

# APPLICATION REPORT - PA/053576/07

Planning Committee, 22 August, 2007

**Registration Date:** 28/06/2007  
**Ward:** Saint Mary's

**Application Reference:** PA/053576/07  
**Type of Application:** Full Planning Permission

**Proposal:** Re-submission of planning application PA/53139/07 for 30 no. dwellings  
**Location:** Former Territorial Army Centre, Rifle Street, Oldham, OL1 3DN  
**Case Officer:** Jim Bennett  
**Applicant Agent :** K H Builders Fusion

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## THE SITE

Former Territorial Army Centre, Rifle Street, Oldham, now used for the manufacture and distribution of soft furnishings. It is a fine red brick and stone building, with castellations fronting Rifle Street. To the rear of the building is the former TA rifle range (now a warehouse) and to the north east is an open yard, bound by palisade fencing, where terraced housing was formerly sited. The site is bound by existing residential development on all sides, with the exception of its south western boundary, where the current TA premises are located alongside the church.

## THE PROPOSAL

Re-submission of planning application PA/53139/07 for 30 no. dwellings. The application is made in full and takes the form of three terraced blocks fronting Rifle Street and Radcliffe Street, accessed from Radcliffe Street by a 'Homezone' type layout. The dwellings are 2.5 stories in height (utilising available roof space) and provide 4 bedroom accommodation, with a total of 32 off-street parking spaces. The materials of construction are red facing brick, white render and dark grey concrete tiles.

## RELEVANT HISTORY OF THE SITE:

PA/53139/07 - application for 24 no. dwellings withdrawn in June 2007, due to concerns over poor utilisation of available land and layout.

PA/43040/02 - approved change of use from drill hall to general industrial use in September 2002.

The only other proposals relate to telecommunications apparatus installed on the existing building.

## SITE SPECIFIC UDP POLICIES

HMR Housing Market Renewal Area

## CONSULTATIONS

Pollution Control (Air, Noise, Water) No objections, subject to conditions to ensure a contaminated land survey is undertaken and to control disturbance to adjoining occupiers from construction

Traffic Section	work. No objections, subject to conditions to confirm vehicular access arrangements, parking and adequate visibility splays.
Environment Agency	No objections
Regeneration Department	No comments received
Greater Manchester Police	No objections, subject to the rear garden fences of dwellings fronting Rifle Street being made semi-permeable, so that the parking area is overlooked.
Architectural Liaison Unit	No objections
Parks & Open Spaces (Maintenance)	No objections, but give informatives
United Utilities	No comments received
Education & Culture	No comments received
Strategic Planning Policy and Information Team	No comments received

## REPRESENTATIONS

Adjoining neighbours have been notified by letter and press and site notices posted for the requisite period. Two letters have been received, which cite the following reasons for objection:

- Loss of privacy
- Noise and pollution caused by demolition and construction
- Requiring clarification of boundary treatment, landscaping, demolition, maintenance of party walls during demolition and distance of plots to the site boundary is also sought.

## HOUSING MARKET RENEWAL IMPLICATIONS

Oldham is an HMR Pathfinder Authority, committed to a long-term regeneration programme that will transform its housing markets, create sustainable communities and lead to greater community cohesion. The need to deliver neighbourhood transformation and regeneration through HMR might sometimes justify the release of industrial land for housing. The site is within the defined HMR area.

## PLANNING CONSIDERATIONS

The site is currently in commercial use, occupied by a B2 user and Policy B2.2 of the UDP is pertinent to determination of this application. Policy B2.2 seeks to protect existing employment sites outside PEZ's and although its primary purpose is to protect existing employment areas, there are certain circumstances in which housing development may be appropriate. These circumstances include assisting in meeting HMR targets, where a continued employment use would be unsuitable due to its impact upon adjoining residential amenity or highway network, or it can be demonstrated through a marketing exercise or viability assessment that there is no realistic prospect of the site being used for employment purposes. The applicant has submitted a justification statement for the proposal, which suggests the site is no longer suitable for continued B2 use, due to the poor condition of the buildings and its location within a predominantly residential area. The site has also been marketed for a period in excess of 18 months by Houghton and Warburton, which has established that genuine commercial interest was limited, due the condition of the buildings and location of the site within a residential area. It must also be noted that the site is within an HMR Pathfinder area, where housing development may be acceptable, if it would assist in achieving the local and strategic objectives of the HMR programme. In light of the above, loss of the employment land to housing development is acceptable and in accordance with Policy B2.2.

It is disappointing that the building fronting Rifle Street cannot be retained by conversion, as this offers an imposing and high quality frontage. In response to a request to investigate the possibility of retaining the frontage building the applicant states: *'the cost of refurbishing the existing building to habitable standards would be enormous, whilst providing less than ideal accommodation. It is totally unviable to retain and develop the building in this economically*

*challenged area. The existing building is not listed and there is no legal obligation to retain it.* The frontage building is not of listed quality and I accept that it could be demolished without planning or listed building consent. Notwithstanding the loss of this building, the submitted plans show a good quality terraced development of brick and render construction around a Homezone, where pedestrians and vehicles will share the space. The siting is appropriate, with generally good separation distances between existing and proposed dwellings, though the back walls of Plots 18, 19 and 20 are within 8m of the garden area of no. 4 Evans Street. However, any intervisibility between the two can be addressed through incorporation of appropriate boundary treatment, which will be considerably lower than the high wall currently in situ and will be finalised under the provisions of condition no. 13. Adequate levels of private open space and off-street parking provision are incorporated into the proposal. The Traffic Section has no objections to the proposal, which complies with the provisions of Policy D1.1 (General Design Criteria) of the UDP.

PPS3 (Housing) places emphasis upon sustainability and encourages the use of urban sites for housing development. Development of such sites assists promotion of urban areas, where community facilities and services are readily available. The surrounding area is predominantly residential in nature and the site is well related to public transport links and other public amenities and facilities. The pro-rata density of the development is 75 units per hectare, well above the 30 to 50 unit per hectare figure prescribed by PPG3 and Policy H1.4 (Housing Density), though higher density schemes may be acceptable in locations such as this, subject to other material planning considerations. The site is located within an entirely urban area and is capable of accommodating a scheme of the proposed density, which is in compliance with the provisions of Policy H1.3 (Non-allocated housing sites). The proposal also presents a windfall opportunity increasing the Borough's housing land provision.

Policy H2.1 of the UDP states that on all suitable residential sites above 25 dwelling capacity, the Council will negotiate for the provision of affordable housing. This has been superseded by National Guidance in PPS3, which requires developments of over 15 units to provide an element of affordable housing. As a rule of thumb, the LPA requires approximately 10% of site volume to be tied in with a Registered Social Landlord. A condition can be applied to any approval, requiring the applicant to enter into a legal agreement, to ensure provision of affordable housing. The negotiation process on the type, location and amount of affordable housing provision can then be concluded, post decision. The applicant has given written consent to such a course of action.

Policy R2.1 of the UDP requires developments of 30 dwellings to provide an area of public open space within the development site. No communal open space is provided as part of the submission and it is acknowledged that the site may not be capable of providing the full quota of open space. However, it should be noted that the Homezone layout will provide an element of open space for use by occupiers of the development and that the site is within easy reach of Oldham Edge (100m) and within 15m of an existing piece of open space to the north west, which would benefit from improvement. In this instance it may be appropriate to seek a commuted payment, under a Section 106 Obligation, to be spent on improvement works to existing open space in the area. Based on the current submission, the commuted sum payable on 30 no. 4 bed units would be £81,840 (£37,200 capital and £44,640 maintenance) and the applicant has given their written consent to pay this sum through a S.106.

The scheme provides only four bedroom units, so the mix within the site itself is not diverse. However, the surrounding area is comprised of mainly two and three bedroom accommodation, so in the wider context, the proposal will provide a more varied mix of house sizes in compliance with Policy H1.5 (Housing Choice and Diversity).

Policy NR3.3 outlines the Council's requirements for energy efficiency within major new developments. This policy requires developments of 10 dwellings or more to provide 10% of total predicted energy requirements by on-site renewable energy sources. The applicant has intimated that solar panels will be fitted to each unit, though a condition will be applied to any approval to ensure a detailed scheme for provision of renewables to meet the 10% requirement is forthcoming.

With regard to the points raised by notified parties, not addressed above, the issue of noise and pollution caused by demolition and construction will be addressed by condition number 6 below. Similarly clarification of landscaping and boundary treatment will be addressed by condition numbers 11 and 13 respectively. It will be the responsibility of the developer to ensure party walls affected by the proposed demolition are made good. The affected parties should be notified under the provisions of the Party Wall Act.

In light of the above, the proposal is recommended for approval.

## **RECOMMENDATION**

Approve, subject to the following conditions:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the location plan received by the Local Planning Authority on 28th June 2007 and amended drawings, which are referenced as follows RFS/100/7/8, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

4. No development shall take place unless and until samples of the paving materials to be used in the proposed Homezone, have been submitted to and approved in writing by the Local Planning Authority. The materials used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

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

5. No development shall commence unless and until a site investigation and assessment 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. Thereafter, all remedial measures recommended in the report shall be carried out during the course of the development but must first be approved in writing by the Local Planning Authority. Following completion of the works a satisfactory completion report shall then be submitted to the Local Planning Authority so that the full requirements of the condition can be discharged.

Reason - In order to protect public safety and the environment.

6. No development shall take place unless and until a scheme for protecting nearby residents from noise and vibration from site preparation/construction works has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

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

7. No development shall commence unless and until a scheme detailing existing ground levels and all finished floor and site levels, including cross sections where requested by the Local Planning Authority, has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed entirely in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity.

8. The development permitted by this planning permission shall not be started by the undertaking of a material operation as defined in Section 56(4)(a-d) of the Town and Country Planning Act, 1990 until a Planning Obligation under Section 106 of the Town and Country Planning Act, 1990 (or in any provision equivalent in any statutory instrument amending or replacing that Act) has been made and lodged with the Local Planning Authority, and the Local Planning Authority has given its approval in writing. The planning obligation will provide that a commuted sum as required by Policy R2.1 of the Oldham Metropolitan Borough Unitary Development Plan and the Section 106 Planning Obligations Good Practice Guide Revised August 2006 will be paid to the Local Planning Authority for the improvement of open space in the vicinity of the development.

Reason - To ensure that occupiers of the proposed development have access to open space, in accordance with Policy R2.1 Unitary Development Plan.

9. The development permitted by this planning permission shall not be started by the undertaking of a material operation as defined in Section 56(4)(a-d) of the Town and Country Planning Act, 1990 until a Planning Obligation under Section 106 of the Town and Country Planning Act, 1990 (or in any provision equivalent in any statutory instrument amending or replacing that Act) has been made and lodged with the Local Planning Authority, and the Local Planning Authority has given its approval in writing. The planning obligation will provide a scheme for affordable housing to include:-

- i.) The numbers, type and location of on the site of affordable housing provision to be made;
- ii.) The timing of the construction of the affordable housing;
- iii.) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- iv.) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason - To ensure that the development is in compliance with the Policy H2.1 of the UDP on affordable housing.

10. No development shall take place unless and until a scheme to provide a minimum of 10% of the predicted total energy requirements of the development, on site, from

renewable sources has been submitted to and approved in writing by the Local Planning Authority. The design features and equipment that comprise the scheme shall be fully implemented in accordance with the approved plans and particulars prior to the development first being brought into use, or alternatively in accordance with a phasing scheme which has been agreed in writing by the Local Planning Authority, and shall thereafter be retained in place at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure that the development is in compliance with Policy NR 3.3 of the Council's Replacement Unitary Development Plan.

11. No development shall take place unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

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

12. All hard and soft landscape works for the site to comply with condition 11 shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance the programme agreed with the Local Planning Authority. Thereafter, any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area.

13. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied and shall be carried out in accordance with the approved details.

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

14. No dwelling shall be occupied unless and until the vehicular access to the dwelling from Radcliffe Street has been completed with an appropriate hard surfaced finish with associated drainage, in accordance with the approved plan received on 9 August 2007, the details which shall be submitted to and approved by the Local Planning Authority, prior to any development taking place. All roads serving the dwellings shall be completed to finished wearing course within 3 months of the last dwelling being occupied.

Reason - To ensure that vehicular access exists to the development and that vehicles will not park on Ashley Street or Osbourne Street to the detriment of safety of other highway users.

15. No dwelling shall be occupied unless and until the parking space(s) for that dwelling have been provided in accordance with the approved plan received on 9 August 2007. The parking space(s) so provided shall be available at all times thereafter for the parking of vehicles.

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

16. Sight lines measuring 2.4 metres by 33 metres at the junction of the site access road with Radcliffe Road shall be provided and maintained free of all obstruction exceeding 0.6 metre in height within the splay area so formed on land under the applicants' control.

Reason - To facilitate the intervisibility of users of the development and Ashley Street in the interests of highway safety.



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**OLDHAM**  
 Metropolitan Borough

# PLANNING COMMITTEE INFORMATION ABOUT BACKGROUND PAPERS

## REPORT OF THE EXECUTIVE DIRECTOR ENVIRONMENTAL SERVICES - PLANNING AND ADVERTISEMENT APPLICATIONS

### WHAT ARE THE 'BACKGROUND PAPERS'?

The Local Government Act 1972 provides that the public are entitled to the agendas, minutes and papers of meetings of the Council which are held in public and some access to the "background papers" relating to reports. Papers, agendas and minutes of meetings must generally be available five clear days prior to the date of the meeting. The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information defined by that Act.

### THE BACKGROUND PAPERS

**1. The appropriate planning application file:** This is a file with the same reference number as that shown on the Agenda for the application. It may contain the following documents:

- The application forms
- Plans of the proposed development
- Certificates relating to site ownership
- A list of consultees and replies to and from statutory and other consultees and bodies
- Letters and documents from interested parties
- A list of OMBC Departments consulted and their replies.

**2. Any planning or advertisement applications:** this will include the following documents:

- The application forms
- Plans of the proposed development
- Certificates relating to site ownership
- The Executive Director, Environmental Services' report to the Planning Committee
- The decision notice

**3. Background papers additional to those specified in 1 or 2 above or set out below.**

### ADDITIONAL BACKGROUND PAPERS

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

These documents may be inspected at the Environmental Services Department, Level 12, Civic Centre, West Street, Oldham during normal office hours, i.e. 8.40 am to 5.00 pm or on the Council's internet at [www.oldham.gov.uk/decision\\_recording.htm](http://www.oldham.gov.uk/decision_recording.htm)

Any person wishing to inspect copies of background papers should contact Mrs Barbara Hodgson, Planning Administration Manager or Mrs Nicola Robinson, Senior Planning Administrator, telephone no. 0161 911 4171 or by email [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)