

PLANNING COMMITTEE
Regulatory Committee
Agenda

Date Wednesday 18 July 2018

Time 6.00 pm

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

- Notes
1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Lori Hughes in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Lori Hughes Tel. 0161 770 5151 or email lori.hughes@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 July 2018.
 4. FILMING - The Council, members of the public and the press may record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

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

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

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

Item No

1 Apologies For Absence

- 2 Urgent Business

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

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

 To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 4)

 The Minutes of the meeting of the Planning Committee held on 6th June 2018 are attached for Members' approval.
- 6 PA/339626/17 - Woodfield Centre, Netherfield Close, Oldham OL8 4ET (Pages 5 - 14)

 Erection of one detached two storey dwelling on plot 4
- 7 PA/340660/17 - Robin Hill Bangladeshi Youth Club, Trafalgar Street, Oldham, OL1 2HY (Pages 15 - 24)

 The demolition of existing youth centre and the erection of a 3 storey apartment block containing 14 no. two bedroom flats with the provision of undercroft parking for 13no parking bays.
- 8 PA/341119/17 - 87-89 Yorkshire Street, Oldham, OL1 3ST (Pages 25 - 34)

 Change of use of first and second floor from a night club (Sui Generis) and pub (A4 Drinking establishments) to 11 no. apartments (C3 Use Class) and self-storage units (B8 Storage or distribution)
- 9 PA/341339/18 - Former Counthill School, Counthill Road, Oldham (Pages 35 - 52)

 Erection of 56no. dwellings with associated car parking, open space and landscaping.
- 10 PA/341496/18 - 16 Pole Lane, Failsworth, Manchester, M35 9PB (Pages 53 - 60)

 Change of use from C3 dwelling to 7 no. bedroom HMO with infill extension on the rear ground floor.
- 11 HH/341537/18 - 25 Lovers Lane, Grasscroft, OL4 4DT (Pages 61 - 66)

 1) Erection of a single storey rear extension 2) Erection of a rear dormer 3) Erection of a detached garage.



- 12 PA/341540/18 - Former Byron Street Infant and Nursery School, Byron Street, and former police station, Radcliffe Street, Royton (Pages 67 - 80)
Proposed residential development for 28 units and associated parking.
- 13 PA/341619/18 - Land adjacent 83 Coppice Street, Oldham, OL8 1TP (Pages 81 - 88)
Erection of 3 no. dwellings.
- 14 PA/341827/18 - Land at Buckstones Road, Oldham, OL2 8LJ (Pages 89 - 100)
Erection of a single detached dwelling to replace a former commercial storage building alongside an associated outbuilding, garden and parking area.
- 15 Appeals (Pages 101 - 114)
Appeals

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PLANNING COMMITTEE
06/06/2018 at 6.00 pm

Present: Councillor S Bashforth (Chair)
Councillors Akhtar, G. Alexander, Ali, Brownridge, H. Gloster,
Haque, Harkness, Hewitt, Hudson and Qumer

Also in Attendance:

Richard Byrne	Planning Officer
Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Transport Officer
Graham Dickman	Planning Officer
Kaidy McCann	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Ball and Councillor Davis.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Planning Committee held on 18th April 2018 be approved as a correct record.

6 **PA/340670/17 - GORDON STREET, CHADDERTON, OLDHAM**

APPLICATION NUMBER: PA/340670/17

APPLICANT: Cascade Electrolite Ltd

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

LOCATION: Gordon Street, Chadderton, Oldham

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

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

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



Oldham
Council

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**PA/341119/17 - 87-89 YORKSHIRE STREET, OLDHAM,
OL1 3ST**

APPLICATION NUMBER: PA/341119/17

APPLICANT: Samrum investments Ltd

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

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

It was MOVED by Councillor Qumer and SECONDED by Councillor Hudson that the application be DEFERRED.

On being put to the vote 9 VOTES were cast IN FAVOUR OF DEFERRAL and 2 VOTES were cast AGAINST with 0 ABSTENTIONS.

DECISION: That the application be DEFERRED.

NOTES:

1. That 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.

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**PA/341172/17 - YEW TREE COMMUNITY SCHOOL,
ALCESTER STREET, CHADDERTON, OL9 8LD**

APPLICATION NUMBER: PA/341172/17

APPLICANT: Yew Tree School

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

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

It was MOVED by Councillor Brownridge and SECONDED by Councillor Harkness that the application be DEFERRED.

On being put to the vote, Members voted unanimously IN FVOUR OF DEFERRAL.

DECISION: That the application be DEFERRED.

NOTES:

1. That an Objector and the Applicant and Ward Councillor 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.

9 **PA/341270/18 - LAND OF ROYLEY, ROYTON, OLDHAM, OL2 5DY**

APPLICATION NUMBER: PA/341270/18

APPLICANT: J Walker Homes Ltd

PROPOSAL: Erection of 12 no. dwellinghouses and 8 no. apartments

LOCATION: Land of Royley, Royton, Oldham, OL2 5DY

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

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

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

10 **PA/341486/18 - 73 MARKET STREET, SHAW, OL2 8NP**

APPLICATION NUMBER: PA/341486/18

APPLICANT: Mr Pilkington

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

LOCATION: 73 Market Street, Shaw, OL2 8NP

It was MOVED by Councillor Qumer and SECONDED by Councillor Hudson 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 0 ABSTENTIONS.

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

NOTES:

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

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AD/341557/18 - LAND AT JUNCTION OF WILDMOOR AVENUE AND LEES NEW ROAD, OLDHAM, OL4 5PJ

APPLICATION NUMBER: AD/341557/18

APPLICANT: FCHO

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

LOCATION: Land at junction of Wildmoor Avenue and Lees New Road, Oldham, OL4 5PJ

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

On being put to the vote 9 **VOTES** were cast **IN FAVOUR OF REFUSAL** and 2 **VOTES** were cast **AGAINST** with 0 **ABSTENTIONS**.

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

The proposed advertisement, by virtue of its scale, design, and siting on a prominent, open, landscaped area represents an intrusive feature which is detrimental to the amenity of the area and contrary to the objectives of Policies 9 and 20 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document.

NOTES:

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

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APPEALS

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

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LATE LIST

RESOLVED that the information related to the submitted planning applications as at 6th June 2018, as contained in the Late List, be noted.

The meeting started at 6.00 pm and ended at 8.02 pm

APPLICATION REPORT - PA/339626/17

Planning Committee, 18 July, 2018

Registration Date: 31/01/2017
Ward: Werneth

Application Reference: PA/339626/17
Type of Application: Full Planning Permission

Proposal: Erection of one detached two storey dwelling on plot 4
Location: Woodfield Centre, Netherfield Close, OLDHAM OL8 4ET
Case Officer: Matthew Taylor

Applicant Mr Subhan
Agent : Mr Amjad

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. four bedroom detached dwelling with associated parking and gardens.

The proposed dwelling measures 10.8 metres in width by 11.7 metres in length, projecting 6 metres in height to the eaves and 9 metres to the roof ridge. The property is designed with a central entrance porch and first floor balcony with an enclosing one metre high balustrade. The front of the dwelling has been designed with a ground floor front canopy either side of the central porch. The dwelling is proposed to be constructed with facing brick, grey concrete interlocking tiles and a pitched roof.

RELEVANT HISTORY OF THE SITE:

PA/341212/18 - Proposed detached dwelling (Plot No. 8) – 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 contaminated land/landfill gas conditions and informative notes.

Traffic Section

Recommend a condition and informative note.

REPRESENTATIONS

This application was publicised by way of a site notice and neighbour notification letters. One objection has been received on the grounds of the lack of information and proximity to the common boundary.

PLANNING CONSIDERATIONS

Principle of development

It is noted that the principle of a housing development on the former 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.

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.

Residential Amenity

Policy 9 states it is necessary to consider 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 and the existing neighbouring property to the rear, No's. 11 and 15 Anselms Court. The most likely effected plots include Plot No's. 3, 5, 10 and 11.

Impact on the Plot No's. 3 and 5:

The proposed dwelling includes both ground and first floor side elevation windows that could have an outlook towards these adjoining plots. 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 proposed side elevation windows be installed with obscure glazing.

Impact on Plot No's. 10 and 11:

It is noted that an approximately 12 metre separation distance would exist between the proposed front elevation of the proposed dwelling and the front garden boundary of Plot No's. 10 and 11 opposite. Although the proposal involves a front balcony, it is considered that the proposed dwelling would not result in significant overlooking over front garden areas or habitable room windows of these future adjacent properties.

Impact on No's. 14 and 15 Anselms Court:

From the submitted site layout plan it is clear that these neighbouring dwellings are orientated at an oblique angle to the proposed dwelling, and a separation distance of approximately 17 metres would exist between the rear elevation of these neighbouring

properties and the proposed property's rear elevation windows. Whilst the single storey rear extension will project approximately 3.5 metres closer to the common boundary with this neighbouring property, it is considered that this will not have a detrimental impact on the occupiers existing residential amenity given that it is only single storey in height and has no rear facing windows.

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 provide 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.

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 agreement 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 required on execution of the agreement.

In response to this the applicant has now confirmed agreement to this requirement. Subject to completion of the legal agreement and payment of the required contribution, the proposal complies with DPD Policy 23.

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.

Land contamination

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.

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 DPD Policies 1, 3, 5, 9, 11, 20 and 23 and consequently is recommended that permission be granted subject to conditions.

RECOMMENDATION

1. That Committee resolves to approve the application subject to the following conditions and to the completion of a legal agreement to secure 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.

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: FS-PP-01, received on 31/01/2017.

Drawing No: FS-PP-02, received on 31/01/2017.

Drawing No: FS-PP-03, received on 31/01/2017.

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 in the interests of the visual amenity of the area.

4. The dwelling hereby approved shall not be brought into use unless and until the access road and car parking spaces for the dwelling have 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 commence unless and until a site investigation and assessment in relation to the landfill gas risk 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, because the site is located within 250m of a former landfill site.

7. 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any Order amending or replacing that Order with or without modification), 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.

9. The proposed windows 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.

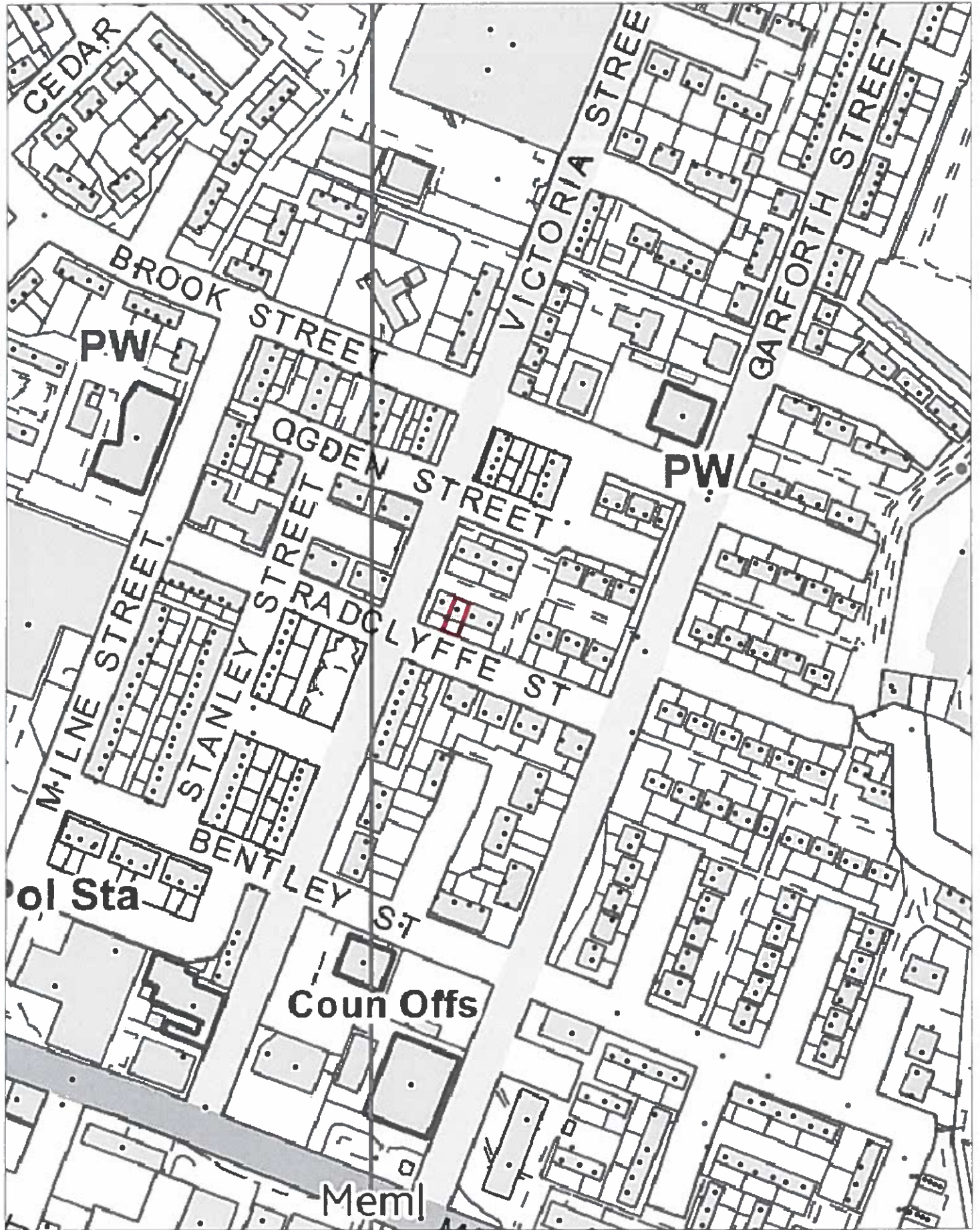
Reason - To protect the amenities of occupiers of nearby properties.

..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**



APPLICATION REPORT - PA/340660/17

Planning Committee, 18 July, 2018

Registration Date: 09/11/2017
Ward: Coldhurst

Application Reference: PA/340660/17
Type of Application: Full Planning Permission

Proposal: The demolition of existing youth centre and the erection of a 3 storey apartment block containing 14 no. two bedroom flats with the provision of undercroft parking for 13no parking bays.
Location: Robin Hill Bangladeshi Youth Club, Trafalgar Street, Oldham, OL1 2HY
Case Officer: Luke Ashley
Applicant Agent : JSSJ Developments Ltd
NADA ARCHITECTS

THE SITE

The site is an irregular shaped parcel of land set off Trafalgar Street. The land is occupied by an existing building, Robin Hill Youth Club, with amenity space surrounding this building.

Residential apartments surround the application site, with Trafalgar Street on the eastern and the southern boundaries, and Dunbar Street and Onslow Close on the northern and western boundaries respectively.

The land to the rear of the site leads down towards an apartment block on Onslow Close and the difference in land levels between the existing youth club and the apartments to the rear is considerable with the ground floor of the youth club being set level with the first floor of the apartment block. Open grassed areas surround the site and form the frontage of the apartments to the rear.

THE PROPOSAL

The proposal relates to the demolition of the existing youth centre and the erection of 14 two bedroom flats. The building will be a three storey 'L' shaped block facing both Trafalgar Street and Onslow Close. Undercroft parking has been provided with 13 spaces contained within the site.

The final design has been amended during the course of the application process with the applicant altering the details of the building to provide more visual interest. This includes white render to the front and rear elevations alongside the provision of timber boarding adjacent to each rear facing window. Glass canopies have been provided above each front entrance and brick soldier courses delineate the floor levels.

Amenity space is provided to the side and rear with the garden area to the side of the plot remaining in its current state. A bin and cycle store is also provided to the side of the

building constructed from timber.

RELEVANT HISTORY OF THE SITE:

10/057810 - Erection of 2m/1.5m high security fencing - Approved 30.03.2010
029177/92 - Conversion of Community Centre - Approved 18.08.2008

RELEVANT PLANNING POLICIES AND GUIDANCE

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. This is reinforced by Paragraph 11 of the National Planning Policy Framework (NPPF) that 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 this document.

The following DPD Policies are considered relevant:

Policy 1 - Climate change and sustainable development
Policy 3 - An address of choice
Policy 9 - Local Environment
Policy 20 - Affordable Housing
Policy 11 - Housing
Policy 20 – Design
Policy 23 - Open Spaces

CONSULTATIONS

Traffic Section	No objection following submission of amended plans - A condition is recommended relating to parking to be provided prior to first occupation
Pollution Control	No objection subject to a condition regarding the provision of a bin store prior to first occupation
The Coal Authority	No comments received
LLFA and Drainage	No comments received
Greater Manchester Police	A Crime Impact Statement has been provided by the applicant incorporating a number of recommendations provided by GMP
Architectural Liaison Unit	

REPRESENTATIONS

Neighbours were consulted by letter and by site notice. As a result of this consultation, one objection was received on the grounds that the site should be left as a community building as there are not enough community resources in the area.

PLANNING CONSIDERATIONS

Principle of land use

A key objective of DPD Policies 1, 3, 5 & 11 is the effective and efficient use of land by promoting development on previously developed sites in accessible and sustainable

locations, ahead of greenfield sites. This echoes the advice in NPPF Paragraph 17 which states that the core planning principles include encouraging the effective use of land by reusing previously developed land. The site was previously occupied by a youth club, and it is therefore considered to fall within the definition of 'previously developed land' set out in the NPPF.

In addition, the Council seeks to make the borough an 'address of choice' and a range of attractive accommodation must be provided to suit all housing requirements by providing high quality, choice and diversity in new residential developments. DPD Policy 3 requires that major residential development should have access to at least three key services. As a guide, 'access' is currently defined as being within approximately 480 metres or approximately ten minutes walk time to a key service.

DPD Policy 3 goes on to state that the use of previously developed land and vacant or underused buildings is the council's first preference for residential development and the availability of such land, both in the locality and boroughwide, as assessed by the council's monitoring arrangements, will be the first consideration when regarding applications on 'greenfield' sites.

With regard to transportation matters, Policy 5 'Promoting Accessibility and Sustainable Transport Choices' states that development should be focused in the most accessible locations and that use of public transport, walking and cycling should be encouraged.

The application site is located in an established residential area. Given the sustainable location of the site; its close proximity to a range of key services (notably Oldham Care Unit, Oldham College, Tesco, Oldham town centre and public transport routes, the scheme is acceptable in land use and sustainable development terms as it has significant economic, environmental and social benefits.

The site provides an excellent opportunity to help re-balance Oldham's housing market and deliver a range of larger apartments in accordance with the Council's Residential Development Strategy and the DPD. Such accommodation would deliver a moderate windfall to the overall supply of housing within the wider borough and the principle of development is considered acceptable in this particular instance.

Affordable Housing & Public Open Space

DPD Policy 10 (Affordable Housing) states that all residential development of 15 dwellings and above, in line with national guidance, will be required to provide an appropriate level of affordable housing provision. The proposal, as originally submitted, exceeded this threshold however during the application process the number of units has since been reduced to 13. DPD Policy 10 no longer applies in this instance.

DPD Policy 23 (Open Spaces and Sports) 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. In regard to this requirement, the applicant has since submitted a viability report which seeks to outline the applicant's position in regard to the level of contribution.

The viability assessment outlines a figure of £46,224 for POS contributions. The council's own assessment of the public open space (POS) contribution is higher than that quoted within the applicants' viability report with a figure shown as £61,220.04.

The conclusion of the Viability Assessment provided by the applicant is that to successfully

bring this site to market, the costs of the development do not allow for any sums to be provided in lieu of public open space. The value of apartments in this locality is very low and there is a limited market for owner occupation with the investment market driving local housing prices. In this context the applicant asserts that the development cannot sustain any contributions toward public open space.

The Viability Assessment has been subject to testing having regard to established guidance and it is concluded that given the low sales values within the local area, any payments for public open space would in this instance render the development unviable. In line with this response, no payment will be required towards public open space.

Design

DPD Policy 9a sets out seven criteria intended to protect and improve local environmental quality and amenity. Criterion (iv) requires that developments do not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape.

In addition, Policy 20 states that the Council will promote high quality design in developments in order that they reflect the character and distinctiveness of the area in accordance with 10 design principles. Criteria (a) – Local Character and (j) – Well Designed Buildings are of particular relevance in this case.

The application has been amended since it was originally submitted, the result being a much smaller and better designed apartment block which is now under consideration. The original proposal has since been reduced to 14 apartments with a reduction in height of part of the building facing onto Dunbar Street.

Additional detailing has also been provided to all of the elevations of the building with the inclusion of render and timber boarding, providing visual interest to what were otherwise blank brick gabled elevations. The roofing arrangement along the front elevation has also been broken up via the inclusion of 2 projecting hipped roofs above the main stairwells within the building and on balance these additional design details lift the quality of the design.

A mix of materials are proposed throughout, which provides an effective break up off the bulk of this building. It is considered that the design will improve the wider built character and no objection is raised in this regard.

Taken within the context of the wider built environment, which is dominated by apartment blocks of varying scale within the immediate vicinity and more traditional terraced units to the north of the site, this proposal would act to enhance the built character whilst respecting the existing environment.

Car parking has been included within an undercroft arrangement leaving more amenity space for residents, and views into the site will remain open rather than dominated by parking bays. Building lines are respected in regards to the blocks of neighbouring units and the relationship between the private realm and the public highway will be respected by appropriate boundary treatment. The building will be set back from the main highway with planting and fencing bordering the site, as opposed to the building sitting directly on top of the street scene, and its appearance within the street scene would not be viewed as either oppressive or out of character.

It is considered that the design will improve the wider built character and therefore the proposals will accord with the objectives of DPD Policies 9 and 20.

Neighbouring Amenity

The proposed apartment block is set within an area surrounded by residential units, with private windows facing out towards most neighbouring buildings. Privacy, light and all aspects of residential amenity need to be assessed as part of the application. The layout of this building will mean that the existing buildings along the rear of the application site on Onslow Close are orientated in such a manner that no windows face the application site with a blank gable facing the proposal.

In this instance there are no amenity concerns raised in regard to these neighbours within Onslow Close. The interface distance from the rear windows of the apartment block and the gable elevation of those dwellings set along Onslow Close exceeds 12m and this is considered appropriate.

The windows set within the front elevation of the proposed apartments and those windows set within the front elevation of the apartments across the road from the site also exceed 20m and once more this distance will ensure that privacy levels and light levels are maintained once built.

The main area of concern relates to those windows serving the front elevation of the apartments numbered 37 and 49 Trafalgar Street. The separation distance between the proposed apartment block and the existing apartments to the rear is 6.5m. Although not directly facing one another, residents within the existing buildings will catch sight of the apartment, albeit at an oblique angle, and in this regard there is the potential for some impact upon both privacy and outlook. However, the internal layout submitted for approval provides a bathroom located to the rear with obscure glazing within each window opening. This layout and subsequent window arrangement removes the privacy issue as outlined above as views into Nos.37 and 49 would not be available due to the obscure glazing.

In regard to the amenity of future occupants of the site, the drawings submitted provide details of amenity space provided to the rear of the site and along the side of the apartment block running along Trafalgar Street. This amount of provision ensures that the development will not only allow for an appropriate amount of garden space for the occupants of the flats, but will also ensure that the open nature of this location is maintained to an appropriate level. The resultant build would not be viewed as overdeveloped and the visual amenities of the surrounding area shall be maintained.

Amenity for Future Occupants

The sizes of the rooms have been considered in relation to the Government's Technical Housing Standards. Although it is recognised that the national standards cannot be applied on a mandatory basis, a core planning principle of the National Planning Policy Framework and the Joint Core Strategy is to ensure a good standard of living conditions for all existing and future occupants. The Technical Standards nevertheless provide a valuable guide in this assessment.

The majority of the flats contained within the building measure approximately 64 / 65 sqm, with the largest flats measuring 87 sqm. The Technical Housing Standards require that 2 bedroom apartments providing accommodation for a maximum of 3 people provide a floor area of 61 sqm. As the details submitted clearly illustrate that these thresholds have been exceeded, it is therefore considered that the provision of living space contained within each unit is sufficient enough to ensure that amenity would not be unduly harmed. Moreover, the floor areas provided coupled with the well articulated floor plans and multi aspect window alignment will ensure that satisfactory daylight, room spacing and ventilation will be provided

to the residents occupying the building. A reasonable level of amenity is therefore provided to the future occupants of the building and the proposal accords with the aims and guidance contained within both the NPPF and DPD Policy 9 .

Access and Parking

Following discussions with the applicant, the scheme has been amended to include undercroft parking and all spaces which were shown as providing egress onto the main highway from the surrounding amenity land have been removed. This has addressed the initial concerns that the Highways Engineer about the level of parking provision and the location of the parking spaces. Access to thirteen parking spaces will now be gained from one access off Onslow Close. The Highways Engineer is now satisfied that the proposed development will not generate a significant amount of traffic and that the parking provision proposed will serve the needs of future residents without leading to parking congestion and unsafe highways conditions.

Conclusion

The principle of development is acceptable in that the site is located within a sustainable location and provides much need residential units into the local market. The site is well served by public transport and local goods and services are easily accessed by foot and by car. It is also considered that the design of the building is appropriate for this location, and indeed introduces a built form which would improve the characteristics of this particular part of Oldham. The internal room sizes provide adequate space for future residents and the design and siting of the building would not directly lead to harm caused to neighbouring residents.

Off street parking has been provided via the inclusion of undercroft parking measures and the access into this parking area would not compromise highway safety. In all regards used for the assessment of this proposal, it is considered that the proposal represents an appropriate use for this site and a recommendation for an approval is warranted.

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. Except in respect of the waste bin and cycle store, the development hereby approved shall be fully implemented in accordance with the approved plans and specifications, received on the 28th and 29th of March 2018, which are referenced as follows ;

(04)001 PL5, (04)002 PL4, (04)003 PL4, (05)001 PL5, (06)001 PL5, (01)004 PL4, (04)004 PL1, (07)002 PL2

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, including all external doors, windows and rainwater goods, 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 proposed windows shown on the approved plans set on the rear elevation of the building, serving the bathrooms for flats 5, 10 and 14 shall be constructed with and permanently glazed in obscure glass, to a minimum of Pilkington Level 3. No further windows or other openings shall be formed in that elevation without the prior written approval of the Local Planning Authority.

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

5. No dwelling shall be occupied unless and until the parking spaces have been provided in accordance with the approved plan received on 26th March 2018 (Ref: Dwg No.04 004 PL1). The parking and/or garage 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.

6. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's 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, because the site is located within 250m of a former landfill site

7. 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.

8. No development shall take place unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft

landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

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

9. Prior to the commencement of development on site, a scheme for foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the dwellings hereby approved and retained as such thereafter.

Reason - To ensure that the site is properly drained.

10. Notwithstanding the details indicated on the approved plans, prior to the commencement of any development, details of the provision of a suitable well screened waste bin and cycle storage facility shall be submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full before any of the residential units hereby approved are first occupied and shall be retained thereafter.

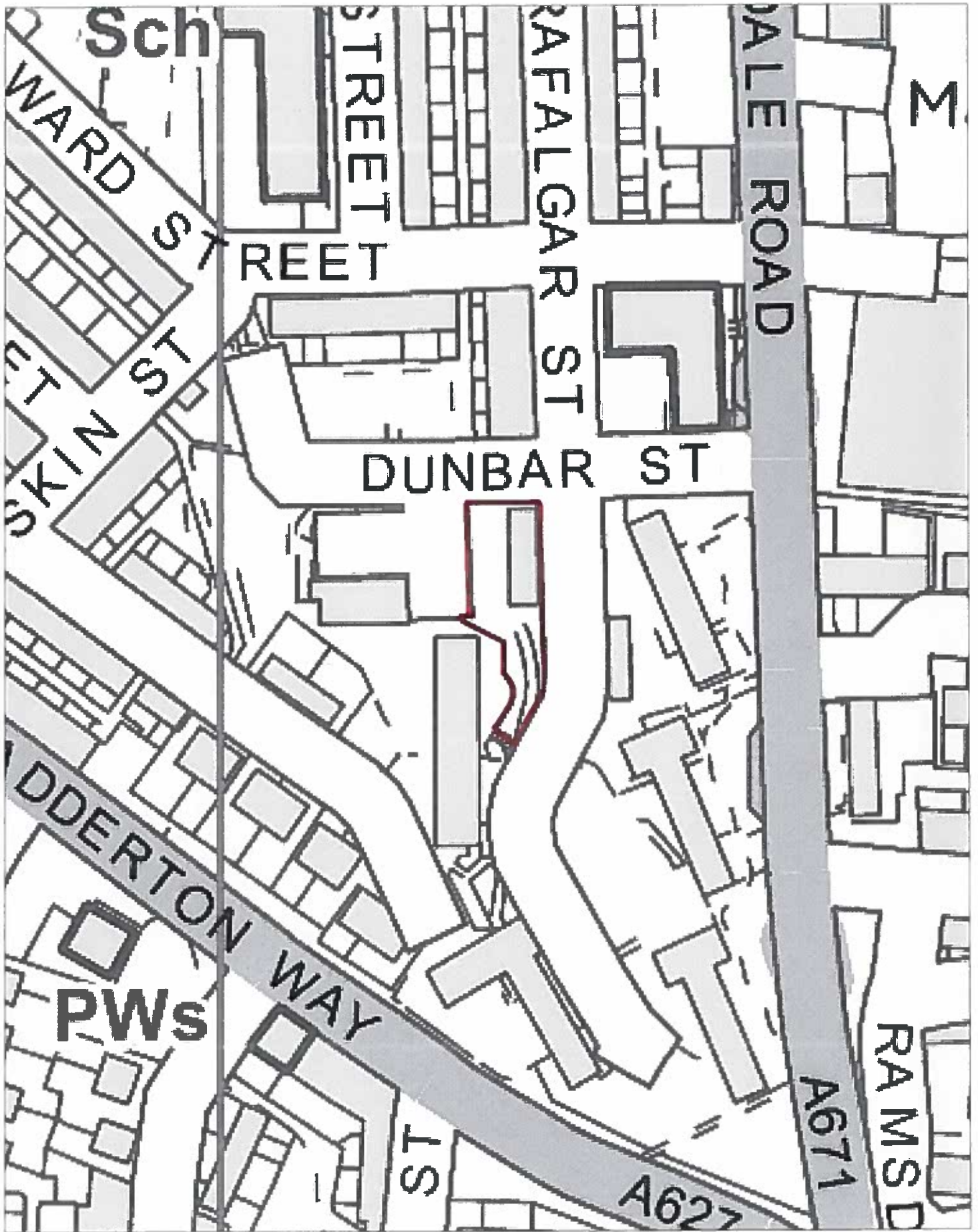
Reason - In the interests of the amenity of the area and to promote sustainable transport options for future residents.

..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**



APPLICATION REPORT - PA/341119/17

Planning Committee, 18 July, 2018

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

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

Proposal: Change of use of first and second floor from a night club (Sui Generis) and pub (A4 Drinking establishments) to 11 no. apartments (C3 Use Class) and self-storage units (B8 Storage or distribution)

Location: 87-89 Yorkshire Street, Oldham, OL1 3ST
Case Officer: Graham Dickman

Applicant Agent : Samrum investments Ltd
Debtal Architecture Ltd

A decision on this application was deferred at the last Planning Committee meeting to allow the applicant to address concerns in the refusal recommendation in relation to room sizes and noise attenuation measures. Amendments have now been incorporated and additional information submitted, which is described below.

THE SITE

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

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

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

THE PROPOSAL

It is proposed to retain the existing A4 drinking establishment use on the ground floor of the frontage building with an existing doorway on the right-hand side of the frontage segregated internally to provide a stairway access to the first and second floors.

On the first floor it is proposed to install two self-contained flats, one at the front and one at the rear of the building (replacing the three proposed on the previous scheme). On the second floor it is proposed to install three self-contained flats, two at the front of the building and one at the rear.

At present the ground floor rear elevation of this building is fully enclosed. In order to

provide light to the new rear flats it is proposed to remove the existing link and form a private 2 metre wide open area to be used by the occupants of the future first floor flat.

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

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

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

The layout of the units has been amended in order to ensure compliance with the 'Technical Housing Standards - Nationally Described Space Standards' produced by the Department for Housing, Communities and Local Government.

RELEVANT HISTORY OF THE SITE:

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

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

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

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

CONSULTATIONS

Environmental Health – Concerns have been expressed regarding the proposal on the grounds that the property is located within an area containing late-night entertainment venues which are known to generate significant levels of noise and disturbance, and this would not therefore ensure an acceptable standard of living for future residents. The applicant has submitted additional information to deal with these concerns. On this basis, the Environmental Health officer is now satisfied that suitable noise mitigation can be achieved, but would require details of the precise specification, and for testing to ensure the measures have been effectively installed.

Traffic Section – No objections

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

REPRESENTATIONS

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

An objection has been received from the Oldham Coliseum theatre on the grounds that, although the theatre is due to move to a new site, they will continue to operate from the existing premises until early 2020. The roller shutter on Bartlam Place is a point of access for scenery entering and leaving the building. This occurs approximately 30 times per year and takes place mostly on Saturday night from 11pm until 4am Sunday morning. At 9am on Sunday morning, the next show arrives and is unloaded from a trailer into the theatre. The

bedroom windows of flats 5, 6 and 11 overlook the loading area. The nature of our business is such that the busy periods are during anti-social hours.

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

PLANNING CONSIDERATIONS

Principle of development

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

In this case the 'development plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. (It contains the Core Strategies and Development Management policies used to assess and determine planning applications). The application site is allocated within the Town Centre boundary as indicated on the Proposals Map associated with the Joint Development Plan Document.

Therefore, the following policies are considered relevant:

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

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

Increased housing supply

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

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

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

Town centre impact

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

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

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

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

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

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

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

Impact on amenity

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

pollution, visual appearance, access to daylight and other nuisances.

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

Room sizes

Government published the "Technical housing standards – nationally described space standard" document in March 2015. Although the standards within the document are not mandatory in Oldham, they nevertheless provide a reasoned guide to the type and level of accommodation which would be deemed satisfactory. In view of the non-adopted status of the standards, it may be possible to allow some deficiency where the overall benefit of the development could be justified.

With regard to the previous proposal which was presented to Planning Committee, the submitted layout proposed the creation of 12 self-contained flats. No indication was provided of the occupancy levels of these units, although it was noted that double beds were illustrated on the submitted plans within each unit. None of those units would strictly comply with the minimum standards for two person accommodation, although they would meet the standards for single person accommodation.

The applicant subsequently stated that it was always intended that the units would be occupied by single persons, and the layout was amended to demonstrate the use of single beds. In this form the units would (with one exception) satisfy the minimum standards for a one person, one bedroom flat in accordance with the national space standards. However, the layout continued to illustrate that within a number of units, the bedroom accommodation would continue to meet the standard for a two person flat and therefore facilitate occupancy by two persons.

The latest revision, for which approval is now sought, seeks to overcome these concerns. The first floor of the frontage building now illustrates two, one-bedroom flats each showing accommodation for two persons, and satisfying the technical standards for such a level of accommodation.

The remaining flats illustrate single person accommodation, and some amendments have been made to internal layouts to create more usable space. The bedroom spaces and overall unit sizes now accord with the specifications envisaged in the Technical Standards.

In the report to the last Planning Committee it was stated that whilst the option of replacing the accommodation with single beds would be available, this would be difficult to control, and therefore in effect unenforceable under planning legislation. Such a control therefore would fail the necessary tests set out in paragraph 206 of the NPPF. This remains the view of Officers in light of advice from the Council's Solicitor.

Nevertheless, taking into consideration the amendments introduced to the scheme, and the improvements in the internal layout of some units, it is considered that a refusal of permission on these grounds would now be difficult to sustain, and therefore the balance has moved in favour of the proposal for providing residential accommodation and allowing regeneration of this site.

Noise mitigation

In respect of noise nuisance from both external sources and the ground floor bar (A4) use, an acoustic assessment was initially undertaken which would provide a form of passive sound insulation to the flats. The report recommended good quality glazing to deal with the

noise, but this glazing will only be effective if the windows are kept closed. To deal with this the report recommends installing passive acoustically treated vents. The Environmental Health officer commented that these would not provide enough ventilation to enable the windows to remain closed, especially in the summer as the area of ventilation is quite small.

Further details have been submitted and the Environmental Health officer is now satisfied that the installation of a passive stack ventilation system (through acoustically treated vents in bedroom walls) with electronically boosted extraction in kitchens and bathrooms, will provide a means to ventilate the flats without having to open the windows. However, there is some detail lacking, i.e. which particular vents from the specified supplier are going to be used, and this would need to be agreed before development can commence. This requirement would be covered by means of a planning condition.

With regard to sound insulation from the ground floor bar, no details were available at the time of the last meeting, however, a scheme has now been submitted. The proposals appear to be substantial, however, it is recommended that a condition is imposed that prior to occupation the applicant carries out a sound insulation test that demonstrates that the floor achieves the minimum insulation standards.

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

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

Traffic and parking

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

Design

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

Developer contributions

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

costs would be encountered in ensuring that a satisfactory scheme of acoustic mitigation was installed to secure a decent standard of residential amenity.

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

Conclusion

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

However, this must be weighed against the standard of amenity which would be afforded to future residents, both in terms of potential nuisance from noise and smells, and the quality of the accommodation provided in terms of the space available, outlook, and restrictions, for instance on opening windows, consequent to the acoustic mitigation measures. The revisions to the submission have sought to address those concerns, and taking into consideration the guidance in relation to space standards, and the additional information concerning noise attenuation, approval of the application is now considered appropriate subject to the recommended condition.

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 following approved plans and specifications:

DA17100.001 Rev 1 received 18 January 2018

DA17100.003 Rev 12 received 5 July 2018

DA17100.005 Rev 3 received 19 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. Prior to the commencement of any development, a detailed scheme of acoustic insulation and a ventilation scheme for the flats shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation of any dwelling units hereby approved and retained thereafter.

Reason - To secure a satisfactory standard of amenity for future occupiers of the residential accommodation.

4. Any works to facilitate the creation of the first floor flats above the ground floor drinking establishment shall incorporate a scheme of acoustic insulation between the intervening floor/ceiling. A sound insulation test shall be undertaken to demonstrate that the floor achieves the following minimum insulation standards: 1. Impact L'nT,w 55dB, 2. Airborne DnT,w 55dB, 3. Airborne DnT,w + Ctr 49dB. Neither flat shall be

occupied until the results of the test have been submitted to and approved in writing by the Local Planning Authority. The sound control measures shall be retained thereafter.

Reason - To secure a satisfactory standard of amenity for future occupiers of the residential accommodation.

5. Flat 2 shall not be first occupied until (1) the outdoor amenity space and associated boundary treatment and (2) the boundary screen to the courtyard, as indicated on the approved plans, have been fully implemented, and shall be retained thereafter.

Reason - To ensure a satisfactory standard of privacy and amenity.

6. Flat 9 shall not be first occupied until the boundary screen to the courtyard, as indicated on the approved plans, has been fully implemented, and shall be retained thereafter.

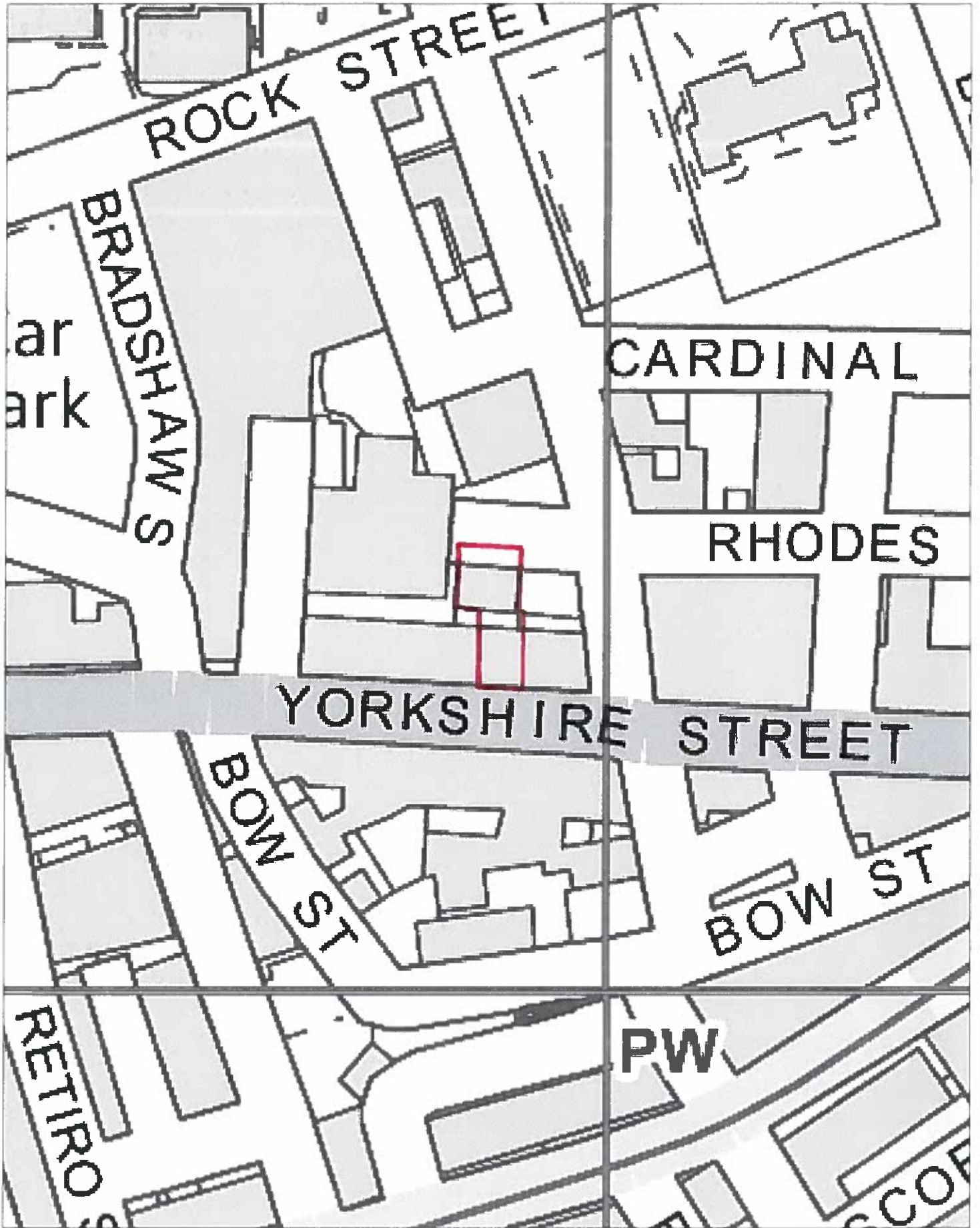
Reason - To ensure a satisfactory standard of privacy and amenity.

..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**



APPLICATION REPORT - PA/341339/18

Planning Committee, 18 July, 2018

Registration Date: 19/02/2018
Ward: Waterhead

Application Reference: PA/341339/18
Type of Application: Full Planning Permission

Proposal: Erection of 56no. dwellings with associated car parking, open space and landscaping.

Location: Former Counthill School, Counthill Road, Oldham.

Case Officer: Luke Ashley

Applicant Redrow Homes Ltd
Agent : Hourigan Connolly

THE SITE

The site comprises the former Counthill School that was demolished in 2013 when it was identified as surplus to needs as a result of the Building Schools for the Future Programme. The site is situated between Counthill Road, which forms the site's southern boundary, and the A672 Ripponden Road to the north-west. Residential development, consisting of typical, two storey suburban housing bounds the site to the north, east, and west, and beyond Counthill Road to the south lies the Waterhead Sports Academy and associated playing fields.

The site is a roughly rectangular area of land on a site that gently slopes down from the south to the north with approximately a 1.5m fall from the southern boundary on Counthill Road to the northern boundary adjacent to the rear gardens on Buttercup Drive. The main site area comprises cleared ground with self-seeded grass and shrubs covering the site and is relatively flat.

To the north-west corner the site drops steeply by approximately 23 metres towards Ripponden Road (A672) where there is a defunct ski slope with established wooded areas to either side.

The former school included associated playing fields however they were not contained within the confines of this application site.

THE PROPOSAL

The application relates to the erection of 56 dwellings, including a mix of 3 and 4 bed houses, with associated car parking for each plot contained either within on-site parking spaces or single storey garages. A new access road will be formed into the site off Counthill Road. Pedestrian access will be possible to the site via the new access road and a pedestrian access route from the A672 Ripponden Road.

The proposed layout contains dwellings that are two storeys in height and have been designed illustrating a contemporary approach to traditional suburban dwelling types.

Features specifically include the use of brickwork and render, hipped roofs, overhanging eaves, decorative brickwork and open frontages. It is proposed that 11 of the 56 residential dwellings will take direct access from Counthill Road via private drives. The remaining 45 dwellings will take access from the existing simple priority junction off Counthill Road. There are 13 house types provided within the estate.

The layout takes the form of a Y shaped configuration with the main access road leading into the estate splitting to the east and west of the site. Dwellings are arranged along both of these routes facing the main highway. Interspersed between this arrangement are 5 groupings of dwellings which are set around a courtyard type arrangement.

Open space and landscaping provision is provided to the north-west of the site, with the extensive green spaces to the north of the site linked into the proposed landscape framework and there is a proposed footpath providing access between the A672 and Counthill Road. This area, which includes the former dry ski slope, will be provided as an area of public open space, alongside children's play areas, to be maintained by a private management company, details of which are to be agreed via an accompanying Section 106 agreement. An attenuation pond will be provided, surrounded by a gravel path which will route pedestrians along its circumference. The adjacent area will be left in a semi natural condition.

The application has been subject to a Screening Opinion which has determined that an Environmental Impact Assessment is not required in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

RELEVANT HISTORY OF THE SITE:

PA/341362/18 - Change of use of tennis court to car park at Land adjacent to Waterhead Sports Centre. Approved 30/04/2018

DM/333637/13 - Demolition of former school buildings of Waterhead Academy Moorside Campus (formerly Counthill School) – Prior approval granted – 28/03/2013

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 not allocated within 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 3 - An address of choice

Policy 5 - Promoting Accessibility and Sustainable Transport Choices

Policy 9 - Local Environment

Policy 10 - Affordable Housing

Policy 11 - Housing

Policy 19 - Water and Flooding

Policy 20 – Design

Policy 23 - Open Spaces and Sports

CONSULTATIONS

Highway Engineer	No objections subject to conditions relating to the provision of parking prior to occupation and the provision of a 2m wide footway along Counthill Road.
Environmental Health	No objection subject to a condition relating to the submission of a validation report in regard to contamination.
Greater Manchester Police Architectural Liaison Unit	Specific comments in relation to the design of the development have been submitted.
The Ramblers Association	No objections
Drainage	No objections.
Sport England	Confirm that the site does not involve the loss of a playing field.
United Utilities	No objection subject to conditions in relation to the management and maintenance of sustainable drainage systems, foul and surface water being drained on separate systems, and the submission of a surface water drainage scheme.
Transport for Greater Manchester	No objection subject to a condition relating to the submission of an interim Travel Plan.
Greater Manchester Ecology Unit	No objection

REPRESENTATIONS

The application has been advertised by means of individual notification letters and a site notice. Three objections have been received, details of which are summarised below:

- Gardens are proposed to adjoin the boundary of existing properties which will not only impact on existing views but will overlook and intrude on the privacy of existing residents;
- There is no consideration to the retention of existing vegetation or orientation of the proposed properties to provide a landscape buffer which will assist in screening views;
- There are concerns over the proposed properties where driveways front onto the existing road given the problems that are already experienced along this stretch of road, especially during busy periods;
- If this proposal goes ahead in addition to those that are now planned further along Haven Lane, serious highways measures are required to assist with traffic management;
- Given local experience of both Haven Lane and Counthill Road, the traffic flow numbers included within the submitted Transport Statement will cause significant highway implications;
- The Extended Phase 1 Habitat Survey is insufficient to assess the impact of the development on habitats and species present, especially on the European Protected Species of bats;
- It should also be noted that evening calls of Barn Owl have also been noted and the impact on Barn Owl has not been considered in the assessment;
- Suggest extra money is spent to build a bridge over the culvert onto Ripponden Road as that is by far the safest option;

- There is a private interest in the retention of the section of the metal fence at the top of the ski slope backing up to the rear gardens of 34 and 36 Saffron Drive;
- No EIA has been submitted as part of this proposal.

PLANNING CONSIDERATIONS

The main issues for consideration comprise:

Principle of land use;
 Design and layout;
 Neighbouring amenity;
 Ground conditions and Drainage and flood risk;
 Trees and ecology;
 Highways;
 Affordable Housing;
 Provision of Open Space;
 Energy.

Principle of land use

A key objective of DPD Policies 1, 3, 5 & 11 is the effective and efficient use of land by promoting development on previously developed sites in accessible and sustainable locations, above greenfield sites. This echoes the advice in the NPPF at Paragraph 17 which states that the core planning principles include encouraging the effective use of land by reusing previously developed land. The site was previously occupied by a school. It is therefore considered to fall within the definition of 'previously developed land' set out in the NPPF.

That part of the site which had been used as a dry ski slope, with its associated designation as public open space, is to be retained free of development.

In addition, the Council seeks to make the borough an 'address of choice' by providing a range of attractive accommodation to suit all housing requirements. Criterion ii) of DPD Policy 3 also states that proposals shall contribute to the delivery of the borough's regeneration priorities, and in this regard the proposal directly results in bringing forward an identified Regeneration Development Opportunity site and has been marketed as such by the Council's regeneration team.

The Annual Monitoring Report (AMR) for 2016/17 identifies the application site within the 5 year supply of suitable, deliverable, and achievable sites with an indicative capacity and density of 60 units and 18 dwellings per hectare.

In addition, DPD Policy 3 requires major residential development should have access to at least three key services. As a guide, 'access' is currently defined as being within approximately 480 metres or approximately ten minutes' walk time to a key service. With regard to accessibility, DPD Policy 5 'Promoting Accessibility and Sustainable Transport Choices' states that development should be focused in the most accessible locations and that use of public transport, walking and cycling should be encouraged.

Given the sustainable location of the site; its close proximity to a range of key services (notability Moorside Medical Centre, Hodge Clough Primary and Infant schools and Greenacres Business Employment Area and public transport routes, the proposal is acceptable in land use and sustainable development terms as the scheme has significant

economic, environmental and social benefits.

It is therefore considered that the principle of residential development on this site is justified. Furthermore, the application provides much needed housing to the borough in a location which is well served by local services and transport links and is clearly considered as a sustainable location. No objections have been received relating to this proposal which would suggest otherwise and it is considered that the planning merits weigh in favour of this proposal.

In regard to the loss of open space and school playing fields, the details contained within the application clearly illustrate that an acceptable open space area is to be retained. Sport England has confirmed that the site is not considered to form part of, or constitute a playing field as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015 No.595).

Design and layout

A key objective of DPD Policy 9 is to ensure that development will protect and improve local environmental quality and amenity and promote community safety across the borough. This will be achieved by ensuring development is not located in areas where it would be adversely affected by neighbouring land uses; it does not have an unacceptable impact on the environment or human health; it does not cause significant harm to the amenity of existing and future residents; and it does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape.

This is supported within NPPF paragraph 56 where it states that good design is a key aspect of sustainable development. Both the NPPF and the Development plan are clear that good design lies at the heart of the planning process and that substantial weight shall be given to this aspect of a proposal.

Although the site is located on the edge of the green belt, the immediate area is characterised as a typical suburban area dominated by housing which is moderate in scale and traditional in style. There are both terraced properties further down Counthill Road alongside more spacious semi-detached and detached dwellings in much closer proximity.

Into this immediate environment the proposal seeks to introduce a grouping of dwellings along the main Counthill Road frontage and an open layout further within the development site. The applicant has provide an array of cross sections which illustrate the resultant appearance both along Counthill Road and from views within the main site, and it is considered that each dwelling pays due regard to neighbouring plots and to the wider character of the area. Each dwelling is well spaced and served by ample gardens, whilst the materials chosen for each unit show a mix of brick and render finish.

Buildings located on corner plots show detail on the return face. The scheme has been designed to have active frontages with properties facing the public realm and front doors and/or habitable room windows are shown providing natural surveillance to the public areas whilst also framing the spaces created within the estate.

The detail illustrated on each unit, such as porches with hipped roofs above, render work and projecting gables, introduce visual interest to the estate as a whole and when taken in conjunction with the landscape plan showing planting and shrubbery, it is considered that this is a well thought out development proposal, which will contribute to the overall built character of the area.

In regard to the layout of the buildings, it is clear that the site will be navigable, with four

distinct areas shown on the site plan. These act as landmarks within the estate. Moreover, on approach to the open area to the north of the site, this end grouping of buildings has been designed in a manner whereby access to the area beyond is not prohibited by private land nor high boundary treatments and it is clear to residents that access is freely available.

The approach to the estate along Counthill Road itself provides active, residential frontages which are a key character of this area, with the dwellings set back from the main highway and provide open front gardens, moderate spacing between buildings and attractive landscaping.

The accompanying landscape scheme demonstrates that the proposals for open space contained to the northern aspect of the site are appropriate. Wherever possible the applicant has ensured that existing trees and hedgerows are to be retained and incorporated into the landscaping scheme.

Due to the steep topography of the site in the north-west corner (the site of the former dry ski slope), this area is proposed to be used as the public open space provision for the site. This will ensure that the existing mature woodland will be retained and consequently this provides an attractive feature with mature vegetation for the users of the new development and those residents of the surrounding locality.

The proposed attenuation pond will act as a feature and will be bounded by a gravel path which will route pedestrians along its circumference, with children's play areas located to the north and south of this walkway. This element, alongside the open area beyond, will be left in a semi natural condition and reflects the open character of the green belt which is set on the opposite side of Counthill Road, whilst providing much needed space to residents of this group of buildings and those residing further afield.

On balance, the landscaping scheme shown improves the open space beyond what currently exists and weighs in favour of the proposal.

Neighbouring Amenity

The estate is well contained within the confines of the development plot and neighbouring units are separated from the new buildings by well maintained interface distances. Rear gardens associated with those existing dwellings located along Buttercup Drive are set against either the retained area of public open space or against the backdrop of the proposed gardens which serve a small group of 3 dwellings which will be located along this northern boundary. In this regard there are no concerns in regard to either a loss of privacy or physical dominance.

Properties adjoining the site on Sorrel Way are separated from the new dwellings by a minimum distance of 22 metres in all instances where there will be facing habitable room windows, thus ensuring privacy is protected.

The site is also bounded by Saffron Drive to the western edge of the site. Running parallel with Saffron Drive, the internal layout of the new estate shows a run of properties which back on to these existing dwellings. Once more, appropriate spacing has been provided which ensures that the privacy currently enjoyed by these occupants will be maintained whilst the separation of these dwellings from the application site also removes the potential for any of the new dwellings appearing as overbearing structures.

The internal layout has a 'Y' shaped configuration which allows each dwelling to be orientated so that rear garden areas adjoin each other. The plots contained within the central part of the estate are largely configured in this back to back arrangement with rear

gardens 10 metres in length and interface distances of over 20 metres between rear facing windows.

Ground conditions and Drainage / Flood Risk

Although the site was formerly occupied by a school and dry ski slope, the potential for any contamination of the site needs to be addressed prior to determination. In this regard a consultation response was received from Environmental Health which advised that two conditions be attached to any consent requiring further detail be provided in regard to landfill gas and land contamination. The applicant has sought to address these points during the course of the application process and a desktop study was provided to deal with these proposed conditions.

A Flood Risk Assessment (FRA) has been submitted which confirms that the residential development of the site is considered at 'Low Risk' of fluvial flooding and the Environment Agency's (EA) online Flood Zone Map shows it as being in Flood Zone 1 with an annual probability of flooding less than 0.1% (1 in 1,000).

The main potential source of flooding to the site is from surface water and the FRA also states that the site is identified at risk of surface water flooding. Included within the development proposal is an attenuation pond set to the north-west of the site which will be fed from the drainage scheme as detailed within the accompanying drainage plan. This form of Sustainable Drainage System (SUDS) has been assessed by the Councils Drainage engineer, and in conjunction with the installation of a suitable surface water drainage system, appropriate ground floor levels and by the removal of topographical low points in the eastern extent of the site, no objection is raised. In this regard there is no reason to conclude that flood risk would cause harm to the development.

Trees and ecology

DPD Policy 21 (b) states that development proposals should "Protect, conserve and enhance biodiversity and geodiversity, designated nature conservation sites, legally protected species and their habitats and Local Nature Reserves, and other non-designated sites containing substantive nature conservation value of local significance".

The applicant has provided an Ecology Assessment. This assessment concludes that none of the habitats within the site are of significant interest in terms of their plant species composition and that no Priority Habitats are present. Furthermore, the proposals do not meet the criteria for which further consultation would be required between the Local Planning Authority and Natural England in respect of any Sites of Special Scientific Interest (SSSI) present in the wider area.

The consultation response received from Greater Manchester Ecology Unit (GMEU) concerning this assessment states that the field surveys undertaken for the assessment were undertaken in January which is not a particularly good time of year to carry out habitat surveys, since many plant species will not be evident at this time of year.

However, GMEU is familiar with the site having carried out bat assessments of the former school buildings prior to demolition. The former school buildings were demolished only a few years ago, followed by re-seeding with species poor grassland which is still present. The site is therefore dominated by habitats that are not of significant nature conservation importance.

The most important habitats on the site are the small areas of woodland associated with the former dry ski slope. However, these areas are to be retained as part of the scheme and

incorporated into the public open space for the development. The retained woodland should therefore be suitably protected during the course of any approved development and this shall be secured via condition.

GMEU is also aware of the reports of barn owls foraging in the area, which are regarded as credible. However, it was considered that the application site is sub-optimal habitat for barn owls, and there is significant alternative habitat available in the wider area, particularly to the east and north, such that it would not be considered that the conservation status of barn owls will be affected by the small loss of habitat that will result from the development.

In regard to protected species, as there is no evidence of protected species found on site, and in accordance with the consultation response received from GMEU, there are no objections raised on ecological grounds.

Highways

DPD Policy 5 requires that developments do not compromise pedestrian or highway safety. In particular, criterion (c) states that developments should "Ensure the safety of pedestrians, cyclists and other vulnerable road users by ensuring appropriate highway safety measures and schemes are implemented as part of development proposals".

In addition, Policy 9 (a) (vii) requires developments to protect and improve local environmental quality and amenity by ensuring that it "Minimises traffic levels and does not harm the safety of road users".

The second and third bullet points to NPPF paragraph 32 provide that developments: "Should ensure safe and suitable access to the site can be achieved for all people; and should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

The consultation responses received from Transport for Greater Manchester (TfGM) and Oldham Highways Engineer have assessed the overall impact made by the proposal in relation to congestion, road safety, site accessibility and the submitted transport statement (TS).

The TS states that Counthill Road is subject to a 20mph speed restriction, it provides frontage access to residential properties and onto other residential streets, access into farms and agricultural based businesses and to Waterhead Academy Sports Centre. In the vicinity of the site access the carriageway width is circa 5.5m with 2.8m and 2.2m wide footways present on the western and eastern sides of the carriageway, respectively. Some 40 metres south-west of the site access is an existing zebra crossing with tactile paving and metal safety railing.

To the north-east, Haven Lane is subject to a 30mph speed restriction, is lit and provides frontage access to residential dwellings and access onto other residential streets. The carriageway is circa 5.5m in width with a 2m wide footway present on the western side of the carriageway until Greenside Avenue, thereafter footways are provided on both sides of the carriageway. To the south-west, Counthill Road provides access onto the A672 Ripponden Road which is subject to a 30mph speed restriction and provides frontage access to residential dwellings and small businesses/ facilities.

The TS goes on to state that the proposed layout seeks to maximise permeability for pedestrian / cycle movements in order to encourage the use of non-car modes. A network of internal footways are proposed which connect to the existing footways on Counthill Road. Those footways will also connect into the existing public right of way which runs along the

eastern boundary of the site and provides access onto the amenity land to the east of the site. The internal access roads have been designed to achieve low vehicle speeds within the site, incorporating appropriate changes in the road alignment which assist in providing a safe environment for pedestrians and cyclists within the site.

Having assessed issues relating to layout, access and sustainability, the TS concludes that the development proposals will be accessible by a range of travel modes and have been developed to accord with current national and local transport policies. It is concluded that a range of key facilities and services, including employment, retail, health and education uses will be accessible from the site. All of these can be accessed locally within both Oldham town centre. The TS further considers that the trips generated by the development would not lead to undue congestion to the wider highway network and nor are there highway safety issues that should prevent the granting of planning consent for this proposal.

Impact upon the wider Highway Network

Transport for Greater Manchester through the Highways Forecasting and Analytical Services (HFAS) unit has provided comments on the Transport Statement (TS). HFAS has been able to validate the analysis to obtain the trip rates and therefore, this is considered to be a robust assessment.

The TS has indicated a total number of vehicle trips (two-way) generated by the development as 42 in the AM peak and 35 in the PM peak. The TS states that these flows are considered to be immaterial in terms of the wider highway network without further consideration of existing flows. HFAS has suggested that further evidence is required to demonstrate that this assumption of an immaterial impact of the development flows is correct.

Whilst the Council's Highways Engineer acknowledges that there is some localised congestion caused by parked vehicles on Counthill Road which can narrow the carriageway to a single vehicle width, with reference to the evidence of estimated traffic generated provided in the TA, the Highways Engineer does not consider that the proposed development of 56 dwellings would have any significant impact on congestion of the surrounding highway network.

This statement is backed up by the findings of a traffic count that was carried out on Counthill Road between 11th and 27th May 2018. The count found that the average two way flow along Counthill Road was 179 during the weekday morning peak and 210 during the weekday evening peak. As such, the additional amount of traffic expected to be generated by the proposed development - 13 arrivals and 43 departures in the a.m peak, and 33 arrivals and 15 departures in the p.m peak will not have such a significant effect so as to impact on highway safety.

The Highways Engineer also notes that the provision of two parking spaces for each dwelling, coupled with the provision of an additional car parking area across from the site to serve the existing sports facility (PA/ 341362/18) would limit the demand for any additional on-street parking on Counthill Road and, accordingly, is unlikely to add to any existing congestion arising from parked vehicles.

Access to the site will be from Counthill Road and residents will travel along Haven Lane or Counthill Road to reach this. Haven Lane will be traffic calmed at the top (southern) end , nearest to Counthill Road in connection with the recent development by Redrow Homes. There is an extant planning permission at the bottom (northern) end of Haven Lane for up to 23 dwellings and it is intended that the traffic calming is extended along this stretch of Haven Lane. The approach to the site along Counthill Road has already been traffic calmed,

but it is intended that the traffic calming in situ is upgraded to reflect current design standards. This will provide an extension to the traffic calming features on Haven Lane and will improve the safety of all users of the highway in the vicinity.

Nevertheless, it is considered necessary for a Section 106 payment of £85,946.00 to be required for the implementation of the traffic calming scheme and associated improvements to the highway on Counthill Road, including the junction at Ripponden Road.

It should also be noted that whilst objectors have raised some concerns regarding traffic generation, paragraph 32 of the NPPF states that proposals "should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." Given the level of traffic which would be generated by a development of 56 dwellings, (42 in the AM peak and 35 in the PM peak) and considering this in the context of the traffic calming measures to be implemented as part of the accompanying Section 106 and the associated car parking scheme directly opposite the site to serve the nearby sports facility, it is not considered that the very high threshold of severity in paragraph 32 of the NPPF would be exceeded in this case.

TfGM has also provided an assessment of the travel plan provided by the applicant and comments that although the site is accessible by sustainable modes, it is important to influence travel patterns at the beginning of occupation. The current Transport Statement does not include a Framework or Interim Travel Plan.

However, it is considered that the requirement for a travel plan in this particularly well served location would not be practical, given that it is clear that alternative modes of transport are available to residents. The site is well served by both bus services and an internal public footpath leads from the site and out onto Ripponden Road. As such pedestrian access is provided throughout the site leading onto both nearby main roads.

Internal layout, access and parking

The Highways Engineer has also assessed the layout of this scheme and provided a positive response. The internal highway layout is acceptable to the Local Highway Authority and will be considered for adoption subject to a Section 38 Agreement.

Parking provision for the new dwellings is also considered acceptable, with three spaces per four bedroomed dwelling and two spaces per three bedroomed dwelling being provided. The geometry and layout of the highway will provide adequate additional on-street parking if required by visitors or residents.

To conclude, the Highways Engineer considers that this level of traffic generation will not have a significant impact on the local highway network to the detriment of highway safety, that the internal configuration of the estate is acceptable and there is no objection to planning permission being granted for highway safety reasons

Affordable Housing

DPD Policy 10 (Affordable Housing) states that all residential development of 15 dwellings and above, in line with national guidance, will be required to provide an appropriate level of affordable housing provision. The proposal exceeds this threshold and as such, either the provision of affordable housing within the confines of the site, or a payment in lieu of the provision of such housing elsewhere within the borough is required.

DPD policy 10 provides that a payment of 7.5% of the total development sales is considered

as an appropriate amount to require for the delivery of affordable housing, unless it can be clearly demonstrated to the council's satisfaction that this is not viable. The policy goes on to state that such housing must be provided on-site, unless there are exceptional circumstances that would justify the acceptance, by the council, of off-site provision within the locality or a financial contribution in lieu of provision. Such exceptional circumstances include where the specific characteristics of the development mean that on-site provision is neither practicable or desirable, or where the council consider that off-site provision or a financial contribution would meet affordable housing needs and other planning and regeneration objectives more effectively.

The application does not provide any on-site provision of affordable housing and has instead proposed a financial contribution to off-site provision on the grounds that the proposal seeks to bring forward a high end housing offer and should therefore be taken to represent an exception to this policy.

Oldham Regeneration has commented that Oldham's Residential Development Prospectus (2013 – 2018) outlines that the current residential offer in the Borough is limited; there being a disproportionate amount of low value Council Tax Band A & B properties (71%) and a very high level (42%) of terraced housing.

It is the Council's aim to ensure that Oldham's housing offer is 'fit for purpose' to support the economically active households wishing to move up the housing ladder and attract people to live in Oldham from outside the Borough as well as retain young people as they leave education and start work. It is also the aim of the Council to deliver not just an increased quantity of new homes but to increase the number of homes that contribute towards our economic and social goals. This means encouraging higher value housing that meets aspirations and begins to re-balance our economy

The former Counthill School site provides an excellent opportunity to help re-balance Oldham's housing market and deliver a range of larger aspirational and higher Council Tax Banded properties in accordance with the Council's Residential Development Prospectus. In order to achieve these regeneration objectives, the provision of on-site affordable housing is not considered appropriate at this location. The substantial financial contribution made in lieu of affordable housing being provided on site will be used to support and deliver new affordable housing within the locality.

A commuted sum has therefore been proposed for the payment of £425,000, and in regard to the amount due, the applicant has submitted a viability report which seeks to justify this position. The viability assessment has been subject to testing having regard to established guidance where it was found that the findings of the viability report is broadly consistent with the findings of the assessment made on behalf of the Council. The testing of this information did however find that a reasonable off site contribution should be £500,000.

In light of this finding it is reasonable to consider that this fee is appropriate and this figure will be included within the associated Section 106 agreement.

Provision of Open Space

In addition to the requirements set out in DPD Policy 23, the council's Interim Open Space Planning Position Paper (2012) sets out how the council will deal with open space contributions for the borough when determining planning applications for relevant development that may impact on open spaces. The Paper identifies laying out and maintenance costs of certain types of open space.

To have sufficient provision of open space, an area should meet the provision standards for quality, quantity and accessibility per 1000 population. If a site is deficient in at least one of

the quality, quantity and accessibility standards of a type of open space it should be classed as 'deficient' in that open space type.

It has been identified that there is a deficiency in all types of required open space types, apart from Outdoor Sports Facilities where there is sufficient access, quantity and quality. This level of deficiency has taken into account the retention of the existing open space within the proposed site. However it is considered by officers that although the open area contained to the north west of the site was designated as public open space, its poor quality and lack of accessibility have precluded it from being reasonably included within the Council's figures. This area of land has been closed off from public access and it has remained in this condition since the closure of the dry ski slope.

In this regard it is the applicant's intention to open this area up to the public and to improve the quality and accessibility of this area. The submitted Land Disposal Plan accompanying the application illustrates that the space will not be transferred over to the Council for future maintenance and in regard to Policy 23 it is considered that a contribution would not be warranted in this instance. As the land will be transferred over to a management company and kept open for public use, officers are content that no payment for public open space would be required and that the benefits of this upgraded provision would result in much needed recreational facilities which accord with Policy 23. The transfer of the future management of this land will be ensured via the implementation of the terms of a Section 106 agreement.

Energy

DPD policy 18 states that residential developments of over 10 dwellings will be required to reduce energy emissions in line with Part L of the Building Regulations through compliance with a rising scale of 'Code Level' ratings assessed against the Code for Sustainable Homes.

However, Paragraph 001 of the "Housing – Optional Technical Standards" chapter of the NPPG, with reference to a Written Ministerial Statement (WMS) published by the Department for Communities and Local Government on 25 March 2015, makes clear that, with the exception of legacy cases, the Code for Sustainable Homes has been withdrawn. The WMS makes clear that energy performance requirements for new dwellings will, instead, be controlled through the Building Regulations, with a performance requirement in those Regulations "set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4".

This guidance supersedes the DPD policy and therefore, the imposition of a condition requiring compliance with a specific Code Level rating would be unreasonable.

Conclusion

The proposed residential development would contribute to boosting the borough's supply of housing land in a sustainable location and would make provision for larger, high-value family homes in accordance with the Council's wider regeneration objectives. The indicative layout demonstrates that the amount of development proposed can be accommodated on the site without harming the character and appearance of the area by virtue of its layout, scale, pattern and density, and that an appropriate relationship can be achieved with surrounding occupiers to ensure that it has no adverse impact on the amenity and living conditions of adjoining occupiers through loss of outlook, privacy or daylight.

The development would provide a safe and suitable means of access for all highway users and the evidence provided by the applicant demonstrates that the proposal would not have

a severe residual cumulative impact on the highway network, either adjacent to or further away from the site. Appropriate contributions would also be secured towards highway improvements, affordable housing and on site, open space proportionate to the development's size and scale, and accounting for viability constraints. Measures would also be put in place to ensure that the development has no adverse impacts with respect to ecology, flooding and contamination.

In summary, it is considered that any adverse effects arising from the development can be adequately addressed and that these would be significantly and demonstrably outweighed by the benefits that it would bring. 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

It is recommended that Committee resolves (1) to approve the application subject to the conditions set out below and to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure the following:

- (i) The future maintenance of the attenuation pond and public open space on the site in accordance with the requirements of Joint Core Strategy and Development Management Policies Development Plan Document Policy 23.
- (ii) A commuted sum payment of £100,000 towards the implementation of a traffic calming scheme on Counthill Road, in accordance with the requirements of Joint Core Strategy and Development Management Policies Development Plan Document Policies 5 and
- (iii) A commuted sum payment of £500,000 towards the provision of affordable housing off the site in accordance with the requirements of Joint Core Strategy and Development Management Policies Development Plan Document Policy 10.

(2) To authorise the Head of Planning & Development Management to issue the decision notice upon satisfactory completion of the agreement.

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 by the authority and which are referenced as follows

OS-01 Rev A
CH-DSL-001 Rev E
CH-BTL-001 Rev C
CH-LDL-001 Rev C
CH-MAT-001 Rev C
CH-PSL-001 Rev C
CH-WML-001 Rev C
CH-PP-001
CH-SS-001 Rev B
CH-SS-002
5614.02 Rev D
5614.03 Rev D
5614.04 Rev D

5614.05 Rev D
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SCP_18157_F01
EF_AMBY_DM.5.0-901
EF_AMBY_DM.5.0-902
EF_CAMB_DM.6.0-901
EF_CAMB_DM.6.0-902
EF_CANT_DM.6.0-901
EF_CANT_DM.6.0-902
EF_HARR_DM.6.0-901
EF_HARR_DM.6.0-902
EF_MARO_DM.1.0-901
EF_OXFO_DM.2.0-901
EF_OXFO_DM.2.0-902
EF_STRA_DM.7.0-901
EF_STRA_DM.7.0-902
F-SD086
F-SD0900
F-SD0902
F-SD0906
F-SD0910
1 - 201
C-SG01 1 001 Rev E

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 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 29th May 2018 (Ref: Dwg No.CH-DSL-001 Rev E). 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.

4. Prior to the first occupation of the site, full details of a scheme for the installation of 'swift bricks' shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the type of swift brick to be used, the number proposed and their location throughout the site. The bricks shall be installed as an integral part of the approved development and be retained as such thereafter.

Reason - In the interests of biodiversity and the protection of species.

5. Prior to the first occupation of the site, the remedial measures proposed within the Gas and Ground Contamination Report submitted on the 13.03.2018 shall be implemented in full and a completion / validation report shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the dwellings.

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

- No development, which comprises the commencement of the erection of any dwellings hereby approved, shall take place until details of a drainage scheme in accordance with the recommendations as contained within the Flood Risk Assessment and Drainage Strategy and the works contained within the submitted 'Outline Drainage Layout - 217-378-C-0100-P04' have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved scheme and be retained as such thereafter.

Reason - To ensure that the site is drained in an appropriate manner.

- All hard and soft landscape works for the site as detailed within the plans referenced as 5614.02 Rev D, 5614.03 Rev D, 5614.04 Rev D, and 5614.05 Rev D, shall be carried out in accordance with the approved details and in accordance with an implementation programme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. 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.

- During the construction phase, temporary protective demarcation fencing to be constructed in accordance with BS5837:2012 *Trees in Relation to Design, Demolition and Construction: Recommendations* (BSI, 2012) will be used to protect the trees and shrubs as shown to be retained on the approved plan. The fencing must extend outside the canopy of the retained trees and must remain in position until all areas have been developed to ensure protection is provided throughout the construction phase.

Reason - In the interests of biodiversity and the protection of species.

- No dwellings hereby approved shall be first occupied until a footway, minimum 2.0 metres in width, along the full frontage of Counthill Road has been provided in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority.

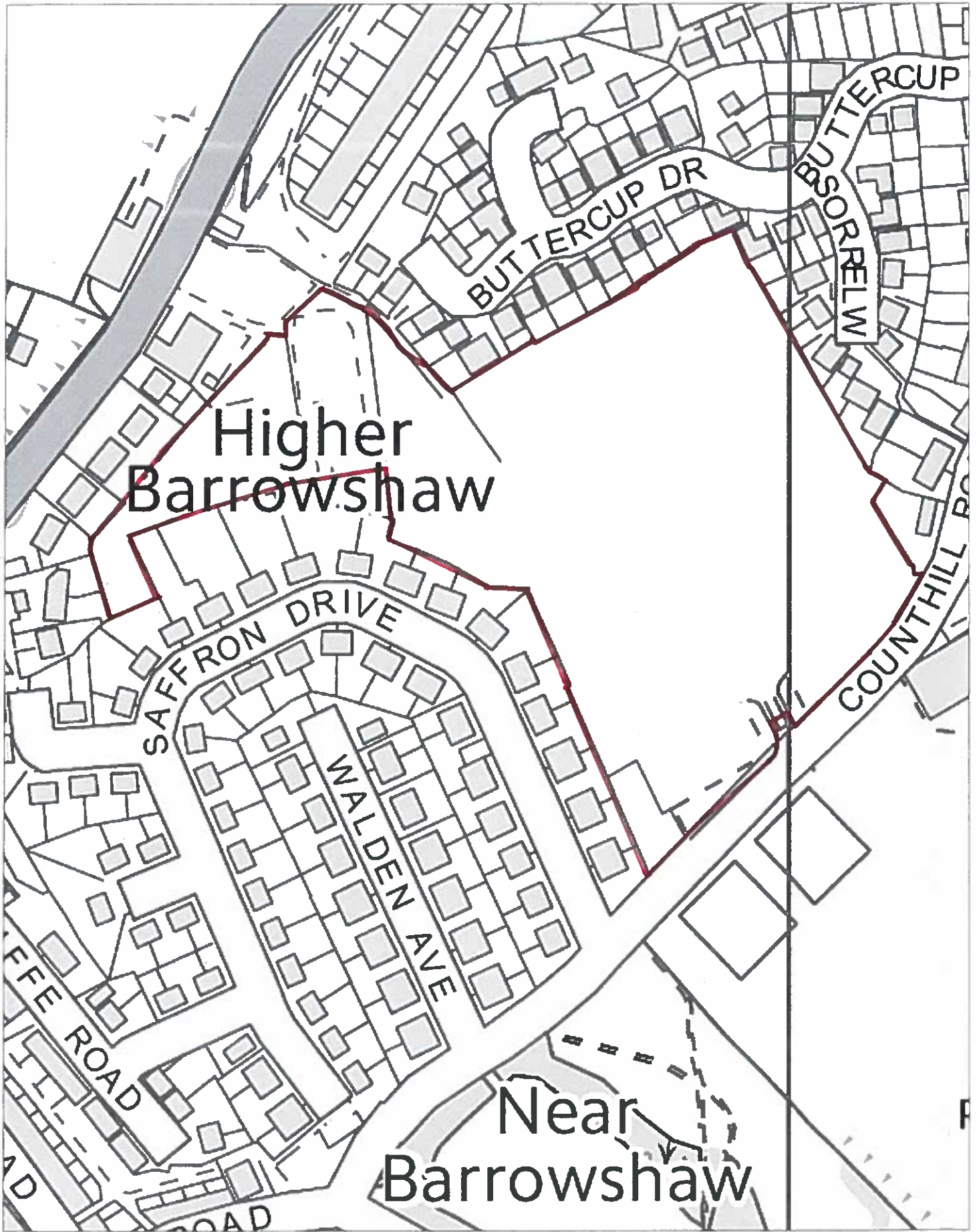
Reason - To facilitate the safe movement of pedestrians in the vicinity of the development.

..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**



Higher
Barrowshaw

Near
Barrowshaw





APPLICATION REPORT - PA/341496/18

Planning Committee, 18 July, 2018

Registration Date: 08/05/2018
Ward: Failsworth East

Application Reference: PA/341496/18
Type of Application: Full Planning Permission

Proposal: Change of use from C3 dwelling to 7 no. bedroom HMO with infill extension on the rear ground floor
Location: 16 Pole Lane, Failsworth, Manchester, M35 9PB
Case Officer: Tessa McKee

Applicant Agent : Mosaic Holdings Ltd
DnA Group

THE SITE

16 Pole Lane, Failsworth, is a mid-terrace two-storey residential property with additional accommodation within the roof space. It is located within the Failsworth Pole Conservation Area.

THE PROPOSAL

Planning consent is sought for a change of use from a dwelling (Class C3) to 7 no. bedroom House of Multiple Occupation (HMO).

The change of use would include a small infill single storey extension on the rear ground floor; and replacement rooflights.

The Design and Access statement states that the HMO is intended to provide fully furnished accommodation to working professionals.

RELEVANT HISTORY OF THE SITE:

None.

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 9 - Local Environment

Policy 11 - Housing

Policy 20 – Design

Policy 24 – Historic Environment

CONSULTATIONS

Highway Engineer

No objections. Recommend a cycle parking condition.

REPRESENTATIONS

The application has been advertised by means of neighbour notification letters and a site notice.

Councillor Briggs has requested that the above application is considered at Planning Committee.

Councillors Briggs, Brock and Jacques have raised concerns with the scheme. Letters of objection have also been received from 13 objectors. The concerns are summarised below:

- The use will result in obstruction to access and exacerbate existing parking and traffic issues;
- Loss of affordable family housing and change of nature of local family area;
- Concern regarding the location and number of refuse bins;
- Concern of type of tenants, that they may be transient, and at the level of noise and activity from 7 people;
- Concern of security, safety and privacy;
- Use will be detriment to the Conservation Area;
- No details who will manage the property, and whether they live in Oldham;
- Disruption during building works;
- Garden and outlook detrimentally affected by extension;
- Exacerbate vermin (rats) in the local area.

PLANNING CONSIDERATIONS

Principle of the proposed development;

Amenity;

Highway safety;

Local Character of Area.

Principle of the proposed development

DPD Policy 3 states that Oldham Council will ensure the housing market is balanced and sustainable to meet the needs and demands of our urban and rural communities, by providing quality, choice and diversity through new residential development, promoting the effective and efficient use of land and managing the release of housing land.

DPD Policy 11 requires all residential developments to deliver a mix of appropriate housing types, sizes and tenures to meet the borough's needs and demands, in locations where they

are appropriate to the area, and accessible to public transport and key services. Policy 11 requires proposed HMOs to demonstrate that the proposal does not adversely affect the local character of the area, the level of residential and workplace amenity of future and neighbouring occupants; and traffic levels and the safety of road users.

The proposal relates to a conversion of a 5 bedroom dwelling house to a 7 bedroom HMO which is intended to provide fully furnished accommodation to working professionals. In principle the proposed use will retain a form of housing supply within a sustainable location. However, the impact on amenity, highway safety and character of the area are to be carefully considered.

Amenity

In respect to the neighbouring residential properties and objections received, it is appreciated that the proposed use could result in some disturbance from comings and goings and noise. However, the existing dwelling is five-bedroomed property and currently could accommodate a significant number of people.

Whilst concerns regarding potential disturbance and anti-social behaviour are appreciated, this is not an inevitable consequence of such uses, and in the absence of clear evidence to support this assumption, a refusal of the application could not be justified.

It is also important to consider the fall-back position under current permitted development legislation. This would allow the property could change use to a six-bedroomed HMO (Class C4) without the requirement of planning permission. In assessing the impact, the provision of the seven bedroomed HMO is not considered to have a significantly greater impact on amenity than six bedroom HMO. Given, the potential levels of activity which could result from the existing use and fall-back position, it is not considered reasonable to refuse the application on its impact on neighbouring amenity in this instance.

In accordance with DPD policy 11, assessment is required in regard to whether the proposed HMO provides an acceptable form of residential accommodation in respect of the level of amenity for future occupiers.

The internal configuration of the HMO has been considered against:

- Oldham's adopted guidance - Standards for Houses in Multiple Occupation, October 2010,
- Draft guidance Ministry of Housing Communities & Local Government (HCLG) - 'HMO minimum room sizes to come into force 1 October 2018'; and
- Adopted Department Communities and Local Government - Technical housing standards – nationally described space standard document.

These documents provide evidence based guidance in regard to the amenity of potential occupiers and it is therefore considered appropriate to have regard to this guidance.

Shown within the proposed floor plans, the residential units provide a sufficient amount of internal amenity space for the individual rooms as compared with the relevant current (Oldham) and draft (Government) HMO licensing guidance and the DCLG Technical housing standards guidance. In consideration of the relevant legislation, the proposal in terms of amenity standards for the future occupiers is considered acceptable.

The proposed single storey extension is set away from the shared boundary and limited in height. As such it is not considered to have a negative impact on neighbouring amenity.

A condition is recommended to require details of refuse and waste facilities to be submitted and approved. However, sufficient space within the curtilage of the property would be

available.

Given the above considerations, on balance, the proposal would adhere to Policy 9 and 11 in protecting the amenity of future occupants.

Highway Safety

It is appreciated that the proposal may increase the demand for on-street parking. However, the Highway Engineer does consider the impact would be detrimental to highway safety. Furthermore, the site is in a sustainable location with excellent links to public transport. Overall, the impact is not considered significantly detrimental to merit refusal.

A condition is recommended to require secure cycle provision.

Local character of the area

The property is a mid-terrace dwelling within the Failsworth Pole Conservation Area. The original frontage and form is to be retained, external alterations are limited to a small single storey extension to the rear of the property and replacement roof lights. The traditional appearance would be retained and the alterations (subject to conditions) would not undermine the character of the Conservation Area.

Having regard to the prevailing character of the area, the proposal is a form of residential use, although occupancy could be on a more short-term basis dependent on tenants. With the residential use in mind it would be difficult to view the proposed HMO as being at odds in this location given the existing surrounding land uses and the local character of the area.

Conclusion

Given the above considerations, the proposed change of use from a dwelling house (C3) to a House in Multiple Occupation (sui generis) and associated physical alterations are considered to comply with the relevant policies of the Oldham DPD and advice contained within 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 approved shall be fully implemented in accordance with the approved plan 'Dwg.No.P02 Rev B' received on the 4 July 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. All roof lights shown on drawing no.P02 Rev B shall be of a 'conservation style' to sit flush with the roof surface and shall not protrude from the roof plane.

Reason - To ensure a sympathetic relationship with the character and appearance of

the host building and the Failsworth Pole Conservation Area.

- Secure cycle parking facilities shall be provided within the site prior to the first occupation of the development hereby permitted. 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.

- The development hereby permitted 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.

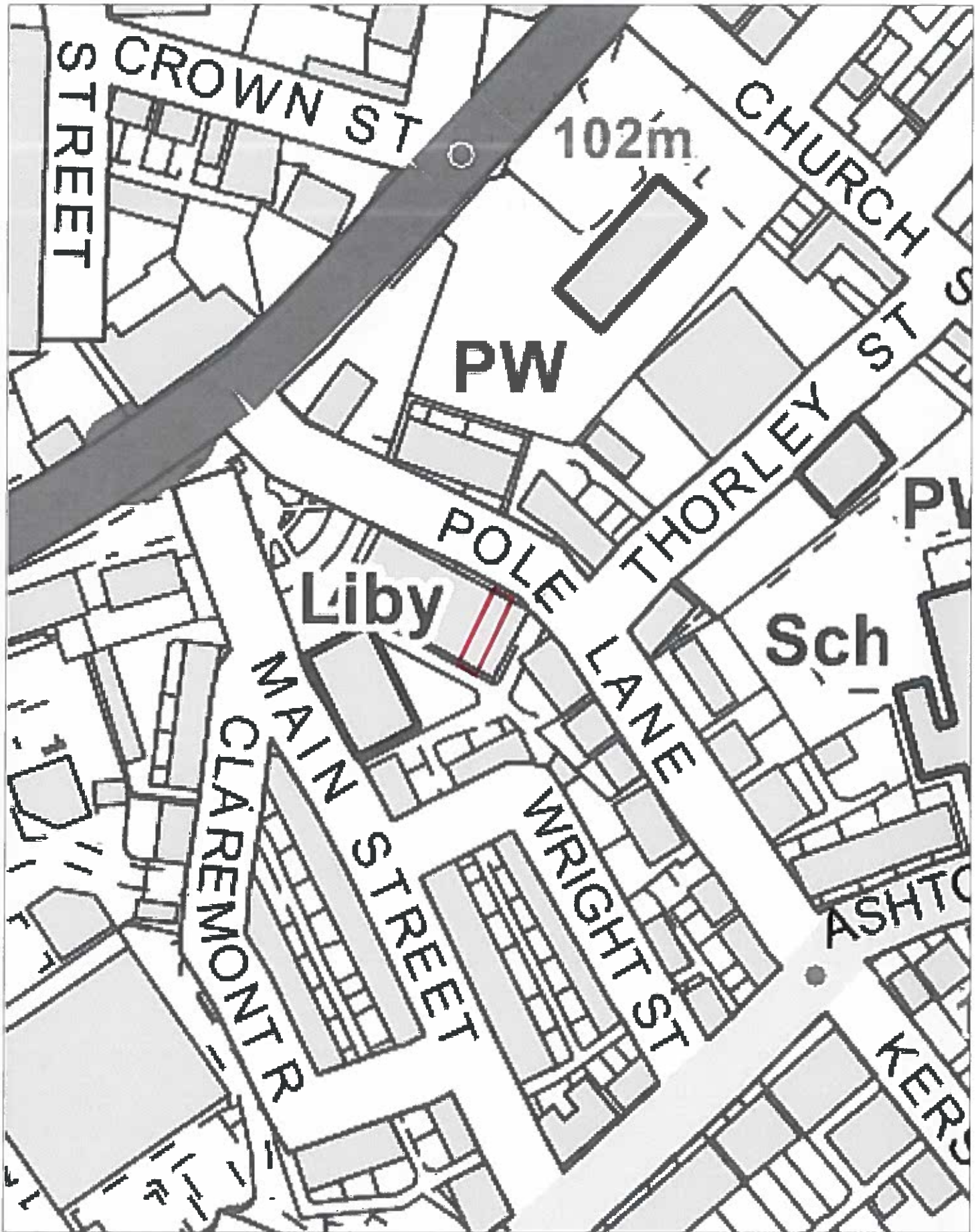
Reason - To ensure that the development is not used in a manner likely to cause nuisance to occupiers of premises in the surrounding area.

..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**



APPLICATION REPORT - HH/341537/18

Planning Committee, 18 July, 2018

Registration Date: 03/04/2018
Ward: Saddleworth South

Application Reference: HH/341537/18
Type of Application: Full Planning Permission

Proposal: 1) Erection of a single storey rear extension 2) Erection of a rear dormer 3) Erection of a detached garage
Location: 25 Lovers Lane, Grasscroft, OL4 4DT
Case Officer: Alan Atkins

Applicant Mr & Mrs Windle
Agent : William McCall Architects

THE SITE

This application relates to a detached bungalow in a spacious plot within an area of mixed property designs. The neighbouring properties comprise a two-storey house to the east, and a bungalow to the west which is set at a higher level. There are bungalows along Beech Hill Road to the rear.

THE PROPOSAL

It is proposed to demolish an existing conservatory and erect a single storey rear extension attached to the existing dining room. The extension will measure 5 metres in depth and the 9 metres in width occupying approximately two-thirds of the rear elevation. It will contain a flat roof rising to 3.6 metres in height which will incorporate a light lantern feature and an obscurely glazed parapet wall around its perimeter. The walls will be rendered.

Above the new extension it is proposed to create a small dormer extension in the roof scape with tiled walls and roof and which will provide a link from the master bedroom to a small sitting out area on the flat roof of the extension.

Finally, it is proposed to erect a detached, pitched roof double garage measuring 7.64 metres in length by 6.265 metres in width. It will have a pitched roof rising to 4.3 metres and will also be rendered.

RELEVANT HISTORY OF THE SITE:

None

REPRESENTATIONS

Five neighbouring properties have been notified and a site notice displayed. There have been three letters of objection submitted on the grounds that the proposed terrace would lead to an unacceptable level of overlooking for neighbouring properties.

Saddleworth Parish Council has recommended approval.

PLANNING CONSIDERATIONS

Principle

This application is presented for determination by Planning Committee in accordance with the Scheme of Delegation as the applicant is an employee of the Council.

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

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

Policy 9 - Local Environment
Policy 20 - Design

Design and appearance

All three elements of the application relate to development at the rear of the property. Therefore there are no direct impacts on the street scene. The development will however be visible from neighbouring properties to the sides and rear.

The height of the walls of the rear extension exceed the relatively low eaves of the original bungalow, and therefore the proposal will create a non-subservient appearance when viewed from the garden. Nevertheless, it will be viewed from neighbouring properties to the rear at a distance of over 25 metres, from the house to the east at a distance of 15 metres with views partly screened by the existing building, and from the west the neighbouring property is set at a higher level and the extension will be screened by the new detached garage.

The proposed dormer will occupy a small area of the roof scape and be finished in tiles to match the existing appearance and would therefore be of an acceptable design. The garage has a traditional pitched roof design and would be a subservient feature within the garden.

In this context, and having regard to the fact that with a slight reduction in depth the rear extension would comprise permitted development, it is considered that the proposal would satisfy the objectives of DPD Policies 9 and 20 and would not detrimentally affect the character of the existing building or the adjacent area.

Residential amenity

As stated above, the development relates to various additions to the rear of the property, and therefore the relationship with neighbouring dwellings must be considered. Concerns have been raised by the occupants of properties on Beech Hill Road in respect of potential intrusive impact and loss of privacy, with particular regard to the use of the roof of the new extension. The applicant has confirmed that such use is intended, albeit this relates to an area of less than half of the overall flat roof area.

Whilst the residents' concerns are recognised, it is noted that a separation distance of 15 metres will continue to exist to the rear garden boundary and over 25 metres to the rear of the properties themselves. Given this degree of separation, it is not considered that any significant loss of residential amenity would result, and nor would this justify refusal of the application.

In respect of the impact on properties to either side, a distance of 9 metres would exist to the boundaries, with screening of direct views partly provided either the position of the existing building to the east and, on the western side, as a result of the new garage. Nevertheless, it is recommended that obscured glazed panels be installed to either side of the area of outdoor seating area shown on the submitted plan.

Consequently, no significant loss of residential amenity as a result of the proposals is envisaged and the development would therefore satisfy the requirements of DPD Policy 9 which seeks to ensure amenity is not detrimentally affected.

RECOMMENDATION

In conclusion, it is considered that the proposal would not result in harm to the appearance and visual amenity of the area or cause any adverse amenity impact in terms of overlooking or loss of privacy to neighbouring residents. Therefore, the proposal conforms with relevant national and local planning policies, and is recommended for approval subject to 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 plan referenced 09/17/161 Rev B received 29 June 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 roof terrace shall be limited to the area indicated as "Usable sitting out area" as indicated on the approved plan, and prior to the commencement of the use, obscured panels to a minimum height of a 1.6 metres shall be installed to the western and eastern sides of this area.

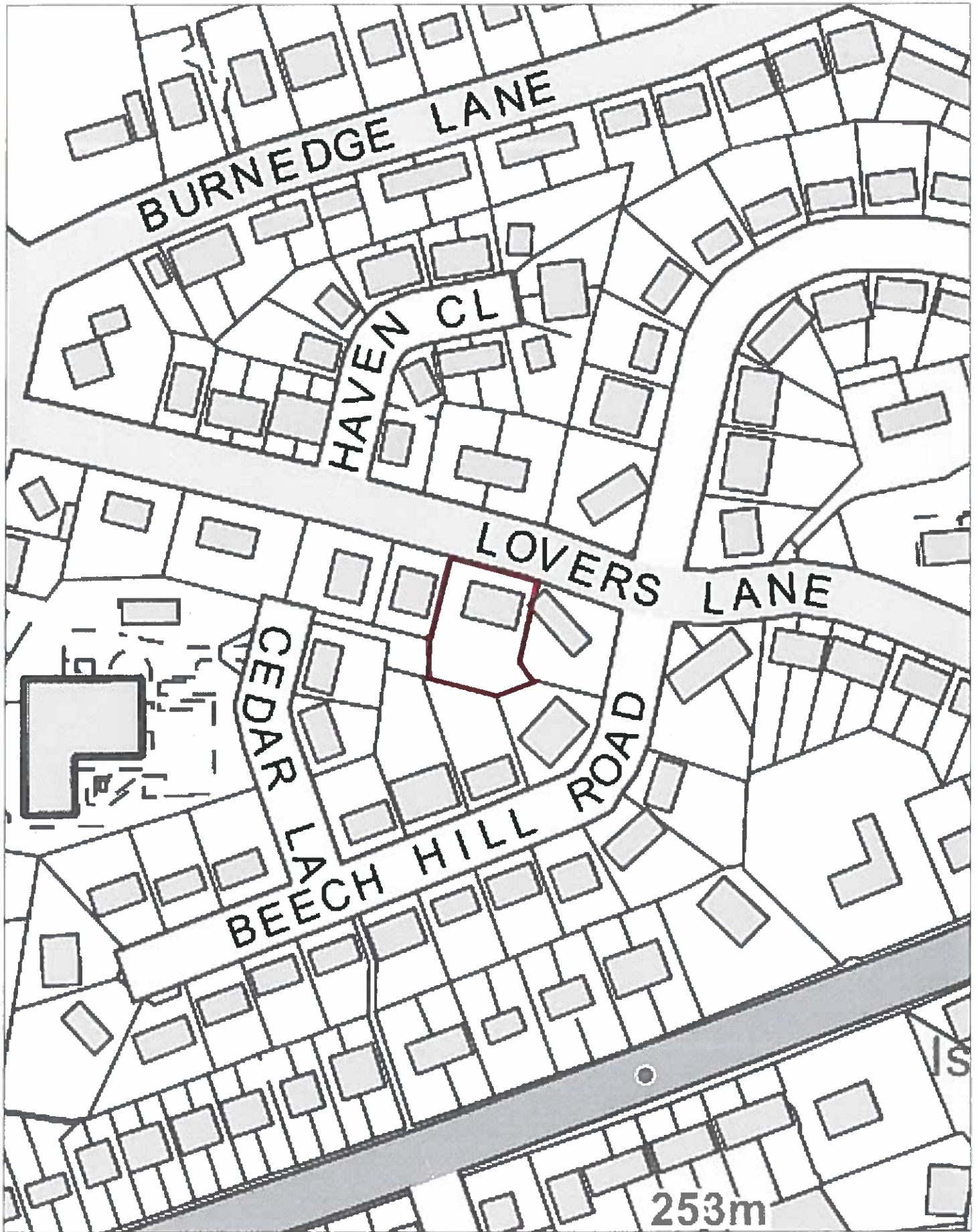
Reason - In the interests of the privacy of the occupiers of neighbouring properties.

..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**



APPLICATION REPORT - PA/341540/18

Planning Committee, 18 July, 2018

Registration Date: 06/04/2018
Ward: Royton South
Application Reference: PA/341540/18
Type of Application: Full Planning Permission

Proposal: Proposed residential development for 28 units and associated parking
Location: Former Byron Street Infant and Nursery School, Byron Street, and former police station, Radcliffe Street, Royton
Case Officer: Luke Ashley
Applicant HNA Architects Ltd
Agent : HNA Architects Ltd

THE SITE

The application proposal is split over two distinct sites which are located in a mixed residential and commercial area. The former school site is a cleared area and adjoins the rear of housing on Radcliffe Street to the north, Cardigan Street to the west, Byron Street to the south which faces two storey flats, and commercial premises across Milton Street to the east.

The former police station site includes the land occupied by the former building and an adjoining area of open space. It is adjoined by the Royton Leisure Centre to the south, Cardigan Street to the east, Radcliffe Street to the north, across which is Royton Park, and Park Street to the west which is fronted by terraced housing.

THE PROPOSAL

The application relates to the erection of 28 dwellings and associated parking and landscaping split over the two sites in a mix of terraced, semi-detached and detached buildings with either off-street parking provided within the curtilage of the dwelling or via integral garaging.

The former school site contains 20 properties which face towards Cardigan Street, Byron Street and Milton Street, with car parking areas to the front comprising two spaces per property. The former police station site and adjacent open area will accommodate 8 properties, 4 detached and 2 pairs of semi-detached houses. All the houses are two storey, although some properties also contain rooms within the roof space.

The applicant has stated that parking in the local area was congested due to high volumes of on-street parking within the surrounding streets. To off-set this issue the proposal also includes a separate car park for 18 vehicles located adjacent to the sports centre with access from Cardigan Street. This car park will be constructed by the applicant, with ownership then transferred to the Council.

RELEVANT HISTORY OF THE SITE:

DEM/338982/16 - Demolition of the Byron Street School - Granted in September 2016
PA/335177/14 - Demolition of existing pool, police station and other commercial buildings, erection of a Leisure Centre, setting out of car park and landscaping works - Granted in April 2014

RELEVANT PLANNING POLICIES AND GUIDANCE

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. This is reiterated by Paragraph 11 of the National Planning Policy Framework (NPPF) that 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. 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.

CONSULTATIONS

Environmental Health	No objection subject to conditions relating to landfill gas and ground contamination.
Highway Engineer	No objection subject to conditions relating to the provision of parking spaces in accordance with the approved plans prior to first occupation.
The Coal Authority	No objection subject to standing advice.
Greater Manchester Ecology Unit	No objection subject to conditions relating to no removal of hedgerows until a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests and for a scheme of Biodiversity Enhancement Measures.
Greater Manchester Police Architectural Liaison Unit	GMP required a number of amendments to the scheme to improve security. The scheme has since been amended.
Drainage	No objection subject to a condition relating to the provision of separate foul and surface water drainage.
United Utilities	No objection subject to conditions relating to the implementation of the works included within the FRA, and for management and maintenance of the SUDS systems

REPRESENTATIONS

The following objections have been received in regard to this proposal;

- Building on the old police station site would remove the field and trees and severely reduce views of the park;
- It will also block light and increase the need for parking on the street;
- The building work itself will cause disruption and noise, which residents have already experienced;
- There is a covenant on this land regarding its future use.

- Questions who on the council will project manage this so that residents can communicate their problems?
- Has any thought gone into where the contractors' vehicles are going to go especially when the project is nearing completion and parking on the building site is unavailable?
- When the new leisure centre was built in 2015 it was required that a lay-by was built for the essential delivery of various services to the Leisure Centre, which needs to remain;
- The potential of devaluation of adjacent properties;
- Under the impression that if building was to take place on the site of the police station it would not include the open space that adjoins Park Street where the trees are;
- There has been no opportunity for those that will be affected to have a real say.

PLANNING CONSIDERATIONS

The main issues for consideration comprise:

Principle of land use;
 Economic Viability and the provision of Open Space and Affordable Housing payments;
 Design;
 Neighbouring amenity;
 Drainage and flood risk;
 Ground conditions;
 Ecology;
 Access and Parking;
 Energy;
 Comments on Representations.

Principle of land use

A key objective of DPD Policies 1, 3, 5 & 11 is the effective and efficient use of land by promoting development on previously developed sites in accessible and sustainable locations, above greenfield sites. This echoes the advice offered in the NPPF at Paragraph 17 which states that the core planning principles include encouraging the effective use of land by reusing previously developed land. The sites were previously occupied by a school and a police station, with the exception of a small area of open space. The majority of the site area would therefore fall within the definition of 'previously developed land' set out in the NPPF. The NPPF also guides the Council in regards to providing a wide choice of high quality homes.

The Council's Annual Monitoring Report (AMR) sets out the potential housing land supply and has identified individual sites and wider local areas for housing development. This latest AMR is for 2016/17 and both of the sites covered by the application have also been identified within the Strategic Housing and Land Availability Assessment (SHLAA) (2012) as potential sites for residential development.

The former police station site is identified in the SHLAA for a smaller area than the application site, as it excludes the open space area, which at the time formed part of the leisure centre site. The landscaped land adjacent to the former police station and leisure centre is identified within the Open Space Study as Amenity Greenspace.

The Council seeks to make the borough an 'address of choice'. To achieve this, a range of attractive accommodation must be provided to suit all housing requirements by providing high quality, choice and diversity in new residential developments.

DPD Policy 3 requires major residential development to have access to at least three key services. As a guide, 'access' is currently defined as being within approximately 480

metres or approximately ten minutes walk time to a key service. With regard to accessibility, Policy 5 'Promoting Accessibility and Sustainable Transport Choices' states that development should be focused in the most accessible locations and that use of public transport, walking and cycling should be encouraged.

Given the sustainable location of the site; its close proximity to a range of key services (notably Royton Leisure Centre, Royton Health Centre, Royton District Centre and Shaw Road Business Employment Area (BEA8) and public transport routes, the scheme is acceptable in land use and sustainable development terms and has significant economic, environmental and social benefits.

In addition, and in specific regard to criteria ii) of Policy 3 which states that proposals shall contribute to the delivery of the borough's regeneration priorities, the proposal directly results in bringing forward an identified Regeneration Development Opportunity site, and has been marketed as such by the Council's regeneration team.

It is therefore considered that the principle of residential development on this site is justified. The application provides much needed housing to the borough in a location which is well served by local services and transport links and is clearly considered as a sustainable location.

Economic Viability and the provision of Open Space and Affordable Housing payments

It should be noted that the applicant is re-assessing the position in regard to off-site payments in relation to affordable housing and public open space (POS). At the time of writing this report, the figures relating to affordable housing and POS are yet to be agreed, and an update will be provided to Members at the Committee meeting.

Affordable Housing

Developments of 15 dwellings or above must be considered under DPD Policy 10 which sets out a target for 7.5% of the total development sales value to go towards the delivery of affordable housing, unless it can be clearly demonstrated to the council's satisfaction that this is not viable. As such, the applicant must provide evidence, via the submission of a viability report, of how the scheme satisfies the affordable housing requirements.

The viability assessment submitted by the applicant states that they have compared the return generated by the development, taking into account the associated land cost and measured this against a market return on gross development value of 20%. The report goes on to state that the findings of the assessment clearly demonstrate that even without any Section 106 payments, viability is a significant issue for this scheme and as such the imposition of any contributions would further exacerbate the viability concern.

This is a material consideration within the assessment of the scheme, in that it would be unreasonable for the local authority to impose such an additional cost and thereby remove any incentive to develop the site. The authority has assessed the findings of this viability statement and has found that a payment should be required. As noted above, negotiations are continuing between the applicant and the Council, the outcome of which shall be presented to members at the Committee meeting.

Open Space

DPD Policy 23 requires 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 it is not practicable or desirable.

The landscaped area adjacent to the former police station and leisure centre was originally included within the application for the adjacent leisure centre as landscaped land and is identified in the Open Space Study as Amenity Greenspace. Therefore, the applicant is required to justify the loss of the open space in accordance with Policy 23.

If the loss was deemed acceptable, a contribution to open space provision would need to be provided to compensate. As the Design and Access statement recognises the site is somewhat limited in size and there are other well established open spaces nearby it may be appropriate for an off-site contribution to open space; however this would need to be fully justified in relation to the policy criteria. Those criteria contained within Policy 23 are as follows;

Development of a site that is currently or was most recently used as open space will be permitted provided it can be demonstrated the development brings substantial benefits to the community that would outweigh the harm resulting from the loss of open space and;

- a replacement facility which is at least equivalent in terms of usefulness, attractiveness, quality and accessibility, and where appropriate quantity, to existing and future users is provided by the developer
- if replacement on another site is neither practicable nor desirable, an agreed contribution is made by the developer to the council for new provision or the improvement of existing open space or outdoor sport and recreation facilities and its maintenance within an appropriate distance from the site, or within the site

Whilst Policy 23 supports the protection of open spaces, it should also be read that not all spaces are of equal merit and that some can be made available for alternative uses, providing an opportunity to remedy deficiencies in the quality, quantity and accessibility of open space provision.

In this particular instance the pocket of land is primarily used as a cut through from Park Street and on to Radcliffe Street, as evidenced by the pedestrian desire route which is visible cutting across the site. There are 2 benches which could serve local residents, however, it is considered much more likely that those residents would opt to use the adjacent Royton Park for recreational purposes.

When weighed against the merits of the planning application, it is considered that the loss of this open space should not weigh against any approval. However, unless it can be demonstrated that the scheme would be unviable, a financial contribution towards off-site public open space will be required.

Design

DPD Policy 9 requires that new development does not result in a significant, adverse impact on the visual amenity of the surrounding area or significantly harm the amenities of occupiers of existing or future neighbouring properties, whilst Policy 20 includes the requirement that development proposals should promote high quality design and reflect local character. In addition, the Core Planning Principles within paragraph 17 of the NPPF seek to ensure high quality design and a good standard of amenity for existing and future occupants of land and buildings.

Both plots are bounded by a mix of buildings, with a variety of building materials used. It is recognised that any development providing residential units should match the scale and massing of the surrounding residential uses and in this regard the proposal illustrates traditional two storey dwellings with hipped roofs. These are laid out with clear building lines fronting onto the nearest public highway with gardens contained to the rear and screened from public view / access. This traditional arrangement is considered appropriate for this location, and the approach to developing separate blocks of buildings also follows the wider street plan in this part of Royton.

The main Radcliffe Street elevation which bounds the site from the adjacent Royton Park requires a high quality street scene to be provided along this attractive street frontage. The application provides a well-defined street frontage, with an appropriate mix of detached and semi-detached dwellings.

The elevational drawings submitted also illustrate a positive approach having been taken in regard to the main front elevation of each unit. The use of bay windows, moderately scaled dormer windows, covered front porches, stone lintels and soldier course brickwork provide relief to each elevation and points of interest which are otherwise not evident within the surrounding vernacular. Although differing from the existing house types which are currently in-situ, these dwellings will be considered attractive additions to the street scene.

In design terms, the loss of the existing open space along the Radcliffe Street elevation has a potential adverse impact on the street scene. However on balance, the wider improvements made to the public realm are considered to outweigh this loss. Moreover, the open character of this part of Radcliffe Street is not compromised to such an extent that a refusal on design grounds would be warranted, given the spacing provided between each unit, the set back provided from the main highway and the existence of the adjacent park which still provides the dominant visual open space.

Neighbouring Amenity

With regard to the relationship with the houses on Park Street, any views of the gable of the nearest house will be oblique only due to these properties being set further south from this nearest plot. The primary views would therefore be towards the proposed rear garden area, and therefore the separation between both the new and the existing dwellings is considered appropriate. The resulting street pattern would not feel cramped or oppressive and as such the amenity of these neighbours is not considered as having been compromised.

The dwellings set along Byron Street face out towards the rear of an apartment block (Runnymede Court) and provide a separation distance of 21.5m. This distance allows for privacy to be retained to the existing and future residents and would not introduce a built form which appears cramped and oppressive. As there are no detrimental implications in regards to residential amenity at this location due to the appropriate interface distances having been maintained between these two opposing elevations, there are therefore no objections raised in regard to residential amenity.

The rear of those existing dwellings fronting onto Radcliffe Street will face either the rear gardens of the proposed houses or the gable walls of new properties. As these will be set a minimum distance of 13 metres away, this relationship is considered to be acceptable.

No further residential properties would be directly affected by the development, and therefore the proposals would satisfy the objectives of DPD Policy 20.

Drainage and flood risk

The Strategic Flood Risk Assessment and the EA Flood Risk Maps indicate that both sites are in Flood Zone 1 which is classified as having a 'very low' probability of flooding. A Flood Risk Assessment (FRA) is therefore not required; however the applicant has provided a brief FRA, drainage strategy and details of sustainable drainage (SUDS).

The drainage systems will be designed to ensure that the site does not impact on the existing sewer system other than as permitted by the local water authority with the use of suitable attenuation and hydro brakes. Permeable pavement SUDs will be incorporated into the drainage design for private parking areas and piped drainage systems for roof water with flows restricted to 5 l/s and appropriate attenuation provided within the drainage systems.

The Council's Drainage team and United Utilities have raised no objection to the contents of the FRA or Utilities Statement and are content to condition the application in regard to the submission of a detailed drainage scheme prior to the commencement of development.

Ground Conditions

The sites were previously occupied by a school and police station. Therefore the sites are likely to have been filled and regraded and made ground deposits may be present beneath the sites. A Phase 1 Desk Study accompanies the submission and has been assessed by Environmental Health. The general findings of this study indicate that the potential risks associated with landfill gas and ground contamination are limited, and that subject to the relevant testing and monitoring prior to development any risk can be mitigated. Environmental Health have found no reason to doubt these findings and recommend works to be undertaken to address both landfill gas and ground contamination prior to the commencement of development.

Ecology

The information submitted with the application includes an ecology survey, arboricultural method statement and an arboricultural impact assessment. The conclusions of each of these supporting documents indicate generally low ecological interest and Greater Manchester Ecology Unit (GMEU) concurs with these findings. The response from GMEU notes that the site supports some trees, scrub and a hedgerow that may be used by nesting birds and advises that conditions be attached to any permission in regard to the provision of a detailed check of vegetation for active birds' nests immediately before the vegetation is cleared. In addition it is recommended that any approval shall include measures for biodiversity enhancement.

Access and Parking

The application has been assessed by the Highways Engineer. It is recognised that the proposed development is in a sustainable area, with good links to public transport and access to a wide range of local amenities. In relation to the parking arrangements proposed, it is noted that each dwelling will have two dedicated parking spaces, and a small car park is proposed which will accommodate vehicles displaced from the highway. There is currently a high demand for on-street parking along Byron Street, Cardigan Street, Milton Street and Radcliffe Street, and there are existing Traffic Regulation Orders in place to control on street parking in the area.

The Traffic Regulation Orders will require amendment to accommodate the proposed development, and a Section 106 contribution of £6,000 will be required for this. This will involve the signing and lining requirements and advertising costs. Additional waiting restrictions will be required to afford visibility to the proposed driveways along Byron Street

and Cardigan Street.

The Highways Engineer does not expect that the introduction of an additional 28 dwellings will generate a significant amount of traffic in the area to the detriment of highway safety, and is satisfied that, with amendments to the Traffic Regulation Orders, parking provision can be maintained at an acceptable level in the area. There are no reasons to object to planning permission being granted for highway safety reasons.

It should also be noted that the car park being provided by the applicant to be sited adjacent to the existing leisure centre will be transferred over to the Council. This asset transfer forms part of a separate agreement attached to the sale of the land.

Energy

Joint DPD policy 18 states that residential developments of over 10 dwellings will be required to reduce energy emissions in line with Part L of the Building Regulations through compliance with a rising scale of 'Code Level' ratings assessed against the Code for Sustainable Homes. However, National Planning Practice Guidance makes clear that, with the exception of legacy cases, the Code for Sustainable Homes has been withdrawn.

Given the above, it is considered that there is conflict between the requirements of DPD policy 18 and national guidance which post-dates the policy and therefore such a requirement cannot be imposed.

Comments on Representations

The objections received against this proposal raise a number of additional issues.

In relation to land values, this is not something which can be controlled via the land use planning system and accordingly is not material to the determination of this proposal.

Concerns were also raised in relation to the construction process and how this will affect local residents. This concern is more effectively dealt with under environmental legislation enforced by the council's Environmental Health team.

With regard to the concerns raised in regard to how the application was publicised, it can be confirmed that the development was advertised by site notice adjacent to the land and individual letters were sent to those residents adjoining the site. These actions accordingly fall within the statutory requirements and the Council's Scheme of Community Involvement.

Conclusion

The application seeks full planning permission for a residential development of up to 28 dwellings with associated car parking located on two separate sites previously used as a school and as a police station.

The proposed residential development would contribute to boosting the borough's supply of housing land in a sustainable location and would make provision for family homes in accordance with the Council's wider regeneration objectives. The indicative layout demonstrates that the amount of development proposed can be accommodated on the site without harming the character and appearance of the area by virtue of its layout, scale, pattern and density, and that an appropriate relationship can be achieved with surrounding occupiers to ensure that it has no adverse impact on the amenity and living conditions of adjoining occupiers through loss of outlook, privacy or daylight.

The development would provide a safe and suitable means of access for all highway users and the proposal would not have a severe residual cumulative impact on the highway network, either adjacent to or further away from the site.

Appropriate contributions would also be secured towards highway improvements, affordable housing and open space proportionate to the development's size and scale, and accounting for viability constraints. Measures would also be put in place to ensure that the development has no adverse impacts with respect to ecology, flooding and contamination.

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

It is recommended that Committee resolves (1) to approve the application subject to the conditions set out below and to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure the following:

(i) A commuted sum payment of £6,000 towards the implementation of an amended Traffic Regulation Order to cover signing and lining requirements and advertising costs, with additional waiting restrictions along Byron Street and Cardigan Street.

(ii) A commuted sum payment, in respect of affordable housing and public open space, details of which shall be confirmed to the Committee members

(2) To authorise the Head of Planning & Development Management to issue the decision notice upon satisfactory completion of the agreement.

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 plan and specifications, received on 4th July 2018, which is referenced as follows

1222/001 F

and those plans received on 12th March 2018 and referenced as follows;

1222/101
1222/102
1222/103
1222/104
1222/105
1222/201
1222/SLP
5665.01

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 in relation to the landfill gas risk 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, because the site is located within 250m of a former landfill site.

4. 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.

5. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of biodiversity and the protection of species.

6. Prior to the commencement of any development, a scheme of Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and the measures shall be retained thereafter.

Reason - In the interests of biodiversity and the protection of species.

7. The drainage for the development hereby approved, shall be carried out in accordance with the principles set out in the submitted Flood Risk Assessment (Ref No. 1238/SJG, dated 5th March 2018) which was prepared by Build Vision. No surface water shall drain directly or indirectly into the public sewer. Any variation to the discharge of foul drainage shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. 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.

8. Prior to occupation of the development, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a 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.

9. 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.

10. 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 4th July 2018 (Ref: Dwg No.1222/001 Rev F). 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.

11. All hard and soft landscape works for the site as illustrated within the plan referenced 1222-001-Rev F as shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance the programme agreed with the Local Planning Authority. Thereafter, any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no windows or other openings permitted by the Order shall be inserted in the side elevation of the approved dwellings which are set adjacent to 60 to 78 Radcliffe Street without the prior written consent of the Local Planning Authority.

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

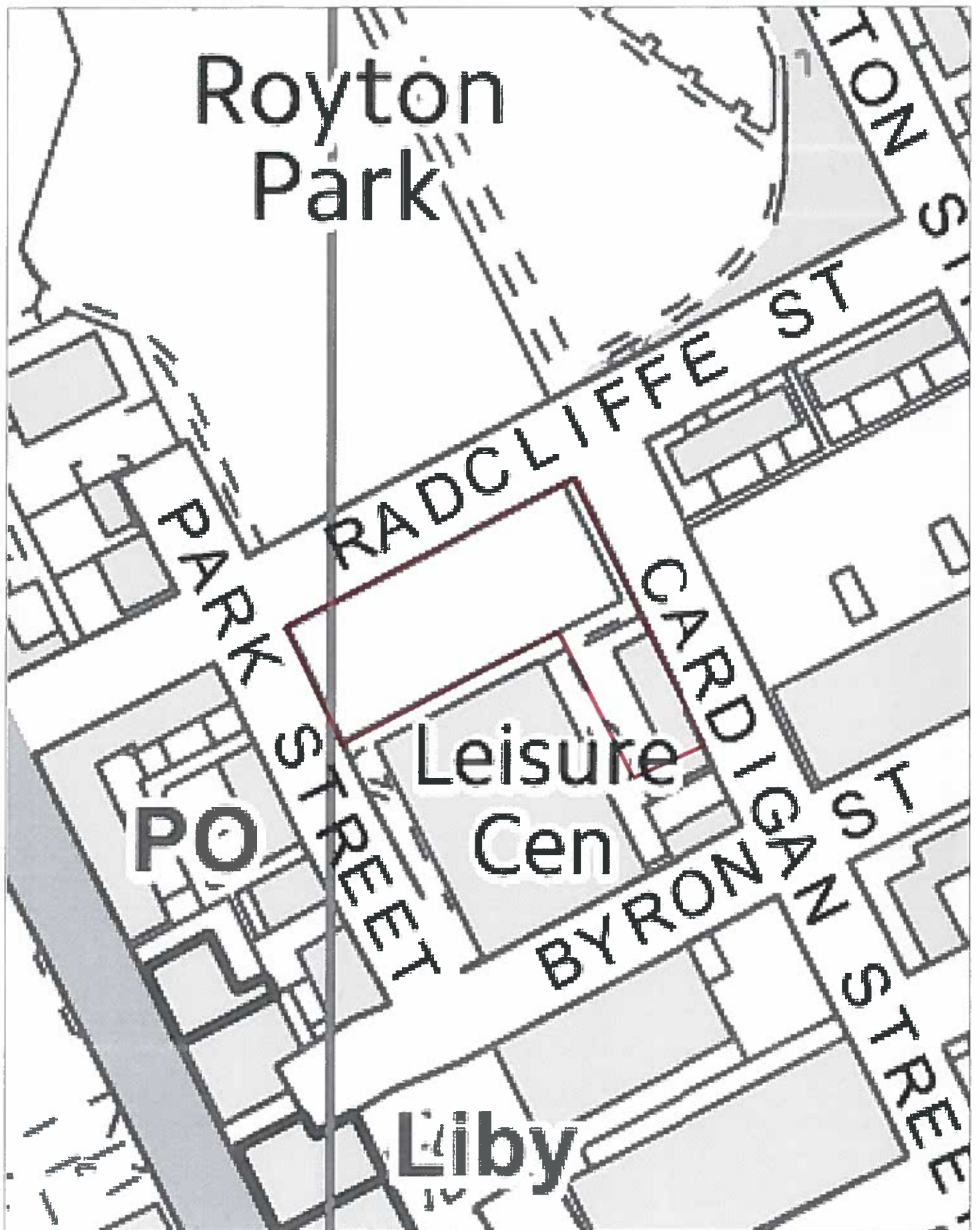
..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**

Royton Park



APPLICATION REPORT - PA/341619/18

Planning Committee, 18 July, 2018

Registration Date: 09/04/2018
Ward: Werneth

Application Reference: PA/341619/18
Type of Application: Full Planning Permission

Proposal: Erection of 3 no. dwellings
Location: Land adjacent 83 Coppice Street, Oldham, OL8 1TP
Case Officer: Tessa McKee

Applicant Agent : Mr Yaseen

THE SITE

The site is presently open land located between 83 and 99 Coppice Street, which are end-terrace properties. To the rear are residential properties which front onto Penn Street. Terraced houses also face the site across Coppice Street.

The site rises in level from Coppice Street to the rear, with an alleyway that serves the rear of properties on Penn Street beyond. The site is grassed and previously contained a number of trees which have recently been felled. The site is currently in private ownership.

THE PROPOSAL

Planning permission is sought for the erection of 3 detached two storey, gable roofed dwellings, with rear dormers, and single and two storey outriggers to the rear. The dwellings contain five bedrooms and will each have private garden/outdoor amenity space.

The proposal involves levelling the site and the provision of a retaining wall and boundary treatment adjacent to the alleyway.

RELEVANT HISTORY OF THE SITE:

None.

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 site is located within a Coal Authority Standing Advice and Critical Drainage Area.

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

Joint Development Plan Document

Core Strategies:

Policy 1 - Climate change and sustainable development;

Policy 3 - An address of choice;

Policy 5 - Promoting accessibility and sustainable transport options;

Development Management policies:

Policy 9 - Local Environment;

Policy 11 - Housing;

Policy 20 - Design; and

Policy 23 - Open spaces and sports.

CONSULTATIONS

Highway Engineer	No objection. Recommend a condition to prevent the driveway parking in the interests of highway safety.
Environmental Health	No objection. Recommend a contaminated land investigation.

REPRESENTATIONS

This application has been advertised by means of a site notice and neighbour notification letters. No comments have been received.

The applicant is presented to Planning Committee since the applicant is a relative of Councillor Akhtar.

PLANNING CONSIDERATIONS

Principle of Land use

DPD Policy 1 provides guidance that residential land should be focused in sustainable and accessible locations. Policy 5 states that developments should achieve high accessibility. Policy 11 and the NPPF place emphasis upon sustainability and require proposals on non-allocated sites to be well located in terms of access to modes of transport other than the car, including access to basic services and useable open space.

The proposed site is located within an existing residential area in close proximity to bus stops, schools, shops and open space.

DPD Policy 3 advises that the use of previously developed land should be the first preference for residential developments. However, given the small scale nature of the proposal, the release of this greenfield site would not be considered to undermine the Council's aim to supply housing on brownfield land.

It is recognised that the application is for family housing and the proposed housing units would contribute towards addressing the identified shortage of housing supply within the Borough.

Open Space

DPD Policy 23 states that the council will protect, promote and enhance open space in the borough, and will seek to secure new and improved well-designed open spaces where appropriate.

The proposal will result in the loss of an area of open space within a densely populated area that is deficient in open space in terms of quantity and quality. However, there are a number of factors which weigh in favour of the proposal in this instance.

Although previously landscaped and providing a visual break to the urban street scene, the site historically would have accommodated Victorian terraced properties. The site was not allocated or laid out specifically as open space in the long term.

The site is now in private ownership and public access could be prevented at any time.

None of the (felled) trees and shrubs on the site were/are subject to preservation orders.

No objections were received from local residents on the grounds of loss of the open space.

The site can make a small contribution to the provision of larger family houses (5 bedroom) for which there is demand and which would add to the Council's housing land supply position.

The proposed three detached homes in their layout will retain some spaciousness in the streetscene.

On balance, therefore, it is considered that there are sufficient grounds to justify the development in this instance having regard to the objectives of DPD Policy 23.

Design and Visual Amenity

The provision of three detached properties will maintain an element of spaciousness on Coppice Street and the size and scale of the residential properties are appropriate in the context of the area. In the interests of visual amenity, conditions are recommended to require materials to be approved and permitted development rights restricted to ensure the spaciousness is maintained. In this context, the development will satisfy the objectives of DPD Policies 9 and 20.

Residential Amenity

The primary consideration is the relationship with the terraced residential properties at 12 - 28 Penn Street to the rear of the site, given their close proximity with the site, and any impact on privacy for both existing and new residents.

The distance between the main rear elevation of the proposed dwellings and the main rear elevation of Penn Street properties is just 13.5 metres and the distance, from the two storey outrigger of the proposed dwellings and the Penn Street property's main rear elevation is approximately 10.5 metres. These separation distances are less than would normally be required to ensure good levels of amenity. However, the main rear elevations are set in a similar proximity as the existing terrace row on Coppice Street and reflects the wider character of the area.

Furthermore, the detached dwellings provide some relief in massing. The proposed outriggers are hipped roof and the only window in the rear elevation serves a bathroom with

obscured glazing (which will not impact on privacy). In addition, Penn Street is set on a higher level, and therefore the impact is not significantly overbearing on the neighbouring properties to merit refusal in this instance.

The amenity of the end terrace residential properties (no 83 and 99 Coppice Street) adjacent to the side of the site are also to be considered. 83 Coppice Street has a lean-to single storey outrigger which will screen much of the massing of the proposed dwelling. Furthermore it is set away from the boundary by approximately 1 metre.

In regard to 99 Coppice Street, the proposed dwelling is set 5 metres from the shared boundary and as such the separation distances ensure the impact is not detrimental. There are no first floor side windows proposed and therefore there is no detriment to privacy. To ensure amenity between the properties is maintained, this will be achieved through recommended conditions.

Land Contamination

The Council's Environmental Health Team has assessed the proposal in regard to landfill gas and contamination and have recommended a condition to require contaminated land investigations. The site does not fall within a coal mining Development High Risk Area and a Coal Authority Standing Advice informative note is recommended to be included.

Land Stability

The proposal involves excavation of the site to be level with Coppice Street and the provision of a retaining wall and boundary treatment to the rear of the site adjacent the rear alleyway.

Paragraph 120 of the NPPF states: *'To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location.'* Policy 9 of the LDF states the council will ensure: *'development is not located in areas where development is likely to introduce a source of potential hazard or increase the existing level of potential hazard.'*

To ensure the impact of the proposed residential scheme will not introduce an unacceptable risk in terms of land stability following the reduction in site levels, a condition will be required to confirm the details of any retaining structures and boundary fences between the site and adjacent land.

Highway Safety

The Highways Engineer initially had concerns with the original plan as it indicated garages/parking which had inadequate manoeuvring space and no inter-visibility between pedestrians and drivers emerging from the driveways. Due to these highway safety concerns, the applicant has removed parking from the proposal.

In order to ensure highway safety is not compromised by vehicles emerging blind across the footway, a condition is recommended to ensure that driveways are not constructed in the future.

It is appreciated that there is an existing demand for on-street parking on Coppice Street. The proposal will increase the demand for on-street parking; however there are no minimum parking standards for new dwellings and whilst it will increase the demand, the Highways Engineer does consider the impact would be detrimental to highway safety.

Conclusion

Although the proposal will result in the loss of the open space, in this instance the provision of 3 large family homes to meet an identified borough need is considered to outweigh the loss of open space in this instance. In terms of design, amenity, highways and land contamination the proposal is acceptable in accordance with relevant local and national planning policies.

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 plan and specifications: -

- Elevations and Floor Plans Rev. C 04.07.2018 (received on the 4 July 2018);
- E-mail subject 'RE: PA/341619/18 - Land adjacent to 83 Coppice Street, Oldham' (received on the 4 July 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 in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

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

4. No development shall 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.

5. No development shall commence until details of the arrangements for preventing on-site vehicle parking have been submitted to and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be implemented before the development is brought into use and shall be retained thereafter.

Reason - In the interest of highway safety.

6. No development shall commence unless and until a site investigation and assessment of the implications on land stability of the site and adjacent land has been undertaken by a suitably qualified engineer and a written report and recommendations, plans of levels and contours and details of boundary treatment have been submitted to and approved in writing by the Local Planning Authority. Any remedial measures or recommendations identified within the report shall be implemented in full during the development and a completion report evidencing those works shall be submitted in writing to the Local Planning Authority prior to first occupation of any dwellings hereby approved.

Reason - In order to protect public safety and visual amenity.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2018 (or any Order revoking and re-enacting that Order with or without modification), no development in Classes A, B, C, D, E or F of Part 1, or Class A or Class B of Part 2, of Schedule 2 to that Order shall be carried out on the site without the prior written consent of the Local Planning Authority

Reason - The Local Planning Authority considers it expedient, having regard to the density, type and appearance of the development, to regulate any future alterations/extensions to ensure that the amenities of the occupiers of neighbouring dwellings and the character and appearance of the area are not detrimentally affected.

8. The proposed bathroom first floor windows shown on the approved plan in the rear elevation of the outriggers of the three dwellings hereby approved shall be permanently glazed in Pilkington Level 3 obscure glass and non-opening.

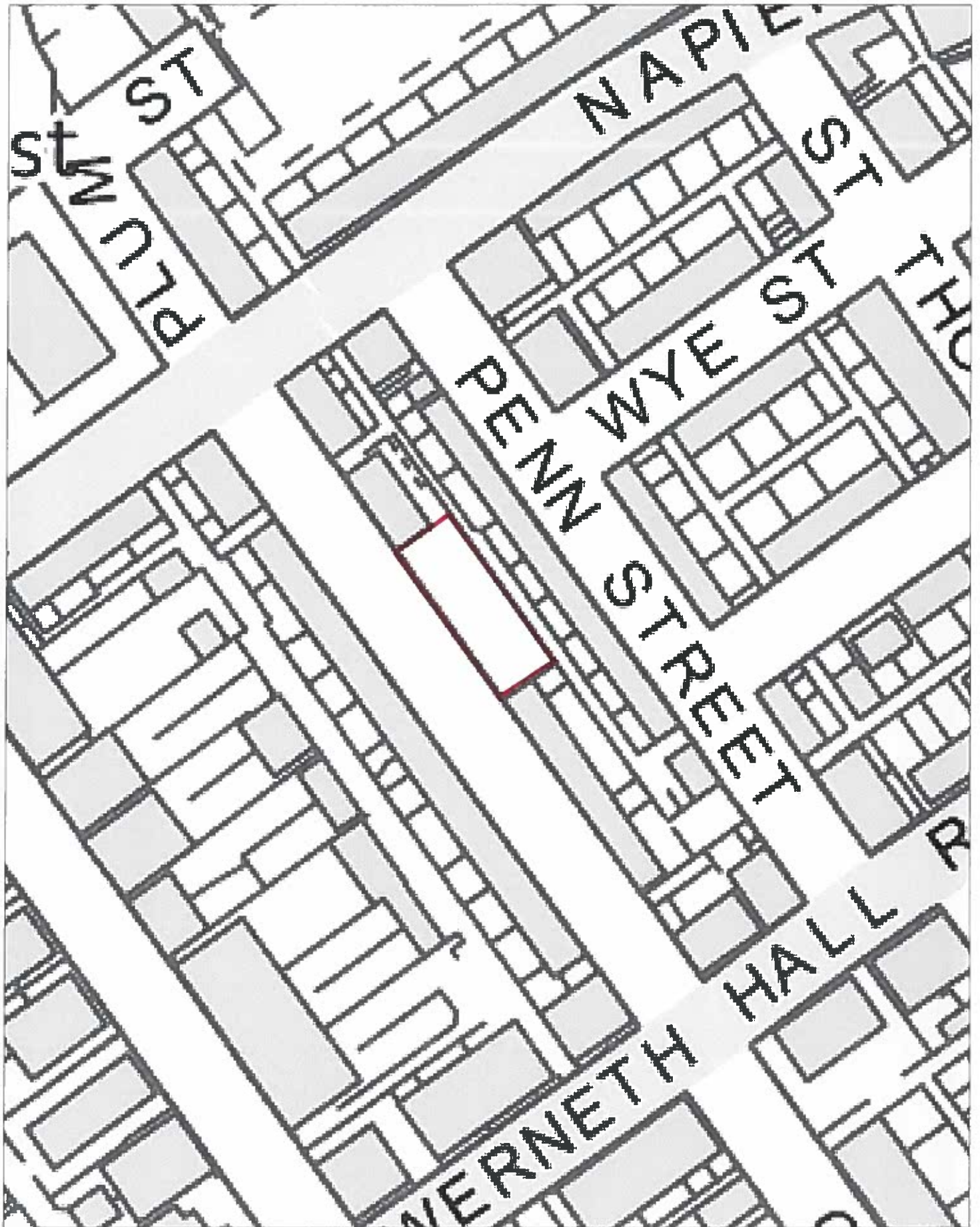
Reason - To protect the amenities of occupiers of neighbouring properties.

..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**



APPLICATION REPORT - PA/341827/18

Planning Committee, 18 July, 2018

Registration Date: 23/05/2018
Ward: Shaw

Application Reference: PA/341827/18
Type of Application: Full Planning Permission

Proposal: Erection of a single detached dwelling to replace a former commercial storage building alongside an associated outbuilding, garden and parking area

Location: Land at Buckstones Road, Oldham, OL2 8LJ

Case Officer: Matthew Taylor

Applicant Mr Trippier
Agent : M Jones Planning Consultancy

THE SITE

The application site comprises a vacant parcel of land that was previously occupied by a commercial storage building used in connection with a landscape gardening business. The structure was already in a dilapidated condition with only the framework existing on site at the time of a previous application in 2017. The building has now been totally demolished.

THE PROPOSAL

This application proposes a variation to a development which was approved in October 2017. The variations between the two schemes are material considerations in the assessment of this application.

The present application seeks the erection of a detached dwellinghouse, 16.8 metres in length by 6.1 metres in width, with accommodation provided over three levels (one below ground). The exposed elevations of the building comprise vertical walls to a height of 3.7 metres constructed in coursed stone. This height allows the lower section of the first floor to be incorporated with the remaining height achieved within a low pitched, grey slate roof rising to 5.3 metres. The works will comprise:

1. A subterranean area containing a home office, store room, wc and boiler/utilities room;
2. A ground floor comprising the main entrance and hallway, a living room, and a dining room/kitchen which will be achieved by excavating the existing ground level by approximately 1.5 metres;
3. A first floor comprising three bedrooms, two of which are en-suite, and a separate bathroom and wc;
4. A 1.5 metre wide terrace with balustrade which will extend around the side and rear of the building;
5. A pitched roof shed measuring 2 metres in length by 1.8 metres in width;
6. A car parking area and elongated garden curtilage will also be provided.

The previous approved dwelling under application PA/340501/17 involved the demolition of an existing commercial storage building and the erection of a detached dwelling, 16.9m in length and 6m in width on a single level rising to 2.4 metres to the eaves and 3.8 metres to the ridge and comprising:

1. A single floor comprising main entrance and hallway, a living room, kitchen area, three bedrooms, one en-suite, and a bathroom
2. A pitched roof shed will be provided measuring 2 metres in length by 1.8 metres in width;
3. A car parking area and elongated garden curtilage.

RELEVANT HISTORY OF THE SITE:

PA/340501/17 - 1) Demolition of existing commercial storage building 2) Change of use of storage yard to form single detached dwellinghouse and associated garden and parking area – Granted 25/10/2017

CL/340139/17 - Application for a Certificate of Lawfulness in relation to existing use of land and building for commercial storage in connection with a landscape gardening business – Granted 20/06/2017.

Application no. 24902/89/C 'Agricultural Building' was granted conditional planning permission on 14th December 1989. This permission was implemented and the agricultural building was part-erected in 1990. It does not appear to have been completed.

RELEVANT PLANNING POLICIES & GUIDANCE

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 (DPD) which forms part of the Local Development Framework for Oldham. It contains the Core Strategies and Development Management policies used to assess and determine planning applications. This application site is allocated as Green Belt on the Proposals Map associated with the Joint Development Plan Document. Therefore, the following policies are considered relevant:

Core Strategies:

- Policy 1 - Climate change and sustainable development;
- Policy 3 - An address of choice;
- Policy 5 - Promoting accessibility and sustainable transport choices;

Development Management policies:

- Policy 9 - Local environment;
- Policy 11 - Housing;
- Policy 20 - Design;
- Policy 22 - Protecting open land; and
- Policy 23 - Open spaces and sports.

CONSULTATIONS

Traffic Section	Does not wish to restrict the granting of planning permission.
Pollution Control	Recommended a contaminated land condition.
Shaw & Crompton Parish Council	Recommended refusal as the development is inappropriate development in the green belt.

REPRESENTATIONS

This application has been referred to the Planning Committee for determination on the request of Councillor Howard Sykes, as he supports the proposal..

The application has been advertised by means of neighbour notification letter and site notice. One letter of support has been received.

PLANNING CONSIDERATIONS

Green Belt policy

The application site is located within the Green Belt. DPD Policy 22 states that the main purpose of the Green Belt is to keep land permanently open. The NPPF expands on the approach to be taken in determining proposals for development within the Green Belt. Paragraph 80 defines the five purposes of the Green Belt, one of which, assisting in safeguarding the countryside from encroachment, is relevant in the context of this application.

NPPF Paragraph 87 goes on to confirm that inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. Furthermore, 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. It does however set out various exceptions. These include:

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use(excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

As the original building has now been demolished, any assessment of Green Belt openness would normally have regard to the present condition of the land as a cleared site. However, the previous permission for a new dwelling remains extant and could be implemented. This therefore represents a fall-back position which is material to assessing the application. Therefore, it is appropriate to assess the impact of the proposed building relative to the approved structure.

It is noted in paragraph 5.2 of the applicant's supporting statement that reference is made to assessment of whether the revised design has a "significantly greater" impact on the openness of the Green Belt. However, it is important to note, as quoted above, that this is not the test set out in the NPPF, which requires only an assessment of "greater" impact. That greater impact does not need to be deemed significant to demonstrate harm to

openness.

In granting the previous approval the planning officer's report stated that "It is well screened from the views along Buckstones Road by existing planting and vegetation adjacent to the highway. Whilst views across the site are possible from the access road adjoining the site, when the site is viewed from the access road, the proposed development would appear as an obvious feature within the landscape. The proposed dwelling has clearly been designed sympathetically with the topography of the application site and is of similar size and scale to the existing structure on site. For this reason, the proposed development would have no significant impact on openness of the Green belt, when viewed from this long distance view".

*It goes on to state that "As the proposed would be **single storey**, it is considered that the building is designed so that there would be no significantly increased impact on the visual openness of the Green Belt or any conflict with the main aims and objectives of Green Belt policy"*

Whether the proposal involves appropriate development in the Green Belt?

In the context of NPPF paragraph 89, in order for the proposal to comprise "appropriate development" in the Green Belt, the decision taker must be satisfied that "it would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development". As noted above, the previous application was deemed to satisfy that test.

In terms of issues of openness and visual amenity, in the Court of Appeal case of Turner v Secretary of State for Communities and Local Government and East Dorset Council (2016) it was observed that visual impact is implicitly part of the concept of the openness of the Green Belt, and that such assessment is not restricted to volumetric comparison only. It is open to the decision taker to consider the impact on openness in the context of the site itself, the type and character of development proposed, and how this relates to the existing situation.

In volumetric terms the presently proposed dwelling would involve an increase in volume from approximately 300 cubic metres to approximately 700 cubic metres. The applicant's supporting statement references an appeal decision for a basement extension to a dwelling in the Green Belt in which the Inspector concluded that, in that instance, it would not result in a 'disproportionate' addition to the original dwellinghouse. However, this decision relates to an assessment under a separate exception criteria of NPPF paragraph 89 i.e. "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building". This is not the test which applies in this instance, which is one of openness and the purposes of the Green Belt.

In this regard, it is acknowledged that a large proportion of the new dwelling will be below the existing and proposed ground level, and consequently it is accepted that it will have no impact on openness. Nevertheless, the new building will result in a structure approximately 40% greater in volume than the approved scheme above resultant ground level.

In reaching the previous decision on this site, significant regard was given to the fact that the replacement building would reflect the structure to be demolished in its scale, appearance, and massing. Notwithstanding the provision of the basement, which is of substantial size and a scale which duplicates the floors above, the removal of earth to create the ground floor of the new dwelling will result in a building of both significantly greater mass and visual impact. It is acknowledged that the building has been carefully designed to place almost all first floor window openings in the roof slope, however, this is only achieved by

creating a high eaves which results in a significant area of blank facing wall between the ground floor windows and eaves level. This design does not however reduce the overall impact of the proposed building on the openness and visual amenity of the Green Belt.

In drawing this conclusion, due regard has been given to the fact the overall height of the building relative to Ordnance Datum has not increased (by excavating the previous ground level). However, this still results in a greater height and bulk of the building above ground level.

Secondly, regard has been given to the screening provided by natural vegetation on the hillside. The greater massing of the building will be visible from public vantage points. It is not determinative to this assessment to show that those views are expansive, either in number or proximity, although due regard must be given to the particular circumstances of the site.

Consequently, it is considered that the proposal would have a greater impact on the openness of the Green belt and therefore represents inappropriate development in the Green Belt. It is therefore necessary for the applicant to demonstrate whether there are very special circumstances to outweigh the harm to the Green belt, and any other harm, by reason of inappropriateness.

In the supporting statement, the applicant makes reference to problematic ground conditions which would have led to the need for a piled retaining structure and which would add to the build costs. As a result, the statement suggests that consideration was given to lowering the floor slab, whilst retaining the existing roof level. This results in greater internal head height which would allow for the creation of a first floor. Whilst it is stated that this would make the scheme more viable, this would not represent a very special circumstance to outweigh the identified harm, and this could equally be achieved simply by lowering the ground floor level of the originally approved building.

It is acknowledged that the site has a Certificate of Lawfulness for commercial storage, and it is contended by the applicant that this would have more impact than the proposed dwelling. However, this is a general point which would relate to any previously developed site in the Green Belt, and would similarly not represent a very special circumstance.

Consequently, it is considered that the application fails to maintain the openness of the Green Belt, and no very special circumstances have been demonstrated to outweigh the identified harm to the Green Belt

Whether the site occupies an appropriate and sustainable location?

This matter was addressed under the previous application. However, it is necessary to reiterate the conclusions in the context of this application.

DPD Policy 1 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.

Policy 3 requires minor development to be located within approximately 480 metres or a ten minute walk 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 Buckstones Primary School is

located approximately 760 metres to the north-west of the site, which equates to a 10 minute walk. Whilst Shaw Methodist Church is approximately 320 metres to the north of the site which equates to a 5 minute walk. As such, it is considered that the site lies in a reasonably sustainable location for the purposes of Policy 3.

Policy 5 requires development to be accessible by public transport. With regard to 'minor' category planning application proposals, this should achieve at least 'Low Accessibility' status which is defined as being within 400 metres of a bus stop. It is noted the proposal is located within this required distance of the existing bus route which operates along Buckstones Road.

Residential amenity

DPD Policy 9 states it is necessary to consider how the proposal impacts on the amenity of the occupants of adjoining residential properties. In this regard, as the proposed development would be sited some 40 metres from the nearest dwelling (to the east of the application site) it is considered unlikely that there would be any significant impact on residential amenity. Other dwellings would be further away and would not be affected.

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

Highway safety

Adequate off-street parking facilities would be available for the property, and in this regard the Highways Engineer is satisfied that the proposed development would not have a significant impact on highway safety in accordance with Policy 9.

Conclusion

By virtue of the fact that the proposed development would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, it is considered to represent 'inappropriate development' and in the absence of any 'very special circumstances' which would outweigh the identified harm, the application is being recommended for refusal.

RECOMMENDATION

Refuse for the following reasons:

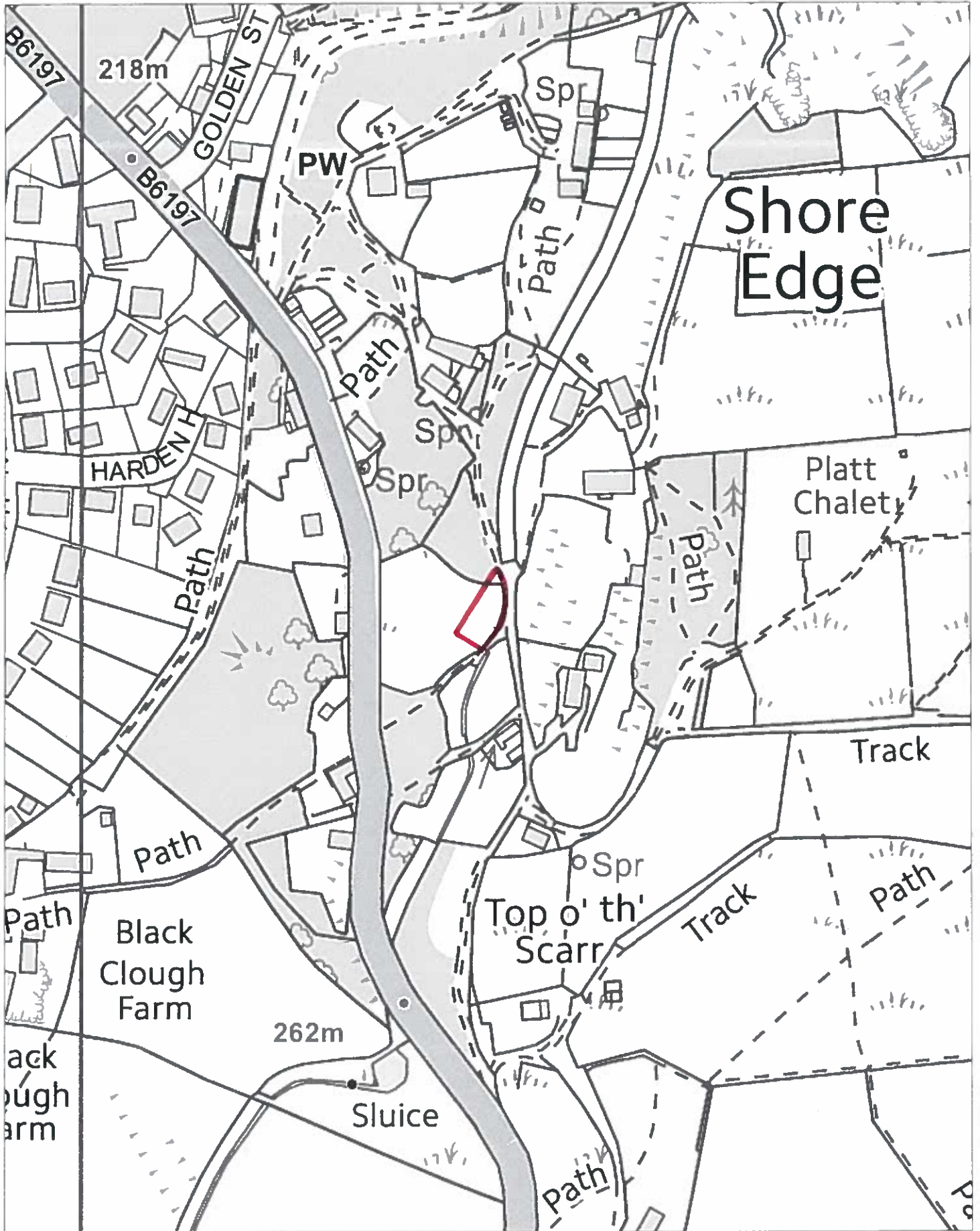
- 1. The proposed dwelling would have a greater impact on the openness of the Green Belt than either the original structure on site or the previously approved single storey dwelling. The development is, therefore, 'inappropriate development' within the Green Belt and, in the absence of 'very special circumstances' which outweigh the harm caused to the Green Belt by reason of inappropriateness, the proposed dwelling is contrary to the provisions of and Policy 22 'Protecting Open Land' of the Joint Development Plan Document which forms part of the Council's Local Plan, and Part 9 'Protecting Green Belt land' of the National Planning Policy Framework.

..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**



PLANNING COMMITTEE - BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING AND INFRASTRUCTURE

PLANNING AND ADVERTISEMENT APPLICATIONS

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

THE BACKGROUND PAPERS

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

ADDITIONAL BACKGROUND PAPERS

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

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

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



Planning Appeals Update

Planning Committee

Report of Head of Planning and Infrastructure

DATE OF COMMITTEE

2018

PLANNING APPEALS

WRITTEN REPRESENTATIONS

HOUSE HOLDER

HH/341204/18 14 Pickhill Lane, Uppermill, Oldham, OL3 6BN

HH341013/17 903 Middleton Road, Chadderton, Oldham OL9 0NG

ADVERTISEMENTS

AD/341121/17 363 Ashton Road, Oldham, OL8 1NW

APPEAL DECISIONS

HH/340379/17 2 Monarch Close, Royton, Oldham, OL2 5AE
Original Decision Del
Appeal Decision Allowed

PA/340334/17 44/46 Seville Street, Royton, Oldham OL2 6AN
Original Decision Del
Appeal Decision Allowed

RECOMMENDATION - That the report be noted.

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

Files held in the Development Control Section

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



Appeal Decision

Site visit made on 23 April 2018

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

an Inspector appointed by the Secretary of State

Decision date: 1st June 2018

Appeal Ref: APP/W4223/D/17/3188571

2 Monarch Close, Royton, Oldham OL2 5AE

- 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 Abid Miah against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/340379/17, dated 20 June 2017, was refused by notice dated 14 August 2017.
 - The development is the erection of a single storey rear extension.
-

Decision

1. The appeal is allowed. Planning permission is granted for a single storey rear extension at 2 Monarch Close, Royton, Oldham, OL2 5AE, in accordance with the terms of the application, Ref: HH/340379/17, dated 20 June 2017, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. AM18415 Revision C (21.7.17).
 - 2) Within 3 months from the date of this permission, the extension hereby permitted shall be fitted with obscured glazing in the elevation facing No 3 Monarch Close. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the glazing is installed and once installed the obscured glazing shall be retained thereafter.
 - 3) Within 3 months from the date of this permission, the hipped roof shown on drawing no. AM18415 Revision C (21.7.17) shall be constructed through to completion and retained thereafter.

Procedural Matter

2. I have used the description of the proposal from the Council's decision notice and appeal form. It adequately and simply describes the proposed development instead of the much longer and detailed description given on the application form.
3. A second site visit was undertaken on 1 May 2018, where the appeal scheme was solely viewed from the rear garden of No 1 Monarch Close.
4. At the time of my site visit, I saw that the development of the single storey extension had commenced and was substantially complete. I also note that the

application has been submitted retrospectively. I have dealt with the appeal on that basis.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to light, outlook and privacy.

Reasons

6. The extension would project approximately 5m from the existing dwelling at ground floor level and is sited within close proximity of the boundary with the adjoining dwelling, No 1 Monarch Close. On this boundary between the properties is a closed boarded panel fence that has domed tops. No 1 has two bedroom windows located on the rear elevations that face out towards the rear garden. One of the bedroom windows is close to the fencing on the common boundary.
7. During my visit, and in particular on my second visit where I was able to view the extension from the rear garden of No 1, it was evident that the extension does project above the boundary fence. However, the appeal scheme does not have a harmful impact, as it does not result in significant enclosing or shading effects on the adjoining dwelling given its marginal increase in height, when compared against the existing boundary fencing, and because the roof of the extension slopes away.
8. Additionally, through its orientation, No 1 already experiences some shadowing at the rear, by virtue of its northerly facing elevation, and I do not consider that the appeal scheme harmfully compounds this situation. The presence of other single storey dwellings and the distances maintained between No 1 and the surrounding properties, results in a significant amount of open sky afforded to the rear of No 1, which in turn delivers a significant amount of daylight to the property. The appellant has advised that whilst the scheme currently has a gable on the rear, it will be altered to a hip roof, which will further reduce the massing of the extension. I therefore find that the proposal does not have a materially harmful effect on the living conditions of the occupiers of No 1 with regard to sunlight/daylight or outlook.
9. The conservatory is located on the right hand side of the host property, when viewing it from the rear garden. It was acknowledged that the glazing in the elevation facing No 3 Monarch Close is clear. As the boundary treatment between this property and the host dwelling consist of low panel fencing, there is the potential for overlooking and loss of privacy due to the close proximity of the conservatory to this boundary. However, I agree with both parties that this matter could be easily dealt with by the imposition of an obscure glazing condition.
10. For all of these reasons the proposal does not create any harmful effects to the living conditions of neighbouring properties, in particular No 1 and No 3 with regard to daylight/sunlight, outlook or privacy and therefore accords with Policy 9 of the Development Plan Document – Joint Core Strategy and Development Management Policies 2011, which amongst other things seeks to protect and improve local environmental quality and amenity. Additionally, the proposal is consistent with the core planning principle of the Framework that

seeks a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Conditions

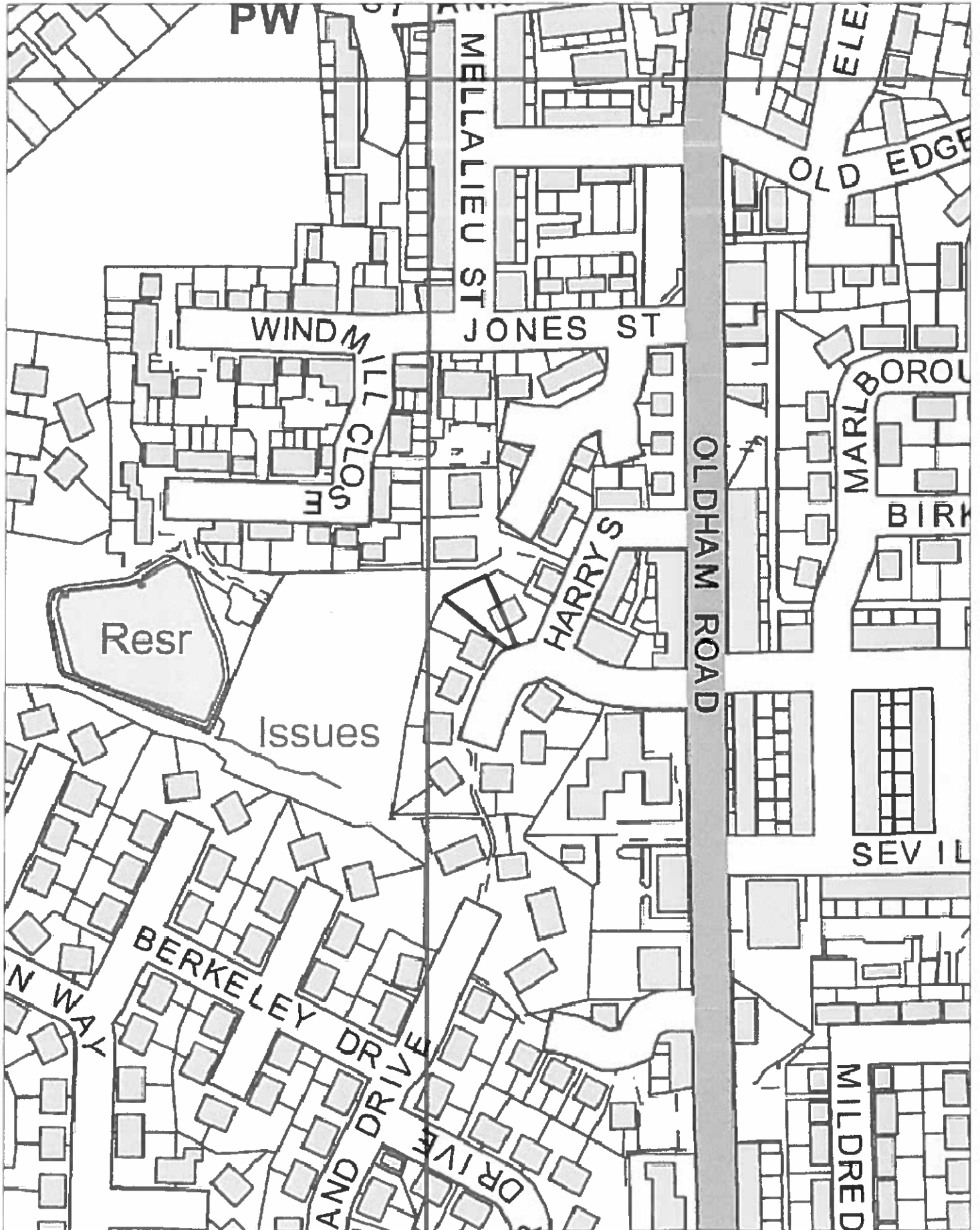
11. The Council has suggested conditions which it considers would be appropriate in their questionnaire. I have reviewed these in accordance with the tests set out in the Planning Practice Guidance (PPG). It is necessary to require compliance with the submitted plans. However, as the development is retrospective, a commencement condition is unnecessary. Additionally, as the extension is substantially complete, where acceptable materials have been used in the construction, this is also superfluous in the context of this appeal.
12. I have included a condition, as suggested by the appellant, to ensure that obscure glazing is fitted in the elevation facing No 3 Monarch Close within 3 calendar months from the date of this decision. The appellant has suggested one month, but I consider that due to the need to submit details of the obscure glazing to the Council, one month is likely to be an unreasonable period of time for both parties. Additionally, I have included a condition regarding the hipped roof, as shown on the submitted drawings for the single storey rear extension. The appellant has suggested that this work will be undertaken to reflect the submitted scheme, but has not suggested a timescale. As the development has commenced, the hipped roof design should be constructed and completed within a reasonable timescale.

Conclusion

13. Having had regard to all other matters raised, it is concluded that the appeal should succeed and planning permission should be granted subject to conditions necessary for the avoidance of doubt and in the interests of proper planning; and that seek to safeguard the living conditions of neighbouring occupiers.

Wayne Johnson

INSPECTOR





Appeal Decision

Site visit made on 23 April 2018

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

an Inspector appointed by the Secretary of State

Decision date: 4th June 2018

Appeal Ref: APP/W4223/W/18/3193952

Land rear of 44/46 Seville Street, Royton, Oldham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Platt against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/340334/17, dated 6 June 2017, was refused by notice dated 14 November 2017.
 - The development proposed is a single detached bungalow and associated works.
-

Decision

1. The appeal is allowed. Planning permission is granted for a single, detached, 2 bedroom bungalow with associated hard and soft landscaping creating gardens and parking provision for 2 domestic vehicles at Land to the rear of 44 & 46 Seville Street, Royton, OL2 6AN, in accordance with the terms of the application, Ref: PA/340334/17, dated 6 June 2017, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: 3269/01A; 3269/02D; 3269/03; 3269/04B and 3269/05.
 - 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the dwelling, path and driveway 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 / samples.
 - 4) The dwelling shall not be occupied until space has been laid out within the site, in accordance with drawing 3269/05 for 2 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Class A of Schedule 2, Part 1 of this Order shall be undertaken at any time.

- 6) Before the development is first occupied or brought into use a gate management plan, including long term design objectives, and management responsibilities, shall be submitted to and approved in writing by the local planning authority. The gate management plan shall be carried out as approved.

Procedural Matter

2. I have taken the address of the appeal site from the appeal form, as it more accurately describes the location of the scheme than the address on the application form.
3. I have used the description of the proposal from the Council's decision notice. It adequately and simply describes the proposed development instead of the much longer and detailed description given on the application form.
4. The Council in their suggested conditions refer to drawings 3269/02B and 3269/04A, but also 3269/02D and 3269/04B. Confirmation has been sought from the Council to explain why they have listed these drawings, and it has been confirmed that only 02D and 04B should be considered.

Application for costs

5. An application for costs was made by Mr David Platt against Oldham Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issue

6. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers in terms of noise, disturbance and loss of security.

Reasons

7. The appeal site is located within a defined settlement boundary of Royton and so has good access to the range of services and facilities the town has to offer. As a result, I agree with the parties that it is in an accessible location and in principle is suitable for residential development. Additionally, I note that the Council raise no objections with regard to the design or appearance of the dwelling, which I too consider the case to be in this instance.
8. The site is situated to the rear of 44 and 46 Seville Street, which forms part of a traditional terrace. This land once served No 44 as an extended garden, until the dwelling was sold in isolation. Access to the site is from a private road between No 42 Seville Street and no 44. The rear alley behind the properties is enclosed by a metal gate, which in turn has a further gate at the other end of the alley after No 70 Seville Street. These have been installed as part of an official gating scheme. On the opposite side of the public footpath is a similar, albeit, slightly larger bungalow.
9. The proposal is for a single storey, 2 bedroom detached bungalow that would be of brick construction with a tiled hipped roof. When viewing the proposal from the front, the dwelling would be in close proximity of the boundary with the public footpath to the right, but a side space would be provided on the opposite side, where access to the rear garden would be gained. In front of the dwelling is an area of hard standing for the parking of 2 vehicles, which is the same when it served No 44.

10. I noticed on my visit that the alley had grassed over and that some of extended garden areas had garages present. Although it appears that vehicles do not regularly use this alley, there would be nothing stopping existing residents doing so. It would appear that the appeal site had been used in the past for vehicular parking when it was attached to No 44. The scheme proposed is modest in scale and size and as such would not provide a large amount of accommodation for future occupiers. I consider that the scheme would not have the ability to attract an excessive amount of pedestrian or vehicular movements. Therefore, in my opinion the scheme would not create any harmful effects in regard to noise and disturbance over and above existing levels.
11. It is acknowledged that the area of which the appeal site forms will still be gated, albeit slightly set within the alley. I note that the scheme was initially deferred by Members on 20 September 2017, so that further details of the function of the existing gates could be considered, to ensure the safety of users in this area. Further comments were received from the Traffic Section in the committee report dated 25 October 2017, which acknowledges that the appellant has proposed an automated system to the gates with a key code and key fob provided for all residents.
12. I consider that this measure would ensure that the alley is still gated and that it would be still be available for all residents that currently have access. I do not believe that the scheme would increase the possibility of the gates being left open, when compared to the current situation, as it was obvious on my visit that residents already ensure that both sets of gates are closed and locked, and there is nothing substantive to indicate that this would change if the scheme was to be constructed. Additionally, I consider that the scheme would introduce an element of natural surveillance to the benefit of the neighbouring properties in terms of their security.
13. For all of these reasons the proposal would not create any harmful effects to the living conditions of neighbouring properties with particular regard to noise, disturbance and security, and therefore accords with Policy 9 of the Development Plan Document – Joint Core Strategy and Development Management Policies 2011, which amongst other things seeks to protect and improve local environmental quality and amenity, whilst promoting community safety. Additionally, the proposal is consistent with the core planning principle of the Framework that seeks a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17) and create safe and accessible environments, where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion (paragraph 58).

Other Matters

14. In addition to those matters considered above, neighbouring occupiers on Seville Street have raised concerns relating to loss of privacy and highway safety. Additionally, I note that the Council raises no objections in this respect. I have considered these concerns, but have judged them to be unfounded. I have had regard to various other matters raised by the neighbouring occupiers including condition of the outbuildings and ownership of the alley, but these do not alter my conclusions on the main issues.

Conditions

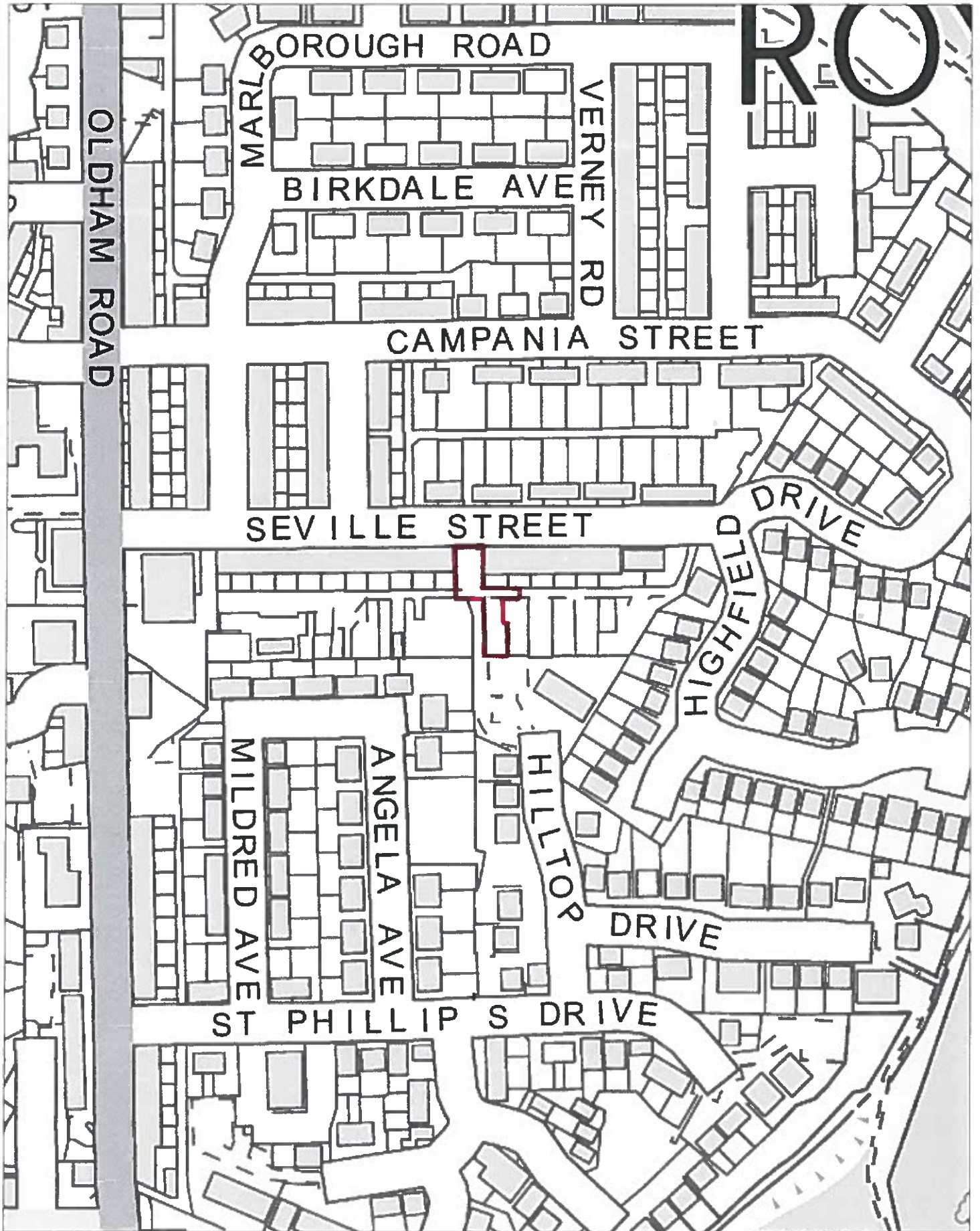
15. I have imposed standard conditions relating to the commencement of development. It is necessary to require compliance with the submitted plans. A condition for the submission of materials has been included in the interests of visual amenity. Ensuring the construction of the parking area is also necessary in the interests of highway safety.
16. Given the small size of the back garden, which would be the only private outdoor amenity area serving the proposed house, permitted development rights in relation to the enlargement, improvement or other alterations of the dwelling should be removed in order to protect the living conditions of future occupiers. Given, the concern of local residents, I include a condition to submit a gate management plan. I note details on drawing 3269/05 in this respect, but I consider that a formal management plan is necessary to ensure that all effected residents are accommodated by the development and that it is clear who to contact in the event of any future maintenance issues.
17. Conditions were suggested in relation to landscaping and maintenance. However, as the scheme is only for a single dwelling it is a small scale development and so it would be unreasonable to attach such conditions. Additionally, a condition relating to contamination was suggested. However, the site would appear to have been used in connection with a residential use for many years and there is nothing substantive to suggest that the land is contaminated and therefore I consider such a condition to be unreasonable.
18. I have required all these matters by condition, revising the Council's suggested conditions where necessary to better reflect the requirements of Planning Practice Guidance (PPG).

Conclusion

19. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed

Wayne Johnson

INSPECTOR



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