of 4.5 metres, with additional ball strike fencing behind the posts.
- 9.12 The changing room design was predicated on enabling some level of use by users of Clayton Playing Fields, however, while the overall long-term vision remains, the scheme has been revised to focus on users of the 3G pitch.
- 9.13 In terms of impact on sports provision, Little Wembley has never been either available for, or used to accommodate, any other sports or any community use beyond the football club, with limitations due to the present position, fencing, and slope of the grass pitch as it stands presently meaning that it cannot (or it would be very difficult to) be moved around and re-sized to cater for changes in sport over the years.
- 9.14 The proposed improvements will enable a full community use programme in a form never formerly feasible.
- 9.15 As this is not on a school site, the 3G pitch offers potential to make a considerable daytime community offer in addition to the comprehensive 40-hour weekday evening/weekend programme.
- 40 peak time community use hours per week (20 hours Monday-Friday 17.00-21.00 and 20 on Saturdays and Sundays (10.00-20.00) plus;
 - 40 hours of school, Club academy and Oldham College use - all weekday daytime-based between 09.00-17.00.
- 9.16 Consequently, the net increase in capacity will rise from a current circa 6-8 daytime hours to a combined total of c. 80 hours per week including large tranches of time devoted entirely to community access. The facility would therefore increase community provision rather than adversely impact on other facilities.
- 9.17 A specific community use agreement is proposed to ensure commitments to community use can be met.
- 9.18 Sport England has confirmed it is satisfied that the additional information overcomes its concerns, although it has requested clarification that the noise and lighting assessments relate to the enlarged pitch.
- 9.19 A Community Use Agreement will be required to ensure the public benefits for access to sport as identified by the applicant can be achieved. This will be secured through a planning condition.

10. RESIDENTIAL AMENITY

- 10.1 The application site is in immediate proximity to neighbouring residential properties on Broadway and Downham Close to the north and Boundary Drive to the south.
- 10.2 Whilst the playing pitch already exists, its use has physical limitations in terms of containing a surface which is subject to weather dependency. Consequently, it is anticipated that the proposed facility would have a significantly increased amount of use.
- 10.3 In this context, it is necessary to consider whether the increased activity and changes to the design and lighting of the facility will have a significant adverse impact on the amenity of neighbouring residents.
- 10.4 In respect of the proposed replacement floodlights, a Lighting Impact Assessment Report, which provides details of how light spillage will be controlled, has been submitted. The lighting has been designed to take account of nearby properties with lighting units containing shielded optics to limit spillage.
- 10.5 After the final booking of the evening the dimming system will reduce light levels to 20% to allow for clear up and will extinguish after 10 minutes.
- 10.6 In respect of noise generation, a Noise Impact Assessment has been submitted. This concludes that noise modelling shows emissions from the proposed pitch should meet the requirements of the Sport England 'Artificial Grass Pitches (AGP) Acoustics – Planning Implications' document. This is subject to the recommended mitigation measures, including dropping the pitch level by 2m and installation of an acoustic screen fence.
- 10.7 The Environmental Health Officer is satisfied with the proposals subject to a restriction to the proposed hours of use and imposition of a maximum sound level at neighbouring residential properties.
- 10.8 Concerns have been expressed in relation to the proximity of the proposed bin store to the neighbouring gardens within the initial plans submitted. In response the store has been re-located to 35m from the nearest boundary in the most recent plans submitted, which should mitigate any potential adverse impact.

11. DRAINAGE AND GROUND CONDITIONS

- 11.1 A Flood Risk Assessment and Drainage Management Strategy has been submitted. The site lies within Flood Zone 1 at the lowest risk of flooding.
- 11.2 The proposed pitch will be permeably surfaced with pitch drainage infrastructure put in place. Where it is demonstrated to be feasible, surface water drainage from the changing rooms will similarly be ground infiltration based.
- 11.3 A culverted section of Plumpton Clough runs under the site and a maintenance off-set will need to be maintained across this area.
- 11.4 As a result, it will be necessary for a detailed drainage scheme to be submitted to ensure this complies with the objectives of sustainable drainage. A planning condition is recommended accordingly.
- 11.5 The Council's Drainage Officer has recommended that this includes a pre- and post-

construction survey of the condition of the culvert.

- 11.6 In respect of ground conditions, a Desk Study Report has been undertaken which reveals a generally moderate risk from ground contamination and landfill gas. The Environmental Health Officer has therefore recommended that any approval is subject to detailed assessments being undertaken to identify any potential remediation measures which may be required.

12. ECOLOGY AND LANDSCAPING

- 12.1 At present the site consists primarily of modified grassland with a mix of trees and shrubs to the site boundaries and therefore has limited biodiversity value.
- 12.2 An assessment of biodiversity has been submitted which indicates the achievement of a net gain of +17.9% and 0.89 habitat units.
- 12.3 Additional tree planting has been proposed which will enhance the boundary to neighbouring residential properties.

13. HIGHWAY ISSUES

- 13.1 A Transport Statement has been submitted.
- 13.2 The proposed development comprises of a sports facility which replaces the existing pitch. Access is available for vehicle parking on the adjacent large car park. This will remain available and be sufficient to support the use. A condition is recommended that this is retained for use by users of the proposed development.
- 13.4 Pedestrian routes around the facility will remain available from the open land between the stadium and the public footpath which will continue to run alongside the western side of the site.
- 13.4 In addition, 10 cycle parking spaces are proposed.

14. OTHER MATTERS

- 14.1 A reference has been made in the representations to a covenant on the site. Such matters do not constitute material planning considerations. In addition, any restrictive covenant is a matter for the owner to ensure that any works are undertaken in accordance with their ownership title and any restrictive covenants in place. The Council is unable to enforce the covenants referred to in respect of this site as it is not the beneficiary of them.
- 14.2 Similarly, any impact on property values would not constitute a material planning consideration.

15. CONCLUSION

- 15.1 The proposal relates to the enhancement of an existing pitch within a larger sports complex providing significant benefits through the provision of a facility of substantially

better quality than the existing poor quality, sloping pitch. As a consequence; the development will enable a much wider range of club and community uses to utilise the facility.

RECOMMENDED CONDITIONS

Granted, subject to the following conditions:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development. REASON - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution having regard to Policies 9 and 19 of the Oldham Local Plan.

4. Prior to first use of the development, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall have regard to the principles as set out in the submitted Flood Risk Assessment & Drainage Strategy ref: HYD833_LITTLE.WEMBLEY_FRA&DMS Rev 1.0 dated 24th August 2023. 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 residents' management company; and b.

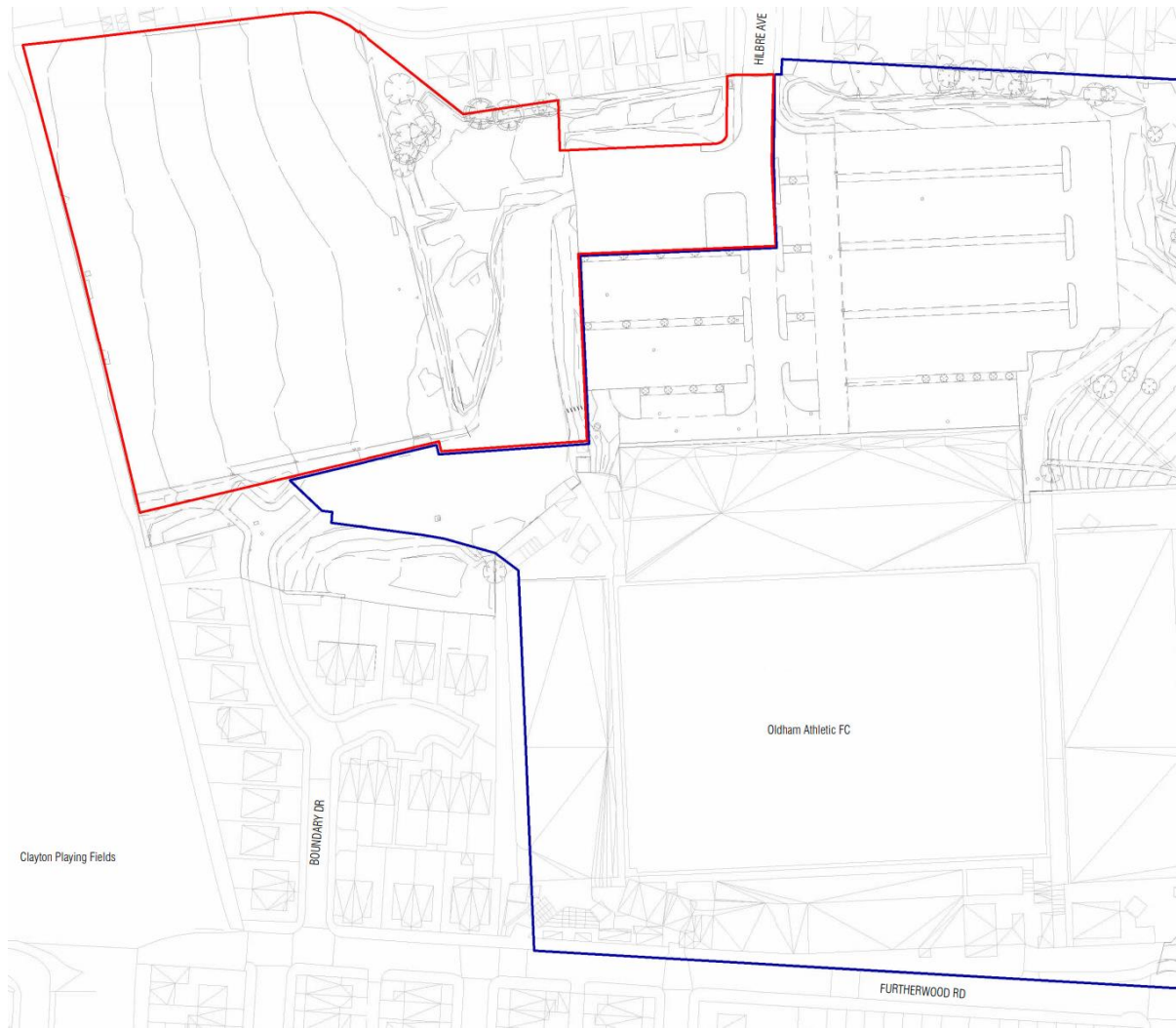
Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained, and managed in accordance with the approved plan. REASON - In order to manage the risk of flooding and pollution during the lifetime of the development having regard to Policy 19 of the Oldham Local Plan.

5. Prior to the commencement of the development, a condition survey of the culverted watercourse running through the site shall be undertaken and the results submitted to the Local Planning Authority. Following the completion of the development, and prior to the commencement of the use of the pitch, a further survey shall be undertaken to demonstrate that there has been no adverse impact on the condition of the culvert and the results submitted for the written approval of the Local Planning Authority. The development shall be implemented in accordance with any identified remedial measures. REASON - In order to manage the risk of flooding and pollution during the lifetime of the development having regard to Policy 19 of the Oldham Local Plan.
6. The existing car park directly adjacent the development site shall always remain available for users of the development and the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles whilst the pitch is in use. Should the parking or turning areas be severed from the development the use hereby permitted shall cease. REASON - To ensure that adequate off-street parking and servicing facilities are provided for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.
7. No development shall commence unless and until a site investigation and assessment into landfill gas risk and ground contamination has been carried out and the consultant's written report and recommendation 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.
8. The development shall be implemented in accordance with the measures as set out in the submitted Construction Management Plan Ref:P23028 dated August 2023. REASON - To safeguard the amenities of the neighbouring residential properties and the area having regard to Policy 9 of the Oldham Local Plan.
9. The use of the pitch shall not commence until the acoustic and ball stop fencing indicated on the approved plans have been installed in full. The fencing shall be retained at all times thereafter whilst the pitch remains in use. REASON – In order to protect the amenity of neighbouring residential properties having regard to Policy 9 of the Oldham Local Plan.
10. The use of the pitch shall only take place between 08.00 and 18.00 hours on Saturdays and between 09.00 and 21.00 hours on all other days. REASON – In order to protect the amenity of neighbouring residential properties having regard to Policy 9 of the Oldham Local Plan.
11. The installation of replacement floodlighting to the site shall be carried out in accordance with the details as set out in the ATP Floodlighting Lighting Impact Assessment (Ref:SP1297 Rev 1, Pitch Lighting Details SP1297 Rev 1 plan, column

details HLSSTD Rev A, and lighting unit 'Siteco' LED lamps Ref: SITECO FL11 MAXI PL33T. No lighting shall take place outside these hours except when faded to 20% of luminance for a period of 10 minutes at the end of the period allowed by Condition 10. REASON – In order to protect the amenity of neighbouring residential properties having regard to Policy 9 of the Oldham Local Plan.

12. The 1 hour LAeq from the use of the pitch when measured in free field conditions at 1.5 metres from the ground at any residential property shall not exceed 50dBA. REASON – In order to protect the amenity of neighbouring residential properties having regard to Policy 9 of the Oldham Local Plan.
13. All hard and soft landscape works shall be carried out in accordance with the approved plan Ref: AT.23.1262.103 R.04 prior to the commencement of the use of the development or in accordance with the programme agreed with the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
14. Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented upon commencement of the use of the development and shall be retained thereafter REASON - To secure well managed, safe community access to the sports facility, to ensure sufficient benefit to the development of sport having regard to Policy 23 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)



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PLANNING COMMITTEE – BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING

PLANNING APPLICATIONS AND LISTED BUILDING CONSENT 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

The appropriate application file: This is an electronic file containing the same reference number as that shown on the Agenda for the application. It may contain the following documents:

- The application forms;
- Certificates relating to site ownership;
- Plans and/or documents detailing the proposed development;
- Technical reports identifying potential impacts and mitigation;
- Design and Access Statements and / or Planning Statements;
- Formal responses from internal and external statutory and non-statutory consultees; and,
- Correspondence and/or documents from received from interested parties.

The application forms (redacted), ownership certificate (redacted), plans showing the proposed development, technical reports, Design and Access Statements, and Planning Statements, where provided are available to view on the Council's website using the [Public Access platform](#).

www.oldham.gov.uk

Responses from statutory and non-statutory consultees and correspondence/documents from interested parties can be requested by making contact with the Planning Service by telephone or email:

0161 770 4105 / Planning@oldham.gov.uk

ADDITIONAL BACKGROUND PAPERS

1. The adopted Local Plan (the Joint Core Strategy and Development Management Policies Development Plan Document (Core Strategy))
2. 'Saved' policies from the Unitary Development Plan
3. The National Planning Policy Framework (NPPF)
4. Minutes of the meetings of Saddleworth Parish Council Planning Committee
5. Minutes of the meetings of Shaw and Crompton Parish Council Planning Committee

Guidance on how to access these documents is available by making contact with the Planning Service by telephone or email: 0161 770 4105 / Planning@oldham.gov.uk

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Planning Appeals Update

Planning Committee Report of Head of Planning

DATE OF COMMITTEE
20 December 2023

An update on Planning Appeals was last provided to the Planning Committee at the meeting on 15 November 2023. The table below provides a comprehensive list of appeals submitted and decisions taken on appeals between 4 November 2023 and 1 December 2023 which is to be noted by the Committee.

Application No.	Site Address	Appeal Decision	Appeal Lodged Date	Description
MMA/350017/22	149A Manchester Road Greenfield OL3 7HJ	Ongoing	08/08/2023	Variation of Condition 2 (approved plans) and 11 (obscured glazing) relating to approved application MMA/345170/20
HOU/350672/23	15 Taunton Road Chadderton	Dismissed, 22/11/2023	17/08/2023	Single storey rear extension, front dormer and increase in size of existing rear dormer.
HOU/348050/21	42 Wakefield Drive, Chadderton	Ongoing	26/09/2023	Single storey rear extension with roof terrace
LBC/349043/22	6 Thurstons, Ridge Lane, Diggle	Ongoing	12/09/2023	Add solar panels to the roof of the building
HOU/349997/22	6 Thurstons, Ridge Lane, Diggle	Ongoing	12/09/2023	Installation of solar roof panels
FUL/349483/22	Land Off Steadway, Greenfield	Ongoing	11/09/2023	Erection of 4 no. dwellings and associated works (Revised application to FUL/349331/22)

HOU/351033/23	116 Birch Avenue Chadderton Oldham	Ongoing	26/10/2023	Two storey side and rear extension (Revision of application HOU/350679/23)
HOU/351471/23	The Barn Ladcastle Road Uppermill	Ongoing	01/11/2023	Erection of 3 no. garages, stable and tack room.
FUL/349740/22	Roebuck Inn Brighton Road Strinesdale	Ongoing	02/11/2023	Change of use of land for extension to garden area, play equipment, lighting and boundary fence (retrospective)
TEL/350195/22	Croft Street Street Works Croft Street Oldham	NEW	07/11/2023	Proposed 5G telecoms installation: H3G 18m street pole and additional equipment cabinets.
HOU/351084/23	11 Carr House Road Springhead Oldham	NEW	08/11/2023	Single storey front and two storey rear extension.
FUL/351076/23	Sunfield Stables Diglea Diggle	NEW	23/11/2023	Siting of 5 Glamping Pods in agricultural field, formation of access track and new septic tank.
HOU/351119/23	2 Redcar Close Oldham	NEW	24/11/2023	Single storey side and front extension, amended application relating to HOU/348586/22.
OUT/350032/22	Westwood Medical Centre Winterbottom St Oldham	NEW	24/11/2023	Outline application for 16 storey apartment building for 120 flats with associated on-site parking and private gated site access, following demolition of existing building. Approval of Access, Layout, and Scale are sought. All other matters reserved.

HOU/351189/23	48 Cheviot Avenue Oldham	NEW	27/11/2023	Retention of a single storey front extension.
ADV/350956/23	Gable 423 Park Road Oldham	NEW	30/11/2023	Replacement of existing poster advertisement with digital display

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.

If any person has any questions regarding these appeals and decisions, they can request further information from the Planning Service by contacting Martyn Leigh (Development Management Team Leader) via planning@oldham.gov.uk

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