

PLANNING COMMITTEE Regulatory Committee Agenda

Date Wednesday 22 August 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 Sian Walter-Browne in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Sian Walter-Browne Tel. 0161 770 5151 or email sian.walter-browne@oldham.gov.uk

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Friday, 17 August 2018.

4. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti-social behaviour will always be filmed.

Any member of the public who attends a meeting and objects to being filmed for the Council's broadcast should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

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

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

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 - 8)
The Minutes of the meeting of the Planning Committee held on 18th July 2018 are attached for Members' approval.
- 6 Planning Application / PA/341850/18 / Saint Thomas Church, Church Street, Delph, Oldham, OL3 5DR (Pages 9 - 14)
1) Demolition of existing single storey (ecclesiastical) west porch and construction of new single storey extension to provide entrance porch, Vicar's Vestry, and WC accommodation 2) Construction of new DDA compliant entrance ramp to parish hall 3) Widening of the existing car park access.
- 7 Planning Application / PA/341965/18 / 149A Manchester Road, Greenfield, Oldham, OL3 7HJ (Pages 15 - 22)
Reserved matters application for 4 no. dwellings (approval of appearance, landscaping, layout and scale) following outline permission for residential development approved under application no. PA/337274/15. Revised application relating to PA/340209/17.
- 8 Appeals (Pages 23 - 44)
Appeals



PLANNING COMMITTEE
18/07/2018 at 6.00 pm

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

Also in Attendance:

Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Transport Officer
Tessa McKee	Planning Officer
Stephen Irvine	Head of Planning and Development Management
Graham Dickman	Development Management Team Leader
Hannah Lucitt	Planning Officer
Lori Hughes	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

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

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 6th June 2018 be approved as a correct record.

6 **PA/339626/17 - WOODFIELD CENTRE, NETHERFIELD CLOSE, OLDHAM OL8 4ET**

APPLICATION NUMBER: PA/339626/17

APPLICANT: Mr. Subhan

PROPOSAL: Erection of one detached two storey dwelling on plot 4

LOCATION: Woodfield Centre, Netherfield Close, Oldham, OL8 4ET

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

On being put to the vote 10 **VOTES** were cast **IN FAVOUR OF APPROVAL** and 0 **VOTES** were cast **AGAINST** with 1 **ABSTENTION**.

DECISION: That the application be GRANTED subject to the conditions as set out in the report, 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 and that authority be granted to the Head of Planning and Development Management to issue the decision notice upon satisfactory receipt of the planning obligation.

NOTES:

1. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 16.
2. Councillor Hewitt was not present for this item and took no part in the discussion or vote thereon.

7

PA/340660/17 - ROBIN HILL BANGLADESHI YOUTH CLUB, TRAFALGAR STREET, OLDHAM, OL1 2HY

APPLICATION NUMBER: PA/340660/17

APPLICANT: JSSJ Developments Ltd

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 13 no. parking bays

LOCATION: Robin Hill Bangladeshi Youth Club, Trafalgar Street, Oldham OL1 2HY

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

On being put to the vote 8 VOTES were cast IN FAVOUR OF APPROVAL and 4 VOTES were cast AGAINST with 0 ABSTENTIONS.

DECISION: That the application be GRANTED subject to the conditions as set out in the report and as amended in the Late List and subject to the additional condition in the Late List.

NOTES:

1. That an Objector 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 16.

8

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

APPLICATION NUMBER: PA/341119/17

APPLICANT: Samrum Investments

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

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

On being put to the vote 5 VOTES were cast IN FAVOUR OF APPROVAL and 6 VOTES were cast AGAINST with 0 ABSTENTIONS.

It was MOVED by Councillor S. Bashforth and SECONDED by Councillor Haque that the application be REFUSED contrary to Officers' recommendation.

On being put to the vote 7 VOTES were cast IN FAVOUR OF REFUSAL and 4 VOTES were cast AGAINST with 0 ABSTENTIONS.

DECISION: That the application be REFUSED contrary to officers' recommendation for the following reason:

“The proposed development will involve the introduction of residential accommodation into an area which is subject to existing noise from entertainment venues and activity associated with those uses. Notwithstanding the submission of additional information to demonstrate a scheme of measures intended to protect residents from noise disturbance and revisions to the internal layout; the proposal continues to result in limited internal space and outlook from the proposed apartments, and restrictions on access to natural ventilation, which would not attain an acceptable degree of amenity for future residents.

The proposal would therefore be contrary to Policy 9 of the Oldham Local Development Framework Joint Core Strategy and Development Management Policies DPD and the objectives of the National Planning Policy Framework to secure a good standard of amenity for all existing and future occupants of land and buildings.”

NOTE: Councillor Hewitt was not present for this item and took no part in the discussion or vote thereon.

9

**PA/341339/18 - FORMER COUNTHILL SCHOOL,
COUNTHILL ROAD, OLDHAM**

APPLICATION NUMBER: PA/341339/18

APPLICANT: Redrow Homes Ltd.

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



LOCATION: Former Counthill School, Counthill Road, Oldham

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

On being put to the vote 11 VOTES were cast IN FAVOUR OF APPROVAL and 0 VOTES were cast AGAINST with 1 ABSTENTION.

DECISION: That the Committee was MINDED TO APPROVE the application subject to the conditions as set out in the report, the amendments to the recommendations and conditions and the additional condition as set out in the Late List and 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 £85,946 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 Policy 5
- 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; and

The Head of Planning and Development Management be authorised to issue the decision notice upon satisfactory completion of the agreement.

NOTES: In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 16.

10

PA/341496/18 - 16 POLE LANE, FAILSWORTH, MANCHESTER, M35 9PB

APPLICATION NUMBER: PA/341496/18

APPLICANT: Mosaic Holdings Ltd.

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

It was MOVED by Councillor Qumer and SECONDED by Councillor S. Bashforth that the application be REFUSED against Officer recommendations.

On being put to the vote 11 VOTES were cast IN FAVOUR OF REFUSAL and 1 VOTE were cast AGAINST with 0 ABSTENTIONS.

DECISION: That the application be REFUSED contrary to Officers' recommendations for the following reasons:

"1. The proposal would result in the loss of a scarce large family house in Failsworth East; an area where there is a shortage of five-bedroom or more house types (2.1% of the housing makeup in Failsworth East) compared to the Oldham average (2.9%) and national average (6.3%) of five-bedroom or more housing.

As such, the proposal is contrary to Policy 11 Housing, of the Local Plan that seeks to ensure that new residential development provides an appropriate mix of housing types, sizes and tenures and demands of the Borough's communities and provide mixed, balanced and sustainable communities.

2. The loss of this family-sized house would detrimentally affect the character of this predominantly family housing area and would subsequently fail to preserve or enhance the character of the Failsworth Pole Conservation Area.

As such, the proposal is contrary to Policy 24 – Historic Environment, of the Local Plan that seeks to protect, conserve and enhance Conservation Area character."

NOTES:

1. That an Objector, 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 16.

11 **HH/341537/18 - 25 LOVERS LANE, GRASSCROFT, OL4 4DT**

APPLICATION NUMBER: HH/341537/18

APPLICANT: Mr. and Mrs. Windle

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

LOCATION: 25 Lovers Lane, Grasscroft, OL4 4DT

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

On being put to the vote, the Committee voted UNANIMOUSLY IN FAVOUR OF APPROVAL.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report and the replacement to Condition 3 with the following:

“Notwithstanding any details indicated on the approved plan, no part of the flat roof section of the approved single storey extension shall be used at any time as a sitting out area or for any similar recreational or amenity purposes.

Reason – In order to prevent overlooking in the interests of the amenity of the occupiers of neighbouring properties.”

NOTES:

1. That an Objector 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 16.

12

PA/341540/18 - FORMER BYRON STREET INFANT AND NURSERY SCHOOL, BYRON STREET, AND FORMER POLICE STATION, RADCLIFFE STREET, ROYTON

APPLICATION NUMBER: PA/341540/18

APPLICANT: HNA Architects Ltd.

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

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

On being put to the vote 11 VOTES were cast IN FAVOUR OF APPROVAL and 0 VOTES were cast AGAINST with 1 ABSTENTION.

DECISION: The Committee be MINDED TO APPROVE the application subject to the conditions as set out in the report, amendments as set out in the Late List 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 of £20,000 in respect of public open space in the vicinity of the site; and

The Head of Planning and Development Management be authorised to agree the details of the appropriate open space facilities to be provided, and to issue the decision notice upon satisfactory completion of the agreement.



NOTES:

1. That an Objector 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 16.

13

PA/341619/18 - LAND ADJACENT 83 COPPICE STREET, OLDHAM, OL8 1TP

APPLICATION NUMBER: PA/341619/18

APPLICANT: Mr. Yaseen

PROPOSAL: Erection of 3 no. dwellings

LOCATION: Land adjacent 83 Coppice Street, Oldham, OL8 1TP

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

On being put to the vote, the Committee voted **UNANIMOUSLY IN FAVOUR OF APPROVAL**.

DECISION: That the application be **GRANTED** subject to the conditions as set out in the report and the additional condition in the Late List.

NOTES:

1. Councillor Akhtar clarified that he was not a relative of the applicant. The applicant was a constituent of his ward.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 16.

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PA/341827/18 - LAND AT BUCKSTONES ROAD, OLDHAM, OL2 8LJ

APPLICATION NUMBER: PA/341827/18

APPLICANT: Mr. Trippier

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

It was MOVED by Councillor H. Gloster and SECONDED by Councillor Harkness that the application be APPROVED against Officer recommendations.



Oldham
Council

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

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

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

DECISION: That the application be REFUSED.

NOTES: That the Applicant 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.

16

LATE LIST

RESOLVED that the information related to the submitted planning applications as at 18th July 2018, as contained in the Late List, be noted.

The meeting started at 6.00 pm and ended at 8.25 pm

APPLICATION REPORT - PA/341850/18

Planning Committee, 22 August, 2018

Registration Date: 17/05/2018
Ward: Saddleworth North

Application Reference: PA/341850/18
Type of Application: Full Planning Permission

Proposal: 1) Demolition of existing single storey (ecclesiastical) west porch and construction of new single storey extension to provide entrance porch, Vicar's Vestry, and WC accommodation 2) Construction of new DDA compliant entrance ramp to parish hall 3) Widening of the existing car park access.

Location: Saint Thomas Church, Church Street, Delph, Oldham, OL3 5DR
Case Officer: Hannah Lucitt

Applicant Agent : Parochial Church Council of St Thomas, Friarmere
Lloyd Evans Prichard

THE SITE

Saint Thomas Church is located within Delph Conservation Area. The detached building was constructed in 1884, with the addition of the Parish Hall to the east elevation, possibly at the turn of the century, and the flat roof porch extension to the west during the later C20th.

THE PROPOSAL

This application proposes the demolition of the existing single storey (ecclesiastical) west porch, and the construction of new single storey extension to provide entrance porch, Vicar's Vestry and WC accommodation to the west elevation.

The proposed single storey flat roof addition would project 5.7m from the rear of the building, 7.7m in length, 3.5m in total height. Windows are proposed to each elevation, with the entrance doors and associated ramp to the south elevation.

The application also proposes the construction of a new entrance ramp to the parish hall to the east elevation and the widening of the existing car park access.

The proposed ramp would have a stone flag finish, with coursed, dressed stone and stone coping to match the existing building.

The proposal would result in the loss of a Sycamore tree.

RELEVANT HISTORY OF THE SITE:

No relevant planning history.

CONSULTATIONS

Environmental Health	No objection.
Conservation & Design Advice	No objection, subject to the inclusion of conditions addressing materials, window and door specification, and the protection of the original stonework.
Council's Arborist	No objection, subject to the inclusion of a s.106 agreement for tree planting on council owned land close

Highway Engineer

to the site.
No objections to the amended scheme.

REPRESENTATIONS

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

PLANNING CONSIDERATIONS

Principle

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

Paragraph 2 within the National Planning Policy Framework (NPPF) reiterates that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

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

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

Therefore, the following policies are considered relevant:

Development Management Policies:

Policy 9 - Local Environment;
Policy 16 - Local Services and Facilities;
Policy 20 - Design;
Policy 24 - Historic Environment; and
Saved UDP Policy D1.5 Trees.

Principle of Development

The application site is currently an established church and associated parish hall but the applicant has demonstrated the need to extend the building as currently the building is too small and not able to provide the functional requirements for a place of worship and the public benefits associated with the changes. The main use of the building will continue following the re-development.

The scale of the proposed development is modest, and is considered necessary in order for the church to continue to function and provide the services required which accords with Policy 16 of the DPD.

Given the above, the principle of development is considered acceptable.

Residential Amenity

DPD Policy 9 outlines that new development proposals must not have a significant adverse impact upon the amenities of neighbouring properties. In this regard it is important to consider the impact on the neighbouring properties alongside the application site at Church Street, Gartside Street, and Lawton Street.

In this instance, it is not considered that the proposed development would have a significant impact on the amenity of neighbouring dwellings due to the modest scale of development,

and the separation distance between the application site and neighbouring dwellings to the side, front and rear.

It is considered that the impact on neighbouring amenity is acceptable in accordance with DPD Policy 9.

Highway Safety

The proposed development includes the widening of the existing access into the car park and will require some minor alterations to the Lawton Street access and boundary wall. These matters can be controlled by means of a Section 106 agreement since the works lie outside the site boundary.

Design and impact on the Conservation Area

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

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

Paragraph 128 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

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

The flat roof porch extension to the west contributes little architecturally to the church. However, its relatively simple design and use of a flat roofed construction to prevent interference with the large west window of the Church, make this a fairly innocuous addition. The proposal to rebuild a larger version, still set back from the south elevation of the Church, would have little impact architecturally.

The proposed development has clearly been designed to reflect the existing structure, with materials more sympathetic to the stone used within both the host building, and the retention of windows of architectural merit.

Paragraph 134 within the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Given the above, it is considered that the proposal would cause 'less than substantial harm' to the heritage asset i.e. Delph Conservation Area.

The application has provided a Design and Access Statement to address the harm as identified above, which includes the introduction of important uses within the building which are currently lacking, such as the disabled WC and a ramped access point.

However, it is considered that conditions addressing materials, window and door specification, and the protection of the original stonework, should be included within any recommendation for approval, to outweigh the harm.

Given the above, it is considered that the 'less than substantial harm' caused by virtue of the proposed development, would be outweighed by the public benefits provided by the applicant. The proposed development would therefore broadly serve to enhance the Delph Conservation Area, in compliance with DPD Policies 9, 20 and 24 and Part 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.

Trees

The impact that the proposed development might have on the tree protected by the Tree Preservation Order has been considered. Policy D1.5 within the largely superseded Unitary Development Plan for Oldham is concerned with the protection of trees on development sites. The applicant has submitted an Arboricultural Impact Assessment which suggests that 1 individual large, healthy, sound, prominent tree with a high amenity value would be removed to facilitate the development.

The Council's Tree Officer has commented that over the coming years, due to the future growth of the tree and the somewhat restrained growing area available, there will be conflict between the tree and the church/ wall/ footpath.

In order to address the loss of trees, the applicant has agreed to a contribution to provide three oak trees to be planted on Council owned land in the area.

Regrettably, for these reasons and the public benefits claimed, it is considered that the loss of the tree is considered acceptable, on balance, in accordance with Policy D1.5.

RECOMMENDATION

That Committee is minded to approve the application subject to the following conditions and to the completion of a Section 106 contribution of £900 to be used for 3 oak trees to be planted on Council owned sites in Delph, and to the completion of any necessary Traffic Regulation Orders to deal with alterations to Lawton Street.

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:

TO BE CONFIRMED

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

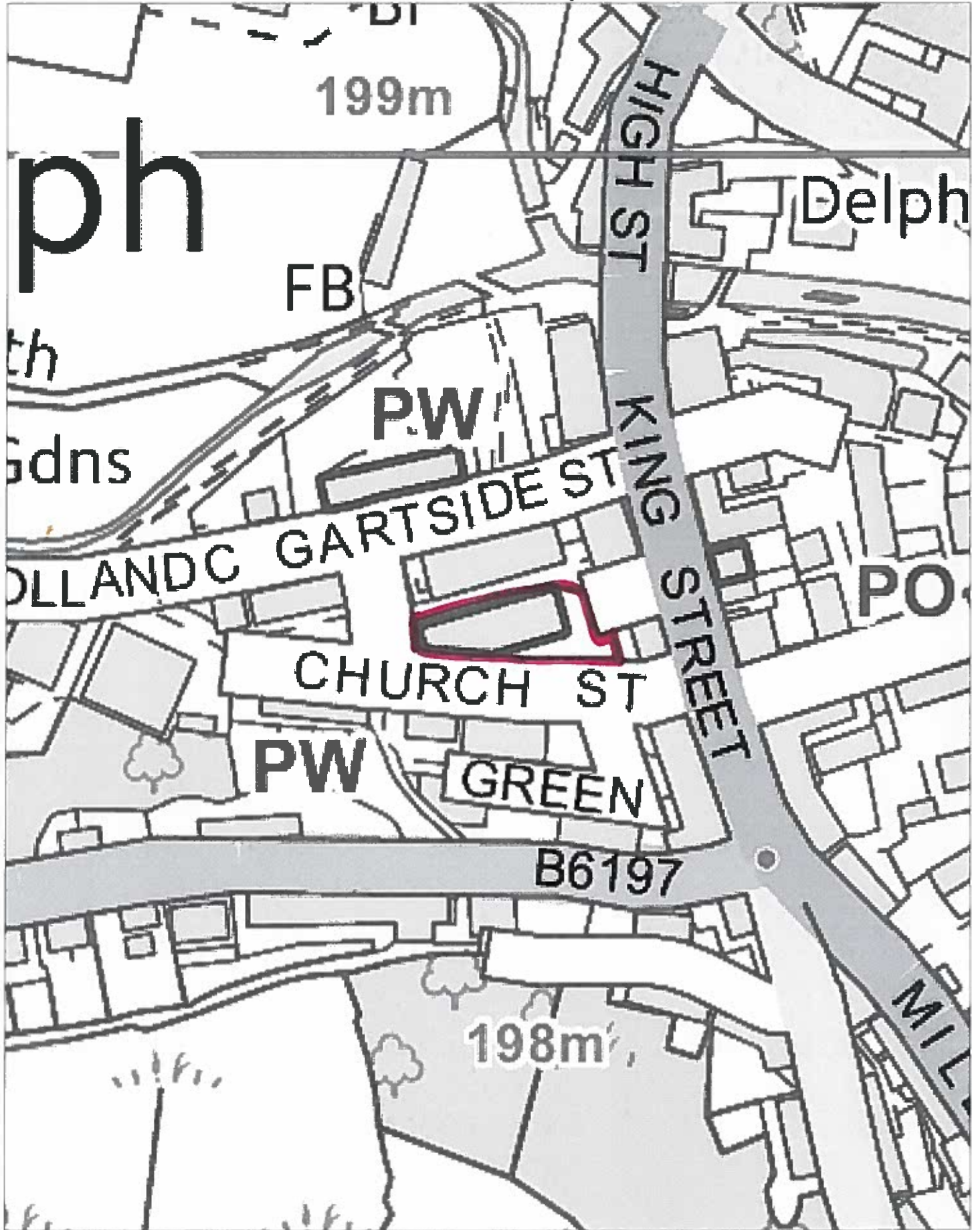
3. No development shall take place unless and until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with 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. A methodology which allows the original steps and the adjacent stonework to be protected in perpetuity, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. The protective measures shall be undertaken in accordance with the approved details.

Reason - In order to avoid damage to the historic fabric.

Saint Thomas Church, Church Street, Delph



APPLICATION REPORT - PA/341965/18

Planning Committee, 22 August, 2018

Registration Date: 27/06/2018
Ward: Saddleworth South

Application Reference: PA/341965/18
Type of Application: Reserved matters

Proposal: Reserved matters application for 4 no. dwellings (approval of appearance, landscaping, layout and scale) following outline permission for residential development approved under application no. PA/337274/15. Revised application relating to PA/340209/17.

Location: 149A Manchester Road, Greenfield, Oldham, OL3 7HJ
Case Officer: Graeme Moore

Applicant Mr Kaberry
Agent : Civitas Planning Limited

BACKGROUND TO THE REPORT

This application is a resubmission of a proposal (PA/340209/17) which was refused by members of Planning Committee at the meeting on 18 April 2018, contrary to the Planning Officer's recommendation for approval. The reason for refusal was as follows:

"The proposal is overdevelopment of the site that results in:

- increased overlooking and a loss of privacy to adjacent residents;*
- insufficient amenity space being available for occupiers of the new houses; and,*
- insufficient turning space being provided for large delivery and refuse vehicles to manoeuvre into and around the proposed site.*

As such, the proposal is unsustainable development and contrary to:

Policy 9 of Oldham's LDF Joint DPD which seeks to protect the amenity of existing and future residents; and,
Policy 4 of Oldham's Joint DPD which seeks to ensure highways safety by requiring appropriate highways safety measures and schemes are implemented as part of development proposals".

The applicant has sought to address the reason for refusal associated with the lack of turning space for refuse vehicles, and this is discussed in the 'Highway Issues' section of this report.

The report below otherwise largely reflects the assessment and recommendation in connection with the previous application.

THE SITE

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

The site itself slopes gently downwards from Manchester Road, although the large garden associated with the existing bungalow on the site is largely flat. There are a number

of mature trees on the site, largely concentrated at its southern boundary and north-west corner. However, none of these are afforded protection by means of a Tree Preservation Order. Previously a number of trees existed on the frontage of the site, but these have recently been felled.

THE PROPOSAL

A reserved matters application has been submitted pursuant to the outline/hybrid consent granted under PA/337274/15 for four dwellings (outline) and one dwelling (full planning permission for a bungalow on the site frontage). Access was also approved under the outline consent. The matters for consideration under this reserved matters application are appearance; landscaping; layout; and scale. The proposal is a resubmission of a previously refused reserved matters submission (PA/340209/17).

The proposal involves the development of four dwellings, located to the rear of the already approved bungalow. The dwellings are all five bedroom, 2 storey dwellings with bedrooms in the roof space.

A shared driveway leads from Manchester Road to the properties which each include an attached single garage and two additional parking spaces per plot.

PLANNING HISTORY

PA/340209/17 - Reserved matters application pursuant to permission ref. PA/337274/15 for four dwellings. Refused 26/06/2018

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

CONSULTATIONS

Highways Engineer - No objections, subject to a condition requiring the access and parking spaces to be constructed before the dwellings are occupied.

REPRESENTATIONS

The application has been publicised on the Council's website, by press advertisement, neighbour notification and by site notice. Letters of objection have been received from the occupiers of 6 neighbouring properties on the following grounds.

- There does not appear to be any changes from the previous plans;
- Invasion of privacy and loss of light;
- Proposed development would detract from what is currently a peaceful and rural environment;
- Noise disturbance largely associated with construction noise;
- Devaluation of properties;
- Loss of existing views;
- Concern regarding further trees being removed from the site and future pressure being applied to fell those that are to be retained, in account of their close proximity to the proposed dwellings;
- Additional car journeys expected adding to congestion in the area;
- Local amenities, with the exception of churches, are already oversubscribed;
- Represents overdevelopment of the site; and
- Inadequate screening from trees, especially when not in leaf.

PLANNING CONSIDERATIONS

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 2 of the National Planning Policy Framework (NPPF 2018) which was published on 24 July 2018 and the policies within the revised Framework are material considerations which should be taken into account in dealing with applications

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

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

Core Strategy

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

Development Management Policies

Policy 9 Local Environment
Policy 20 Design

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

- Appearance;
- Landscaping;
- Layout; and
- Scale.

Design and Layout

The application site is located within an area which contains a mix of property designs and sizes. 149 Manchester Road is a large, two storey property, by contrast 151 and 153 Manchester Road have a more traditional, semi-detached cottage appearance. On Dacres Drive to the west there are semi-detached bungalows, whilst on Noon Sun Close to the east and south there are modern, large detached two-storey houses.

Consequently, there is no distinct local vernacular which the development would be required to follow. The application proposes the erection of 4 detached dwellings of a consistent, two storey form with variations in window design and other detailing to reflect the position of each plot on the site. In this context, the design and scale of the buildings is considered appropriate and in accordance with the objectives of DPD Policies 9 and 20.

Adequate areas of private amenity space are available for the occupiers of each of the dwellings.

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

Impact on amenity

In relation to an earlier design for the development, officers expressed concerns at the potential for overlooking of neighbouring properties and a resultant loss of amenity to those residents. In response the applicant amended the designs to ensure that the buildings achieve satisfactory relationships, both within the site and towards adjacent properties and

gardens. These details are set out below.

Plot 1

The property lies on an east/west axis. The original proposal indicated two bedroom windows overlooking the rear gardens of 28-32 Dacres Drive. These have now been removed, with high level windows serving two bedrooms (1.7m cill height) replacing them. These rooms are also served by full height windows on other elevations, including a bedroom window which has been moved to the southern elevation, facing Plot 2. Due to the changes made to the proposal, there are no concerns with the proposal in relation to overlooking.

Plot 2

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

Plot 3

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

Plot 4

The property lies on an east/west axis. Previous proposals have shown two bedroom windows overlooking the rear garden of 149 Manchester Road. These have now been removed, with high level windows (1.7m cill height) replacing them. A bedroom window has been moved to the northern elevation, directly overlooking the proposed bungalow approved under PA/337274/15, but with the roof of that property obscuring any potential overlooking. Due to the changes made to the design, there are no concerns with the proposal in relation to overlooking. Full height ground floor windows still face the adjacent property, however, the installation of screen fencing will ensure no overlooking.

Consequently, the amendments to the scheme have ensured that there are no instances where neighbouring properties would be overlooked in relationships below those which would normally be expected on new developments. A condition of any approval will ensure no future alterations are carried out which would undermine this situation.

Highway Issues

The proposal involves a small scale development which can be readily accommodated on the surrounding highway network.

Following members refusal of the previous application, a revised site plan has been submitted indicating a waste bin collection point alongside Manchester Road.

This revised submission is also accompanied by a Planning Statement. This indicates that the applicant has sought clarification from the Council's Waste Collection team in relation to the policy of collecting waste from private driveways. This confirms that it is the policy of the Waste Collection team to collect waste bins from the public highway, where there is no agreement to enter a private driveway - or that it is not possible. The collection of the bins from the public highway is readily accepted for all of the existing properties which front onto

Manchester Road, so it is considered that a refusal based on the fact that there is insufficient turning space within the site, could not be sustained and defended at any appeal.

Whilst the internal layout does not specifically provide a facility for large delivery vehicles to turn, this is not an unusual arrangement on a small scale development of this type. Furthermore, such visits will inevitably be infrequent, and drivers will routinely be aware of any limitations and access the site accordingly. In this context, it is considered that no significant adverse impact on highway safety would result from the development.

The Highways Engineer has raised no objection to the present scheme which details driveways for each dwelling being able to accommodate two cars with an attached garage also being able to accommodate a car. Subject to a condition stating that development shall be carried out in accordance with the submitted details, the development is now acceptable from a highway perspective.

Conclusion

The proposal has been fully assessed against national and local planning policy guidance. The principle of residential development has already been established, and it is considered that the proposed details are acceptable in terms of the appearance and impact upon the visual amenity of this site and surrounding area, and the relationship with neighbouring properties. The proposal will have no detrimental impacts upon the environmental quality of this locality, or pedestrian and highway safety.

The small scale of the development, comprising just 4 additional dwellings, would ensure that there would be no significant additional pressure on local services.

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

Members' attention is also drawn to an appeal to the Secretary of State which has been submitted in relation to the previous refusal. That appeal is presently awaiting determination.

1. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications, received on 27/06/2018, which are referenced as follows Proposed Site Plan, Proposed Plans Plot 1, Plans Plot 2, Plans Plot 3, Plans Plot 4, Proposed Elevations Plot 1, Proposed Elevations Plot 2, Proposed Elevations Plot 3, Proposed Elevations Plot 4 and Proposed Landscape Plan.

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

2. Prior to the commencement of any development, details of the construction, levels and drainage of the access road and parking spaces shall be submitted to and approved in writing by the Local Planning Authority. No dwellings hereby approved shall be first occupied unless and until the access from Manchester Road and the car parking spaces for that dwelling have been provided in accordance with the approved plan referenced 'Proposed Site Plan'. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

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

colour, size and texture with the approved samples.

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

4. All hard and soft landscape works shall be carried out in accordance with the details as shown on the approved 'Proposed Landscape Plan' either prior to, or at latest during, the first planting season following the substantial completion of the dwellings. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

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

5. No development shall take place unless and until all trees within the site, or whose root structure may extend within the site, and which are to be retained, have been fenced off in accordance with a detailed scheme which has been previously submitted to and approved in writing by the local planning authority. Thereafter no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence during the construction period.

Reason - In order to avoid damage to trees within or adjacent to the site which are of important amenity value to the area.

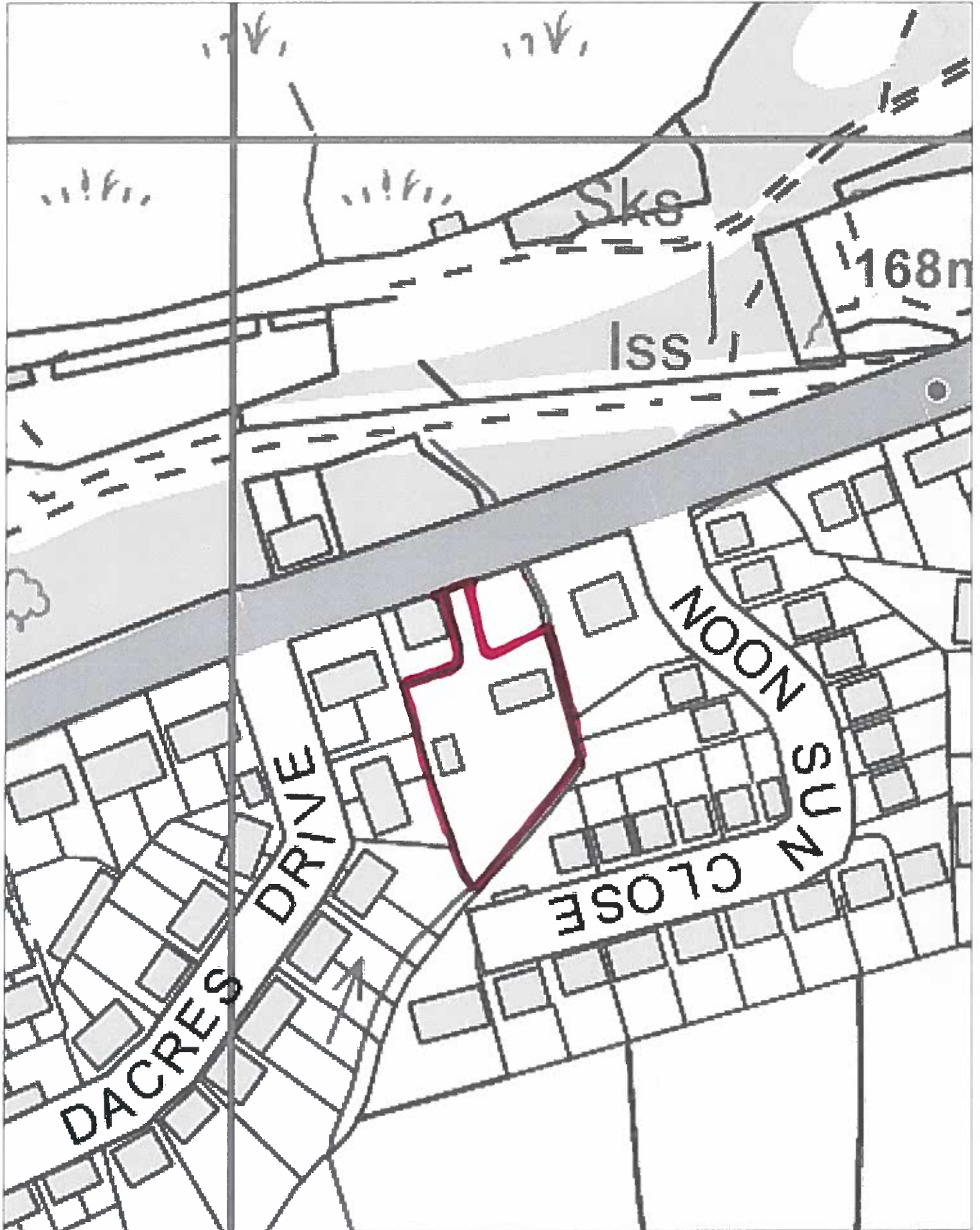
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), other than as shown on the approved plans, no additional window openings shall be installed into any external elevation or roof of the dwellings hereby approved, nor shall any approved window openings be enlarged or otherwise altered, unless the prior written approval of the Local Planning Authority has been obtained.

Reason - In order to protect the amenity of the occupiers of neighbouring residential properties.

7. 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), all windows indicated on the approved plans to be obscurely glazed to Pilkington level 5 shall be installed in accordance with the proposed specification prior to first occupation of the dwelling to which the window relates, and such glazing shall be retained at all times thereafter.

Reason - In order to protect the amenity of the occupiers of neighbouring residential properties.

149A Manchester Road, Greenfield



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

August 2018

PLANNING APPEALS

WRITTEN REPRESENTATIONS

HH/341204/18	14 Pickhill Lane, Uppermill, OL3 6BN
PA/341513/18	380-382 Hollins Road, Oldham, OL8 3BE
PA/340209/17	149A Manchester Road, Greenfield, OL3 7HJ
PA/340691/17	The Old Stables, Lee Side, Diggle, OL3 5JX
PA/341265/18	Beech Hill House, 25 Beech Lane, Grasscroft, OL4 4EP

HOUSE HOLDER

ADVERTISEMENTS

AD/341284/18	17/19 Huddersfield Road, Oldham, OL1 3LG
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APPEAL DECISIONS

AD/341121/17	Advertising Hoarding Adjacent to 363 Ashton Road, Oldham
Original Decision	Del
Appeal Decision	Dismissed
PA/340260/17	Primrose Hill, Roebuck Lane, OLDHAM OL4 3RD
Original Decision	Del
Appeal Decision	Dismissed
HH/340994/17	127 Delph Lane, Delph, OL3 5UT
Original Decision	Del
Appeal Decision	Dismissed
LB/340995/17	127 Delph Lane, Delph, OL3 5UT
Original Decision	Del
Appeal Decision	Dismissed
HH/341013/17	903 Middleton Road, Chadderton, Oldham, OL9 0NG
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 2 July 2018

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

an Inspector appointed by the Secretary of State

Decision date: 13 July 2018

Appeal Ref: APP/W4223/Z/18/3196867

Advertising Hoarding Adjacent 363 Ashton Road, Oldham OL8 1NW

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Richard Page on behalf of Insite Poster Properties against the decision of Oldham Metropolitan Borough Council.
 - The application Ref AD/341121/17, dated 27 November 2017, was refused by notice dated 23 January 2018.
 - The advertisement proposed is replacement of the existing 48-sheet illuminated advertising display with a 48-sheet illuminated digital advertising display.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council's reason for refusal relates specifically to matters of public safety. I determine the appeal on that basis.

Main Issue

3. The main issue is the effect on public safety, with particular regard to matters of highway and pedestrian safety.

Reasons

4. The appeal site consists of a building located on the eastern side of Ashton Road (A627) in close proximity to a signalled pedestrian crossing and the entrance to Tyro Street car park, within a predominantly commercial setting of buildings and uses. The proposed internally illuminated 48-sheet advertisement consisting of an LED screen with images changing at intervals would be located on the northern gable end of the building. It would replace an existing externally illuminated signage board with a static image of similar proportions which according to the evidence before me has deemed consent. Due to the position and orientation of the building and the proposed siting of the LED display, it would only be seen by pedestrians and road users approaching from a northern direction along Ashton Road and when accessing

that road from junctions with Tyro Street, Hadfield Street, Schofield Street and Charleston Street.

5. The PPG¹ states that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. The PPG does advise that there are less likely to be road safety problems if the advertisement is on a site within a commercial locality and if the advertisement is not on the skyline, as would be the case with the proposal before me. However, the PPG² also lists the main types of advertisement which may cause danger to road users. The list includes, amongst other things, those which because of their size or siting would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal. In addition, it also refers to internally illuminated signs (incorporating either flashing or static lights), including those utilising LED technology, where the means of illumination is directly visible from any part of the road and which are subject to frequent changes of display.
6. The proposed sign would be the type of advertisement referred to above. However, the guidance in the PPG relating to advertisements in terms of public safety does not, of itself, mean that all internally illuminated signs utilising LED technology would be harmful to highway or pedestrian safety. The individual circumstances of the site and its surroundings are, therefore, necessarily considered.
7. Ashton Road has a relatively straight alignment as it passes the site with a downward slope in a southward direction and a 30mph speed limit. The road has a single carriageway in each direction with footways and street lighting, together with a speed camera on the nearside carriageway to the north of the site, a bus stop with shelter in closer proximity and another bus stop and shelter on the opposite side of the road. On-street parking along Ashton Road is restricted by road markings in the immediate surroundings and I observed that the road is heavily trafficked with regular bus services and some heavy goods vehicles passing. Beyond the pedestrian crossing are nearby junctions with Honeywell Lane and Hollins Road. Accident data for a preceding five year period includes accidents with injuries of a serious and slight severity both close to the pedestrian crossing and towards the junctions with Honeywell Lane and Hollins Road.
8. Having driven along the road in the mid-morning on a weekday, I observed that the access and junction arrangements require concentration with due care and attention for other road users. It is especially the case for motorists unfamiliar with local highway conditions, due to the presence of the pedestrian crossing together with vehicles overtaking buses, vehicles slowing to access the Tyro Street car park and others passing on the inside of vehicles waiting to turn right into Hadfield Street. The LED screen would initially be observed at distance when approaching from the north along Ashton Road, but it would then be partly obscured from a driver's view on the nearside carriageway by overhanging landscaping and the bus shelter until in close proximity to the site. In that context, the LED screen although to the side of the footway and set back from the highway edge, would be visually prominent when closely approaching the traffic signals that serve the pedestrian crossing.

¹ PPG, Advertisements - Paragraph: 067 Reference ID: 18b-067-20140306 Revision date: 06 03 2014

² PPG, Advertisements - Paragraph: 068 Reference ID: 18b-068-20140306 Revision date: 06 03 2014

9. With regard to the above, the introduction of an internally illuminated LED 48-sheet sign, displaying a variety of static images changing at intervals, would draw the attention of motorists to a significantly greater degree than the existing externally-illuminated static sheet sign that it would replace and the other signs within the area. The sign would not obstruct visibility from existing accesses. However, due to its siting, size, internal illumination and frequent changes of display, it would draw the eye of motorists at a moment when road users are required to exercise care and attention to safely negotiate a busy stretch of highway and when they may need to brake suddenly if signals on the pedestrian crossing change or vehicles are slowing to access Tyro Street car park or turn in to subsequent junctions.
10. The proposal would, therefore, introduce an unacceptable distraction in very close proximity to an existing traffic signal and as part of the immediate approach to locations where previous accidents and serious injuries have occurred. Consequently, the proposal would result in an unacceptable increase in risk of accidents for pedestrians and road-users when travelling in a southward direction along Ashton Road. The harmful effect in that respect would not be mitigated by conditions suggested by the appellant in terms of illumination levels, frequency of changes of display, restrictions on special or visual effects, and intervals between successive displays. The proposal would, therefore, have an unacceptable impact upon highway and pedestrian safety, which reflects harm to public safety.
11. The Council has raised no issue in relation to amenity. From the submitted evidence and my observations of the site and the area, I have no reason to disagree. No examples of similar internally illuminated LED signs were visible in the immediate locality at the time of my visit. However, a number of 48-sheet advertisements were evident, together with a range of other illuminated and non-illuminated advertisements sited on nearby buildings and in the wider area. In such circumstances, where a range of different advertisements are a common feature in a commercial setting, the proposal would not harm the character and appearance of the area. Nevertheless, the absence of concern in terms of amenity is a neutral factor.
12. I conclude that the advertisement would harm public safety, due to the unacceptable impact upon highway and pedestrian safety identified. The proposal, therefore, conflicts with Policy 20 of the Oldham Joint Core Strategy and Development Management Policies - Development Plan Document, adopted November 2011, the Framework and the PPG in that respect.

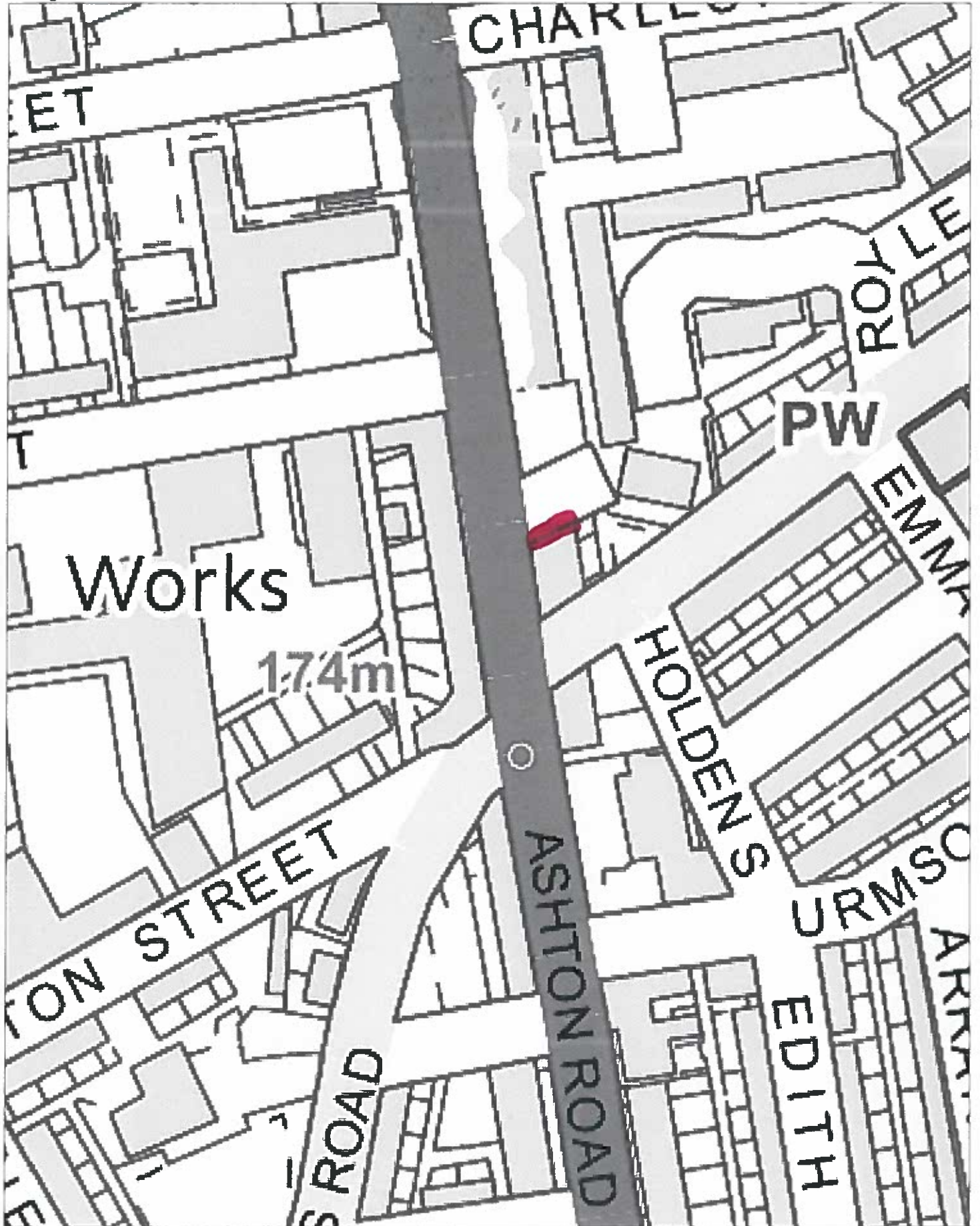
Conclusion

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

Gareth Wildgoose

INSPECTOR

Adj to 363 Ashton Road, Oldham





Appeal Decision

Site visit made on 2 July 2018

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

an Inspector appointed by the Secretary of State

Decision date: 13 July 2018

Appeal Ref: APP/W4223/W/18/3199324

Primrose Hill, Roebuck Lane, Strinesdale, Oldham, Lancs OL4 3RD

- 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 Matthew Brears against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/340260/17, dated 10 May 2017, was refused by notice dated 24 November 2017.
 - The development proposed is "*erection of stables and tack room, and formation of access road*".
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development provided by the application form has been updated by subsequent documents. I have adopted the description of development provided by the appeal form accordingly as it provides certainty of the appeal proposal before me.

Main Issues

3. The main issues of this appeal are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan, and the effect upon the openness and the purposes of including land within the Green Belt;
 - The effect on highway safety, with particular regard to access and parking arrangements, and;
 - If the proposal is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

4. The appeal site is designated within the Green Belt and consists of an existing field adjoining the eastern side of Roebuck Lane and is enclosed from the surrounding fields within the appellant's ownership by post and wire fencing,

together with a mixed hedgerow adjoining the road. A public bridleway runs along the boundary of the site from Roebuck Lane and leads through the surrounding fields toward the appellant's dwelling, Windy Harbour Farm, which is partly screened from the site by the undulating land levels. On the opposite side of Roebuck Lane there is a terraced row of residential dwellings, but in general the development in the rural location is otherwise more sporadic and dispersed.

5. Policy 22 of the Oldham Joint Core Strategy and Development Management Policies - Development Plan Document (JCS&DMP), adopted November 2011, indicates that development in the Green Belt will be permitted provided it does not conflict with national policies on Green Belt. Whilst the policy refers to Planning Policy Guidance Note 2, which applied at the time, that document has now been superseded by the current national policies relating to Green Belt set out in the Framework.
6. With regard to the above, the Government attaches great importance to Green Belts. The Framework at paragraph 89 indicates that the construction of new buildings should be regarded as inappropriate in Green Belt, unless it meets one of a bulleted list of six exceptions. The exceptions at bullet point 2 include the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. In addition, bullet point 6 permits 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.
7. The Framework defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. The definition excludes, amongst other things, land that was previously developed but where the remains of the permanent or fixed surface structure have blended into the landscape in the process of time.
8. Based on the evidence before me, the site was previously occupied by a dwelling which was demolished a number of years ago. At the time of my visit, it was evident that the remains of the dwelling have now blended into the landscape and only a short section of its former boundary wall is visible above the vegetation. In such circumstances, I consider that the site is not previously developed land as defined by the Framework and therefore, would not fall within the exception at bullet point 6 of paragraph 89 of that document.
9. Turning to the exception at bullet point 2 of the Framework, the proposal is for erection of stables and tack room, and formation of an access road. The evidence before me indicates that the building consisting of three stables and a tack room would be for the personal use of the appellant's family or the owners of the land. In that respect, to my mind, the building would be of a proportionate scale and design for the keeping of horses on the land for private use, together with the associated storage requirements. I am, therefore, satisfied that the proposal could be considered to be appropriate facilities for outdoor recreation. However, bullet point 2 also requires that such a proposal

preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

10. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open, with openness identified as one of the essential characteristics of the Green Belt. The construction of the stables on the site would result in built development in an area of land that is currently open. The resultant scale, bulk and massing of the building in a set back and elevated position relative to the road, together with the addition of hardstanding to provide the access and a trailer to store manure, would lead to a loss of openness that would be visible in close proximity from sections of Roebuck Lane when looking east and when walking along the bridleway from that road. Consequently, the proposal would fail to preserve openness and therefore, would not meet the exception at bullet point 2 of paragraph 89 of the Framework.
11. In reaching the above view, I have taken into account that the site is partly screened from Roebuck Lane by the existing hedgerow and that it would not be a prominent feature in the wider landscape due to its traditional rural design with stone walls and slate roof, the undulating topography, the sporadic presence of other rural buildings and the backdrop of the terraced row when viewed from public vantage points along the bridleway when approaching from the east. I have also noted that the appellant intends to undertake some small scale cut and fill works to create a level area for the building to ensure that it sits as low as possible within the land and has offered to provide additional screen planting if necessary. However, given the difference in topography relative to the road, I consider that those works would not mitigate the visible loss of openness within the site. In any case, openness has both a spatial and visual aspect and therefore, visual containment of a site or reductions to the visibility of the building would not, of itself, overcome the loss of openness that I have identified.
12. The development would also erode the contribution that the existing site makes to the open countryside setting on the eastern side of Roebuck Lane. Whilst the design of the building would not look out of place in a rural setting, the siting of isolated built form on the land would interrupt the current open views towards the undulating topography where farmhouses and agricultural buildings are generally more distant from the eastern side of Roebuck Lane.
13. Although there would be no other harm with respect to the other purposes of including land within the Green Belt, the absence of concern in those respects is a neutral factor.
14. I, therefore, conclude that the proposal is inappropriate development in the Green Belt when having regard to the Framework and Policy 22 of the JCS&DMP, which is harmful by definition, and there would be associated harm upon the openness of the Green Belt and the Green Belt purpose of safeguarding the countryside from encroachment.

Highway safety

15. Policy 9 of the JCS&DMP seeks to protect and improve local environmental quality and amenity by, amongst other things, ensuring development minimises traffic levels and does not harm the safety of road users. In that respect, the Council has expressed specific concerns that there would be

inadequate space within the site for vehicles to park and manoeuvre and, therefore, potential for unsafe vehicle movements as a result of the development.

16. Roebuck Lane where it adjoins the site is unmarked and has no adjoining footways, but I observed that it does have sufficient space for vehicles to pass in both directions. The road has a 30mph speed limit with a straight alignment as it passes the site. However, residential buildings on the opposite side of the road are sited on the inside of a bend immediately to the south. The proposal would utilise an existing access onto the appellant's adjacent field that currently consists of a gated entrance which is set back from the road and is distant from both the bend and the bridleway. During my visit, I observed that visibility from the access has some constraints, including a nearby telegraph pole, traffic sign, overgrown verges and other vegetation.
17. Notwithstanding the above, I also observed that the existing infrequent use of the access does not cause an unacceptable risk of accidents for vehicles or pedestrians. When taking account of the restricted speed and moderate levels of traffic on Roebuck Lane, there is sufficient regularity of gaps in traffic to allow safe access for vehicles entering and leaving in forward gear using necessary levels of attention and awareness of other road users. In that respect, although traffic flows may be higher at different times of the day along Roebuck Lane than those which I observed, there is no substantive evidence before me of accidents having resulted from the use of the existing access.
18. The proposal includes hardstanding to provide the access road up to the building which, as indicated on the submitted plans, adjoins a significant section of land where levels are proposed to be altered. Notwithstanding my conclusions relating to the previous main issue, the level area indicated on the submitted plan would be of sufficient size to be used as a turning area for vehicles that need to access the site, so that they could enter and exit in forward gear. The appellant has indicated that those vehicles would be limited to a tractor to periodically clear waste from a trailer sited close to the building which would store manure that would be removed monthly and sprayed on the fields. To my mind, the regularity of such processes would be so infrequent so as to make little difference to the level of use of the existing access to the fields and those vehicle movements would not, therefore, be unsafe.
19. With regard to the above, the use of the land and the stables could also be suitably controlled to ensure that it would be for the private use of the occupiers of Windy Harbour Farm which has direct access to the land via the bridleway. To my mind, it is reasonable that ordinarily it would be more convenient to walk to and from the site along the short distance of the bridleway, despite its sloped topography and varied surfacing, than alternatively accessing the site using a private vehicle via Two Acre Lane and Roebuck Lane. Some additional vehicle movements may occur in periods of darkness or inclement weather. Nonetheless, it is reasonable that the traffic movements in such circumstances relating to a private use would be at such a low level and infrequent that it would have little effect upon the established use of the access and highway conditions on Two Acre Lane and Roebuck Lane. I am satisfied that there would be sufficient space within the site for vehicles to park and turn around so that they could enter and exit in forward gear to use the access safely.

20. Having regard to all of the above, I conclude that the proposal would not have a harmful effect on highway safety. The proposal, therefore, would not conflict with Policy 9 of the JCS&DMP.

Other considerations

21. The appellant has drawn to my attention that similar buildings in the surrounding area have been granted planning permission by the Council, including a stable block on open land on the opposite side of Roebuck Lane (Council ref: PA/332744/12). However, I do not have the full details of the circumstances that led to those developments being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal, including with respect to relevant development plan policies and national policy considerations. In any case, I have determined the appeal on its own merits.
22. I have taken into account that the proposal would provide opportunities for outdoor recreation and that the appellant has asserted that the proposal would improve damaged or derelict land. Nonetheless, Green Belt policy and the other policies of the Framework in those respects are necessarily read as a whole and despite the site currently being fenced off, there is no substantive evidence before me which would indicate that the land could not be brought back into an alternative use. Furthermore, the use of the stables would necessarily be restricted to private use in the interest of highway safety, which limits the extent of outdoor recreation benefits that would arise. I, therefore, can give only limited weight to its improvement in that context.
23. The provision of stables in some circumstances can provide benefits to existing animal welfare. However, in the particular circumstances of this case, I give little weight to any benefits in that respect as the land is not currently used for the keeping of horses.
24. The separation distance from the development to the nearest residential properties would be sufficient to avoid any harm to the living conditions of their occupiers with respect to matters of noise, odours, light, outlook and privacy, when taking account of the siting of the building and the potential to control arrangements for storage and disposal of waste by condition. However, the absence of concern in that respect is a neutral factor.

Planning Balance

25. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would also be significant harm to openness and the Green Belt purpose of safeguarding the countryside from encroachment. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
26. I give limited weight to the benefits of the proposal in terms of outdoor recreation close to the bridleway, given that such benefits would be necessarily restricted to private use. Little weight is attached to other stable buildings which have been granted planning permission or have previously taken place in Oldham Borough, as there is no evidence that the circumstances which led to those proposals being accepted were directly comparable with those before me and each development should be considered on its own individual merits in any

case. The absence of harm with respect to highway safety and the living conditions of occupiers of neighbouring properties are neutral factors which do not weigh in favour of the development.

27. Having taken all of the above into account, I find that the other considerations in this case do not clearly outweigh the substantial weight to be given to the totality of harm to the Green Belt arising from the proposed development. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal conflicts with the development plan and the Framework when taken as a whole.

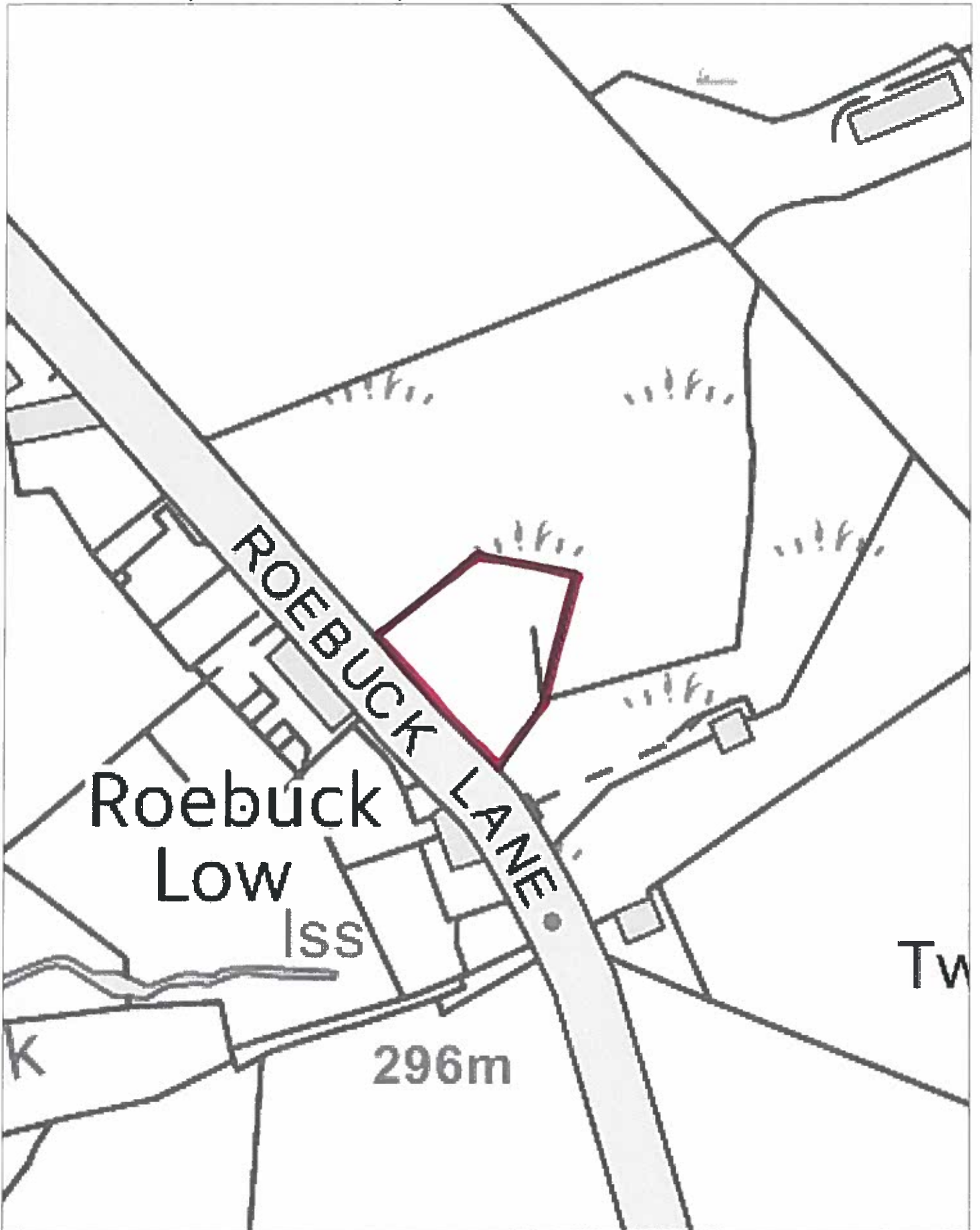
Conclusion

28. For the reasons given above, the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR

Primrose Hill, Roebuck Lane, Oldham





Appeal Decisions

Site visit made on 18 June 2018

by **AJ Mageean BA (Hons) BPI PhD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th July 2018

Appeal Ref: APP/W4223/W/18/3196835

127 Delph Road, Delph OL3 5UT

- 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 & Mrs Heginbotham against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/340994/17, dated 2 November 2017, was refused by notice dated 18 December 2017.
 - The development proposed is replacement of rear conservatory with single storey stone built extension.
-

Appeal Ref: APP/W4223/Y/18/3196846

127 Delph Road, Delph OL3 5UT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Heginbotham against the decision of Oldham Metropolitan Borough Council.
 - The application Ref LB/340995/17, dated 2 November 2017, was refused by notice dated 18 December 2017.
 - The works proposed are replacement of rear conservatory with single storey stone built extension.
-

Decisions

1. The appeals are dismissed.

Procedural Matter

2. The appellants' have submitted amended plans with the appeals. The amended plans address the error in the plans submitted with the planning and listed building consent applications relating to the current projection of the utility room from the rear elevation of the building. Whilst these plans illustrated a 3.8m projection, with the proposed extension sitting flush with this, the correct measurement is in fact 2.8m. The proposed addition would remain flush with the existing rear extension. As these amended plans do not significantly alter the nature of the scheme proposed, I have considered the appeals on the basis of the amended plans.

Main Issue

3. The appeal property is a Grade II Listed Building. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes particular responsibilities on the decision maker. The site is also within the Green Belt. The Council consider that the proposed extension would not be disproportionate in size,

thereby complying with one of the exceptions to inappropriate development in the Green Belt set out in paragraph 89 of the National Planning Policy Framework (the Framework) and the development plan. On the basis of the evidence before me, I see no reason to disagree.

4. The main issue in both appeals is therefore whether the proposed works would preserve the Grade II listed building, or any feature of special architectural and historic interest that it possesses.

Reasons

5. I understand that this stone and graduated stone slate property was originally a weaver's cottage, dating from the late 18th C. This three storey, two bay structure has a well preserved front elevation with vernacular details including the characteristic 4 and 5 light recessed chamfered stone windows to each floor. As was typical of such buildings its plan-form is of shallow depth, with the list description also noting that the rear of the building is plain except for windows inserted in the 20th C.
6. A single storey lean-to garage and utility room extension has been added to the gable end which includes a cat-slide roof to the rear, with its detailing complementing that of the main building. A number of openings have been introduced at ground floor level, as well as single window openings at first and second floor levels. There is also a contemporary glazed conservatory with a stone plinth adjacent to the furthest extent of the utility room.
7. The special interest and heritage significance of this building is that externally the architectural evidence of its historical origins remains largely intact. Whilst the rear elevation has been altered it nonetheless contributes to the appreciation of the simple design, proportions and quality of materials which is typical of such buildings.
8. The extension for which consent is sought would replace the existing conservatory and introduce a flat roofed addition extending across most of the rear elevation. This would be constructed from stone to match the existing building. The positions of the existing window and door openings on the western side of the rear elevation would be reflected in the extension. On the eastern side significantly sized aluminium framed patio doors would be located adjacent to the existing utility room.
9. This box-like addition would introduce an unusual feature to the rear elevation of this traditional dwelling. It would contrast with the lines and angles usually found on such buildings, which are typically extended with single storey lean-to additions, as is demonstrated by the existing end gable addition. Whilst the low height of this extension in comparison with the existing conservatory would allow for an appreciation of a greater area of the plain rear wall, covering up the 20th C openings, and appearing subservient overall, it would nonetheless appear as a discordant addition. This would be particularly so when viewed in relation to the pitch of the utility room extension, the angle of which complements that of the existing roof. I am aware that a previous proposal which was refused by the Council had a pitched roof, though the details of this scheme are not before me to enable comparison.
10. The solidity of this structure would be relieved by the patio doors which would enable some views through to the original rear wall. However, their size and

form would be at odds with the detailing typically expected on buildings of this nature. Replacing the proposed aluminium frames with timber would not significantly reduce this harm.

11. The existing conservatory contains a greater glazed area. However, overall this is a lightweight and more modestly sized structure, whose profile reflects the adjacent utility room. It also retains a degree of visibility of the original rear elevation.
12. It is suggested that the sedum roof would connect with the surrounding landscape, though the unfamiliar nature of this surface treatment would be at odds with the solid and robust appearance of the predominant stone work.
13. The existing doors and windows of the ground floor rear elevation would be removed, though this would not result in the loss of historic fabric. Nor would there be any structural alterations to the building. The appellants have also acknowledged that they would be happy for the flue to be removed if this element of the scheme was considered to be unacceptable. However, these points would not mitigate the harm identified, to which I must attribute significant weight.
14. More generally, the Council has not raised any concern regarding the appearance of the extension within the wider landscape, nor would this addition harm the amenity of neighbouring residents. However, these comments do not relate to the consideration of whether the proposal would preserve the building or its setting or any feature of special architectural or historic interest which it possesses. I am also aware that the appellants have engaged in pre-application discussions with the Council, and that significant revisions have been made to earlier proposals. However, this point does not in itself weigh in favour of the scheme.
15. Pulling the threads of this discussion together, I find that the scheme would introduce an uncharacteristic feature to the rear elevation of this dwelling, the modest and relatively unaltered nature of which has been identified as part of the special interest and significance of this building. It would therefore fail to preserve the special architectural interest of this building. It would also be in conflict with the relevant policies of the Oldham Local Development Framework 2011, the most pertinent of which is Policy 24 which seeks to protect, conserve and enhance heritage assets.
16. Having identified harm to this heritage asset, I am required to consider the magnitude of that harm. In this case I conclude that this would be less than substantial in the context of the significance of this heritage asset overall. In these circumstances the Framework requires that the identified harm is weighed against any public benefits which the proposal might secure.
17. In this case the appellants' points regarding the unbalanced nature of accommodation in this dwelling, and the fact that additional living space for the benefit of current and future occupants of the building would be gained from this scheme is a purely private benefit. Furthermore, as this dwelling is already in residential use, advantages in terms of achieving the optimal viable use of this heritage asset cannot be claimed.
18. The other benefits referred to, including the provision of employment to local builders and improving the energy efficiency of this building, are modest in

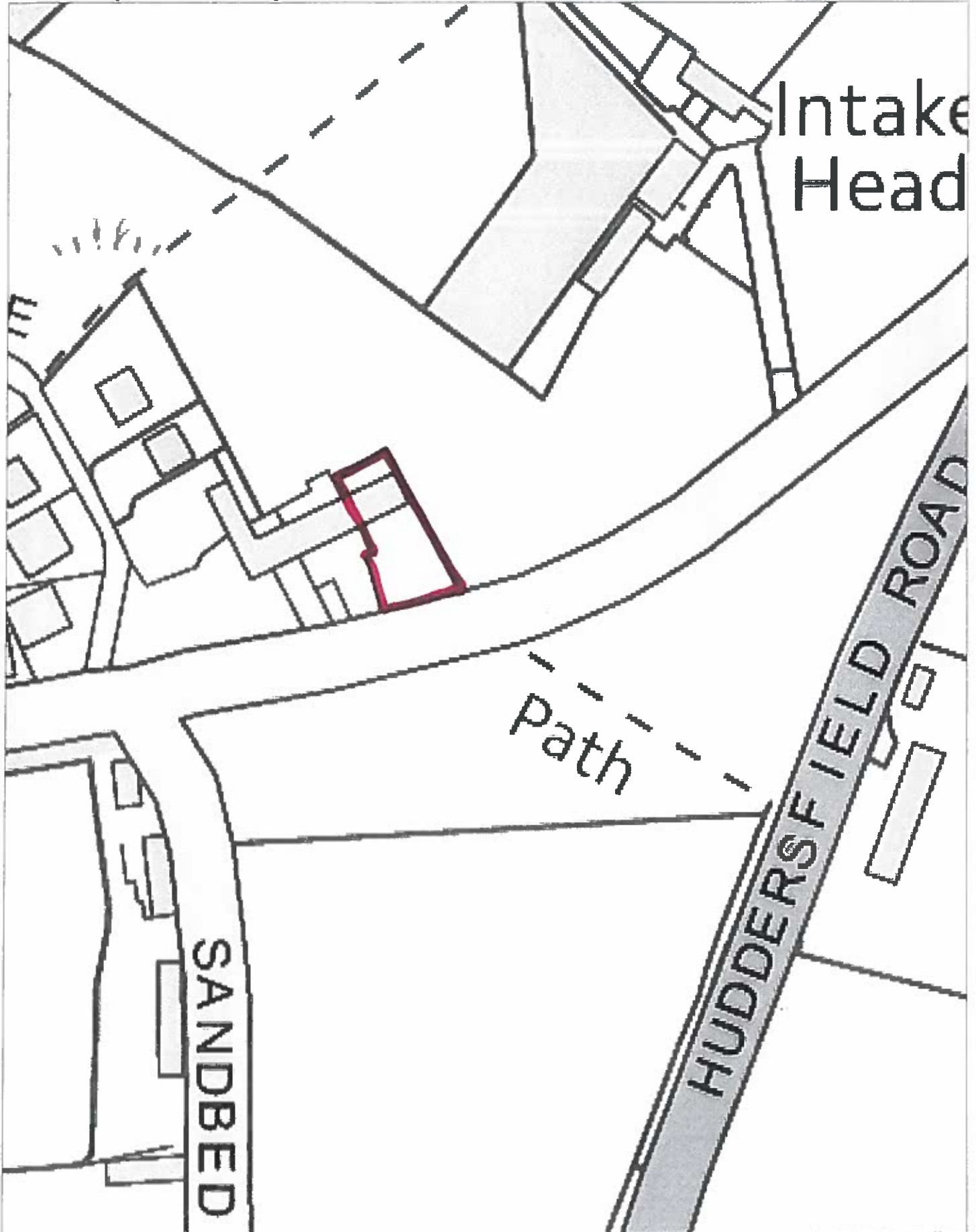
scale. They are not therefore sufficient to outweigh the harm which would be caused to this heritage asset.

Conclusion

19. For the reasons given, having considered all other matters raised, I conclude that the appeals should be dismissed.

AJ Mageean

INSPECTOR





Appeal Decision

Site visit made on 20 July 2018

by **F Rafiq BSc (Hons), MCD, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 August 2018

Appeal Ref: APP/W4223/D/18/3201592

903 Middleton Road, Chadderton, Oldham, OL9 0NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Sarah Weaver against the decision of Oldham Council.
 - The application Ref HH/341013/17 dated 29 October 2017 was refused by notice dated 16 February 2018.
 - The development proposed is the erection of a rear dormer.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear dormer at 903 Middleton Road, Chadderton, Oldham, OL9 0NG in accordance with the terms of the application, Ref HH/341013/17 dated 29 October 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Scale 1:1250), Site Plan No 01227, Ground Floor Plan (AB01241 Sheet 1), First Floor Plan Existing (AB01241 Sheet 2), First Floor Plan Proposed (AB01241 Sheet 3), Second Floor Plan Proposed (AB01241 Sheet 4), Existing & Proposed Elevations (Drg No: AB01241 Sheet 5), Existing & Proposed Elevations (Drg No: AB01241 Sheet 6), Section Through A-A (Drg No: AB01241 Sheet 7), Section Through B-B (Drg No: AB01241 Sheet 8), Section Through C-C (Drg No: AB01241 Sheet 9), Layout of 2nd Floor Joists (Drg No: AB01241 Sheet 10) and Construction Notes (Drg No: AB01241 Sheet 11).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. I have utilised the description of the development from the decision notice as that more accurately describes the proposal.
-

Conditions

11. The Council have suggested a number of conditions. I consider the standard implementation condition and a condition for the development to be carried out in accordance with the approved plans to be necessary for the avoidance of doubt and in the interests of proper planning. I will impose a condition in relation to materials to match the existing in the interests of the character and appearance of the building and the area.

F Rafiq

INSPECTOR

903 Middleton Road, Chadderton



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