

***PLANNING COMMITTEE
Regulatory Committee
Agenda***

Date Wednesday 18 April 2018

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 Sian Walter-Browne in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Sian Walter-Browne Tel. 0161 770 5151 or email sian.walter-browne@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, 13 April 2018.

4. FILMING - The Council, members of the public and the press may record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

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

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

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:
Councillors Ali, S Bashforth (Chair), Brock, Fielding, Gloster, Hewitt, Hudson, Iqbal, Jacques, Kirkham, Klonowski, McCann, Price and Shuttleworth (Vice-Chair)

Item No

1 Apologies For Absence

- 2 Urgent Business

 Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest

 To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time

 To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 6)

 The Minutes of the meeting of the Planning Committee held on 21st March 2018 are attached for Members' approval.
- 6 PA/340209/17 - 149A Manchester Road, Greenfield, OL3 7HJ (Pages 7 - 14)

 Reserved matters application for 4 .no dwellings (approval of appearance, landscaping, layout and scale) following outline permission for residential development approved under application no. PA/337274/15.
- 7 PA/340925/17 - 49 Higher House Close, Chadderton, OL9 8LW (Pages 15 - 24)

 1) Demolition of existing dwelling 2) Erection of 11.no dwellings
- 8 PA/340947/17 - 160 Oldham Road, Failsworth, Manchester, M35 0RA (Pages 25 - 32)

 Change of use of ground floor retail unit (Use class A1) to form 14 no. residential apartments (Use class C3)
- 9 PA/340982/17 - 19-21 Milnrow Road, Shaw, OL2 8AP (Pages 33 - 42)

 Residential development comprising of 8 no. houses and 2 no. apartments with associated parking
- 10 PA/341040/17 - Land to the north of Delph Chapel, Delph Lane, DELPH, OL3 5HX (Pages 43 - 52)

 Outline application for 2 no. dwellings with access, appearance, layout and scale to be considered, landscaping reserved.
- 11 HH/341083/17 - 2 & 3 Brookside Terrace, Delph, Oldham, OL3 5EW (Pages 53 - 58)

 First floor rear extension
- 12 PA/341212/18 - Plot 8, Netherfield Close, Woodfield Centre, Oldham OL8 4ET

(Pages 59 - 66)

Proposed detached dwelling

- 13 PA/341320/18 - Laurel Bank, Kershaw Street, Shaw, OL2 7AJ (Pages 67 - 72)
Change of use for first floor (Use class B1) to Education use (Use class D1)
- 14 PA/341390/18 - Texaco Hollinwood Service Station, 257 Manchester Road, Oldham, OL8 4RH (Pages 73 - 80)
Removal of Condition 5 restriction of opening hours from PA/023286/88
- 15 Appeals (Pages 81 - 92)
Appeals

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PLANNING COMMITTEE
21/03/2018 at 6.00 pm

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

Also in Attendance:

Richard Byrne	Planning Officer, Oldham Metropolitan Borough Council (OMBC)
Alan Evans	Group Solicitor, OMBC
Wendy Moorhouse	Principal Officer Transport Projects, OMBC
Fabiola Fuschi	Constitutional Services Officer, OMBC
Stephen Irvine	Head of Planning and Infrastructure, OMBC
Graham Dickman	Development Management Team Leader, OMBC
Hannah Lucitt	Planning Officer
Graeme Moore	Planning Officer

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Brock and Klonowski.

The Chair asked those present to observe a minute's silence in memory of Councillor Brian Ames who recently passed away.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

With regards to Item 6 – PA/339409/16 Land at Mossdown Road, Royton, OL2 6HP, Councillor Stephen Bashforth informed the Committee that he had been approached by the developer about this application.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

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

6 **PA/339409/16 - LAND AT MOSSDOWN ROAD, ROYTON, OL2 6HP**

APPLICATION NUMBER: PA/339409/16

APPLICANT: Woodhouse Properties LTD

PROPOSAL: Outline application for use of site for industry, offices, warehousing (Use Classes B1, B2 and B8) and a waste to energy plant, access to be considered, all other matters reserved.



LOCATION: Land at Mosstdown Road, Royton, OL2 6HP

It was **MOVED** by Councillor McCann and **SECONDED** by Councillor Bashforth that the application be **REFUSED**.

On being put to the vote, 11 **VOTES** were cast **IN FAVOUR OF REFUSAL** and no **VOTES** were cast **AGAINST** with 1 **ABSTENTION**.

DECISION: That the application be **REFUSED** for the reasons set out in the report.

NOTES:

1. That the Applicant's Agent attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 13.

7 PA/340929/17 - 318 OLDHAM ROAD, ROYTON, OL2 5AS

APPLICATION NUMBER: PA/340929/17

APPLICANT: Hunter Capital

PROPOSAL: Change of use from office to 9 HMO (sui generis)

LOCATION: 318 Oldham Road, Royton, OL2 5AS

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

On being put to the vote, 5 **VOTES** were cast **IN FAVOUR OF APPROVAL** and 6 **VOTES** were cast **AGAINST** with 1 **ABSTENTION**.

It was **MOVED** by Councillor Bashforth and **SECONDED** by Councillor Jacques that the application be **DEFERRED**.

On being put to the vote, 11 **VOTES** were cast **IN FAVOUR OF DEFERRAL** and 1 **VOTE** was cast **AGAINST** with no **ABSTENTIONS**.

DECISION: that the application be **DEFERRED** to allow the Applicant the opportunity to provide further information concerning:

1. Effect of the proposal on the local character of the area;
2. Overlooking from the proposed development;
3. Arrangements for waste collections;
4. Residents' parking scheme;
5. Capacity of kitchen extractor.

NOTE: that an Objector and the Applicant attended the meeting and addressed the Committee on this application.

8 **PA/341105/17 - 17 CLARKSFIELD STREET, OLDHAM, OL4 3AW**

APPLICATION NUMBER: PA/341105/17

APPLICANT: Mr. Iqbal

PROPOSAL: Change of use from a residential dwelling (Use class C3) to a residential institution (Use class C2)

LOCATION: 17 Clarksfield Street, Oldham, OL4 3AW

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

On being put to the vote, 9 VOTES were cast IN FAVOUR OF APPROVAL and 2 VOTES were cast AGAINST with 1 ABSTENTION.

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

NOTE: that an Objector attended the meeting and addressed the Committee on this application.

9 **MMA/341184/17 - SCOUTHEAD FILLING STATION, 1025 HUDDERSFIELD ROAD, SCOUTHEAD, OLDHAM, OL4 4AS**

APPLICATION NUMBER: MMA/341184/17

APPLICANT: Stonebottom Development Ltd.

PROPOSAL: Minor Material Amendment relating to PA/338329/16, 1) Second floor now added as living space 2) Minor alterations to front and rear elevations, 3) Removal of lean to on plot 9, 4) Garden fences altered to plots 2 and 4.

LOCATION: Scouthead Filling Station, 1025 Huddersfield Road, Scouthead, Oldham, OL4 4AS

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

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

DECISION: that the Committee be MINDED to APPROVE the application, subject to conditions and legal agreement in regards to a commuted sum of £14,437 for the improvement of public open space within the landscaping of the verges at A62, Wall Hill Road through to Doctor Lane, to provide wildflowers/bulb meadows and subject to the conditions as set out in the report.

NOTE: in reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 13.

10 **PA/341189/17 - 28 GLODWICK ROAD, OLDHAM, OL4 1BZ**

APPLICATION NUMBER: PA/31189/17

APPLICANT: Knightsbridge Investments

PROPOSAL: 1) Change of use from office to 10 bed HMO (sui generis) 2) Minor elevational changes

LOCATION: 28 Glodwick Road, Oldham, OL4 1BZ

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

On being put to the vote, 11 VOTES were cast IN FAVOUR OF APPROVAL and no VOTES were cast AGAINST with 1 ABSTENTION.

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

11 **PA/341262/18 - GRANDPA GREENES, 5 WARD LANE, DIGGLE, OL3 5JT**

APPLICATION NUMBER: PA/341262/18

APPLICANT: Mr. Scholes

PROPOSAL: 1) Change of use of domestic garden to form 24 car park spaces 2) Erection of disabled person's access ramp for use by members of the public and customers of Grandpa Greenes

LOCATION: Grandpa Greenes, 5 Ward Lane, DIGGLE, OL3 5JT

It was MOVED by Councillor Price and SECONDED by Councillor Iqbal that the application be APPROVED against Officer recommendations.

On being put to the vote, 8 VOTES were cast IN FAVOUR OF APPROVAL and 4 VOTES were cast AGAINST with no ABSTENTIONS.

DECISION: that the application be 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 the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. With the exception of the requirements of condition 3 of this approval, the development hereby approved shall be fully implemented in accordance with the approved plans and specifications:

- Drawing no. GG01_102 received 10th January 2018
- Drawing no. GG01_103 received 10th January 2018
- Drawing no. GG01_201 received 10th January 2018

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 use of the site for car parking shall not commence until the proposed car park area (drawing no. GG01_102) has been surfaced in a permeable, cellular grassed paving system in accordance with the specification and layout as approved (ACO Ground Guard system - Option A Grass Infill as received on 26th March 2018). The approved system shall be retained at all times thereafter that the site is in use for car parking purposes.

Reason - To ensure that the surface does not deteriorate and result in loose material being drawn onto Ward Lane to the detriment of highway safety and to protect the appearance of the site and visual amenity of the Green Belt.

4. All hard and soft landscape works for the site shown within the approved plan (Drawing no. GG01_201 received 10th January 2018), shall be carried out in accordance with the approved details. The works shall be carried out before or during the first planting season, following the completion of the wider development. Thereafter, any 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.



NOTES:

1. The Applicant attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 13.

12 **APPEALS**

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

13 **LATE LIST**

RESOLVED that the information related to the submitted planning applications as at 21st March 2018, as contained in the Late List, be noted.

The meeting started at 6.00 pm and ended at 7.40 pm

APPLICATION REPORT - PA/340209/17

Planning Committee, 18 April, 2018

Registration Date: 30/05/2017
Ward: Saddleworth South

Application Reference: PA/340209/17
Type of Application: Reserved matters

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

Location: 149A Manchester Road, Greenfield, OL3 7HJ

Case Officer: Graeme Moore

Applicant Kaberry Building
Agent : Civitas Planning Limited

THE SITE

The application site, is situated on the outskirts of Greenfield, outside the core of the village. It forms part of a predominantly residential area flanked by residential properties on Noon Sun Close to the east and south and Dacres Drive to the west. To the north, on the opposite side of Manchester Road, is the route of a former railway line which now functions as part of a popular recreational area.

The site itself slopes gently downwards towards Manchester Road, although the large garden associated with the existing bungalow on the site is largely flat. There are a number of mature trees on the site, largely concentrated at its southern boundary and north west corner. However, none of these are afforded protection by means of a Tree Preservation Order. Previously a number of trees existed on the frontage of the site, but these have recently been felled.

THE PROPOSAL

A reserved matters application has been submitted pursuant to the outline/hybrid consent granted under PA/337274/15 for four dwellings (outline) and one dwelling (full planning permission). Access was also approved under the outline consent. The matters for consideration under this reserved matters application are appearance; landscaping; layout; and scale.

The proposal involves the development of four dwellings, located to the rear of the already approved bungalow. The dwellings are all five bedroom, 2 storey dwellings (with bedrooms in the roof void) and a single attached garage.

PLANNING HISTORY

PA/337274/15 - Hybrid application comprising: 1. Detailed planning application for the demolition and erection of a replacement bungalow; and 2. Outline planning application for residential development (Access only to be considered, all other matters reserved). Approved 14/10/2015

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

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

The following policies of the DPD are relevant to the determination of this application:

Core Strategy

Policy 1 Climate Change and Sustainable Development
Policy 3 An Address of Choice

Development Management Policies

Policy 9 Local Environment
Policy 20 Design

PUBLICITY AND REPRESENTATIONS

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

- Invasion of privacy and loss of light;
- Proposed development would detract from what is currently a peaceful and rural environment;
- Noise disturbance largely associated with construction noise;
- Devaluation of properties;
- Loss of existing views;
- Concern regarding further trees being removed from the site and future pressure being applied to fell those that are to be retained, in account of their close proximity to the proposed dwellings;
- Additional car journeys expected adding to congestion in the area;
- Local amenities, with the exception of churches, are already over subscribed;
- Represents overdevelopment of the site;
- Inadequate screening;

Two letters of support were also received.

CONSULTATIONS

Highways Engineer: No objections, subject to conditions in relation to parking provision.

DETERMINING ISSUES

1. Background and principle of the development
2. Design, appearance, landscaping and
3. Access, servicing, parking and highway safety

ASSESSMENT

Background and principle of the development

The principle of the development was established under PA/337274/15 and consideration is now limited to the reserved matters which are:

- Appearance;
- Landscaping;

- Layout; and
- Scale.

Design, appearance, landscaping and amenity

Guidance within Section 7 ('Requiring good design') of the Government's National Planning Policy Framework (NPPF) document is relevant, together with policies 1 (Climate Change and Sustainable Development), 9 (Local Environment) and 20 (Design) which provide guidance on the design of new development.

Appearance & Layout –

The dwellings are large five bedroom detached properties with integral garages. In terms of the architectural approach undertaken, they are considered to be relatively modest with traditional pitched roofs and in terms of stature are more in keeping with 149 Manchester Road than the properties located on Noon Sun Close. In relation to the materials chosen the applicants have determined to use black/grey uPVC windows, doors and soffits, with black slate roofs and stone coloured brickwork. The fenestration detail again is relatively simple in its approach, with the principle elevation detailing glazing above the main entrance and hall/staircase to first floor.

It is considered therefore that the proposed location, scale, massing and design of the dwellings would have no significant detrimental impacts upon the surrounding properties in regard to issues such as overlooking, overshadowing or having an overbearing or oppressive impact.

The site is laid out so that the four proposed properties sit opposite each other in what is effectively a square. Access is provided by a small road leading to the middle of the site which leads to the four properties and their associated driveways and garages. The plots are explained below:

Plot 1

The property lies on an east/west axis. Previous proposals have shown two bedroom windows overlooking the rear gardens of 28-32 Dacres Drive. These have now been removed, with high level windows (1.7m cill height) replacing them. A bedroom window has been moved to the southern elevation, directly overlooking plot 2. Due to the changes made to the proposal, there are no concerns with the proposal in relation to overlooking.

Plot 2

This property lies on a north/south axis. Windows at first and second floor level in the western elevation are proposed to be obscure glazed, whilst the original proposal had a juliet balcony, this has now been removed and replaced with a high level window (1.7m cill height). Due to the changes in land levels, and the changes to the elevations, there are considered to be no concerns with the siting and design of the proposed dwelling in relation to the overlooking of the surrounding properties.

Plot 3

This property lies on a east/west axis. Windows at first and second floor level in the southern elevation are proposed to be obscure glazed, whilst the original proposal had a juliet balcony, this has now been removed and replaced with a high level window (1.7m cill height). It is noted that there is still a bedroom window located in the rear elevation at first floor, but when taking into account the distances between the proposed property and those at 2 and 4 Noon Sun Close which exceeds 20m, there are no concerns in relation to overlooking. Due to the changes in land levels, and the changes to the elevations, there are considered to be no concerns with the siting and design of the proposed dwelling in relation to the overlooking of the surrounding properties.

Plot 4

The property lies on an east/west axis. Previous proposals have shown two bedroom windows overlooking the rear garden of 149 Manchester Road. These have now been removed, with high level windows (1.7m cill height) replacing them. A bedroom window has been moved to the northern elevation, directly overlooking the proposed bungalow approved under PA/337274/15. Due to the changes made to the proposal, there are no concerns with the proposal in relation to overlooking.

It is considered therefore, the overall site layout is considered to be acceptable.

Landscaping –

A landscaping plan has been submitted in support of the proposal showing that the existing trees to the rear will be maintained and some of the existing trees on the eastern and western boundaries will also be retained and enhanced with additional planting which in time will further ameliorate the impact of the dwellings on the surrounding area. It is considered that a condition stating that the landscaping be carried out in accordance with the submitted details be attached to any permission granted.

Boundary treatment –

Details have been submitted in relation to a boundary treatment which detail that a traditional timber fence will be used on the rear boundaries and to the front the site will remain open plan. As a condition was applied on the outline, there is no requirement to impose a condition in this regard, should permission be granted.

Design conclusion –

In taking account of the context and character of the site and surrounding area, it is considered that the overall design concept, the layout of the site and the scale and design of the building and associated infrastructure are acceptable. Overall, it is considered that the visual and physical impact of the proposed development would be acceptable and in accordance with the aforementioned national planning guidance and local planning policy.

Access, servicing, parking and highway safety

The Highways Engineer initially objected to the original submission based upon the lack of car parking available for the proposed dwellings. The revised submission details driveways for each dwelling being able to accommodate two cars with an attached garage also being able to accommodate a car. Subject to a condition stating that development shall be carried out in accordance with the submitted details, the Highways Engineer now has no objections to the scheme.

Therefore, in taking account of the additional documentation submitted, the scale and nature of the development, the technical advice given by the Council's highway engineer and subject to the imposition of the recommended planning conditions, it is considered that the proposed use can be adequately accommodated on the local highway network, that there would be adequate access, servicing, circulation and car parking arrangements.

Conclusion

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

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

1. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications, received on 20/3/2018, which are referenced as follows Proposed Plans Plot 1, Plans Plot 2, Plans Plot 3, Plans Plot 4, Proposed Elevations Plot 1, Proposed Elevations Plot 2, Proposed Elevations Plot 3, Proposed Elevations Plot 4 and Proposed Site Plan.

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

2. 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 18th September 2017 (Ref: Dwg No.'Proposed Site Plan'). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

3. The development hereby approved shall not be brought into use unless and until the means of vehicular access from Manchester Road has been constructed and laid out in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be retained thereafter.

Reason - To ensure that vehicular access exists to the development in the interests of highway safety

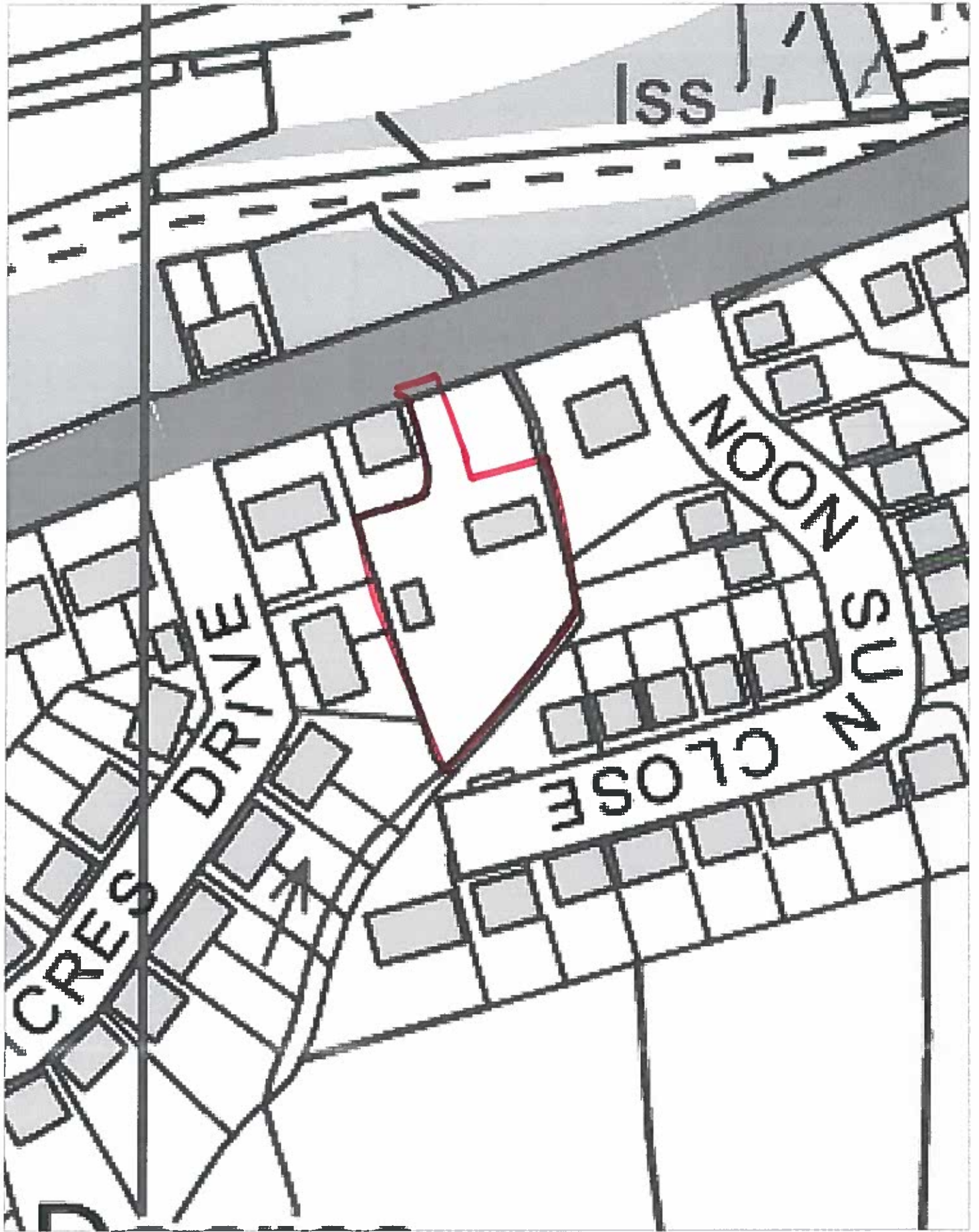
4. All hard and soft landscape works shall be carried out in accordance with the approved details as shown in the submitted 'Proposed Landscape Plan' submitted on the 8/2/2018 . The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed 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.

5. 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.

340209



APPLICATION REPORT - PA/340925/17

Planning Committee, 18 April, 2018

Registration Date: 09/10/2017
Ward: Chadderton South

Application Reference: PA/340925/17
Type of Application: Full Planning Permission

Proposal: 1) Demolition of existing dwelling 2) Erection of 11.no dwellings
Location: 49 Higher House Close, Chadderton, OL9 8LW
Case Officer: Graeme Moore

Applicant First Choice Homes Oldham
Agent : Equilibrium Architects Ltd

THE SITE

The site is situated approx 1km north of the M60 ring road, and east of Broadway. Access will be obtained following the demolition of 49 Higher House Close. The site itself is an area of scrubland located to the rear of the surrounding streets, which although fenced off, is used for access to garages for properties on Kingston Avenue. The area has been used for fly tipping in the past. There is a slight incline running from north to south at the eastern edge of the site. Neighbouring properties are a mixture of traditional post-war semi-detached properties on Higher House Close and terraced properties in groups of four on Kingston Avenue. All of the properties are characterised by hipped roofs.

THE PROPOSAL

A full planning application has been submitted for the construction of 11 dwellings.

The development is a combination of three and four bedroom affordable 'rent to buy' family homes together with a two bedroomed disabled unit. Rent To Buy (RTB) is a new product that the Government is supporting to enable home ownership for those working but struggling to purchase their own home. Rent to Buy is described by the Homes England as: *'Rent to Buy homes are let to working households at an intermediate rent to give them the opportunity to save for a deposit to buy their first home'*.

The proposal is arranged in a cul-de-sac, with access to the site obtained following the demolition of 49 Higher House Close as the existing access is not suitable. Properties are generally grouped in three or four blocks, with car parking provided on plot to the front or side of the properties. There is also an area of visitor car parking proposed.

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

- A Design & Access Statement (D&A)
- A Crime Impact Statement (CIS)
- A Coal Mining Risk Assessment (CMRA)
- A Phase II Land Contamination Assessment (LCA)
- Affordable Housing Strategy (AHS)
- A Bat Survey (BS)
- An Ecology Assessment (EA)

None relevant to the determination of this application.

ALLOCATION AND PLANNING GUIDANCE / POLICY

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

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

The following policies are relevant to the determination of this application:

Core Strategy

Policy 1 Climate Change and Sustainable Development
Policy 2 Communities
Policy 3 An Address of Choice
Policy 4 Promoting Sustainable Regeneration and Prosperity
Policy 5 Promoting Accessibility and Sustainable Transport Choices

Development Management Policies

Policy 9 Local Environment
Policy 10 Affordable Housing
Policy 20 Design

National planning guidance

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

The National Planning Practice Guidance (NPPG)

PUBLICITY AND REPRESENTATIONS

The application has been publicised on the Council's web-site, neighbour notification, by press advertisement and by site notice. No responses have been received.

CONSULTATIONS

Traffic Section: No objection subject to the imposition of conditions in relation to car parking.

Environmental Health: No objections.

Greater Manchester Police: No objections.

Electricity North West: Advise that there are cables running through the proposed access and care will have to be taken when constructing the access.

PLANNING CONSIDERATIONS

1. Principle of the development
2. Environmental design, appearance, landscaping and amenity
3. Environmental impact
 - Flood risk and drainage
 - Land and groundwater conditions

4. Access, servicing, parking and highway safety

ASSESSMENT

Principle of the development

Paragraph 49 of the NPPF emphasises that housing applications should be considered in the context of the presumption in favour of sustainable development. Developing this vacant site for family housing represents an efficient use of this previously un-developed site in an established residential area. The site is well located in terms of access to key services, being within walking distance of local churches, shops, public houses and a Post Office and is located close to a quality bus corridor interconnecting Oldham, Rochdale and Manchester.

The proposed development is for 11 dwellings and associated private amenity space and parking. Due to the rent-to-buy nature of the dwellings there are a number of benefits associated with the development. The site has remained cleared since the construction of the properties in the post war period, and whilst the site has been reclaimed by nature, it is considered that its use would accord with principles set out in paragraph 111 of the NPPF and Policy 1 of the DPD in this regard.

In terms of housing provision, it is noted that DPD policy 10 stipulates that developments of 15 dwellings or more will need to provide affordable housing, however as the proposal is below that threshold there is no requirement to provide affordable homes as part of the scheme. Nevertheless, 100% of the homes in this instance will be provided as part of a Homes England backed scheme known as Rent-To-Buy (RTB). A bid has been submitted to and approved by Homes England for grant funding of this scheme under the Shared Ownership and Affordable Homes Programme 2016 to 2021, with the full involvement and support of Oldham Council's Housing Strategy team.

The applicant states that the scheme has been developed to the demand data review information and *'delivers a mix that is suitable to the local community and housing market. Demand has been identified for two, three and four bedroom properties in the area.'*

Design, appearance, landscaping and amenity

Guidance within Section 7 ('Requiring good design') of the Government's National Planning Policy Framework (NPPF) document is relevant, together with policies 1 (Climate Change and Sustainable Development), 9 (Local Environment) and 20 (Design).

Site layout –

The site at Higher House Close is essentially a land locked site. Whilst there is an existing access from Selkirk Road, which affords access to an unmade parking area and access to the garages on the north side of Kingston Avenue, its narrow width precluded this from becoming a new access to serve a new housing scheme.

A decision was made therefore by the applicants to allow for the demolition of No 49 Higher House Close (owned by First Choice Homes) to enable a new access road to enter the site in a sensible fashion. The road is provided with a suitable pavement and turning heads for vehicular and pedestrian access.

At the same time recognition was required to the rights of way enjoyed by the owners of the properties on Kingston Avenue whose garages access the site on the south side. Provision has been made therefore to retain an area as a private drive to those garages as shown on the submitted plans. The drive follows the natural position of the existing unmade road and is delineated by a new fence.

The rear enclosures are formed with a combination of new timber fencing and existing brick walls which form suitable boundaries and enclosures. The layout is to use the principles associated with Secure by Design.

The general principle has been to design the properties with living areas to the rear of the properties with views into the rear gardens.

Therefore, the overall site layout is considered to be acceptable.

Building design and impact –

The appearance of the dwellings is to reflect the local vernacular which is a combination of terraced dwellings and post war semi-detached properties with hipped and pitched roofs. The properties will be built of traditional brick construction with panels of feature contrasting brickwork and hipped and pitched roofs with a covering of concrete interlocking tiles.

The elevations include simply designed openings and roofscape. There is a feature entrance with an "L" shaped enclosure / canopy to provide weathering at the entrance.

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

Landscaping –

The majority of the site is surfaced with vegetation including wetland plants. The general landscaping adjacent the properties will comprise of grass lawns to the front and private gardens to the rear.

There is a small element of communal landscaping immediately to the rear boundary of No 47 & 48 Higher House Close, other than this all landscaping is maintained within private gardens. The communal area will be provided with low level soft planting.

Designing out crime -

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to '*do all that it reasonably can to prevent crime and disorder in its area*'. National guidance contained within Section 8 ('Promoting healthy communities') of the NPPF states at paragraph 69 that there should be an aim to provide safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Policy 9 (Local Environment) and Policy 20 (Design), also guidance contained within the Oldham & Rochdale Design Guides aims to ensure that new development contributes to creating safe and secure environments and reducing opportunities for crime.

The Greater Manchester Police Architectural Liaison Officer (PALO) has been consulted and has raised no objections to the proposal.

Therefore, in taking account of the nature of the development, the security measures which are proposed, the comments made by the PALO and subject to the imposition of planning conditions, it is considered that the proposal will not increase the risk of crime or fear of crime in this location and that the proposal is acceptable when assessed against the aforementioned legislation, national planning guidance and local planning policy.

Design conclusion –

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

Flood risk and drainage

The site is not within an area identified as being at risk from flooding within the Environment Agency's Indicative Flood Maps, however due to the size of the application site a FRA has been submitted.

National guidance contained within Section 10 ('Meeting the challenge of climate change, flooding and coastal change') of the NPPF, the NPPF technical guidance document and policy 19 (Water and Flooding) of the DPD are relevant.

It is noted that the submitted FRA and Drainage strategy raises no issues with the site and notes that the scheme will utilise existing connections to the public sewers. Therefore in taking account of the planning history of the site, the findings of the FRA and Drainage Strategy and the comments of the technical consultees, it is considered that the proposal would not increase the flood risk at the site or within the wider area, and that subject to the imposition of planning conditions the site could be adequately drained. The proposal is therefore considered to be acceptable when assessed against the aforementioned national planning guidance and local planning policy.

Land and groundwater conditions

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

A Phase 1 Preliminary Risk Assessment has been undertaken on the site to understand the ground conditions on which development will take place. The assessment suggests that it is unlikely that there will be potential for major in-ground contamination as a result of the previous uses that took place on the site. It has however been suggested that there is a possibility for low to moderate contaminated conditions to be found, which includes the migration of contaminants.

An informative will be added to the decision notice to advise the applicant that paragraph 120 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Access, servicing, parking and highway safety

Guidance within Section 4 ('Promoting sustainable transport') of the NPPF is relevant, together with policies 5 (Promoting Accessibility and Sustainable Transport Choices), 9 (Local Environment), and 20 (Design) of the DPD.

The site is well located sitting well within a short journey to the centre of Chadderton. The local bus stops are located on both Eaves Lane and a short walk away on Broadway, between these bus stops there are buses approximately every ten minutes to Oldham and Manchester. These bus stops also regularly offer services to Rochdale, Middleton, Chadderton, Moston, Shaw and Oldham at no more than 30 minutes apart.

This site also has easy access to the local trams with Freehold tram stop being situated circa 0.9 miles away.

The new access is taken off Higher House Close which requires the demolition of No 49 Higher House Close to form a through route in to the naturally enclosed site. The site is served by an appropriate turning heads and there is within curtilage parking for each dwelling. There is pedestrian access similarly from Higher House Close via the new turning head and appropriate footpaths to the new front entrances.

The council's highway engineer has raised a number of concerns with the layout in the past; however, based upon the most recent revision, subject to conditions, there are no concerns with the proposal.

Therefore, in taking account of the conclusions of the additional documentation submitted, the scale and nature of the development, the technical advice given by the Council's highway engineer and subject to the imposition of the recommended planning conditions, it is considered that the proposed use can be adequately accommodated on the local highway network, that there would be adequate access, servicing, circulation and car parking arrangements and that the proposal would not have any detrimental impacts upon pedestrian or highway safety. For these reasons the proposal is considered to be acceptable when assessed against policies 5 (Promoting Accessibility and Sustainable Transport Choices), 9 (Local Environment), 13 (Employment Areas) and 20 (Design) of the Joint DPD, also guidance contained within the Oldham and Rochdale Design Guide's.

Conclusion

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

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

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

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

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

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications, received on 09/10/2017, which are referenced as follows: R-0319-106H, R-0319-109, R-0319-110, R-0319-111, R-0319-112A, R-0319-113, R-0319-114A, R-0319-115A, R-0319-116A, R-0319-117A, R-0319-118 and R-0319-119

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. 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.

5. No construction or delivery vehicle shall enter or leave the site, and no working shall take place on the site, on Sundays or Bank and Public Holidays at all or on Monday to Friday inclusive except between the hours of 0800 to 1800 or on Saturdays except between the hours of 0900 to 1700.

Reason - To ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

6. 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 5th March 2018 (Ref: Dwg No.R-0319-106 Rev H). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

7. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public combined sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

340925





APPLICATION REPORT - PA/340947/17

Planning Committee, 18 April, 2018

Registration Date: 26/01/2018
Ward: Failsworth West
Application Reference: PA/340947/17
Type of Application: Full Planning Permission

Proposal: Change of use of ground floor retail unit (Use class A1) to form 14 no. residential apartments (Use class C3)
Location: 160 Oldham Road, Failsworth, Manchester, M35 0RA
Case Officer: Matthew Taylor

Applicant Mandale Apartments 2 Ltd
Agent : ELG Planning

THE SITE

The application site comprises a three storey vacant commercial unit which occupies an 'L' shape footprint extending around the junction of Ridgefield Street and Oldham Road with a 28no. space car park located behind which is accessed from Ridgefield Street. The building is constructed in red facing brick and has a flat roof. It was previously occupied as offices on the first and second floors with retail use at ground floor.

Surrounding uses include both commercial and residential uses. The commercial uses include a storage and distribution centre to the rear of the application site (which faces the neighbouring dwellings nos. 13 to 29 Ridgefield Street), a local shopping parade to the north east along Oldham Road, and a caravan sales site to the south west accessed from Oldham Road.

THE PROPOSAL

Planning consent is sought for the change of use of the ground floor retail unit (Use class A1) to form 14 no. residential apartments (Use class C3).

RELEVANT HISTORY OF THE SITE:

PA/341183/17 - 12 no. new build roof-top apartments to form a third floor – withdrawn 20/03/2018.

PRCU/340883/17 - Prior notification for a change of use from office (Use class B1a) to form into 34 residential apartments (Use class C3) – Prior Approval Required and Granted 27/11/2017, subject to the following conditions:

1. The development hereby permitted must be completed not later than the expiration of three years the date of this approval.

Reason: To comply with the requirements of Part 3, Class O, Condition O.2 - (2) of the Town Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

2. The existing car parking area shall always remain available for users of the development and parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles. Should the parking area be severed from the development the use hereby permitted shall cease. A sign shall be erected and maintained the purpose to indicate the availability of the car park to all users of the development.

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

3. No development shall take place unless and until a scheme for protecting the apartments from r from the Industrial Units and road traffic from Oldham Road has been submitted to and approved in writing by the Local Planning Authority; all works which form part of the approved scheme shall be completed before the apartments are/is occupied.

Reason - To ensure the protection of the occupiers of the dwelling(s).

4. No development shall take place unless and until a scheme to soundproof the apartments between floors and dividing walls has been submitted to and approved in writing by the Local Planning Authority and all such works that form the approved scheme shall be completed before the apartments are brought into use and shall be retained at all times thereafter.

Reason - To protect the future occupiers of the apartments

PA/340384/17 - Change of use of ground floor retail unit (Use class A1) and first/second floor office units (Use class B1) to community centre/place of worship (Use class D1) - Refused 1/09/2017

PA/335204/14 - Change of use from offices to retail at ground floor level (Re-submission of PA/334444/13) - Approved, with conditions, 15/10/14;

PA/334444/013 - Change of use from offices to retail at ground floor level – Refused 12/11/2013

RELEVANT PLANNING POLICIES & GUIDANCE

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

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

The following policies are relevant to the determination of this application:

Joint Development Plan Document

Policy 1 - Climate change and sustainable development;

Policy 3 - An address of choice;

Policy 5 - Promoting Accessibility and Sustainable Transport Choices*;

Policy 9 - Local environment;

Policy 11 - Housing;

Policy 16 - Local Services and Facilities;

Policy 20 - Design

Policy 23 - Open space and sports

CONSULTATIONS

Pollution Control

No objection, subject to conditions requiring a bin store and soundproofing of the development.

Traffic Section

No objection, subject to conditions requiring a cycle store is provided and the existing car parking is retained

	for use by the future occupiers of the flats.
Highways England	No objection.
LLFA	No objection.
Manchester City Council	No objection
United Utilities	No objection.
Transport for Greater Manchester	No objection.

REPRESENTATIONS

This application was publicised by way of a site notice, neighbour notification letters and a press notice. No responses have been received to the public consultation.

PLANNING CONSIDERATIONS

The main issues to be the following:

1. The principle of the proposed change of use;
2. Visual amenity
3. Residential amenity;
4. Highway safety;
5. Public open space;
6. Conclusion.

1. The principle of the proposed change of use

DPD Policy 1 seeks to ensure the effective and efficient use of land and buildings by promoting the reuse and conversion of existing buildings prior to the use of greenfield sites. It also aims to meet Oldham's housing needs by focusing residential development in sustainable locations and to ensure that development respects Oldham's natural, built and historic environments. The proposal is for the reuse of a vacant building, and the first and second floors already have consent to be converted into flats, it is considered that the requirements of this policy have been met.

DPD Policies 3, 5 and 11 are concerned with ensuring that new residential developments are provided in sustainable locations which are defined as being within 480 metres or a ten minute walk of at least two 'key services'. The site is positioned within the prescribed walking distance of three supermarkets, Propps Hall Junior Infant and Nursery School and Failsworth Town Hall. It is also located close to main bus routes operating along Oldham Road and therefore complies with Policy 5. The site is also located adjacent to large areas of housing. Therefore, it is considered that the site lies in a sustainable location and is in accordance with the Policies 3, 5 and 11 the DPD.

2. Visual amenity

DPD Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment whilst DPD Policy 20 requires such proposals to respond positively to the environment, contribute to a distinctive sense of place, and make a positive contribution to the street scene.

To this end, consideration must be given to the contexts of the application site as the existing property is a stand alone three storey flat roofed building with an area of mixed building styles and uses. The proposed plans show the removal of the existing single storey Oldham Road element of the existing building and no other alterations. As such, it is considered the proposal would not significantly detract from the street scene.

3. Residential amenity

DPD Policy 9 states it is necessary to consider how the proposal affects the amenity of the occupants of adjoining residential properties from the impacts likely to be associated with the proposal.

The most likely affected neighbouring properties by the proposed development would be nos. 13 to 29 Ridgefield Street. Given the external alterations of the building do not include any additional window openings, it is considered that the future occupiers of the proposed flats will not overlook these neighbouring properties. As such, the Council is satisfied that the development would not have an adverse impact on the amenity currently enjoyed by these neighbouring dwelling. Whilst the use will introduce a significant number of additional residents with the associated activity, this needs to be considered in the context of the previous commercial use of the building.

Impact on the Future Occupiers:

In terms of the impact on the amenity of the future occupants of the development, the apartments have been assessed against the Governments 'Technical housing standard-nationally described space standards' document.

Originally it was proposed that the scheme would provide fourteen 1no. bed units, and accommodate 2 people per unit. As such, all the units should have met the following space standards:

- in order to provide one bedspace, a single bedroom must have a floor area of at least 7.5m²
- in order to provide a one bedroom apartment for 1 people the internal floor areas and storage must be at least 39 m².

Concerns were raised that the floor space of the majority of the apartments failed to meet these nationally described space standards. However, amended plans have been received which show a layout of accommodation that meets the standards.

As such, it is considered the amended scheme will provided appropriate living space for the future occupants of the development.

Adequate space is available within the site to ensure that suitable arrangements for the provision of waste bin and cycle storage be accommodated within the site.

Given the above, it is considered that the impact on neighbouring amenity and the amenity of future occupiers is acceptable and in accordance with DPD Policy 9.

4. Highway safety

From the planning history it is noted that this development would result in the whole building provided 48 flats, all of which will have access to the 28 existing car parking spaces on site. Whilst this is not ideal, the application site is located within a mixed use area close to the Failsworth district centre. Moreover, there are good links to public transport and access to a wide range of local amenities. It is not anticipated that the amount of traffic generated by a development of this size will have a detrimental impact on highway safety. The 28 no. parking space provision on site is considered acceptable and appropriate in this instance.

Moreover, the Council's highway engineer has raised no objection to the proposal, subject to the inclusion of conditions requiring that the car parking spaces and secure cycle parking is provided prior to the first occupation of the development.

5. Public open space

Policy 23 states that all residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable. No on-site open space, accessible and usable by the public, is proposed within this proposed development. Instead, based on the surpluses and deficiencies of open

space in the area as identified in the Open Space Interim Planning Position Paper 2012, the applicant has agreement to pay a contribution of £48,101.46 for the improvement of the play equipment in Lower Memorial Park. As such, the Council is satisfied that the proposal complies with DPD Policy 23.

6. Conclusion

The site is located in a sustainable location in terms of proximity to key services and public transport. In principle this is consistent with the aims and objectives the Oldham LDF Joint DPD policies and NPPF. The proposed development is therefore considered to accord with the relevant policies of the Oldham LDF Joint DPD and advice contained within the National Planning Policy Framework.

RECOMMENDATION

1. That Committee resolves to approve the application subject to the following conditions and to the submission of a commuted payment of £ 48,101.46 for the improvement of the play equipment in Lower Memorial Park.
2. That authority is granted to the Head of Planning and Development Management to issue the decision notice upon satisfactory receipt of the planning obligation.

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 amended plans and specifications, which are referenced as follows:

Drawing No: 1739/001B, received on 25/01/2018.

Drawing No: 1739/100D, received on 07/03/2018.

Drawing No: 1739/105B, received on 25/01/2018.

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

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

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

4. The existing car parking area 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.

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

5. No development shall take place until a scheme for protecting the

apartments from noise from the industrial units and road traffic from Oldham Road has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the apartments are first occupied.

Reason - To ensure the protection of the occupiers of the dwellings.

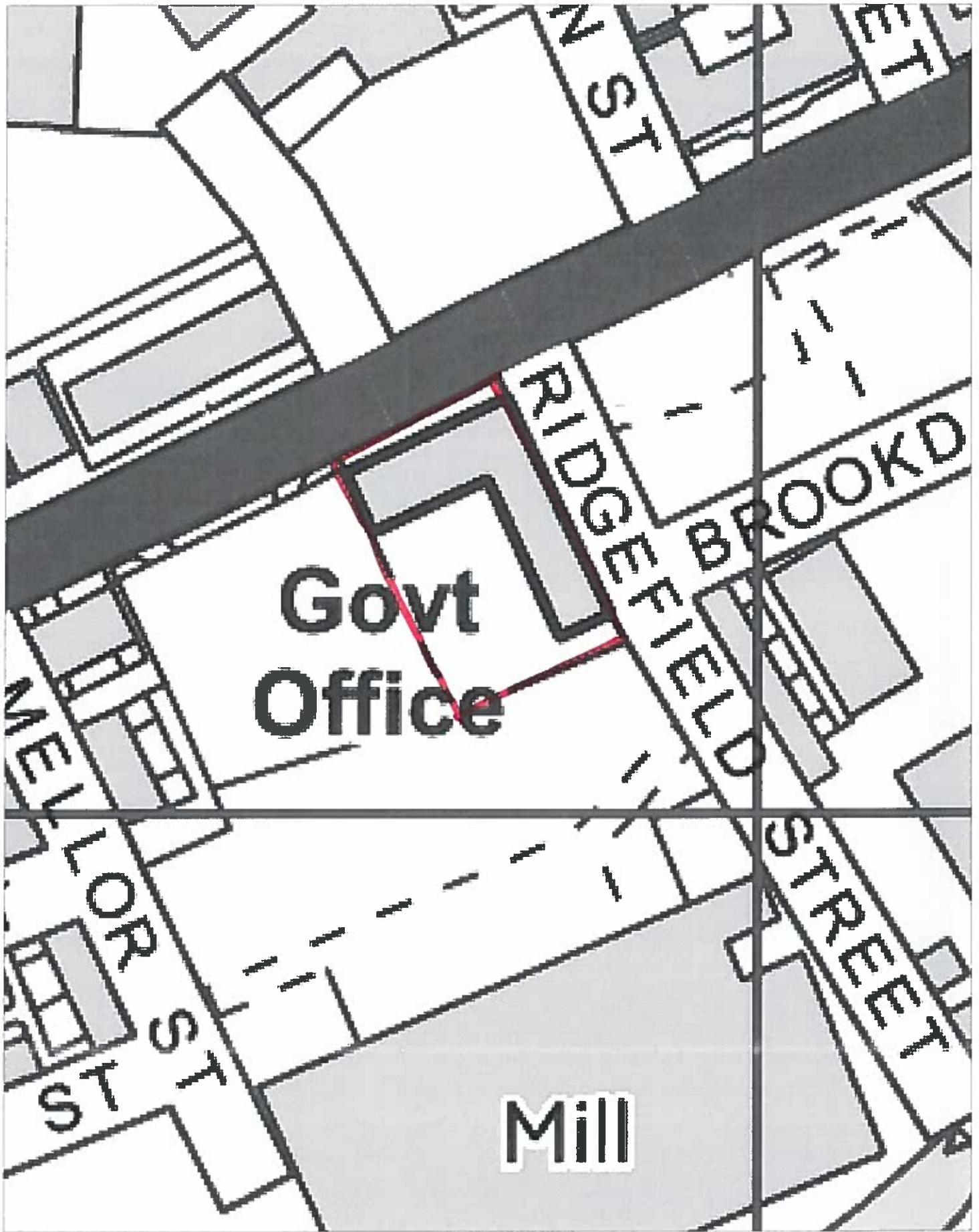
6. No development shall take place unless and until a scheme to soundproof the apartments between the floors and dividing walls has been submitted to and approved in writing by the Local Planning Authority and all such works that form the approved scheme shall be completed before the apartments are brought into use and shall be retained at all times thereafter.

Reason - To protect the future occupiers of the apartments

7. The development hereby approved shall not be brought into use unless and until details of facilities for the storage and removal of refuse and waste materials have been submitted to and approved in writing by the Local Planning Authority and the agreed scheme has been fully implemented. Thereafter approved facilities shall at all times remain available for use.

Reason - To ensure that the site is not used in a manner likely to cause noise nuisance to occupiers of premises in the surrounding area.

340947



APPLICATION REPORT - PA/340982/17

Planning Committee, 18 April, 2018

Registration Date: 09/01/2018
Ward: Shaw

Application Reference: PA/340982/17
Type of Application: Full Planning Permission

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

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

Case Officer: Richard Byrne

Applicant Clements Court Properties Ltd
Agent : Wiplow Ltd

THE SITE

This application relates to a parcel of land at 19-21 Milnrow Road, Shaw. The site is bound by Milnrow Road to the east, King Albert Street to the south and Cooperative Street to the west. To the north of the site is a restaurant.

The site was formerly occupied by the Cricketers public house, which has been demolished and the land now comprises hardsurfacing enclosed by security fencing and a westerly retaining wall.

THE PROPOSAL

Planning permission is sought for the erection of eight houses and two apartments with associated parking.

The dwellings are arranged into two terrace rows which face Milnrow Road and King Albert Street. Five houses would front Milnrow Road with a corner building on the junction with King Albert Street comprising a ground floor and first floor flat. The terrace row measures 31 metres in length, 5.5 metres in height to the eaves and 9.3 metres to the roof ridge. The front of the dwellings are set back from the highway with an intervening small walled front garden area. Plots 6 – 10 have rear flat roof dormer windows and front facing skylights.

The terrace row facing King Albert Street measures 15.2 metres in width with plot 1 recessed to account for the corner of the site adjacent to the junction with Cooperative Street. The dwellings project 5.5 metres in height to the eaves and 9.3 metres to the roof ridge.

The proposed houses each have a rear garden and share the rear parking area. The buildings are constructed with facing brick, tile roofs and windows with headers and sills. The apartments do not have a garden area, however, there are two parking spaces which lead onto King Albert Street.

The main vehicular access is attained from Cooperative Street which leads into a car park for 12 bays and manoeuvring space.

RELEVANT HISTORY OF THE SITE:

DM/339839/17 – Demolition of former 'The Cricketers'. Prior Approval Granted 29 March 2017.

PA/338211/16 - Outline application for demolition of existing building and erection of a three storey block of 20 apartments including associated car parking (access, layout and scale applied for). Withdrawn 24 October 2016.

RELEVANT PLANNING POLICIES AND GUIDANCE

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

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

The following DPD Policies are considered to be relevant:

- Policy 1 - Climate Change and Sustainable Development
- Policy 2 - Communities
- Policy 3 - An Address of Choice
- Policy 4 - Promoting Sustainable Regeneration and Prosperity
- Policy 5 - Promoting Accessibility and Sustainable Transport Choices
- Policy 9 - Local Environment
- Policy 11 - Housing
- Policy 14 - Supporting Oldham's Economy
- Policy 15 - Centres
- Policy 19 - Water and Flooding
- Policy 20 - Design
- Policy 23 - Open Spaces and Sports

CONSULTATIONS

Environmental Health	No objection subject to a landfill gas and ground contamination investigation being undertaken
Traffic Section	No objection subject to a planning condition requiring the access, driveway, turning area and parking spaces to be in accordance with the submitted drawings.
LLFA	No objection in principle
GM Ecology Unit	Recommend opportunities for biodiversity enhancements
GMP Architectural Liaison Unit	No objection subject to the development being constructed in accordance with the applicant's Crime Impact Statement
United Utilities	No objection subject to a planning condition requiring the development to be implemented in accordance with the applicant's drainage strategy and the securement of a drainage management plan
Shaw & Crompton Parish Council	Recommend Approval

REPRESENTATIONS

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

- Cooperative Street is currently affected by parked vehicles, the proposed development would create more obstructions and increase parking problems;
- Block light to houses on Cooperative Street

- Would harm highway safety for pedestrians;
- Decrease of property valuation;
- Proposed residential properties would detrimentally effect adjacent business;
- Future plans of the adjacent business would be affected by new residential properties being immediately adjacent to planned expansion;

PLANNING CONSIDERATIONS

The main issues for consideration comprise:

- Principle of land use;
- Design;
- Residential amenity;
- Highway matters;
- Flooding & Drainage;
- Ground conditions; and,
- Conclusion.

Principle of land use

DPD Policy 1, in the context of this application, seeks the effective and efficient use of land, but prioritises development on previously developed land. However, it also states that residential development should be focused on land in sustainable and accessible locations and should be of high quality and respect the local character of the environment.

Annex 2 of the NPPF defines "previously developed land" as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. An exception to this is where the site was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

In this instance, there is clear evidence that the site comprises previously developed land and is a preferred type of land for residential development in line with DPD Policies 1, 3 and 11.

The site is located in Shaw Centre and as such DPD Policy 15 is relevant. Although DPD Policy 15 remains silent on residential development in the centre allocation, the NPPF recognises that residential development can play an important role in ensuring the vitality of centres and encourages policies for residential purposes on appropriate sites. This would indicate there is national policy support for residential uses in the town centre.

DPD Policy 3 gives preference to the use of previously developed sites for residential development and the availability of such land, both in the locality and boroughwide, as assessed by the Council's monitoring arrangements. This would be the first consideration when considering applications on greenfield sites.

DPD Policy 3 states that such developments will be considered favourably where they satisfy three criteria:

- (i) a deliverable 5-year supply of housing land cannot be demonstrated,
- (ii) it contributes towards the delivery of the borough's regeneration priorities, or,
- (iii) it contributes to the delivery of affordable housing that meets the local affordable housing needs.

Proposals on a non-allocated site for residential development will be considered favourably where it meets the three criteria listed above or it is for a small development, comprising a change of use or conversion or not identified in the Council's Strategic Housing Land Availability Assessment ('SHLAA').

Notwithstanding the above policy criteria, NPPF paragraph 15, which post-dates the local

plan, requires that local plan policies should follow the approach of the presumption in favour of sustainable development so it is clear that development which is sustainable can be approved without delay. It is clear therefore that so long as the proposals do not result in significant harm to material planning interests, they should be approved.

Whilst the site is allocated within Shaw's Centre it has been identified in the Council's SHLAA (site ref. 169) as being capable of residential development. The site meets the definition of previously developed land, and the proposal represents the effective and efficient use of land. It will also assist in regeneration objectives by improving the local environment in an established urban area and contributing to activity and use of local services.

Having regard to the above factors, including the benefits attributed to the contribution to the Council's housing land supply and providing types of accommodation which assimilates with the surrounding area which weigh in favour of the proposed development, it is considered that the principle of the proposed development is acceptable.

Design

DPD Policy 9 stipulates that development should not have a detrimental impact on the visual appearance of an area. DPD Policy 20 further advocates that development must meet design principles relating to local character, good streets and well-designed buildings.

Paragraph 64 of the NPPF advocates development should be a high quality and inclusive design and where a poor design that fails to take opportunity to improve the character and quality of an area it should be refused.

The proposed layout follows the linear pattern of surrounding terraced houses and reflects the proportions of the dwellings and their plot sizes comparable to surrounding area. The dwellings complement the heights of the existing buildings and are designed to respect the rhythm and arrangement of fenestration that is prevalent on the surrounding terraced rows.

The dwellings provide adequate private garden space and provide an adequate level of natural surveillance to the rear car park. The front of the dwellings provide a small walled area keeping a sense of ownership from the public highway.

Residential amenity

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

It is considered the proposed dwellings would not significantly overshadow 1 – 9 Cooperative Street. There is a topography difference between Milnrow Road and Cooperative Street with the latter having a higher ground level. Taking into account the level difference it is not considered the height and massing would have a detrimental overshadowing effect to the front of the dwellings. There is a sufficient separation distance to mitigate a loss of privacy for the houses on Cooperative Street.

There is a separation distance of 15 metres between habitable ground floor and first floor windows of plots 6 – 10 and 30 – 36 Milnrow Road. Although this separation distance falls short of standard minimum privacy distances it should be noted the existing situation exists in the immediate surrounding area which are predominantly terrace lined streets. Therefore taking the existing building lines and separation into account the proposed properties fronting Milnrow Road are not significantly different and are broadly akin to the interface distance. With the expectation of the ground floor being subject to a certain loss of privacy from the street, it is not considered this part of the development to be wholly unacceptable. In regard to overshadowing, the proposed dwellings are a similar height to the facing terraced properties and any overshadowing effect would not be detrimentally harmful to make it unacceptable.

Effect on existing adjacent business

It is not considered the apartment windows would unduly harm the operation of the adjacent funeral parlour which corners the junction of King Albert Street and Milnrow Road.

It is noted there is a restaurant immediately north of the application site with the access and car park immediately adjacent to plot 10 of the proposed development. The land surrounding the restaurant building is currently hardstanding. There is a degree of separation between plot 10 and the kitchen area for the restaurant which is located to the rear of the building. Given the position of the building within the site, noise and general disturbance would be mainly from the comings and goings of customers. It is assumed the restaurant closes 2300 hours in the weekday and 0000 Hours on Fridays and Saturdays.

Paragraph 19 of the NPPF states that: -

“...planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system...”

Paragraph 123 of the NPPF states that planning decisions should aim to: -

“...recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established...”

The presence of a noise sensitive use, such as residential development, are likely to undermine proposals that seek to potentially expand or hinder the current operations of the employment generating use restaurant to the north of the application site. This would likely to lead to complaints to the Council's Environmental Health Section as statutory nuisances under Environmental Health Legislation.

Against the backdrop of the NPPF and taking into account the presence of the restaurant it is noted there is an existing burden on the current operations of the commercial business in respect of a statutory noise nuisance. This results from the existing properties on Cooperative Street.

Whilst the siting of the proposed dwelling is indeed closer, the level of disturbance is not materially different than the existing situation.

The Environmental Health Section of the Council have not raised an objection to the application which would imply that the business has operated over the course of time without giving rise to statutory nuisance complaints. Therefore taking into account that noise and general disturbance would be mainly from the comings and goings of customers and those future occupiers can exercise *Caveat Emptor* (let the buyer beware) it would be unsustainable to refuse the application on having an adverse effect on residential amenity from the existing commercial business.

A future expansion of the business, such as a seating out area, would have to be considered against the context of the surrounding area and the Development Plan.

Highway matters

With regard to sustainability and accessibility, DPD Policies 3 and 5 define the criteria to be considered. The supporting text within DPD Policy 3 acknowledges the contribution that residential development on non-allocated sites can make to the housing market providing they are in sustainable locations. It specifically states that residential development (for 'major' category proposals such as this) should be within 480m or a ten-minute walk of at least three 'key services' which are taken to include areas of employment, major retail centres, local shopping parades, health related facilities and services, schools, post offices and community uses.

In this regard, the application site would conform to the requirements of this policy, insofar as it would be within such a walking distance of St James Primary School, areas of employment and Shaw Centre containing retail shops and community uses.

DPD Policy 5 requires major development to achieve 'high accessibility' as a minimum which is defined as being within approximately 400m of a frequent bus route or approximately 800m of a rail station or Metrolink stop. The site is located near to bus stops and the Metrolink which provides a service between Rochdale, Oldham and Manchester at a frequency which attains 'very high accessibility'. As such, it is evident that the site is more than well placed in terms of access to forms of transportation which in turn mitigates the need for a high provision of car parking.

The layout of the scheme provides 14 off-street car parking spaces to serve the ten residential units. The car parking spaces have a sufficient manoeuvring space within the site and have a safe means of access onto Cooperative Street and King Albert Street.

Flooding & Drainage

DPD Policy 19 aims to ensure that development does not result in unacceptable flood risk. The site is located within flood zone 1 and a critical drainage area suggesting there is evidence the site is subject to surface water flooding, albeit a low risk. A drainage strategy has been submitted which considers there is a low residual risk to flooding in the area and advocates the existing system is capable of accommodating the proposed development subject to a restricted flow rate.

This is considered to be acceptable and through a condition attached to the recommendation it will ensure the development satisfies the requirements of DPD Policy 19 and the NPPF.

Ground conditions

Paragraphs 120 and 121 of the NPPF are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The application has submitted a Phase I Preliminary Risk Assessment which shows the site has a low risk of ground gases and a low/moderate risk from ground contamination. It is considered appropriate to secure precautionary site investigations works recommended by the Risk Assessment by planning condition to mitigate the future risk.

Other matters

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

Conclusion

It is considered the proposed development would boost the borough's supply of housing land in a sustainable urban location which is readily accessible to key services and public transport.

The proposed dwellings, by virtue of their size, scale, layout, height, materials and design, would be compatible with the density and character of surrounding development, and would assimilate sympathetically into the street scene. The development's spacing, scale, plot sizes and the arrangement and design of fenestration would ensure that it does not have an undue impact on the privacy and amenity of surrounding occupiers through loss of outlook, overshadowing or overlooking. The development would facilitate safe and suitable access to the site for all users, adequate parking provision would be made and the level of traffic

generated by the scheme would not have any severe impact on the capacity of the surrounding highway network.

The proposal is therefore in accordance with the requirements of the relevant policies in the Joint Core Strategy and Development Management Policies Development Plan Document and the National Planning Policy Framework.

RECOMMENDATION

Approve, subject to the following conditions:

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

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

2. The development hereby permitted shall be fully implemented in accordance with the following plans and specifications:

Location Plan - received 27 October 2017;

Drg No. 2256-MA-WS-00-PL-A-100-01 Rev 2 - received 5 April 2018;

Drg No. 2256-MA-WS-00-PL-A-100-02 Rev 2 - received 5 April 2018;

Drg No. 2256-MA-B1-GF-PL-A-200-01 Rev 1 - received 27 October 2018;

Drg No. 2256-MA-B1-FF-PL-A-200-02 Rev 1 - received 27 October 2018;

Drg No. 2256-MA-B1-SF-PL-A-200-03 Rev 1 - received 27 October 2018;

Drg No. 2256-MA-B1-XX-EL-A-200-04 Rev 1 - received 27 October 2017;

Drg No. 2256-MA-B1-XX-EL-A-200-05 Rev 1 - received 27 October 2017;

Drg No. 2256-MA-B2-ZZ-PL-A-2001-01 Rev 2 - received 5 April 2018; and,

Drg No. 2256-MA--B1-XX-EL-A-2004-04 Rev 2 - received 2 April 2018;

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

3. No development shall commence unless and until a 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 (such assessment include any subsequent amendments as required by the Authority). Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason - In order to protect public safety, because the site is located within 250 metres of a former landfill site.

4. No part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details.

Reason - In the interests of visual amenity.

5. The development hereby approved shall not be brought into use unless and until details of facilities for the storage and removal of refuse and waste materials have been submitted to and approved in writing by the Local Planning Authority and the agreed scheme has been fully implemented. Thereafter approved facilities shall at all times remain available for use.

Reason – To ensure that the site is not used in a manner likely to cause nuisance to occupiers of premises in the surrounding area and to provide adequate provision for future occupiers of the development.

6. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Outline Drainage Strategy, Ref 3242-SHD-00-ZZ-RP-C-0001 - Dated October 2017 which was prepared by Scott Hughes. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 6.5 l/s. The development shall be completed in accordance with the approved details.

Reason - To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

7. 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.

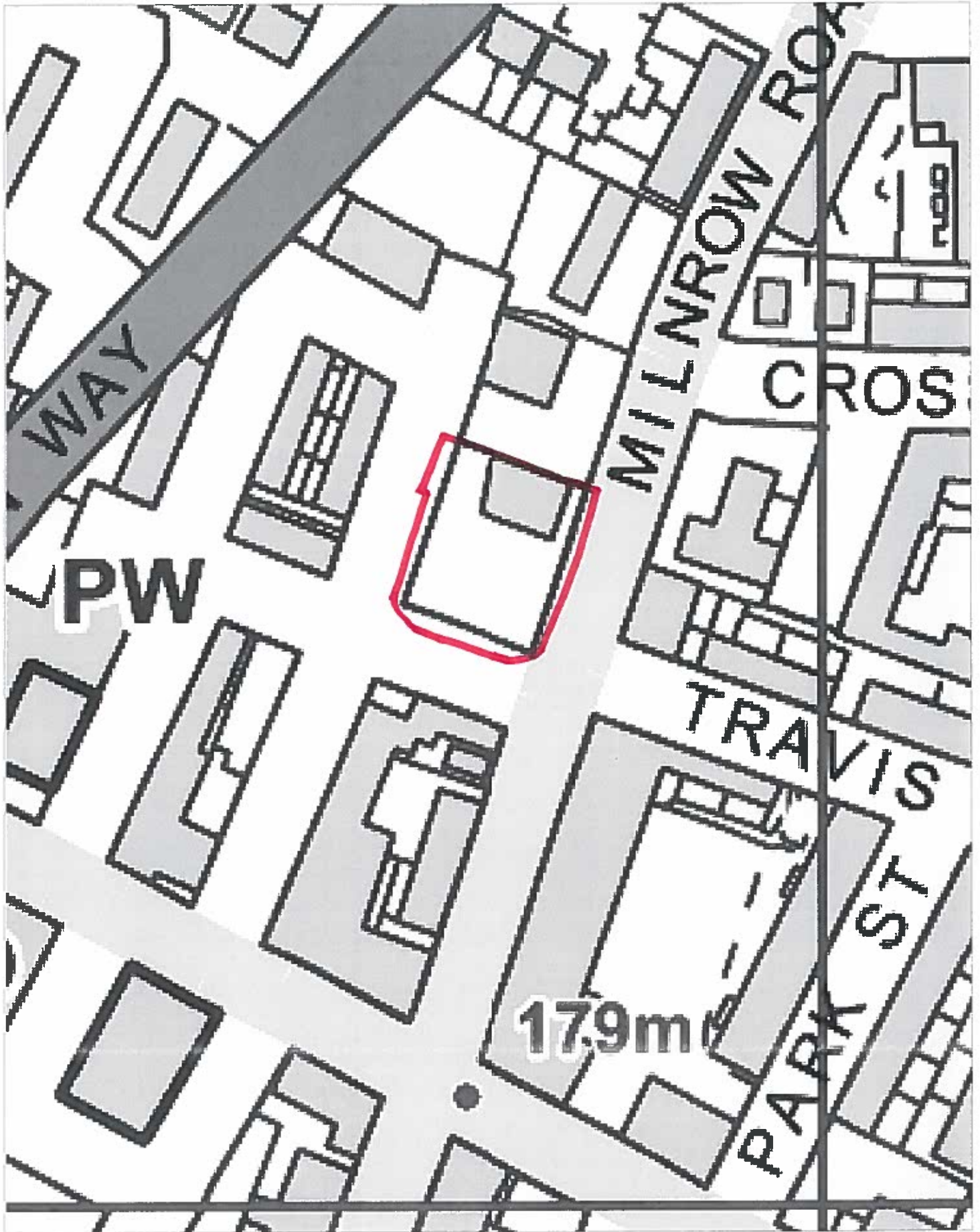
8. No dwelling hereby permitted shall be brought into use unless and until the access, driveway, turning area and parking spaces for that dwelling has been hard-surfaced and drained in accordance with the approved received on 3rd April 2018 (Ref: Dwg No.2256-MA-WS-00-PL-A-100-01) have been provided. Thereafter, the parking and/or garage spaces so provided shall be available at all times thereafter for the parking of vehicles.

Reason - To ensure that vehicular access exists and that adequate off-street parking facilities are provided for the development in the interests of highway safety.

9. The development shall be constructed in accordance with the materials schedule received 5 April 2018 (reference 2256 Cricketers Materials Schedule).

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.

340982





APPLICATION REPORT - PA/341040/17

Planning Committee, 18 April, 2018

Registration Date: 16/11/2017 14:19:08
Ward: Saddleworth North

Application Reference: PA/341040/17
Type of Application: Outline Planning Permission

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

Location: Land to the north of Delph Chapel, Delph Lane, DELPH, OL3 5HX
Case Officer: Hannah Lucitt

Applicant Agent : Ms Rothermel
John Barnes - Architect

THE SITE

The application site is located north of the former chapel building: Delph Chapel, which is located at the junction of Delph Lane and Hill End Road within the Delph Conservation Area.

The site is in an elevated position and slopes quite steeply up to the rear. At present the site has been cleared.

The immediately surrounding area is predominantly residential in character with a private graveyard to the south-east, which is still used for burials. Part of the site is covered by a Tree Preservation Order.

It is sited on one of the major roads of the village, with a traditional stone wall with copings located at the back of footway. Delph contains a number of listed buildings and also the non-designated Delph Independent Chapel, which contributes greatly to the historic interest of the area and forms a landmark to the northern end of Delph.

THE PROPOSAL

This outline application proposes the erection of 2 dwellings with access, appearance, layout and scale to be considered, at this stage, with landscaping reserved for subsequent application.

The proposed dwellings would be split level, each measuring 5m in width, 9m in depth, 8m to the eaves height at the front, 5.1m to the eaves height at the rear, and 10.7m in total height to the roof ridge.

Access is proposed from a new access off Delph Lane. The proposed dwellings would be constructed from reclaimed stone and slate.

The proposed layout includes 4 car parking spaces, a bin store and an area of soft landscaping.

RELEVANT HISTORY OF THE SITE:

PA/340338/17 'Outline application for the erection of 2 No. dwellings' was refused planning permission on 11th October 2017 for the following reasons:

"1. The proposed development would amount to substandard living accommodation, by virtue of its design and layout, and the amount of natural light received in habitable rooms. Its bedrooms would fall far below the minimum space standards (DCLG 'Technical housing standards – nationally described space standard March 2015'). The proposed development is therefore considered harmful to the amenity of future occupiers of the proposed dwellings, contrary to Policy 9 of Oldham's LDF Joint DPD.

2. The proposed development would have a significant an unacceptable impact on the amenity of the occupiers of no. 2 The Meadows, by way of overlooking and overbearing impact, caused by the proposed scale of the development, into both the rear windows of no. 2 The Meadows, and the private amenity space serving this dwelling, contrary to Policy 9 of Oldham's LDF Joint DPD.

3. The proposed development, by reason of its scale and layout, would fail to either preserve or enhance the Delph Conservation Area, in conflict with Policies 9, 20 and 24 of Oldham's LDF DPD and paragraphs 131, 134 and 137 of the NPPF.

4. Adequate provision has not been made for the off-street parking of vehicles generated by the development. This will lead to increased on-street parking and unacceptable manoeuvring of vehicles to the detriment of safety of other highway users. As such, the development does not accord with Development Management Policy 9 of the Oldham Local Development Framework".

MMA/339789/17 'Minor Material Amendment relating to app no. MMA/339368/16 including 1) Reduction in number of units from 9 to 7 2) Alterations to previously approved rear elevation 3) Internal alterations 4) Amendments to the site layout' was granted conditional planning permission on 2 June, 2017. This permission has not yet been implemented.

MMA/339368/16 'Minor Material Amendment for alterations to access arrangements and public open space relating to app no. PA/055473/08' was granted conditional planning permission on 09th February 2017. This permission has since been implemented.

PA/055473/08 'Conversion of former chapel to 9 no. apartments with car parking and landscaping' was granted conditional planning permission on 4th November, 2009. A material start was made on October 29, 2014, evidenced by photographic record. Therefore, the permission will remain extant in perpetuity.

CONSULTATIONS

United Utilities	No objection, subject to the inclusion of conditions addressing the provision of a drainage scheme.
Highway Engineer	No objection, subject to the inclusion of conditions addressing the provision and retention of access and car parking spaces.

REPRESENTATIONS

This application was publicised by a site notice, press notice and neighbour notification letters. One letter of objection was received by virtue of this notification process, which commented that the application should be for full planning permission, and there are still concerns in regards to highway safety and amenity, ground stability, noise and disturbance, and loss of outlook.

Saddleworth Parish Council recommends approval.

Conservation Areas Advisory Committee of Saddleworth Parish Council recommends approval.

PLANNING CONSIDERATIONS

The main issues to consider are:

1. The principle of the proposed development;
2. Is the site within a sustainable location?;
3. Design and Impact on the Conservation Area in regards to layout and scale;
4. Residential Amenity;
5. Parking and highway safety;
6. Public open space;
7. Conclusion and Planning History.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 11 within the National Planning Policy Framework (NPPF) reiterates states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham. The application site is 'unallocated' by the Proposals Map associated with the Joint Development Plan Document. Therefore, the following policies are considered relevant:

- 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 11 - Housing;
- Policy 20 - Design;
- Policy 23 - Open spaces and sports; and
- Policy 24 - Historic Environment.

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

DPD Policy 1, in the context of this application, seeks the effective and efficient use of land, but prioritises development on previously developed land and aims to protect the borough's designated green belt. Furthermore, it states that residential development should be focused on land in sustainable and accessible locations and should be of high quality and respect the local character of the environment. Policies 3 and 11 also give preference to the use of previously developed sites for residential development.

This area of land has previously been used as part of the grounds of Delph Chapel. Policy 2 states that the change of use from education or community facilities, either in whole or in part, will be permitted where it can be demonstrated by the applicant to the Council's satisfaction that the facility is redundant and surplus to requirements, or where appropriate alternative provision is proposed. In this instance, although the application site has been historically used as land associated with the chapel, the use of the chapel ceased a number of years ago, and parishioners have since relocated.

As such, the principle of residential use is acceptable in this case.

Is the site within a sustainable location?

DPD Policy 3 outlines the Council's aims to promote development in sustainable locations. Previously developed land and vacant or underused buildings is the Council's first preference for residential development.

DPD Policy 3 is more specific and states that new residential developments should be located within 480m of at least two 'key services'. These are specifically defined as areas of employment, major retail centres, local shopping parades, health related facilities and services, schools, post offices and community uses. The White Lion Public House, a community facility, is approximately 10m from the application site, by foot, and the parades of shops on Delph High Street are approximately 60m from the application site by foot. Therefore, it is considered that the proposed development is sited in a highly sustainable location in close proximity to at least two key services as required by Policy 3.

Policy 5 requires minor development to achieve 'low accessibility' as a minimum which is defined as being within approximately 400m of a bus route with a service, or a combination of services, running less frequently than medium accessibility. The nearest bus stop is approximately 10m from the application site. As such, it is considered reasonable to suggest that the site is well placed in terms of access to bus routes.

Design and Impact on the Conservation Area

DPD Policies 9 and 20 recognise the contribution that high quality design can make to regeneration and sustainable development.

Policy 24 states that development within or affecting the setting of a conservation area, including views in or out, must serve to preserve or enhance the character or appearance of the area. Proposals for all new development, including alterations and extensions to buildings and their re-use, must have a sensitive and appropriate response to context and good attention to detail. Proposals must not adversely affect important architectural or historic features or distinctive local features or structures unless it can be demonstrated that the development brings substantial benefits to the community.

Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 134 states 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 securing its optimum viable use.

Paragraph 137 of the NPPF states that Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The development on Delph Lane is predominantly residential in character with the older buildings lining the road and the 20th century development set back from the road with gardens. Cobblers Hill and The Meadow in particular depart from the traditional arrangement.

At present, it is considered that the undeveloped land contributes to the character of the area by providing greenspace that allows the prominence and precedence of the Delph Chapel to be appreciated. It also maintains a traditional boundary treatment of stone walls with copings and, whilst cleared at present, its use as an area of open space, echoes the surrounding countryside and provides separation to the forthcoming residential development of the Chapel. It contributes positively to the character of the conservation area, and to a lesser extent, the setting of the nearby Grade II listed White Lion Pub.

The proposal to introduce two dwellings would lead to the loss in part of the traditional boundary treatment, the loss of the greenspace and the introduction of a parking area and large retaining walls within the development that would separate the housing from the Chapel Graveyard.

However, the applicant has provided evidence by way of a number of historic photographs which clearly shows that there were once dwellings within this location at Delph Road. The proposed development has clearly been designed to reflect the area's historic past.

Turning to the impact in terms of layout, appearance and scale, the applicant has clearly attempted to replicate the design of the dwellings which once stood at this site. The proposed development would appear sympathetically designed to both the site's historic residential past, and the design of the dwellings within close proximity to the application site.

In regards to the public benefits of the proposal, the proposal would provide two dwellings within Delph, which would amount to a broad public benefit. The applicant has also demonstrated that there is some justification as to the domestic nature of the site, preserving the optimum historic viable use.

Given the above, subject to the inclusion of a condition in regards to appropriate materials, it is considered that the proposed development would broadly enhance this specific part of the Conservation Area.

Therefore, the proposed development is considered to be in compliance with DPD Policies 9, 20 and 24 and paragraphs 131, 134, and 137 of the NPPF.

Residential Amenity

DPD Policy 9 outlines that new development proposals must not have a significant adverse impact upon the amenity of neighbouring properties. Consequently, it is important to consider the impact on the neighbouring properties at 1 and 2 Hillyard Cottages, 5 Delph Lane, and 2 The Meadows.

1 and 2 Hillyard Cottages are sited some 25m from the application site. Due to this distance, it is considered unlikely that any significant overlooking or overshadowing would occur.

Turning to the impact on 5 Delph Lane, which is sited 14m from the application site, and 2 The Meadows, would be 18m from the application site, it is these dwellings which would be most affected by the proposed development.

The application site is topographically set at a lower level than the dwellings at The Meadows, and the proposed dwelling would be sited at an acute angle from the nearest dwelling at 2 The Meadows and 5 Delph Lane. Due to the window fenestration of both the proposed dwellings, the separation distances, change in land levels, and siting, it is not considered that the proposed development would cause any significant impact on these neighbouring dwellings in terms of amenity.

Other dwellings are further away and would not be affected.

The proposed dwellings meet the minimum DCLG Technical housing standards – nationally described space standards.

There is no evidence to show that the proposed development would cause subsidence, as suggested by one of the representations received.

As such, it is considered that the proposed development complies with DPD Policy 9 in terms of amenity.

Parking and highway safety

The Highway Engineer raises no objection to the proposed development.

It is not considered that the addition of two dwellings in this location would generate a significant amount of traffic to the detriment of highway safety.

In this particular location, the Highway Engineer would expect parking provision to be at least two per dwelling, given the existing site conditions and demand for on street parking. It is considered that the proposed development satisfies these requirements. The proposed access would allow the future occupiers of the proposed development to access the site safely.

Therefore, it is considered that the proposed development would comply with DPD Policy 9 in regards to highway safety.

Public open space

Policy 23 requires all new residential units to contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practical nor desirable.

Subsequent amendments to the NPPG clarified that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

The proposed development comprises two residential units and is significantly less than the combined 1000 square metre floorspace. Policy 23 has been outweighed by the NPPG and a contribution towards public open space is not required.

Conclusion

Given the above, it is considered that the proposed development would be sited within a sustainable location, would have no significant impact on residential amenity, and would serve to enhance the setting and character of the building within Delph Conservation Area. The impact on highway safety and amenity is also considered acceptable.

As such, the proposal is considered to comply with the requirements of DPD Policies 3, 5, 9, 20, 23, 24 and the relevant paragraphs within the NPPF.

RECOMMENDATION Approve, subject to the following conditions:

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

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

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

- Drawing no. SP 100 received 19th March 2018
- Drawing no. 100 received 19th March 2018
- Drawing no. 101 received 19th March 2018
- Drawing no. 102 received 19th March 2018

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

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

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

4. No development shall commence unless and until a detailed drainage scheme has been submitted to and approved in writing by the Local Planning authority. The scheme shall then be completed in accordance with the approved plans and maintained thereafter.

Reason - To reduce the risk of flooding.

5. No development shall take place unless and until samples of the materials to be used on all external elevations, including the roof of the development, have been submitted to and approved in writing by the Local Planning Authority. The external walls of the development shall be erected in natural reclaimed local stone laid in regular courses all of an equal depth, and the roof shall be laid in slate. The stonework and roofing material used throughout the development shall be consistent in terms of colour, size and texture with the approved sample.

Reason - To protect the visual amenity and character of the area within which the site is located.

6. No dwelling shall be occupied unless and until the access and parking spaces for that dwelling situated clear of the highway have been provided in accordance with the approved plan received on 19th March 2018 (Ref: Dwg No. SP100). The parking spaces 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.

341040

Overflow

Coblers Hill

A62

PW

A6052

HIGH ST

Delph Br



APPLICATION REPORT - HH/341083/17

Planning Committee, 18 April, 2018

Registration Date: 06/12/2017
Ward: Saddleworth North

Application Reference: HH/341083/17
Type of Application: Full Planning Permission

Proposal: First floor rear extension
Location: 2 & 3 Brookside Terrace, Delph, Oldham, OL3 5EW
Case Officer: Hannah Lucitt

Applicant Agent : Saddleworth Construction

THE SITE

2 & 3 Brookside Terrace is a mid-terrace dwelling, located within the built up area of Delph. The application site also lies within Delph Conservation Area.

THE PROPOSAL

This application proposes the erection of a first floor rear extension which would match the rearward projection of the existing single storey rear addition.

The proposed development would feature rear facing timber windows to match the style of those within the original dwelling. The proposed development would match the eaves height and roof ridge of the development at 1 Brookside terrace.

Proposed materials would be slate and Yorkshire reclaimed stone.

RELEVANT HISTORY OF THE SITE:

HH/058236/10 'Single storey rear kitchen extension' was granted conditional planning permission on 27 July 2010 at 2 Brookside Terrace.

HH/058237/10 'Single storey rear kitchen extension' was granted conditional planning permission on 23 June 2010 at 3 Brookside Terrace.

CONSULTATIONS

Conservation & Design Advice Comments on the late list.

REPRESENTATIONS

This application was publicised by a site notice, press notice and neighbour notification letters. No neighbour responses were received by virtue of this notification process.

Saddleworth Parish Council recommended refusal, and has made the following comments based on the scheme as originally submitted:

"The proposal is inappropriate development in the conservation area. All materials must reflect other buildings within the vicinity (e.g. the use of reclaimed, matching stone, wooden doors and window frames) and the windows should be styled in the Saddleworth vernacular. The roofline should be at the same level as the properties to either side".

PLANNING CONSIDERATIONS

The main issues to consider are:

1. The principle of the proposed development;
2. Impact on residential amenity; and
3. Design and impact on the Conservation Area.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 within the National Planning Policy Framework (NPPF) reiterates that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham. It contains the Core Strategies and Development Management policies used to assess and determine planning applications.

The application site is unallocated by the Proposals Map associated with this document.

Therefore, the following policies are considered relevant:

Development Management Policies:

Policy 9 - Local Environment;
Policy 20 - Design; and,
Policy 24 – Historic Environment.

Residential Amenity

DPD Policy 9 outlines that new development proposals must not have a significant adverse impact upon the amenities of neighbouring properties. The dwellings most affected at 1 and 4 Brookside Terrace.

In this instance, the proposed development would not project beyond the rear of 1 Brookside Terrace, and has been designed specifically to match the roof line and rearward projection of this neighbouring dwelling. Therefore, it is not considered that there would be any significant impact on this attached dwellings in terms of amenity.

Turning to the impact on 4 Brookside Terrace, there would be an element of 'tunnelling effect', as 5 Brookside Terrace projects further than the proposed addition. However, as at ground floor level, there is an existing single storey rear addition, arguably, this tunnelling effect already exists. In regards to the impact on the first floor, there are no rear facing habitable room windows at 4 Brookside Terrace which would be impacted.

Therefore, it is considered that the impact on residential amenity is acceptable, in compliance with DPD Policy 9.

Design and impact on the Conservation Area

DPD Policies 9 and 20 recognise the contribution that high quality design can make to regeneration and sustainable development.

The Planning (Listed Buildings and Conservation Areas) Act 1990, states that the primary duty of the Local Planning Authority in relation to Conservation Areas is to have special regard to the desirability of preserving and enhancing the historic interest which it possesses. DPD Policy 24 (Historic Environment) of the Council's Local Plan together with

Part 12 (Conserving and enhancing the historic environment) of the NPPF which reflect this duty are particularly relevant in this instance.

In regard to the impact on the Conservation Area, the application site is not readily visible from public vantage points. Although there is a Public Right of Way to the south of the site (SADD 147) running parallel to the River Tame, the proposed development would either be seen from long distance views, at an angle, or be obscured by the existing rear addition at 1 Brookside Terrace. In either scenario it is considered that the proposed development would be seen against the backdrop of the existing terrace row. Furthermore, the proposed development would use stone slates and reclaimed stone, to match those used originally within the terrace row, replacing the non-original concrete slate currently visible on the roof slope.

The proposed materials would amount to an enhancement of the existing heritage asset.

On balance, the proposed development would enhance the setting of Delph Conservation Area, in compliance with DPD Policy 24 and paragraph 137 of the NPPF.

Conclusion

Given the above, it is considered that the proposed development would have no significant impact on residential amenity, and would serve to enhance the setting and character of the building within Uppermill Conservation Area. As such, the proposal is considered to comply with the requirements of DPD Policies 9, 20, 24 and the relevant paragraphs within the NPPF.

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 approved plans and specifications:

- Drawing no. 2&3BST/4 received 14th March 2018
- Drawing no. 2&3BST/5 received 14th March 2018

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 on all external elevations, including the roof of the development, have been submitted to and approved in writing by the Local Planning Authority. The external walls of the development shall be erected in natural reclaimed local stone laid in regular courses all of an equal depth, and the roof shall be laid in stone slate. The stonework and roofing material used throughout the development shall be consistent in terms of colour, size and texture with the approved sample.

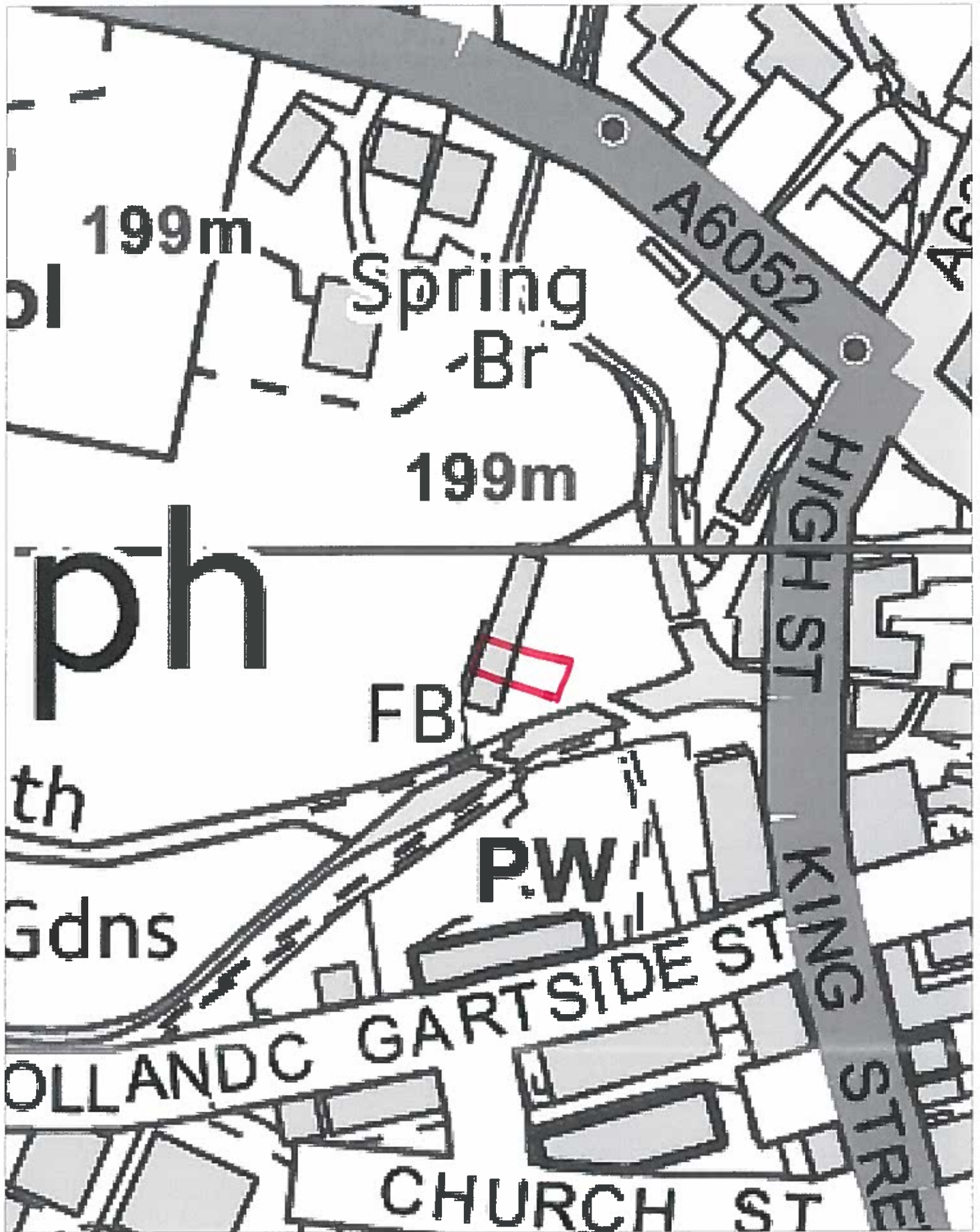
Reason - To protect the visual amenity and character of the area within which the site is located.

4. Notwithstanding the plans hereby approved, and prior to their installation, a detailed

specification and colour scheme for all external doors, windows and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The windows proposed must be timber framed.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of protecting both the character and appearance of the building and the area within which the site is located.

341083



APPLICATION REPORT - PA/341212/18

Planning Committee, 18 April, 2018

Registration Date: 19/12/2017
Ward: Werneth

Application Reference: PA/341212/18
Type of Application: Full Planning Permission

Proposal: Proposed detached dwelling
Location: Plot 8, Netherfield Close, Woodfield Centre, Oldham OL8 4ET
Case Officer: Matthew Taylor

Applicant Mr Kamaly
Agent : Manor Design Partnership

THE SITE

This application relates to an area of land that previously contained a large detached former NHS building that has been demolished. It is bounded by residential properties to the south and west, with Werneth Park and the Hollies Resource Centre to the north and east respectively.

THE PROPOSAL

Planning consent is sought for the erection of 1 no. dwelling with associated parking and gardens.

The plans show the proposed dwelling to be a six bedroom detached property set back approximately 7.8 metres from the access road. Proposed plans show it is two storeys in height (with rooms in the roof) with a single storey rear outrigger, front and rear pitch roofed dormers and a staggered front elevation with a central front porch and 2 projecting pikes.

It will measure approximately 15.4 metres in length and 11.2 metres in width with hipped roof design.

RELEVANT HISTORY OF THE SITE:

PA/340954/17 - Proposed two storey dwelling (Plot No. 3) – Pending Decision.

PA/339626/17 - Erection of one detached two storey dwelling on plot 4 – Pending Decision.

PA/338198/16 - Reserved matters application relating to PA/333239/12 for the erection of one dwelling on Plot No. 7. Appearance, Landscaping, Layout, and Scale to be considered – Granted 26/07/2016.

PA/337155/15 - Reserved matters application relating to PA/333239/12 for the erection of one dwelling on plot 9. Appearance, Layout, and Scale to be considered – Granted 12/01/2016.

PA/337028/15 - Reserved matters application relating to PA/333239/12 for the erection of one dwelling on plot 6. Appearance, Layout, and Scale to be considered – Granted 27/07/2015

PA/337026/15 - Reserved matters application relating to PA/333239/12 for the erection of one dwelling on plot 2. Appearance, Layout, and Scale to be considered – Granted

27/07/2015.

PA/336953/15 - Reserved matters application relating to PA/333239/12 for the erection of one dwelling on plot 12 – Granted 15/07/2015.

PA/336951/18 - Reserved matters application relating to PA/333239/12 for the erection of one dwelling on plot 8. Appearance, Layout, and Scale to be considered – Granted 22/07/2015.

PA/333239/12 - Outline planning application for 12 detached dwellings. Access to be considered, all other matters reserved - Granted, Subject to legal agreement 16/10/2013.

RELEVANT PLANNING POLICIES & GUIDANCE

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

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

The following policies are relevant to the determination of this application.

Joint Development Plan Document

Policy 1 - Climate change and sustainable development;
Policy 3 - An address of choice;
Policy 5 - Promoting Accessibility and Sustainable Transport Choices';
Policy 9 - Local environment;
Policy 11 - Housing;
Policy 20 – Design; and
Policy 23 - Open space and sports.

CONSULTATIONS

Pollution Control	Recommend a contaminated land condition and informative note.
Traffic Section	Recommend a condition and informative note.
Drainage	No objection.
Tree Consultations	No objection.

REPRESENTATIONS

This application was publicised by way of a site notice and neighbour notification letters. No responses have been received to this public consultation.

PLANNING CONSIDERATIONS

- Principle of Development;
- Design;
- Residential Amenity;
- Open space;
- Highway safety;
- Other matters; and
- Conclusion.

It is noted that the principle of a housing development on the Woodfield Centre site was established by the approval of the outline planning permission for 12 no. dwellings (Ref: PA/333239/12). Given this proposed dwelling is to be erected on Plot no. 8 of this previously approved outline consent, consideration of the development is limited to the details of appearance, landscaping, layout and scale that were reserved at outline stage.

2. Design

In regards of design, visual amenity and impact on the street scene, DPD Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment, DPD Policy 9 requires that development does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape, nor should it cause significant harm to the amenity of neighbouring occupants. DPD Policy 20 is also relevant, as it seeks to promote high quality design.

The proposed dwelling is of an appropriate design, scale and massing in comparison to the existing approved reserved matters applications for dwellings on the site. As such, it is considered that the development accords with the design principles set out in DPD Policies 9 and 20

3. Residential Amenity

Policy 9 states it is necessary to consider the amenity of the occupants of adjoining residential properties from the impacts likely to be associated with the proposal.

The most likely affected neighbouring properties would be the surrounding plots; the most likely effected plots include Plot No's. 1, 2, 7 and 9.

Impact on the Plot No's. 1 and 2:

From the submitted plans it is clear, that an approximately 14 metre separation distance would exist between the proposed front elevation of plot No. 8 and the front garden boundary of Plot No's. 1 and 2 opposite. As such, it is considered that the proposed dwellings would not result in significant overlooking over garden areas or habitable room windows of these future adjacent properties.

Impact on the Plot No's. 7 and 9:

The proposed dwelling includes both ground and first floor side elevation windows that could have an outlook towards these adjoining plots. However, it is noted that the ground floor opening are all secondary habitable room windows, whilst the first floor both serve non-habitable room windows. As such, it is considered expedient to attach a condition removing Permitted Development right for the insertion of any additional windows, doors or other openings in the side elevations of the proposed dwelling and a condition that requires that all the side elevation windows proposed be installed with obscure glazing.

Impact on the Future Occupiers

DPD Policy 9 states that the council will ensure development does not cause significant harm to the amenity of the occupants and future occupants of the development. To this end, the development has been assessed against the national 'Technical housing standard-nationally described space standards', March 2015.

Given the scheme complies with these Standards it is concluded that the development will provided appropriate living space for the future occupants of the development.

Given the above, it is considered that the impact on neighbouring amenity and the amenity of future occupiers is acceptable and in accordance with Policy 9 of the Oldham LDF Joint DPD.

4. Open Space

DPD Policy 23 states that all residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable.

From the site history, it is noted a financial contribution of £78,711.48 was agreed on the Outline approval for twelve dwellings, on the Woodfield Centre site (Ref: PA/333239/12). However, 'reserved matters' and 'full' applications on a plot by plot basis have been submitted subsequently. This has resulted in the original application site being split into 12 different plots and ownerships.

To this end, it is the Council's view that regardless of the present or future ownership, this is overall one development site, as it follows the layout approved by the outline application site (Ref: PA/333239/12). Therefore the individual plots should be subject to a pro rata contribution. The planning obligation was towards improvement works to the existing open space in the locality, hence a pro rata contribution of £6309.29 per plot. Payment would be requiring on execution of the agreement.

In response to this the applicant has now sent an email confirming that they are happy to accept this figure, and as such the Council is satisfied that the proposal complies with DPD Policy 23.

5. Highway Safety

In terms of highway safety, the Council's highway engineer has raised no objection to the proposal, subject to the inclusion of conditions requiring that the access road and parking provision for the future occupiers of the property is completed prior to its occupation. A condition is attached to the recommendation.

6. Other matters

Contamination:

The fifth bullet point to paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Given the above, it is considered appropriate to impose a condition requiring intrusive site investigations and the submission of a remediation strategy before any development takes place. The need for such a condition is also identified by the Council's Environmental Health Section. An appropriate condition has been recommended in this regard in order to ensure that the development does not conflict with the requirements of the NPPF.

7. Conclusion

It is considered that the proposed dwelling is acceptable in land use terms and would not have a harmful effect on neighbour amenity, nor have a detrimental impact on the character of the existing street scene. There are no highways or other issues raised by this application. It therefore complies with Policies 1, 3, 5, 9, 11, 20 and 23 of the Oldham LDF Joint Core Strategy and Development Management Policies DPD and consequently is recommend that permission be granted subject to conditions.

RECOMMENDATION

1. That Committee resolves to approve the application subject to the following conditions and to the submission of a commuted payment of £6309.29 for the improvement of existing open space in the locality.
2. That authority is granted to the Head of Planning and Development Management to issue the decision notice upon satisfactory receipt of the planning obligation.

CONDITIONS

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

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

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

Drawing No: 6063/1, received on 19/12/2017.

Drawing No: 6063/2, received on 19/12/2017.

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

3. Notwithstanding the details shown on the approved plans no development shall take place unless and until samples of the materials to be used in the construction of the external surfaces, and detailed specification and colour scheme for all external doors, windows and rainwater goods of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

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

4. The dwelling hereby approved shall not be brought into use unless and until the access road and car parking spaces for the dwelling has been provided in accordance with the approved plan received on 19th December 2017 (Ref: Dwg No. 6063/1). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. Thereafter the parking space 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. No development shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

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

6. 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. The hard landscape details shall include proposed finished levels or contours; means of enclosure and hard surfacing materials where relevant. The soft landscaping works shall include planting plans and written specifications. These works shall be carried out as approved and prior to the first occupation of the property.

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.

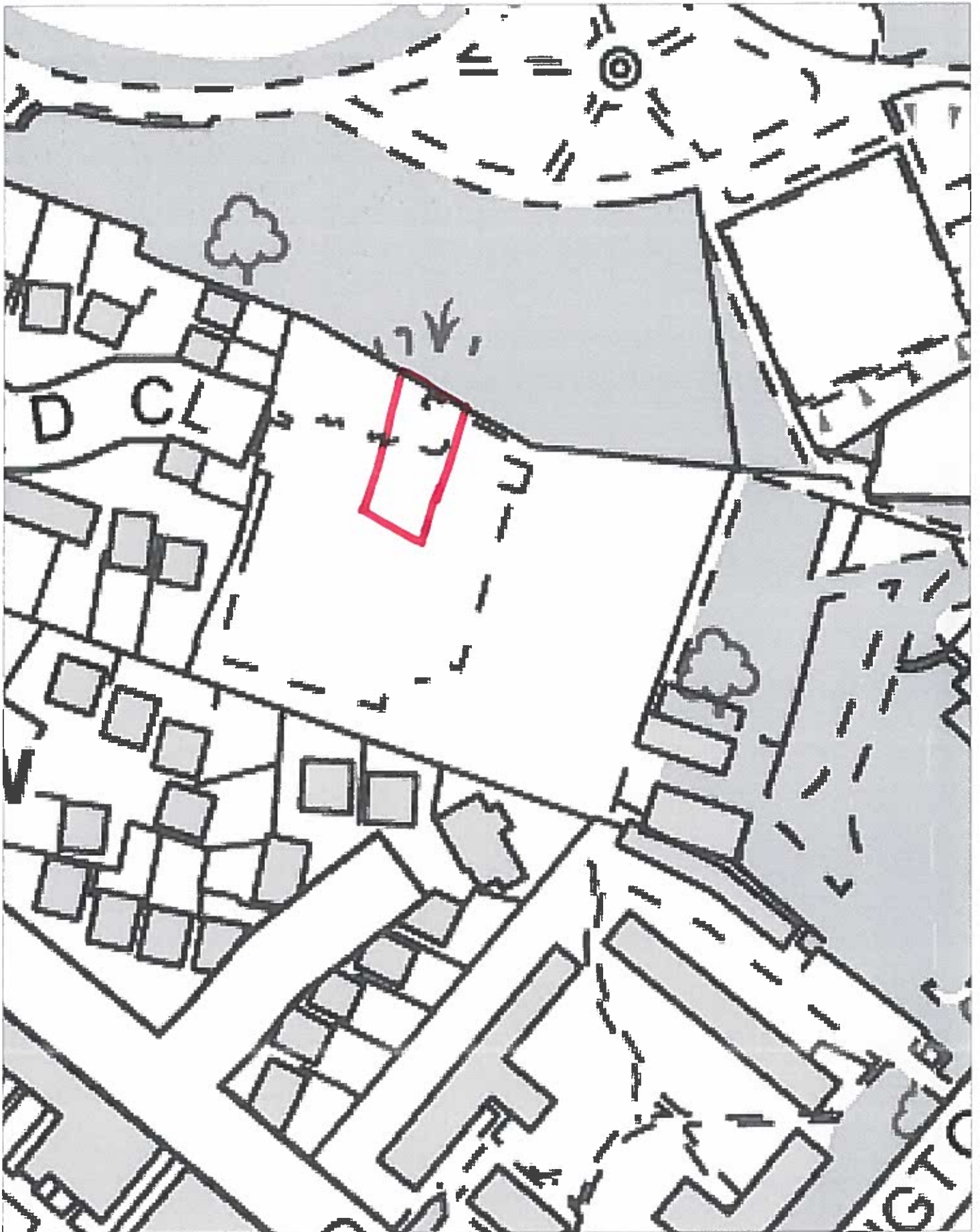
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any Order amending or replacing that Order), no windows, doors or other openings except those hereby permitted shall be inserted in the side elevations of the dwelling without the prior written approval of the Local Planning Authority.

Reason - To ensure that the amenity of the neighbouring plots is not harmed by future alterations to its elevations.

8. The proposed window shown on the approved plan in the first floor of the side elevations of the building shall be provided with and permanently glazed in obscure glass to level 3 obscurity or above.

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

341212





APPLICATION REPORT - PA/341320/18

Planning Committee, 18 April, 2018

Registration Date: 26/01/2018
Ward: Shaw

Application Reference: PA/341320/18
Type of Application: Full Planning Permission

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

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

Case Officer: Alan Atkins

Applicant Oldham Council
Agent : Unity Partnership / Kier

THE SITE

The application relates to a modern, two storey office building located at the junction of Kershaw Street and Victoria Street, close to the junction with Rochdale Road.

The site includes a car parking area to the north of the building and is surrounded by powder coated steel fencing and established hedges.

Residential bungalows are located to the south and east, a garage court lies to the west, with terraced houses to the north.

THE PROPOSAL

The proposed use involves the replacement of first floor office accommodation with the provision of educational support services to improve skills within the local workforce. It is proposed that the use will operate between 07.30 and 17.00 hours on weekdays.

RELEVANT HISTORY OF THE SITE:

PA/040465/00 – Two storey building with associated car parking comprising of ground floor elderly person's day care centre and first floor for mental health service staff. Approved 7 December 2000

RELEVANT PLANNING POLICIES AND GUIDANCE

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

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

The following policies are relevant to the determination of this application.

Policy 1 - Climate change and sustainable development
Policy 9 - Local Environment
Policy 14 – Supporting Oldham's Economy

CONSULTATIONS

Traffic Section – No objections subject to the retention of the car parking facilities associated with the building.

REPRESENTATIONS

The proposed development has been advertised by means of individual consultation letters to 13 neighbours and a site notice erected adjacent to the site. No written representations have been received,

Shaw & Crompton Parish Council recommends approval

PLANNING CONSIDERATIONS

Principle of the development.

The application proposes the change from an existing employment use comprising offices for social services support staff with continued provision of a day care centre on the ground floor. The proposed use envisages the provision of educational facilities, providing training initiatives to raise skill levels.

The property is located within a predominantly residential setting. Nevertheless DPD Policy 14 states that development proposals which result in the loss of an employment site to other uses should include measures to outweigh the loss of the site and support Oldham's economy.

In this instance the use will continue to provide direct employment opportunities, as well as facilitating a service which will improve the skills of the local workforce. The proposal will therefore accord with an important element of the Council's objectives which will assist in supporting the local economy.

In this context, the objectives of DPD Policy 14 will be satisfied.

Amenity impact

Although residential properties are located within close proximity to the site, the nature of the proposed use will ensure no adverse impacts on amenity will result. No physical alterations to the building are proposed and the availability of adequate on-site car parking facilities should ensure no adverse impact on the surrounding highways.

The proposal would therefore conform to the objectives of DPD Policy 9.

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.

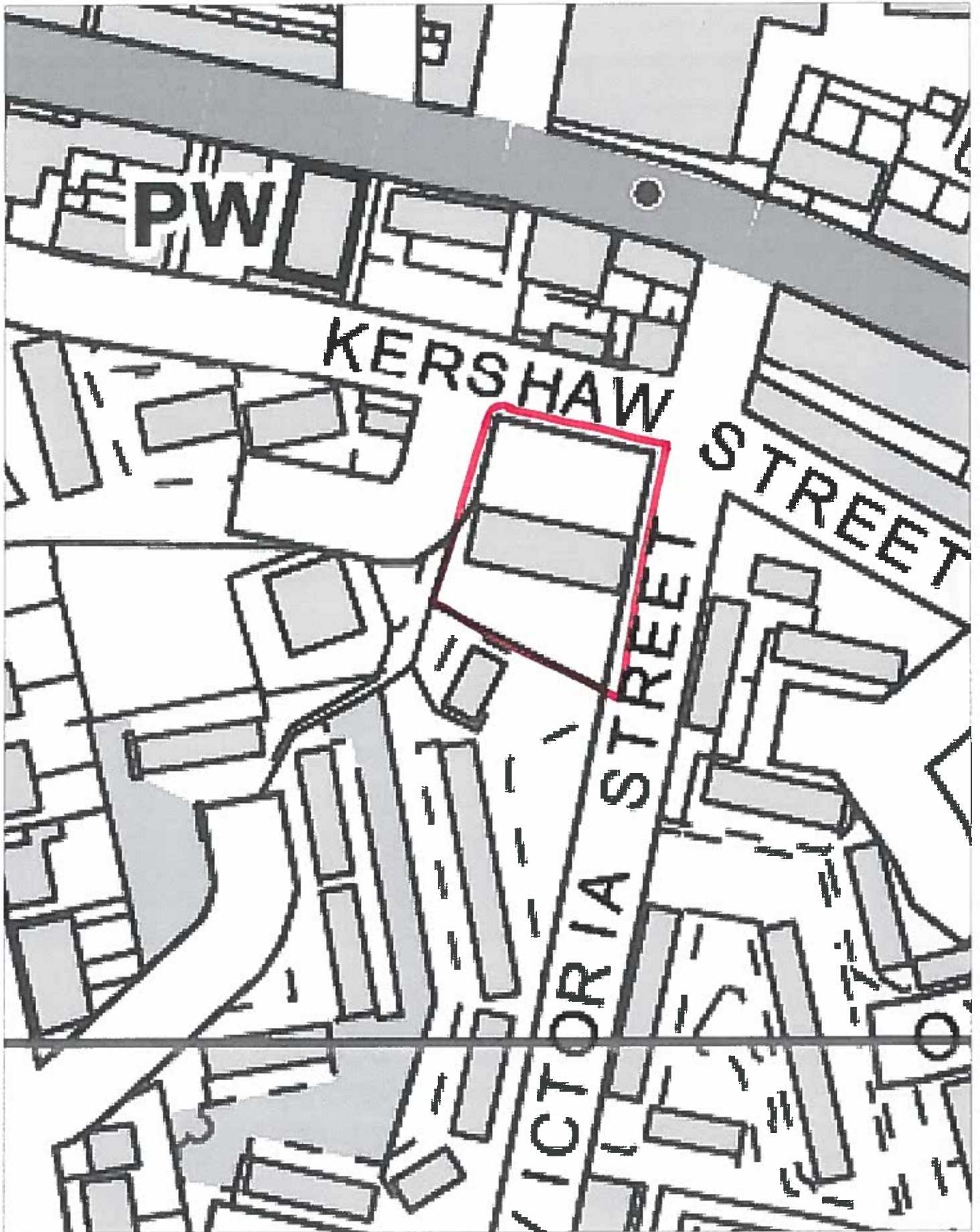
2. The development hereby approved shall be fully implemented in accordance with the approved site location plan received on 26/01/2018.

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

3. The existing car parking area within the application site shall be retained at all times for the parking of vehicles in connection with the operation of the site for the permitted use.

Reasons - In the interests of highway safety and local amenity.

341320



APPLICATION REPORT - PA/341390/18

Planning Committee, 18 April, 2018

Registration Date: 09/02/2018

Ward:

Application Reference: PA/341390/18

Type of Application: Removal/Variation of Conditions

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

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

Case Officer: Matthew Taylor

Applicant Anwar & Company Ltd

Agent : Emery Planning Partnership Ltd

THE SITE

This application relates to the Texaco petrol station on Manchester Road, Oldham, a single storey building in a mixed-use area situated on the A62. The site fronts onto the dual carriageway to the north whilst residential properties and associated amenity space bound the site to the south.

THE PROPOSAL

This application has been made under Section 73 of the Town and Country Planning Act 1990 (as amended) seeking consent for the removal of condition no. 5 attached to PA/023286/88, to allow 24 hour opening of the petrol station on any day.

RELEVANT HISTORY OF THE SITE:

PA/336288/14 - Variation of condition no. 5 relating to app no. PA/23286/88 – refused 26/02/2015, for the following reason;

1. *'The additional noise, activity and disturbance caused by the extended opening hours at the premises would be significantly detrimental to the residential amenity of the occupiers of the nearby residential properties on Moorfield Road and Chelbourne Drive. The proposal would thereby be contrary to Policy 9 of Oldham's LDF Joint DPD.'*

PA/023286/88 – Petrol station, car wash and shop – Granted 15/12/1988

RELEVANT PLANNING POLICIES & GUIDANCE

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

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

The following policies are relevant to the determination of this application.

Joint Development Plan Document

Policy 1 - Climate change and sustainable development

Policy 9 - Local Environment

CONSULTATIONS

Pollution Control	Recommended the removal of Condition 5 restriction of opening hours granted for probationary period of 12 months to access the impact of the 24 hour opening times on the local amenity of the residents.
Traffic Section	No objection.

REPRESENTATIONS

The application has been publicised by way of neighbour notifications and site notice, to which one letter of objection has been received which raises concerns that increased opening hours would have a greater noise and smell impact, and the current opening hours are adequate.

PLANNING CONSIDERATIONS

DPD Policy 9 in this context states that the Council will protect and improve local environmental quality and amenity by ensuring that development proposals do not cause significant harm to the amenity of existing and future occupants through impacts on privacy, safety and security, noise, pollution, the visual appearance of an area, access to daylight and other nuisances. In addition Oldham's Supplementary Planning Document Vibrant Centres is a material planning consideration.

The proposed variation of condition no.5 would result in the premises being able to operate 24 hours on any day. The main issue is therefore if these extended hours will tip the balance and result in an unacceptable level of disruption for the residents of the nearby properties. It is noted that the application site is bounded by residential properties on the southern boundary, these include No's. 31, 33, 35 and 37 Chelbourne Drive and No's. 1 to 7, 9 and 11 Moorfield Road.

In support of the application a Noise Impact Assessment has been submitted. It states that the noise climate measured towards the end of the current opening hours (22:00 hours till 23:00 hours) and those measured just after 23:00 hours, showed very little difference in the noise climate due to the activity at the fuel station.

National Planning Policy Framework (NPPF) paragraph 123 states that planning decisions should aim to:

'avoid noise from giving rise to significant adverse impacts²⁷ on health and quality of life as a result of new development'

However, no specific guidance on numerical acoustic assessment relevant to this development is provided within the NPPF or Technical Guidance. To this end, the Noise and Vibration Consultants made the assessment of the impacts of the extended opening hours under the British Standard 4142:2014 'Method for rating and assessing industrial and commercial sound'. They included within the assessment the prevailing noise climate and calculations of likely noise levels from the fuel station at the nearest dwellings. The BS4142:2014 assessment concluded that noise from the change of opening hours at the application site would be low impact.

Having regards to this submitted supporting information, the Council's Environmental Health Department has raised no objection to the scheme. However, it is recommended that the removal of condition No. 5 is granted for a probationary period of 12 months, to access the

impact of the 24 hour opening times on the local amenity of the residents.

Whilst the suggestion of the Environmental Health Officers is noted, in the absence of any evidence to show that the use would have a detrimental impact, it is considered that an unrestricted planning permission can be justified in this instance.

To this end, as the applicant has demonstrated that the proposed development would not have a significantly detrimental impact on the amenity currently enjoyed by the neighbouring residential properties and taking into account the absence of an objection from Environmental Health. On balance, it is considered that the removal of condition would not impact on residential amenity to such a degree to warrant a refusal.

RECOMMENDATION

Approve.

CONDITIONS

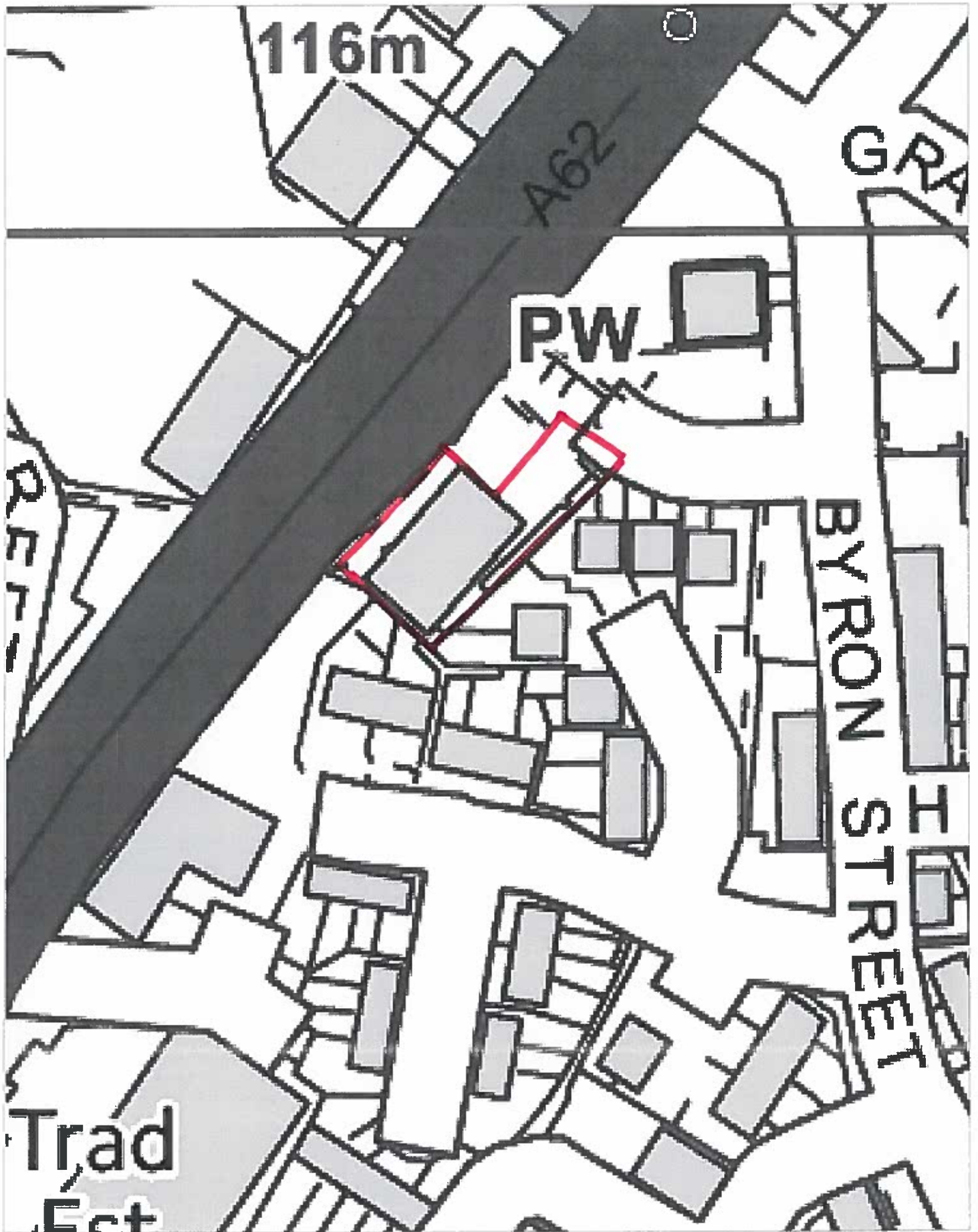
1. Noise from operations conducted within the premises shall not exceed 50dB(A) CNL as measured at the site boundary between the hours of 08:00 and 18.00 Monday to Saturday and 40 dB (A) CNL at any other time.

Reason – To protect the amenities of the occupiers of the dwellings on the adjoining land.

2. A sight line measuring 4.5 metres by 90 metres at the junction of the site egress with Manchester Road as improved 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 applicant's control.

Reason – In the interests of highway safety.

341390



PLANNING COMMITTEE - BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING AND INFRASTRUCTURE

PLANNING AND ADVERTISEMENT APPLICATIONS

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

THE BACKGROUND PAPERS

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

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

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

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

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

ADDITIONAL BACKGROUND PAPERS

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

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

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Planning Appeals Update

Planning Committee

Report of Head of Planning and Infrastructure

DATE OF COMMITTEE

2018

PLANNING APPEALS

WRITTEN REPRESENTATIONS

HOUSE HOLDER

HH/340979/17 31 Pennine Avenue, Chadderton, Oldham, OL9 8PH
HH/340379/17 2 Monarch Close, Royton, Oldham, OL2 5AE

ADVERTISEMENTS

AD/340617/17 Advertising Hoard adj 18 Oldham Road, Failsworth

APPEAL DECISIONS

HH/340475/17 36 Melling Road, Oldham Council, OL4 1PN
Original Decision Del
Appeal Decision Dismissed

HH/340922/17 4 Marsh Lea, Harrop Green Lane, Diggle, OL3 5LB
Original Decision Del
Appeal Decision Allowed

HH/340886/17 20 Ryecroft Close, Chadderton, Oldham, OL9 8AT
Original Decision Del
Appeal Decision Dismissed



Appeal Decision

Site visit made on 26 March 2018

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th April 2018

Appeal Ref: APP/W4223/D/17/3189928

36 Melling Road, Oldham OL4 1PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs R Kauser against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/340475/17, dated 17 June 2017, was refused by notice dated 20 October 2017.
 - The development proposed is a single storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of the appeal is the effect on the living conditions of occupiers of neighbouring properties, with particular regard to No 34 Melling Road and matters of outlook.

Reasons

3. The appeal proposal relates to a single storey rear extension to the mid terraced property that was in-situ at the time of my visit. The extension subject to the appeal links to a single storey rear outrigger. The single storey rear extension adjoins the boundary with No 34 Melling Road (No 34) with a set in from the boundary with No 38 Melling Road (No 38) and extends up to a shared alleyway at the rear.
4. No 34 has a habitable window within its ground floor rear elevation and unlike other properties within the terraced row it has not been previously extended beyond its main rear building line. In contrast, the extension to No 36 has introduced a projection of built form of considerable depth with a height of approximately 3m adjoining the shared boundary with No 34. The resultant depth, scale and massing of the single storey extension in close proximity to the shared boundary has a considerable overbearing effect upon the ground floor habitable window in the rear elevation of No 34 and its rear yard, with a loss of outlook and a sense of enclosure when taken together with an existing extension at No 32. Consequently, the extension has an unacceptable impact upon No 34 which is harmful to the living conditions of its existing and future occupiers.
5. In reaching the above findings, I have taken into account that the design of the extension incorporates a hipped roof which results in the maximum height of

the extension being set away from the boundary and reduces the bulk and massing at its furthest extent. I also observed that the rear elevation and rear yard of No 34 has a southern aspect with some existing light loss associated with a conifer tree. Nonetheless, such matters do not mitigate or justify the harm I have identified, nor does the absence of an objection from the existing occupier of No 34.

6. I am not aware of the planning status and circumstances which led to a similar extension at No 38 or other extensions visible nearby in the terraced row. In any case, the relationships of those extensions to habitable windows within neighbouring properties are different to the proposal before me and its relationship to No 34. Consequently, the nearby presence of considerable rear extensions, including at No 38, does not justify the harm I have identified.
7. The appellant has suggested a fallback position is afforded by extensions that benefit from permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015. However, in my view, any extension to the appeal property capable of being undertaken without the need for planning permission would not be as substantial as the proposal now before me and would not replicate the harm I have identified.
8. The Council has not expressed any concern in terms of the character and appearance of the extension or the relationship with No 38 given the presence of its similar extension. Based upon my observations I have no reason to take a different view. The separation distance of the extension to the shared boundary prevents any unacceptable overbearing effect upon No 38, whilst the facing windows are non-habitable and therefore, do not result in a significant loss of privacy. In addition, the absence of facing windows in the side elevation of the extension facing towards No 34 and the rear elevation prevents any privacy concerns to other neighbouring properties. However, the absence of concern in those respects is a neutral factor.
9. I conclude that the development has a harmful effect upon the living conditions of occupiers of No 34 Melling Road. The proposal, therefore, conflicts with Policy 9 of the Oldham Local Development Framework Joint Core Strategy and Development Policies Development Plan Document, adopted November 2011, which, amongst other things, seeks to ensure development does not cause significant harm to the amenity of existing and future neighbouring occupants. The policy is consistent with the core planning principle of the National Planning Policy Framework that seeks a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

10. The appellant has indicated that the construction of the extension was not a wilful breach of planning control and I appreciate the wish to provide additional space for a growing family. However, such personal circumstances do not outweigh the harm I have identified.

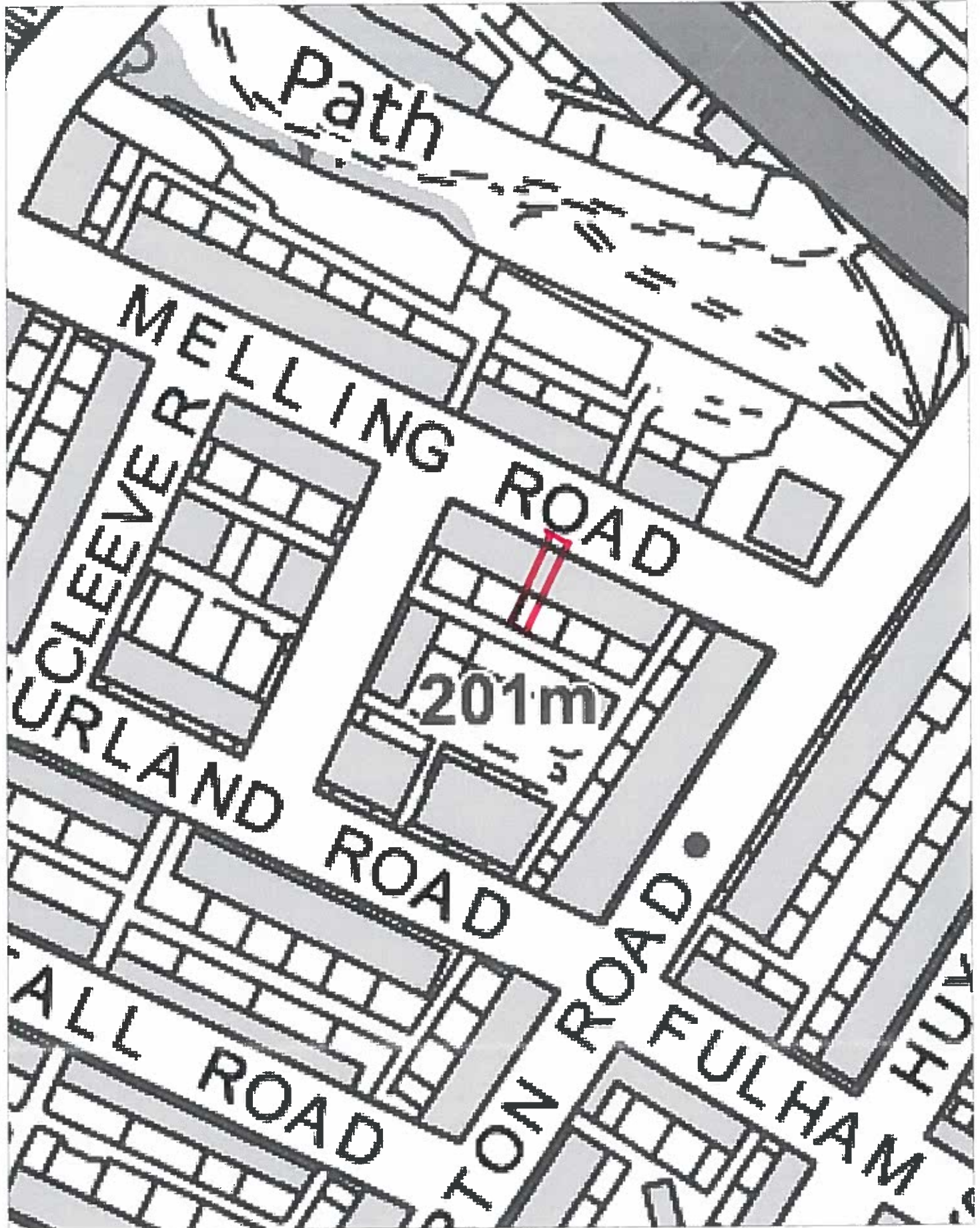
Conclusion

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

Gareth Wildgoose

INSPECTOR

340475





Appeal Decision

Site visit made on 27 March 2018

by **S R G Baird BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th April 2018

Appeal Ref: APP/W4223/D/18/3193000

4 Marsh Lea, Harrop Green Lane, Diggle OL3 5LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Ashworth against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/340922/17, dated 12 October 2017, was refused by notice dated 8 December 2017.
 - The development proposed is a 2-storey side extension to extend existing living accommodation with internal alterations to the existing dwelling and a new rear porch.
-

Preliminary Matters

1. In the absence of the appellants or their agent the site visit was carried out unaccompanied.
2. On the 19 December 2017 an appeal decision¹ in relation to a proposed 2-storey extension to No. 4 was issued and is material to my assessment of the current proposal. Whilst I have not been provided with details of the previous scheme, I discern from my colleagues analysis that the scheme before me is materially different and as such the previous decision does not constitute a precedent that I am bound to follow.

Decision

3. The appeal is allowed and planning permission is granted for a 2-storey side extension to extend existing living accommodation with internal alterations to the existing dwelling and a new rear porch at 4 Marsh Lea, Harrop Green Lane, Diggle OL3 5LB in accordance with the terms of the application, Ref H340922/17, dated 12 October 2017, subject to the following conditions:
 - 1) the development hereby permitted shall begin not later than 3 years from the date of this decision;
 - 2) the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 3) the development hereby permitted shall be carried out in accordance with following plans: P-01; P-02; P-03 and P-04.

¹ APP/W4223/D/17/3183673.

Main Issue

4. Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies.

Reasons

5. The appeal site is within the Green Belt where Development Plan² Policy 22 says that development will be permitted provided it does not conflict with national policies on the Green Belt. Framework paragraph 87 says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Framework paragraph 89, third bullet point, says that the extension or alteration of a building is not regarded as inappropriate development provided it does not result in disproportionate additions over and above the size of the original building.
6. Neither the Framework nor Policy 22 defines disproportionate. The Council as a guideline refer to the largely superseded Unitary Development Plan which defined an extension within the Green Belt as being disproportionate if it increased the volume of the original building by more than 33%. The appellant submits that the extension would increase the volume of the original house by some 39% and the Planning Officer's report suggests that the increase in volume would be some 48%. Whilst the submitted plans do include some dimensions neither party identify how the increase has been calculated and I have no way of verifying either figure. Accordingly, I attach little weight to the respective calculations in coming to my conclusion. Similarly, as the Council's guideline figure of 33% is not contained within an adopted policy and there is no explanation of how it has been derived, I attach limited weight to this guideline. Accordingly, in this case whether the proposed extension would be disproportionate addition and therefore inappropriate development is a matter of planning judgement.
7. When assessing whether an extension may be disproportionate the Framework refers to size, which, as well as volume, involves looking at increases in floorspace and external dimensions. Here, given the limited sideways projection at some 3.7m, the substantial set- back of the front elevation by some 2.7m and the lower ridge height of some 0.5m, I conclude that this proposal would not be a disproportionate extension to the original building and would not be inappropriate development in the Green Belt.
8. Unless there is a specific requirement to consider the actual effect on openness, the impact on openness is implicitly taken into account in the exceptions contained within Framework paragraph 89. The exception contained within the third bullet point of Framework paragraph 89 does not say that an assessment of the effect of a proposal on openness is a determinative factor in assessing whether a scheme would fall to be considered as inappropriate development. Accordingly, here there is no requirement to assess the impact of the extension on the openness of the Green Belt. Similarly, given my conclusion that the proposed extension would not

² Oldham Local Development Framework, Development Plan Document – Joint Core Strategy & Development Management Policies – November 2011.

constitute inappropriate development, it is unnecessary for me to consider whether very special circumstances exist to justify the development.

Conclusion

9. The proposal would not be a disproportionate extension to the existing dwelling and as such would not be inappropriate development in the Green Belt. Accordingly, the proposal would not conflict with the objectives of the Framework or the development plan. For these reasons and having taken into account all other matters I conclude that the appeal should be allowed.

Conditions

10. In the interests of the appearance of the area and certainty, conditions relating to the use of matching materials and the specification of the relevant drawings have been imposed.

George Baird

Inspector

340922





Appeal Decision

Site visit made on 13 March 2018

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

an Inspector appointed by the Secretary of State

Decision date: 6 April 2018

Appeal Ref: APP/W4223/D/17/3191845

20 Ryecroft Close, Chadderton OL9 8AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Alan Ryan against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/340886/17, dated 5 October 2017, was refused by notice dated 30 November 2017.
 - The development proposed is front dormer.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. In addition to the front dormer, the application plans show side and rear dormer windows and a single storey rear extension, all of which have notes stating 'under permitted development'. The application and appeal form clearly indicate that the proposal for consideration is a front dormer only, and the Council's application report confirms similarly. I have dealt with this appeal on the same basis.

Main Issue

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

Reasons

4. Ryecroft Close is a small cul-de-sac located off Semple Way. The properties located on Ryecroft Close are modest semi-detached bungalows of brick construction with tiled hipped roofs that are set behind front gardens enclosed by low boundary walls. Currently none of the properties on Ryecroft Close have any dormer windows on the front facing roof slopes, and this makes for a distinctive and unifying feature of the street scene.
5. Although the front dormer would be set within the roof slope, it would by virtue of its size, design and location on the front facing roof slope, result in an incongruous addition out of keeping with surrounding properties. It would dominate the roof, would fundamentally alter its shape and would unbalance its form. The resulting significant adverse effect on the character and appearance of the host property would be readily visible in the street scene.

6. My attention has been drawn to other dormers in the area, in particular to properties located on Teasdale Close and photographs have been provided in support. Whilst noting the presence of other extensions, relatively little detail has been provided regarding the particular planning backgrounds to those schemes. Without such information a full and detailed comparison between those developments and the case before me cannot be drawn except insofar as I was able to observe and assess the sites at my visit, and I find on that basis that the other developments cited have little implication for the specific impact of the appeal scheme. I have considered this appeal proposal on its own particular merits and concluded that it would cause harm for the reasons set out above.
7. Reference has been made by the appellant to a 'Residential Design SPD guidelines for front dormers'. Both parties have been afforded the opportunity to comment and the only response received was from the Council on 15 March 2018 wherein it was confirmed that the extract does not appear to have come from a Council document. Under these circumstances and in the absence of any substantive information to the contrary, I do not consider the extract to be directly relevant in the context of this appeal.
8. For all of these reasons, I therefore conclude that the proposed front dormer would unacceptably harm the character and appearance of the area. This would be contrary to Policy 9 and 20 of the Oldham Local Development Framework Joint Development Plan Document-Joint Core Strategy and Development Management Policies. These policies seek, amongst other things, to protect and improve local environmental quality and the amenity of an area, through high quality design that reflects the character of the area in which the development is taking place, and reinforcing local identity. As a result, the proposal would also be contrary to a core planning principle of the National Planning Policy Framework, which in relation to new development seeks to secure high quality design.

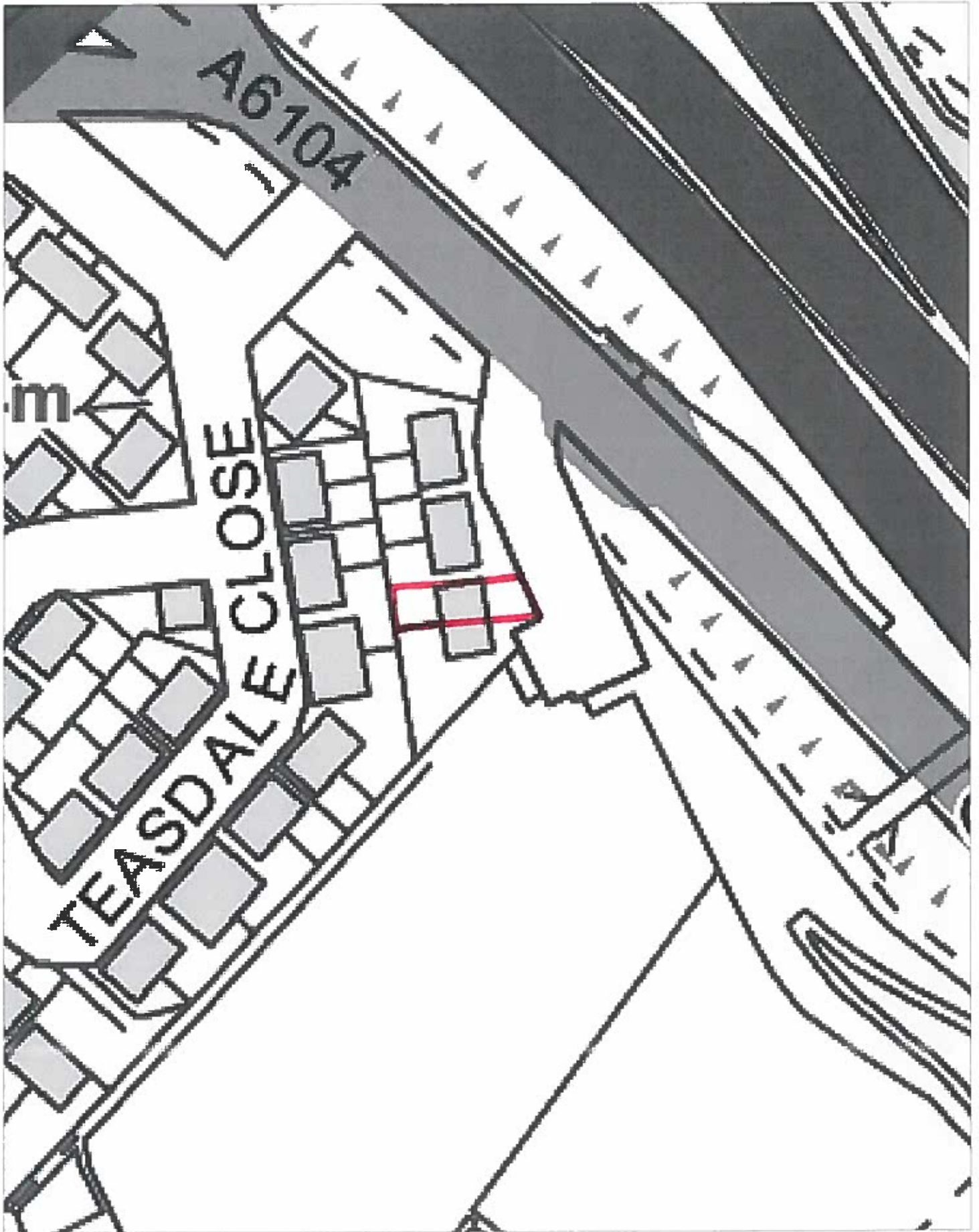
Conclusion

9. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Wayne Johnson

INSPECTOR

340886



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