

## ***PLANNING COMMITTEE Regulatory Committee Agenda***

Date Wednesday 5 June 2019

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 Mark Hardman in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Mark Hardman Tel. 0161 770 5151 or email [mark.hardman@oldham.gov.uk](mailto:mark.hardman@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, Friday, 31 May 2019.

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

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:  
Councillors Akhtar, Brownridge, Davis, H. Gloster, Harkness, Hewitt,  
Hudson, Phythian, Hulme, Ibrahim, Iqbal, Jacques, Malik and Dean (Chair)

Item No

23      Late List (Pages 1 - 10)



## PLANNING COMMITTEE

05/06/2019

### Late Information as at 5 June, 2019

AGENDA DETAILS  
PAGE

29	<p><b>PA/342633/18</b></p> <p><b>Shaw Street Metal Company Ltd, 4-6 Hill Street, Shaw, OL2 8PQ</b>  <b>Change of use of office (Class B1a) to a 9 bedroomed House in Multiple Occupation (Sui generis).</b></p> <p><b>ADDITIONAL REPRESENTATION:</b></p> <p>An objection to the application has been received from Councillor Sykes on the grounds that the site is within a Primary Employment Zone and therefore not suitable for a HMO, and that no parking exists for the additional traffic which will be generated.</p>
59	<p><b>PA/342907/19</b></p> <p><b>18 Pole Lane, Failsworth, Manchester, M35 9PB</b>  <b>Change of use from a six bedroom House in Multiple Occupation (Use Class C4) to a seven bedroom House in Multiple Occupation (Sui Generis).</b></p> <p><b>ADDITIONAL INFORMATION:</b></p> <p>An appeal against non-determination of this application within the statutory period has now been received, and consequently it is no longer within the Council's powers to determine the application. Nevertheless, it remains necessary for the Council to provide an indication to the Planning Inspector as to the decision it would have taken. Therefore, formal consideration of the application is still required.</p> <p><b>AMENDMENT TO RECOMMENDATION:</b></p> <p>It is recommended that Committee resolves to authorise the Head of</p>

Planning & Development Management to advise the Planning Inspectorate that the Council would have determined to approve the application subject to the conditions set out in the report.

59

**PA/342449/18**

**Land off Haven Lane, Moorside, Oldham OL4 2QH**

**Reserved matters application (for appearance, landscaping, layout and scale) pursuant to PA/338917/16 for 23 three and four-bedroom detached dwellings.**

**ADDITIONAL REPRESENTATIONS:**

1. An additional representation has been received in relation to the accuracy of plans that have been submitted. Officers do not agree with this assertion.

Given the scale mentioned on drawing 1003 is 1:500, this would equate to an original garden length of approximately 8m. However, a number of the dwellings have had extensions which have reduced the length of the gardens. However, these are not shown on either the council's GIS or Ordnance Survey maps, which is why they are not shown on any of the submitted plans. Nevertheless, having checked Google Earth and the Council's own GIS system, it reveals that the garden lengths are approximately 8/9m which is acceptable.

2. Further late points have again been raised arguing points concerning the update report. Specifically:

i) Objectors argue that Plot 1 is an unacceptable separation distance from 162 Haven Lane and that being so close to have a negative effect on privacy, loss of light and be totally overbearing and intrusive and that the proposed 2.1m fence "*will be 6ft from our kitchen window and will seriously impact on the natural light coming into the kitchen*" and "*will also be 4ft 6" and 6ft from the 2 windows in our utility/garage occluding all natural light*".

However, Members will be aware that a 2m boundary fence can be erected between the existing and proposed properties without the benefit of planning permission as it is permitted development under the terms of the GPDO. Consequently, what the Members will be effectively considering is the 10cm difference between what can be built without requiring planning permission and the 2.1m high boundary fence that is proposed. Officers do not consider that any reasonable assessment of this additional 10cm extra could be argued to cause light, loss of privacy or sense of enclosure issues that would sustain a reason for refusal. Moreover, not having a boundary fence in place would clearly affect the privacy of the two properties negatively and create overlooking and security problems. As such, the proposed boundary treatment clearly has positive privacy and security consequences.

ii) Objectors continue to argue that the close proximity of the house on Plot 2 from 162 Haven Lane "*.... will affect natural light, privacy*

*and be overbearing".*

Officers consider there is no evidence to support this contention and a reason for refusal on these grounds would be unable to be sustained given any reasonable assessment of the distance in question and its impact.

iii) Concerns about the shadows cast were raised and it was argued that number 162 receives "... *sun and bright daylight (very few shadows) for most of the day for most of the year including winter months. This loss of light to our kitchen, dining room and garden will have a detrimental and serious effect on the future quality of our lives*".

Whilst noting the view, having considered the BRE "*Site layout planning for daylight and sunlight: A guide to good practice*" guidance on shadowing, there is no evidence that would sustain a reason for refusal on these grounds.

iv) Whilst noting the objectors views on previous decisions and the weight that should be applied to them, Members will be aware that they must have regard to the recent Planning Inspector decision establishing the residential use of the site and access to the site, whilst treating each case on its merits as normal and considering specifically the reserved matters that are the subject of this application - the appearance, landscaping, layout and scale of the proposal.

v) The objector is incorrect in stating that access did not form part of the outline approval (Paragraph 2 of the Inspectors decision letter). To be clear, this application considers reserved matters in terms of the appearance, landscaping, layout and scale of the scheme, not its access.

vi) The objector is correct that the access to the site was approved, subject to a traffic calming plan being implemented and that "*this plan has not come before a TRO meeting, nor has it gone to public consultation*". This will be done via separate legislation. As such, it is not a matter for Planning Committee to consider tonight.

#### **ADDITIONAL INFORMATION:**

Comments have been received from the Council's Tree Officer in relation to the existing TPO'd trees which are located in the rear gardens of properties on Havenside Close.

Following review, there is the potential for the proposed small retaining wall (shown in the Site Section Ref: 1004 Rev B) to have an impact on the root protection zone of trees. In these circumstances, a condition has therefore been imposed that requires further details to be submitted before development commences. This should ensure trees are protected.

#### **PROPOSED CONDITIONS:**

The proposed conditions are now as follows:

1. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications, which are referenced as follows:

- 1000 Rev A
- 1001
- 1002 Rev H
- 1003 Rev A
- 1004 Rev C
- 1005 Rev A
- 1010 to 1032 all Rev A
- 1040-1041
- 1042 Rev A
- 1043
- 1060 Rev A
- 1061 Rev B
- 1062

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.

2. Development shall be carried out in accordance with the submitted materials schedule (ref. 18-053 Haven Lane, External Materials, Rev B) dated 27th February 2019. Any changes to the materials schedule shall be submitted to and approved in writing to the Local Planning Authority.

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.

3. All hard and soft landscape works 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 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.

4. No dwelling shall be brought into use unless and until the access and car parking space for that dwelling has been provided in accordance with the approved plan received on 25th February 2019 (Ref: Dwg No.1002 RevH). The details of construction, levels and

drainage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

5. Visibility splays measuring 2.0 metres by 2.0 metres at the junction of the driveways with the access roads shall be provided and maintained free of all obstructions exceeding 0.6 metre in height to each side on land under the applicants control.

Reason - To facilitate the intervisibility of users of the driveways and the highway in the interests of highway safety.

6. The submitted drainage details submitted pursuant to condition 9 of PA/338917/16 shall be carried out in accordance with the submitted drainage plan (ref: 096511-CA-0-GF-DR-S-001-P06 - Drainage Layout) and shall be maintained thereafter for the lifetime of the development.

Reason - To ensure satisfactory drainage of the site and to ensure that the development can be adequately drained.

7. Before any works commence on the proposed retaining wall (shown on the Site Section Ref: 1004 Rev C), details shall be submitted to and approved in writing to the Local Planning Authority which demonstrate that the proposed retaining wall does not detrimentally impact on the existing trees, which are protected by Tree Preservation Order TPO/425/01.

Reason: In order to protect the existing protected trees.

65

**PA/342978/19**

**Moss Lane Industrial Estate, Moss Lane, Royton, OL2 6HR  
Erection of commercial units to be used for a purpose that falls within either Class B1 (Business), Class B2 (General industry), or B8 (Storage or distribution uses)**

**ADDITIONAL REPRESENTATIONS:**

Greater Manchester Police Architectural Liaison Unit has no objection, subject to the inclusion of a condition that the scheme is built to Secured by Design standards and achieves Secured by Design Accreditation before any occupation.

**AMENDMENT TO CONDITIONS:**

Condition 1

The development hereby approved shall be fully implemented in accordance with the approved plans and specifications:

- Drawing no. P-03B received 30th May 2019
- Drawing no. P-04B received 30th May 2019
- Drawing no. P-05B received 30th May 2019

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

Additional condition

8.  
Prior to the commencement of the development hereby approved, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be 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 reduce the potential for crime.

77

**PA/343071/19**

**Land at Saint Johns Street, Porter Street and Edward Street, Oldham, OL9 7QS  
Erection of 68 no. dwellings**

**ADDITIONAL REPRESENTATIONS:**

Unfortunately, on 4th June 2019, the Coal Authority confirmed that they did:

*"not consider that the information presented to date demonstrates that the proposed detailed site layout, for which full planning permission is being sought, would avoid built development over or within the zones of influence of the recorded mine shafts".*

It is a requirement of the National Planning Policy Framework - paragraphs 178-179 - that the applicant demonstrates to the satisfaction of the Council that the application site is safe, stable and suitable for development.

In these circumstances, this matter has been withdrawn from the agenda on the basis that further work is required to make the scheme suitable and safe for residential use.

103

**PA/343103/19**

**Roscoe Mill, Roscoe Street, Oldham, OL1 1EA  
Proposed car park comprising 93 new car parking spaces including 6 blue badge spaces and two electric charging spaces, new parking machines, street lighting and pedestrian links to Roscoe street.**



**ADDITIONAL REPRESENTATIONS:**

Streetlighting have no objection to the proposed scheme.

**AMENDMENT TO RECOMMENDATION:**

Additional condition 6

The floodlights hereby approved (drawing no. P0067-11-41-1301-01, AND CC4658 03 and Lighting Strategy document no. P0067-11-41-1001-01) shall be carried out in accordance with the approved details.

Reason - To protect from light pollution.

107

**PA/343126/19**

**Copster Hill Road Depot, Copster Hill Road, Oldham, OL8 1QB  
Erection of a Hindu Temple facility including prayer hall,  
multi-function hall, teaching and ancillary spaces as well as  
landscaped garden and parking.**

**ADDITIONAL INFORMATION**

The applicant has recognised the concerns of the Highways Officer in respect of parking demand during special events and has suggested as an alternative that an area of the site previous indicated for garden area would be laid out and allocated for overspill parking. Should Committee be minded to include such a requirement, an additional condition (below) can be added to the recommendation.

**ADDITIONAL REPRESENTATIONS:**

G M Police - Recommend that a condition to reflect the physical security specifications set out in the Crime Impact Statement should be added if the application is to be approved.

The owner of the adjacent commercial units has submitted additional photographs showing the windows in the facing rear elevation which have now been opened up in support of the objection that the development will result in a loss of light to the units.

**AMENDMENT TO RECOMMENDATION:**

Add condition 12 (as recommended by GM Police)

The development hereby approved shall be implemented in full accordance with the physical security specifications set out in the Crime Impact Statement Ref: 2010/0674/CIS/02 Version A dated 25.03.19.

Reason - To ensure that measures are incorporated into the design to reduce to the potential for crime in the interests of the safety of

users of the facility and the surrounding community.

Add condition 13

Prior to the commencement of any above ground development, and notwithstanding the details indicated on plan ref: 01 GA-100 Rev P4, a scheme for the provision of overspill parking within the site for use during special events, shall be submitted to and approved in writing by, the Local Planning Authority. The additional parking area shall be brought into use in accordance with the measures set out in the Traffic Management Plan required for submission under Condition 3 of this approval, and shall be retained thereafter.

Reason - In order to minimise any potential impacts on the surrounding highway network during any major events which take place at the site.

121

**PA/343147/19**

**Land to the west of Greengate, Oldham.**

**Erection of commercial units to be used for a purpose that falls within either Class B1 (Business), Class B2 (General industry), or B8 (Storage or distribution uses). Associated parking, landscaping and infrastructure.**

**AMENDMENT TO RECOMMENDATION:**

AMEND CONDITIONS

2.

The development hereby approved shall be fully implemented in accordance with the approved plans and specifications:

- Drawing no. 17022\_PL101 revision B received 24th May 2019
- Drawing no. 17022\_PL102 revision A received 29th March 2019
- Drawing no. 17022\_PL103 revision B received 29th March 2019
- Drawing no. 17022\_PL104 revision A received 29th March 2019
  
- Drawing no. 3269 101 received 29th March 2019
- Drawing no. 3269 201 received 29th March 2019

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 occupation of any part of the development hereby approved, full details of both hard and soft landscape works shall be 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.

Thereafter, any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan.

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

7.

No development hereby approved shall be brought into use unless and until the access and car parking spaces associated with that part of the development have been provided in accordance with the approved plan (Drawing no. 17022\_PL101 revision B received 24th May 2019). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such development. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

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