

PLANNING COMMITTEE Regulatory Committee Agenda

Date Wednesday 19 September 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 Fabiola Fuschi in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Fabiola Fuschi Tel. 0161 770 5151 or email Fabiola.fuschi@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, 14 September 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.

Members of the public and the press may also record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. 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, 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 - 4)
The Minutes of the meeting of the Planning Committee held on 22nd August 2018 are attached for Members' approval.
- 6 PA/41019/01 - Royal George Mills, Armit Road, High Grove Road, Greenfield, Oldham (Pages 5 - 8)
Re-submission for part demolition of existing redundant buildings, part rebuilding and conversion of existing buildings and residential development to provide dwellings comprising 38 apartments and 34 houses and conversion of building to B1 use (business use).
- 7 PA/340929/17 - 318 Oldham Road, Royton, OL2 5AS (Pages 9 - 18)
Change of use from office to 9 bed HMO (sui generis)
- 8 PA/341410/18 - Land at Chew Valley Road, Greenfield, Oldham (Pages 19 - 36)
Erection of four, three storey dwellings, and associated tree felling and landscaping.
- 9 PA/341476/18 - Land to the west of Greengate, Oldham (Pages 37 - 46)
Proposed drive-through café/restaurant (Use Class A3), public house/restaurant (Use Class A4), 3 industrial units (Use Classes B1, B2 or B8), associated parking, landscaping & infrastructure.



Oldham
Council

10 Appeals (Pages 47 - 52)
 Appeals

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PLANNING COMMITTEE
22/08/2018 at 6.00 pm

Present: Councillor S Bashforth (Chair)
Councillors Ali, Ball, Davis, Harkness, Hewitt, Phythian and
Murphy (Substitute)

Also in Attendance:

Stephen Irvine	Head of Planning and Infrastructure
Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Transport Officer
Graham Dickman	Development Management Team Leader
Sian Walter-Browne	Principal Constitutional Services Officer

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Akhtar,
Gloster, Hudson and Leach.

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**

The following question was asked by Ms Andrea Roberts:-

“My question is regarding 5 Williams Crescent (my next door
neighbour)

If a person or people request that a retrospective planning
application be put to the Planning Committee rather than a
Planning Officer (of which there has been three regarding 5
William Crescent) within the requested time frame and to the
contact listed by the council on this application online. This was
requested by email (of which date sent and recipient sent to is
logged) and the Councillor contact does not request this, for
reasons unknown?

Would this normally be up to the Councillor to decide if they
submit this request to the Committee or not? Bearing in mind the
amount of correspondence, emails to and from planning and
other relevant departments 39 to date sent. This was not my
understanding after reading the information on OMBC website.

I believe this to be a breach of my human rights and my right to
express my concerns Freedom of Speech”

The Chair responded that, in accordance with the Council’s
constitution, only elected Members could refer a matter to the
Committee and this had been the case for many years. There

was a target from the Government that 95% of applications should be determined by officers under delegated powers and only 5% by Committee. A procedure had been provided whereby a member of the public could ask their local Councillor to refer the matter to the Committee.

5 **MINUTES OF PREVIOUS MEETING**

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

6 **PLANNING APPLICATION / PA/341850/18 / SAINT THOMAS CHURCH, CHURCH STREET, DELPH, OLDHAM, OL3 5DR**

The Committee were informed that this application had been withdrawn.

7 **PLANNING APPLICATION / PA/341965/18 / 149A MANCHESTER ROAD, GREENFIELD, OLDHAM, OL3 7HJ
PA/340209/17 - 149A Manchester Road, Greenfield, OL3 7HJ**

APPLICATION NUMBER: PA/340209/17 (Reserved matters)

APPLICANT: Kaberry Building

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

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

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

On being put to the vote 6 **VOTES** were cast **IN FAVOUR OF REFUSAL** and 2 **VOTES** were cast **AGAINST** with 0 **ABSTENTIONS**.

DECISION: That the application be **REFUSED** contrary to Officer recommendations for the following reasons:-

The proposal is overdevelopment of the site that results in:

- *increased overlooking and a loss of privacy to adjacent residents; and*
- *insufficient amenity space being available for occupiers of the new houses;*

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.*

NOTES:

1. The Agent for the Applicant and an Objector attended the meeting and addressed the Committee on this application.



8

APPEALS

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

The meeting started at 6.00 pm and ended at 6.58 pm

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Enforcement of Unilateral Undertaking relating to Royal George Mill

Registration Date: 12/02/2001

Ward:

Application Reference: PA/041019/01

Type of Application: Full Planning Permission

Proposal: Re-submission for part demolition of existing redundant buildings, part rebuilding and conversion of existing buildings and residential development to provide dwellings comprising 38 apartments and 34 houses and conversion of building to B1 use (business use).

Location: Royal George Mills, Armit Road, High Grove Road, Greenfield, Oldham

Applicant Wiggett Construction Ltd

Background

The above application was granted planning permission on appeal on 12 April 2002. In allowing the appeal, the Inspector accepted a Unilateral Undertaking submitted on behalf of the landowner and developer which placed a number of obligations on the owner and developer.

The Unilateral Undertaking is dated 14 February 2002 and was given by Salientpoint Limited (the landowner) and Wiggett Construction Limited (the developer). The undertaking required the developer to pay the Council £17,000 towards traffic calming measures at Church Road/High Grove Road, £5,500 towards towpath improvements and £4,900 to provide a roundabout at the junction of High Grove Road/Armit Road and it required the landowner to pay £5,000 towards provision of a play area in Greenfield and Uppermill. These sums were all paid to the Council and have been spent.

In addition, the undertaking required the provision of 20% of the dwellings to be constructed pursuant to the planning permission to be affordable housing units. A contribution of 3 payments of £233,761 towards affordable housing was agreed and the first payment was received in 2013. However, as a result of the downturn in the housing market, the Planning Committee agreed in October 2013 that the final two affordable housing payments should be cancelled to make the development viable, provided the development was completed within 3 years.

Finally, the undertaking also required the landowner to lay out an area of public open space measuring 0.26 hectares and then transfer the land to the Council, together with a commuted sum for the future maintenance of the public open space.

An adjacent area of woodland and the former mill pond were to be maintained by the

developer.

As the obligation to transfer the open space land is contained in a unilateral undertaking which the Council has not signed, the Council is not legally required to accept the transfer if it does not wish to do so.

The land, which now forms an integral part of the wider residential development, has been inspected. Although the Unilateral Undertaking does not include a specific sum, in dedicating the land to the Council, the undertaking included a provision for a commuted sum to be agreed between the developer and the Council.

Whilst such monies would be expected to go some way towards initial upkeep of the area, in the longer term this is unlikely to cover the Council's costs. It may therefore become a liability, having regard to decreasing budgets available to the Council. The land forms part of the wider open space within the site and indeed forms part of the attraction of the development. A requirement on the developer to ensure the wider site remains in good condition will continue to apply, and therefore it is considered more appropriate for a single responsibility to apply to all open areas associated with the development.

RECOMMENDATION

It is recommended therefore that Members determine not to pursue the requirement to transfer the open space land to the Council, and to inform the parties to the obligation that this aspect will not be enforced by the Council..



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APPLICATION REPORT - PA/340929/17

Planning Committee, 19 September, 2018

Registration Date: 13/10/2017
Ward: Royton South

Application Reference: PA/340929/17
Type of Application: Full Planning Permission

Proposal: Change of use from office to 9 bed HMO (sui generis)
Location: 318 Oldham Road, Royton, OL2 5AS
Case Officer: Richard Byrne

Applicant Agent : Hunter Capital
Grant Erskine Architects

Update report – 318 Oldham Road

Members may recall this application was deferred at the Planning Committee held on the 21 March 2018. The following questions regarding the proposal were asked by Members to provide more information to assist with the determination of the application.

1. What are the proposals for the storage and collection of refuse for the proposed development?
2. Do the bedrooms meet the national standards in providing a good level of accommodation?
3. How to prevent any overlooking from the proposed bedrooms onto existing properties across Arlington Close.
4. Details of the future management of the proposed HMO.
5. How would the fumes from any cooking process in the kitchen be dealt with?
6. Clarification on the resident parking permit scheme.

1. Refuse storage and collection

An amended plan has been received which shows the basement floor layout.

It is proposed that an internal door would connect the kitchen to the existing integral garage. The existing garage would be used as an internal bin and bike store with inward opening doors that would lead out onto Arlington Close.

The plan shows eight 360 litre bins (four general waste, two for paper and cardboard, two for glass, plastic and cans) and one 140 litre bin (food waste) in the garage space. A keypad entry panel is shown on the outside wall adjacent to the door opening.

Environmental Health and the Waste Management Section of the Council in principle consider the level of bin provision would adequately serve the future occupiers of the building.

It is therefore considered the scheme provides a sufficient secured area within the building to cater for the level of future occupiers of the property in respect of the storage of waste.

The amended scheme demonstrates that collections can be made from the building. The door opening and external keypad would allow independent access into the garage when occupiers are not present, and the existing kerb ensures bins can be brought out safely. To ensure collections are made on a regular basis by the Council or by a private

contractor to serve the building, it is considered expedient to secure the submission of details of how refuse will be collected by a planning condition prior to the first occupation of the building.

On the basis of the amended plan and the attachment of a planning condition it is considered that the storage and management of refuse can be accommodated to serve the future occupiers of the building.

2. Bedroom sizes

The proposed floor plans have been accompanied by a supporting document to show the bedrooms all comply with the National Housing Technical Standards and HMO Standards as single occupancy rooms.

Environmental Health who are responsible for the regulation of HMOs have confirmed the bedroom sizes comply with the HMO Standards. Given the rooms comply with the housing technical standards it is considered there is a sufficient amount of space within the building for future occupiers.

3. Overlooking from the proposed bedrooms

It is proposed to retain the position and size of the upper floor rear windows which lead to bedrooms 4 and 9 i.e. the rear outrigger at ground floor and first floor level. However, it is proposed to apply a film to the inside of the window to reduce the amount of clear overlooking that may occur. The film would comprise thicker obscure banding at the bottom of the window which gradually thins at the top. The bands would have an obscured glazed appearance similar to conventional bathroom windows.

It is considered the method of obscurity would result in an acceptable balance between maintaining the bedroom's outlook and the privacy of 2-4 Arlington Close. To ensure the details are fully implemented, it is considered expedient to attach a planning condition to this recommendation.

4. Details of the future management

The applicant has submitted a plan for the management of the proposed house in multiple occupation. The plan sets out the following:

- Management company will conduct the application process for new tenants;
- Fortnightly inspections of the building will be carried out by the management company;
- Gas certificates will be obtained annually, electrical testing will be carried out prior to any occupation;
- Fire Risk assessment has been carried out and means of escape and meeting point will be made available on a noticeboard within the building;
- There will be a non-smoking policy on the site;
- A safety signage scheme will be implemented within the building;
- Contact details of the management company to be provided to address any future issues quickly.

The Environmental Health team have assessed the management plan and consider it acceptable. As they are responsible for the regulation of HMOs they will inspect the property to make sure it is safe and suitable for occupation and they will grant a licence for the property. Upon granting a licence for the property there would be conditions attached to it and will set a maximum occupancy limit for the HMO based on the amenities provided in the accommodation. The conditions are attached to regulate the way in which HMOs are managed and maintained under the provisions of the Housing Act 2004.

5. Cooking fumes

The revised floor plan shows two domestic cookers in the kitchen which would be extracted by a mechanical system at 30litres per second. The fumes would be taken through the

outside wall at ceiling height to a recessed area on basement level. The recessed area faces Arlington Close.

It is considered the proposed system would serve the future occupiers of the building and no objection has been raised by Environmental Health.

6. Parking permits

Arlington Close and the car park at the rear of Oldham Road (adjacent to the rear of the Esso petrol filling station) are included in the Carlton Way Residents Parking Scheme. Streets in the original scheme, which were allowed two passes per property are Carlton Way, Cumberland Drive, Dorchester Drive, Berkley Drive, Norfolk Way and Regent Crescent.

Streets in the extended scheme (Monday to Saturday 0800 Hours – 2000 Hours) were also allowed two passes per property and these are Carlton Way, Strand Way, Mayfair Drive, Westbury Way, Grosvenor Way, Palace Gardens, Hillbre Ave, Downham Close and Arlington Close.

Any holder of a permit included within the residents' parking scheme is permitted to park in the areas included in the scheme. So, for example a permit holder living on Carlton Way could park on Arlington Close if required.

Eight permits were issued to the building when it was used as offices and these will be cancelled when that use ceases and they are no longer required. If a resident of the building requires a permit, they will apply in the normal way and will more than likely be issued with a permit, because the building will still be included within the overall residents' parking scheme.

On the basis of the additional information provided, it is considered that the applicant has adequately addressed the previous concerns of Planning Committee in relation to the living standards of future residents and the amenity impact on the surrounding area. In conclusion, the application is recommended for approval subject to the amended conditions attached to this report.

Original Report - March 2018

THE SITE

This application relates to an end of terrace property currently occupied by an accountancy firm. The building has been extended to the rear with a pitched roof extension and a further two storey flat roof addition beyond. There is a lower ground floor integral garage to the rear of the building which leads directly onto Arlington Close.

THE PROPOSAL

Planning permission is sought for the change of use from an office to a 9 bed House of Multiple Occupation (HMO).

The proposed 9 bedrooms would occupy the ground and first floor of the building and would each have a shower room / en suite. Access is attained from the front of the building with an ancillary access gained from the lower ground and rear of the building. A shared living room and kitchen would be in the lower ground floor with two new windows in the side elevation facing 314-316 Oldham Road / Arlington Close.

There is an integral lower ground floor garage towards the rear of the building which faces 314/316 Oldham Road and is accessed from Arlington Close. The garage has an internal access from the kitchen area and is proposed to be used for bin and cycle storage.

None.

RELEVANT PLANNING POLICIES AND GUIDANCE

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

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

The following DPD 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 public transport choices; and,
Policy 9 - Local environment;
Policy 11 - Housing;
Policy 19 – Water and Flooding;
Policy 20 - Design;
Policy 23 - Open spaces and sports; and,
Policy 25 - Developer Contributions

CONSULTATIONS

Environmental Health	To be reported
Highway Engineer	No objection, subject to a condition to secure adequate cycle storage for future occupiers.

REPRESENTATIONS

The proposed development has been advertised by means of individual consultation letters sent to the occupiers of the neighbouring properties and a site notice erected adjacent to the site. 10 representations along with a petition containing 11 signatures have been received on the following grounds:

Character of the area

- The type of use is not appropriate for this area;
- Adversely affect character of the area

Affecting existing level of amenity

- Unnecessary disruption and noise will occur;
- The office does not create disruption during the evening and the noise created by 9 occupants would affect the community;
- Potential increase in anti-social behaviour;
- Overlooking from the proposed development;
- Nowhere for storage and collection of refuse;

Impact on Future occupiers

- Unsuitable kitchen area for the number of potential residents;
- Lack of means of fire escape;
- Only one entry point, no windows in the kitchen;
- No ventilation for some of the shower rooms;

- Lack of parking on the street to accommodate the proposed use;
- Parking permit scheme is at capacity;

Other matters

- Adversely affect value of properties;
- Type of housing has been well documented in the press of associated problems;
- Questions the background of future tenants.

PLANNING CONSIDERATIONS

The main issues for consideration comprise the following:

- Suitability of the proposed use;
- Loss of office space; and,
- Effect on the appearance of the area.

Suitability of the proposed use

With respect to the proposed residential use, DPD Policy 11 states that a house in multiple occupancy will not be permitted unless it can be determined 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.

Local character of the area

The application site is located on a main thoroughfare connecting Oldham and Royton. Although there is the Royal Oldham Hospital, Oldham Athletic Football Club and St Anne's Primary School in the vicinity, the area is predominantly residential interspersed with a number of small scale commercial uses.

In the area immediately surrounding the application site there is a public house (currently closed) and a building used by the NHS (314/316 Oldham road), a row of terraced houses (the application property is the end of this terrace) with a small residential cul-de-sac containing 10 dwellings (Arlington Close) to the rear. The presence of all the different buildings and uses all contribute towards the character of the area.

Having regard to the prevailing character of the area, the proposed use is akin to a residential use, although occupancy could be on a 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 or having a harmful effect on the local character of the area.

The level of residential and workplace amenity of future and neighbouring occupants

It is not considered the proposed HMO would have an adverse effect on the adjacent NHS building, 314/316 Oldham Road.

In respect of 320 Oldham Road, it is noted that there would be the potential of internal noise from the HMO to the attached residential property. To reduce the level of potential internal noise, an appropriately worded condition to secure a soundproofing scheme would ensure the level of disturbance would be kept to within an acceptable tolerance. Although there would be the potential of an increase in the comings and goings of tenants it is still a residential use. Access to the front is no different than any other front of property relationship that exists in the immediate area and as such it would be unreasonable to refuse the application on having an adverse effect to the amenity of 320 Oldham Road in

respect of noise and disturbance.

The rear of the application building faces the front of 2 and 4 Arlington Close. There are presently two windows in situ on the rear elevation of the building which are at a first and second floor level. There is an intervening distance of appropriately 13 metres between the existing windows and the front of 4 Arlington Close and 15 metres to the front of 2 Arlington Close. It is noted the size of the openings would remain unchanged but the use of the rooms would be changed to bedrooms.

This separation is below the normal privacy standards which would apply to new development; however, it is acknowledged the use of the room would change however, given the relationship between the openings is well established it would be difficult to sustain a refusal on the grounds this would result in a new overlooking position and a loss of privacy to the residential properties in comparison with the established office use.

Objections have drawn attention to the limited waste refuse provision associated with the proposed use. Amended plans have been received which shows an internal door linking the lower ground integral garage with the kitchen. This would provide adequate secure storage space for the bins and space for bicycles within the building.

Environmental Health have been notified of the amended plans and their response will be reported as a late item, but in principle the amendments would alleviate concerns providing adequate bin storage for the proposed HMO.

The internal configuration of the HMO has been considered against the DCLG Technical Housing Standards – Nationally Described Space Standard document which is a material consideration in the determination of this application. Using the guidance document it is considered the residential units provide a sufficient amount of internal amenity space for the individual and shared rooms.

The appropriateness of means of fire escape and mechanical ventilation of bathrooms (room without windows) would be matters assessed through Building Regulation approval and is not a material consideration in the determination of this application.

There are two windows proposed in the lower ground of the side elevation facing Arlington Close to provide natural light into the lounge section of the building. Although there are no windows in the kitchen, in this instance it is not considered this would result in a significant loss of amenity for future occupiers where the prominent use of this space is for food preparation and consumption only. An appropriately designed mechanical internal ventilation system would mitigate smells and odors from cooking of foods.

In relation to concerns raised that the proposal could result in increased anti-social behaviour, potential of criminal activity and possible safety risks; should any of these issues arise they would need to be dealt with by the appropriate authorities. In this instance, whilst the concerns of residents are noted, there is no substantive evidence that the use would definitely and directly result in anti-social behaviour and as such it is not considered that this could be used as a ground for refusal.

Residents have raised concern that the proposal would have a detrimental impact on property values in the area. Members will be aware that this is not a planning consideration that can be taken into account in considering the merits of a proposal.

Therefore, subject to the outstanding comments from Environmental Health, it is considered that the effect on existing surrounding properties would be acceptable and the proposal would adhere to DAD Policies 9 and 11.

Traffic levels and the safety of road users

The Council's Highway Engineer considers that the amount of traffic generated by the proposed change of use is expected to be significantly less than that generated by the current use. The site is in a highly sustainable location with excellent links to public

transport and there are excellent pedestrian links to a range of facilities in the area.

The development would therefore be in general accord with DAD Policies 5 and 11 in respect of sustainability. Furthermore, the ground floor garage would have the capacity to provide adequate cycle parking which will be secured by planning condition.

A Residents Parking Scheme is in operation on Arlington Close. When this was implemented, the number of buildings to be included in the scheme would have been considered and the residents and users of those buildings would have been informed that they could apply for a parking permit. The application site (as an office) was included in this and the same eligibility criteria for new parking permits would apply for future residents.

There is a limited amount of space on Arlington Close and the number of permits issued to any future residents would be carefully considered. It is noted however the properties on Arlington Close do have driveways and this mitigates a heavy reliance on-street parking. The residents' parking scheme will continue to operate and permit holders will continue to park on Arlington Close.

It is not considered there would be a significant increase in the demand for on-street parking as the expected amount of car ownership by occupiers of HMOs being low. If future occupiers do own a car, and are issued with a permit, they will have the same rights as all other permit holders to park legally on the highway.

Given the above it is considered there will be no significant adverse impact on the local highway network and therefore no objection is raised on highway safety grounds.

Loss of office space

The building has an established use as an office and is afforded some protection as an employment generating use under DPD Policy 14. Whilst the proposal would result in a non-employment use occupying the building, the surrounding area is predominantly residential. Historically, the application site has been converted from a dwellinghouse into the current office. Taking into account the character of the area and the small scale of the accommodation, it is not considered the loss of the employment generating use in this instance would result in a significant loss to the amount of employment generating sites across the borough and in the locality of the application site.

Effect on the appearance of the area

The proposed alterations to the building are minor in nature, namely the introduction of two north facing lower ground floor windows and the alteration from a door to a window (also on the north facing side elevation). It is considered the proposed works would not harm the general appearance of the building and the wider streetscene.

Conclusion

It is considered that the loss of the office space is acceptable given the context of the surrounding area and that it would not prejudice the amount of employment space opportunities across the borough. The siting of the proposed residential development would not place an undue burden on surrounding land uses and provides an acceptable level of internal amenity for future occupiers. Taking into account the sustainable location, and that there are no concerns in respect of highway safety, the proposal is considered to be broadly consistent 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 approved plans and specifications:

Drg No. (90)A001 - Location Plan, received 13 October 2017;

Drg No. (90)A002 - Site Plan, received 13 October 2017;

Drg No. (2-)A001 Rev E - Proposed Basement Plan, received 6 September 2018;

Drg No. (2-)A002 Rev A - Proposed Ground Floor Plan, received 10 September 2018;

Drg No. (2-)A003 Rev B - Proposed First Floor Plan, received 25 June 2018;

Drg No. (2-)A004 Rev B - Proposed Elevations, received 6 September 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 first occupation of the HMO, details of secure cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The duly approved cycle facilities shall be installed and made available for use before the building is first occupied and shall remain available for users of the HMO in perpetuity.

Reason - To ensure adequate cycle storage facilities are available to users of the HMO to encourage travel by more sustainable modes of transport.

4. Prior to the first occupation of the building, details for the arrangement of waste collection for the amount of waste storage shown on Drawing Number (2-)A001 Rev E shall be submitted to and approved in writing by the Local Planning Authority. The waste storage and refuse scheme shall then be fully implemented before the first occupation of the building and retained in perpetuity.

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

5. No development shall take place unless and until a scheme to soundproof the party wall with 320 Oldham Road, and the wall and ceilings between the bedrooms of the HMO has been submitted to and approved in writing by the Local Planning Authority. All such works that form the approved scheme shall be completed before the HMO is brought into use and shall be retained at all times thereafter.

Reason - To protect the future occupiers of 320 Oldham Road and the future HMO occupiers from internal noise.

6. 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.

Reason - In order to ensure a satisfactory appearance in the interests of visual amenity.

7. Prior to first occupation of bedrooms 4 and 9 as shown on the approved plan, the bedroom windows in the rear elevation of the building shall be provided with and permanently obscurely glazed in accordance with a scheme which has been previously submitted to and approved in writing by the Local Planning Authority. The obscured glazing scheme shall remain in perpetuity.

Reason - To respect the amenity of 2 and 4 Arlington Close.



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APPLICATION REPORT - PA/341410/18

Planning Committee, 19 September, 2018

Registration Date: 13/02/2018
Ward: Saddleworth South

Application Reference: PA/341410/18
Type of Application: Full Planning Permission

Proposal: Erection of four, three storey dwellings, and associated tree felling and landscaping.

Location: Land at Chew Valley Road, Greenfield, Oldham

Case Officer: Graeme Moore

Applicant Mr Taylor
Agent : Latham Architects

THE SITE

The application site comprises 0.38ha of land and is located on the north side of Chew Valley Road. Residential plots adjoin the site to the north. Opposite to the proposed site, on the south side of Chew Valley Road is a large open space associated with Greenfield St Mary's Primary School, the main building of which is set back from the street line. Fronting the south boundary of the street is a recent residential development located further towards the east.

There are no buildings on the application site and there is no evidence of previous development. There is an Area Tree Protection Order (TPO) in force which protects all the trees within the site boundary. The site topography falls approximately 3.5m towards the south-east with the entire north-west boundary elevated higher than the southern boundary adjacent to Chew Valley Road.

The application site is located immediately to the east of Greenfield's historical core. The site lies within an established residential area that has grown significantly since the inter-war period when large areas throughout the village were developed.

Buildings within the area are predominantly two storeys high with a few 21st century additions of up to three storeys in height. Predominately buildings have simple gabled roofs but hipped roofs are also present within some of the inter-war period developments.

The site is within 5-10 minutes walking distance from the Greenfield village centre. It is also easily accessible by public transport.

THE PROPOSAL

The proposal is for the construction of four, three storey dwellings, four bedroom, with associated works that include the felling of 65 trees.

The dwellings are proposed on a north / south axis, with the principal and rear elevations on an east / west axis. Access to the site is provided via a private drive from Chew Valley Road, whilst parking provision will be provided for two cars (one space, plus the garage).

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

- A Design & Access Statement (D&A);
- A Flood Risk Assessment (FRA); and
- Arboricultural Assessment (AA).

PLANNING HISTORY

None relevant to the determination of this application.

ALLOCATION AND PLANNING GUIDANCE / POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF 2018). The revised National Planning Policy Framework 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), it is however covered by an area Tree Preservation Order (TPO)

The following policies of the Council's LDF are relevant to the determination of this application:

Joint Core Strategy and Development Management Policies Development Plan Document adopted 9 November 2011 (the 'DPD')

Core Strategy

Policy 1 Climate Change and Sustainable Development
Policy 6 Green Infrastructure

Development Management Policies

Policy 9 Local Environment
Policy 19 Water and Flooding
Policy 20 Design
Policy 21 Protecting Natural Environmental Assets

National planning guidance

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

The National Planning Practice Guidance (NPPG)

PUBLICITY AND REPRESENTATIONS

The application was 'called in' for determination by former Councillor McCann on the following grounds:

- The proposed development would result in the loss of TPO trees;
- The immediate surrounding area is noted for flooding and the proposal could worsen the situation; and,
- Access to the site will be from Chew Valley Road and opposite the primary school, which could lead to conflict between pedestrians at school picking up and dropping off times.

Saddleworth Parish Council object to the application on the following grounds:

- The proposal will have an adverse effect on the trees, all of which are subject to

TPOs. Even with additional planting and the proposed landscape strategy, this will create a substantial gap in the attractive tree screen currently running along the whole length of site boundary to Chew Valley Road. Removal of the trees and the erection of dwellings will have a significant detrimental impact on the street scene and the character and visual amenity of the area. They consider the loss of this "beauty spot" would be wrong.

- They also have concerns about the safety of the pupils of St. Mary's Primary School, particularly at school opening and closing times along this stretch of the road. The addition of a further junction will create an unacceptable further hazard. The current footpath is only on one side of Chew Valley Road and part of this will be taken away by the proposal.
- There is also a safeguarding issue as the proposed houses will directly overlook the school and playground.
- The application states that the site is in a low flood risk zone. However, all residents and road users in the area know that it is renowned for flooding.
- Removal of the trees is contrary to the recommendations in "Valuing Oldham's Urban Forest 2017" (the i-Tree Eco project).

The application has been publicised on the Council's web-site, by press advertisement, neighbour notification and by site notice. 25 letters of objection were received, objecting on the following grounds:

Tree Loss

- The proposed development will remove over 25% of the tree belt, which will destroy their positive visual effect and the proposed houses will introduce a jarring and incongruous note into the street scene.
- The trees support an abundance of wildlife

Design

- The houses will introduce an incongruous and discordant element in the street scene, since the houses will be isolated from any surrounding built development, from Chew Valley Road.
- The trees form an attractive outlook from the rear rooms of properties on St Mary's Drive.

Amenity

- There will be a serious reduction in the amenity enjoyed by the occupants of the adjacent houses if the trees are removed and the four dwelling houses provided. The removal of the trees will open up the land to the rear and effectively expose the rear of the houses to the wider area.
- Increased noise and activity from Chew Valley Road will be introduced to what are now pleasant, peaceful gardens and rear rooms of the St Mary's Drive houses.
- The close proximity of the new dwelling houses and the lighting, noise and general activity in and around the domestic properties, will reduce the occupants' enjoyment of the St Marys Drive properties, in particular the use of rear gardens.

Flooding

- This part of Chew Valley Road, is subject to flooding during periods of heavy rainfall. At such times, traffic is diverted along St. Mary's Way due to the depth of water on Chew Valley Road. This is a situation known to the fire brigade, the police and the highway authority. The development, despite sustainable drainage systems, is likely to contribute to the risk of flooding due to the introduction of additional hard surfaces.

Highways

- The proposal will have an unacceptable impact upon highway safety.

CONSULTATIONS

Highways Engineer: No objection, subject to conditions.

Trees: Object to the proposal due to the loss of protected trees.

LLFA / Drainage: No objections, subject to conditions in relation to drainage.

Environmental Health: No objection, subject to conditions in relation to provision of waste storage facilities, landfill gas and contaminated land.

ASSESSMENT

Land Use

The Government published in 2018 a Housing White Paper entitled - 'Fixing Our Broken Housing Market'. The document outlined, amongst other things, the governments commitment to boosting housing supply to 300,000 homes a year. In order to achieve this number of homes built per year, the government committed to revising the NPPF, which was recently revised and published on the 24th July 2018.

Paragraph 11 of the NPPF (2018) makes clear that *"housing applications should be considered in the context of the presumption in favour of sustainable development [as set out in footnote 7 of the NPPF]. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

Paragraph 73 of the NPPF (2018) requires local planning authorities to *"identify and update annually a supply of specific deliverable sites the specific sites should, in addition, include a buffer:*

- a. 5% to ensure choice and competition in the market for land; or*
- b. 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plans, to account for any fluctuations in the market during that year; or*
- c. 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply"*

Policies 1(a) and 11 of the Joint DPD indicate that, when determining planning applications, the Council will ensure the effective and efficient use of land and buildings by promoting the reuse and conversion of existing buildings and development on previously developed land prior to the use of greenfield sites.

With respect to housing, Joint DPD policy 3 identifies a preference for residential development on previously developed land prior to the release of greenfield sites, with a target for 80% of housing to be constructed on previously developed land. However, the policy does, make an allowance for the remaining 20% to be delivered on greenfield sites and, accordingly, does not seek to impose a moratorium against the release of greenfield sites for residential development.

Joint DPD policy 3 sets out the Council's approach to assessing applications for residential development. The policy states that applications for residential development will be permitted where:

- (a) the site is allocated for residential development or mixed-use and has come forward in line with the council's approach to phasing; or
- (b) the site is allocated for residential development or mixed-use and has come forward prematurely from the phasing set out in the Site Allocations DPD and does not undermine other national and local guidance and policies: and
 - (i) a deliverable five-year supply of housing land cannot be demonstrated; or
 - (ii) it contributes to the delivery of the regeneration priorities; or

(iii) it contributes to the delivery of affordable housing that meets the local affordable housing needs.

Policy 3 makes clear that proposals for residential development on non-allocated sites will be considered favourably where the three circumstances in criterion (b) are applicable, or it is for a small development, comprising a change of use or conversion or a site not identified in the Council's SHLAA.

Joint DPD policy 3 identifies an annual, boroughwide housing target of "at least 289 dwellings per year, net of clearance, on average over the LDF plan period up to 2026." The applicant has contended that the council cannot currently demonstrate an up to date 5 year housing land supply, based upon recent appeal decisions and the draft GMSF. With reference to the latest household projections and adjustments for economic growth and market signals, the applicant contends that the delivery of the new housing proposed by the development would provide a boost to the housing supply in the district.

The housing land supply position set out in the AMR is based on the target of 289 dwellings per annum in Joint DPD policy 3. However, Policy GM5 to Chapter 8 of the latest draft of the Greater Manchester Spatial Framework (GMSF), dated October 2016, identifies an objectively assessed housing need of 685 dwellings per annum for Oldham, some 396 above the figure in policy 3 of the Joint DPD. Additionally, the government's own standard housing methodology proposes a target of circa 716 dwellings per annum. Whilst the GMSF is an emerging plan, it provides the most up-to-date evidence with respect to OAN for each district in Greater Manchester and these targets have been utilised by Inspectors when assessing whether a Council is able to demonstrate an adequate supply of housing land.

For example, in allowing an appeal in Bolton following a Public Inquiry (ref APP/N4205/W/15/3136446), paragraph 24 of the Inspector's decision states that:

- *"Consultation on the draft vision, strategic objectives and strategic options for the GMSF along with the evidence base took place between November 2015 and early January 2016. A detailed analysis of housing need is included within the evidence base. This identifies a scenario which it indicates is considered to represent the Objectively Assessed Need for Greater Manchester and its individual districts. It explains that, because of the complex functioning of housing and labour markets within Greater Manchester, the relatively small distances involved in most migration and commuting, the issues of district identity and the availability of population and household data, the most appropriate unit of analysis below the Greater Manchester level is the individual districts. It indicates that the need in Bolton is for 965 dwellings per year over the period 2012 to 2035. The Council agrees that this figure is the outcome of a PPG compliant exercise and amounts to the best evidence of [a full, objective assessment of need] figure for Bolton."*

The GMSF is an emerging policy document which is at an early stage of preparation. It has not been through the full public consultation exercise and has not been subject to independent examination. Accordingly, it can carry only limited weight in the decision making process. Nevertheless, having regard to the example from Bolton above, it is apparent that the evidence base which informs the GMSF is being applied by Inspectors during the appeal process.

The Council's 2016-17 Monitoring Report indicates that, as of 1 April 2017, the five-year supply contains sufficient land to accommodate 2,743 dwellings, which provides a 6.55 year supply of deliverable housing land against the housing requirement set out in the Local Plan.

A partial update of the council's Strategic Housing Land Availability Assessment (SHLAA, 2017) also illustrates that there is sufficient potential housing land supply (8,492 dwellings) to meet the borough's housing requirements over the plan period.

It is acknowledged, that the Council's current five-year supply is not certain to meet proposed housing requirements in the **Page 23** (685dpa) or that set out in the

Government's 'Planning for the right homes in the right places' which has recently been consulted upon (716dpa). The revised NPPF, also requires local planning authorities to apply the standard CLG methodology when identifying the local housing need for the area. However, it is important to note, that these are still in draft / consultation form. Nevertheless the evidence supporting the draft GMSF and the recent Government consultation indicates a housing requirement for Oldham of between 685 and 716dpa.

The GMSF identifies a housing target for Oldham which is more than double that set out in DPD policy 3. Whilst the applicant has not provided any objective assessment which attempts to demonstrate that the Council is unable to demonstrate a five year supply of housing, the delivery of four new dwellings on the site would contribute to boosting the supply of housing land in the borough and that this is a factor which weighs significantly in favour of the scheme for the purposes of paragraph 73 of the NPPF (2018).

With respect to the remaining criteria in Policy 3 (ii) and (iii), it is apparent from the type and density of housing shown on the indicative layout the development would deliver larger family homes and higher-value housing which meet the needs and aspirations set out in criteria (a) and (c) of Joint DPD policy 11.

Whilst Joint DPD policy 3 seeks to deliver of the majority of new housing in the borough on previously developed land, it recognises that an allowance will need to be made for windfall development on greenfield sites. Therefore, there is no moratorium on the release of greenfield sites for housing development. As set out above, the housing target identified in Joint DPD policy 3 is below that indicated in the draft GMSF which provides the most up-to-date assessment of OAN. Whilst the GMSF is an emerging policy document and the applicant has not submitted any specific evidence which states, explicitly, that the Council is unable to demonstrate a five year supply of housing land, it follows that the development would boost the supply of housing in the borough which would contribute to a continued and robust supply with respect to the target cited in the GMSF which has been applied in recent appeal decisions elsewhere in Greater Manchester. The development would also contribute to the delivery of larger, high-value housing for the purposes of criterion (ii) to DPD policy 3.

Given the emphasis on promoting sustainable development and the need to boost housing supply in the borough, the applicants submitted further evidence which outlined the following, economic, social and environmental benefits of the scheme:

Economic: The development will bring about economic benefits for Greenfield and the district by introducing new residents that can help support the local economy generally and services in particular. Delivery of new homes in the Oldham area is a key contributor that will allow the authority to sustain a strong, responsive and competitive economy. There is a bus stop on the site frontage to Chew Valley Road which is served by the local bus service offering regular service to Oldham through to Manchester.

Social: The site is currently not accessible and has no social amenity value. The result of which is an unmanaged, densely planted site with limited biodiversity (see environmental paragraph). The northern boundary suffers from encroachment from neighbouring properties along St Mary's Drive and has been used for fly-tipping in the recent past. It is proposed that by establishing a residential use for the land, the development provides structured amenity (albeit private) as well as an opportunity to define the site provide much needed housing in this sustainable location.

Environmental: The loss of trees in this location due to development is deemed to be acceptable when considering the overall benefit the dwellings will bring to the land itself in terms of environmental contribution. The plantation is densely planted, overshadowing the under-storey with inadequate daylighting which does not provide the best quality for undergrowth planting to flourish. Many of the trees are in poor condition and require maintenance (and in some cases removal), especially along the Chew Valley Road boundary where the trees overhang the road and footpath.

In general, officers do not disagree with the benefits outlined above and in the consideration of the scheme, the benefits as outlined **Page 24** weight in the decision making process.

Having considered the merits of the proposal, it is considered that the use of the site for residential purposes is acceptable in principle.

Design

Guidance within Section 12 ('Achieving well designed places') of the NPPF (2018) document is relevant, together with policies 1 (Climate Change and Sustainable Development), 9 (Local Environment) and 20 (Design), which provide guidance on the design of new development are relevant to the assessment of this application.

Site layout –

The site layout will result in the loss of approximately 65 trees, which are protected by an area TPO, of varying quality ranging from class B (trees that are worthy of retention) to U (trees that are dead, diseased or dying).

The dwellings themselves are laid out in a 'link-detached' form, being connected in pairs by the garage of the dwellings fronting on to Chew Valley Road. Both plots 1 and 4 are arranged so that the principal elevation faces towards the courtyard arrangement for the site, but also respond positively to the Chew Valley Road frontage, with a considered elevational and fenestration response so that the street is not left with a blank elevation facing it. Furthermore, the elevational response to Chew Valley Road, will also help aid in natural surveillance of the area.

Building design –

The dwellings are proposed to be constructed out of natural stone, with timber cladding utilised in certain locations in order to break up the massing of the building. UPVC windows are also proposed with dark grey surrounds. Given that the prevailing character of dwellings in Greenfield is one of stone properties and two to three storey properties, the design of the proposed dwellings is not considered to be out of character with the area.

The submitted D&A indicates various designs were considered with the massing and the challenge of creating strong frontage to Chew Valley Road being a particular challenge, whilst also creating a sense of place for the private court and front gardens of each dwelling.

It should also be noted that it is considered that the proposed dwellings are of some architectural merit, being as they are bespoke and intended to minimise the impact on the site. Particular care is considered to have been given to the design of the dwellings in relation to the roof lines, how the dwellings relate to the ground and the location of the windows on the upper floors. Furthermore, the general scale and massing proportions of the proposed dwellings are considered to be modest, rather than trying to accommodate the largest dwellings on the site. Overall, the submitted proposed demonstrates a considered response to the constraints of the site.

Landscaping & boundary treatment–

It is noted that the gardens for the dwellings have been kept to a minimum, in order to minimise the number of trees lost on the site. To further enable the impact of the scheme to be mitigated, the applicant has submitted a comprehensive landscaping scheme. The submitted landscaping scheme details 10 trees being planted along with significant hedge planting to line the northern boundary of the application site and the rear boundaries of properties on St Mary's Drive. In addition, further wild flowers will be planted/seeded. In relation to the boundary treatment, the existing boundary to Chew Valley Road will remain in the form of a stone wall, whilst in between the properties there is intended to be a mix of hedges and timber fences.

Design conclusion –

Policy 20 of the DPD states that amongst Page 25 proposals should not conflict with the

character of the area, be sustainable, promote ease of movement and legibility amongst other things. When assessing the proposal and the elements it will introduce as noted above, it is considered that the proposal supports the aims of policy 20.

A number of objections have argued that the scheme will introduce a discordant and incongruous feature in to the streetscene. It is also argued that the proposal will lead to a loss of outlook from the rear of the properties on St Mary's Drive. However, the loss of a view, is not a material consideration in determining planning applications. Whilst these are considered to be reasonable objections to the proposal, taking into account its overall setting, it is considered that the introduction of four dwellings in this site is a measured response to the constraints and opportunities of the site and therefore acceptable.

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

Amenity

Turning to the impact of the properties on the existing dwellings on St Mary's Drive, it is considered that this will be minimal. This is due to the distance and elevational differences between the plot and the dwellings on St Mary's Drive. There is a distance of approximately 16m between the side elevation of the nearest proposed dwelling and the nearest affected dwellings located on St Mary's Drive. For the record, the following distances have been recorded:

Nearest point to site boundary

4 St Mary's Drive = 11 metres
6 St Mary's Drive = 12.5 metres
8 St Mary's Drive = 14 metres
10 St Mary's Drive = 18 metres

Nearest point to car port/balcony

4 St Mary's Drive = 13 metres (Plot 2)
6 St Mary's Drive = 15.5 metres (Plot 2)
8 St Mary's Drive = 19.5 metres (Plot 3)
10 St Mary's Drive = 21.5 metres (Plot 3)

Nearest point to main house

4 St Mary's Drive = 16 metres (Plot 2)
6 St Mary's Drive = 18 metres (Plot 2)
8 St Mary's Drive = 21.5 metres (Plot 3)
10 St Mary's Drive = 24 metres (Plot 3)

Furthermore there is only one window on the northern elevations of both properties which serve a bathroom.

Amenity conclusion

It is noted that the drawings indicate that the garage roofs of all the properties could be used as a roof top terrace, which would normally give rise to concerns in relation to overlooking. However, due to the differences in land levels, even if the properties closest to those on St Mary's Drive, choose to use the garage roof's as terraces, they would not be able to overlook the private amenity space to the rear of the properties on St Mary's Drive, due to the

difference in land levels (whereby those on St Mary's Drive are level with the first floor of the proposed properties). Nevertheless, should this be a concern to members, a condition could be applied to any permission either requesting a level of screening or preventing the use of the areas as roof top terraces.

Additionally, it is considered that in order to protect the architectural integrity of the proposed dwellings and the amenity of the surrounding area and properties, that permitted development rights are removed from the dwellings once they are occupied. A condition is recommended which reflects this.

The proposed location, scale, massing of the dwellings would have no impacts upon any surrounding building or properties in regard to loss of privacy, overlooking, loss of light overshadowing or have an overbearing or oppressive impact. It is considered that the proposal will not lead to an unacceptable impact on the neighbouring properties amenity, by virtue of the distances involved. It is therefore considered that the proposal does not conflict with the aims of policies 9 and 20 of the DPD.

Trees

National guidance within paragraphs 175, 176 and 177 of the NPPF (2018) are relevant, together with DPD policies 1, 6, 9 and 21.

The application was submitted with an Arboricultural Assessment (AA) which outlines the following:

- In order to facilitate the development it will be necessary to remove **T32, T33, G36** (21, sycamore and ash trees), **T37, T38, T39, T41, T42, T43, T44, G45** (31, horse chestnut and sycamore trees), **T46, T47, T48** and **G49** (13, horse chestnut and sycamore trees). These trees are confined to an area measuring approximately 35m x 17m at the north western end of the site. The entire length of this stretch of Chew Valley Road is over 200m.
- Of the trees proposed to be removed, **G36, T38, G45, T48** and **G49** (67 trees) fall into retention category 'C' (trees of low quality) and **T32, T33, T37, T39, T41, T42, T43, T44, T46** and **T47** (10 trees) fall into retention category 'B' (trees of moderate quality).

Whilst the development will require the removal of approximately 65 trees within the central area of the site, it should be noted that a tree planting scheme of at least 18 trees and hedgerows is included within the proposals. The applicants state that this will act to mitigate tree losses, improve the visual and ecological benefits of the site and provide increased species and age diversity to the local treescape and amenity of the area.

Policy 6 – Green Infrastructure - is a core strategy policy. It refers to Oldham's rich and vast built and natural environment. These include a range of nature conservation areas and other natural assets. It states that:

"We will value our local natural, built and historic environments, green infrastructure, biodiversity, geodiversity and landscapes, and their wider settings."

The Policy includes a number of criteria that control and guide development including, the most relevant to this application being;

"Development proposals, where appropriate, must:

- d) Promote and enhance the boroughs green infrastructure network. This currently consists of nature conservation sites, strategic recreation routes, green corridors and links, canals and open spaces which are defined below...*
- g) Enhance and reinforce distinctive elements of the boroughs landscapes and have regard to the Oldham landscape character assessment."*

The Policy identifies open spaces as:

Paragraph 5.70 - "...parks and gardens, natural and semi-natural green spaces; green corridors; outside sports; amenity green space; recreational provision for children and young people; allotments and community gardens; cemeteries and church yards and civic spaces."

This policy therefore applies to all green spaces, whether or not shown on the Proposals Map, under the provisions of policy 6. The loss of the TPO'd trees is consequently considered to be contrary to this policy.

The council's tree officers do not fully support the proposal in its current form.

When assessing the proposal against the requirements of policy 21 (Protecting Natural Environment Assets), which is considered to be the most relevant policy in relation to the loss of TPO trees, it is considered the most relevant point to consider is that in para b) of policy 21 which states that:

In exceptional circumstances where development is unavoidable and cannot be accommodated elsewhere:

- v.) *the applicant must demonstrate the need for, and the over-riding public interest and benefits of, the development.*
- vi.) *the development must set out how the proposals will protect and enhance the nature conservation, including how any harm will be minimised effectively through design and mitigation measures.*

As stated previously, the applicant has already stated the benefits of the proposal, in terms of its economic, social and environmental benefits. Furthermore, in relation to policy 21 the applicants state that the proposal will have the following benefits and mitigation measures:

- Poor quality trees to be removed to open up undergrowth and improve daylighting. The applicants state that this will increase the quality of planting creating a better environment or flora and fauna.
- Stems of removed trees will be left in place with bat and bird boxes attached to enhance and support wildlife and biodiversity.
- 'Bug Hotels' and Habitat Log Piles will be included in the external garden design to support wildlife and biodiversity.
- A tree management plan is proposed.
- Tree Planting - New trees will be native British trees that are commonly found in the area and will be sited mainly within the front shared courtyard and the boundary with the rear gardens of St Mary's Drive.
- Native Hedgerow Planting - A selection of native species has been considered to support wildlife and provide a good source of food for a wide variety of species.

The majority of the objections received are in relation to the loss of the trees. In order to mitigate the loss of the trees, some additional planting is proposed. However, this will not replace what has been lost. It is considered that on balance, the proposed mitigation measures as outlined above, will in future years, lead to a boost in biodiversity in the immediate area.

Tree protection

The AA goes on to state that in order to ensure the effective protection of retained trees during development, a protective barrier will be installed, in accordance with BS5837: 2012 and may comprise of protective fencing and/or ground protection. This will be the first job on site following the tree removal and pruning works. The fencing will be positioned to protect the entire Root Protection Area (RPA) of the retained trees, in order to create a Construction Exclusion Zone (CEZ).

The AA states that routes for pedestrian and site traffic will 'ideally' be located outside, and diverted away from, the RPAs of the retained trees. The AA states that where this is not

possible, temporary protective surfaces (ground protection) must be laid over the exposed RPAs which will distribute the weight of site vehicles, machinery or pedestrians whilst allowing moisture to reach the tree rooting area beneath. Such surfaces should be constructed in accordance with BS5837: 2012. Taking the above measures into account, it is considered imperative that a condition is applied to any permission requiring the submission of an Arboricultural Method Statement (AMS) detailing the specific protection measures necessary for each tree. This should specify the required fencing standard and positions (the creation of the Construction Exclusion Zone), acceptable construction techniques and necessary tree works.

Trees conclusion

In taking account of the location of the site, the nature and scale of the proposed development, the findings of the arboricultural assessment and the advice given by consultees, it is considered that the proposal would have a detrimental impact upon the existing TPO'd trees, weight must therefore be given to this in the assessment of this application.

The schemes benefits outlined by the applicant and their agent are noted.

Policy 21 does allow for development to occur in locations such as this, provided they meet certain criteria. On balance, it is considered that the need for and benefits of the scheme, coupled with the programme of works to protect and enhance nature conservation effectively demonstrates 'exceptional circumstances' which, in turn means, that the proposal is in accordance with the aforementioned policies and guidance in the opinion of officers. Whilst the loss of the trees is regrettable and weighs against the scheme, on balance the benefits of new housing and the significant mitigation measures proposed, outweigh this loss.

Flood risk and drainage

National guidance contained within Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the NPPF (2018), the NPPF technical guidance document and policy 19 (Water and Flooding) of the Council's DPD are relevant.

The site is not within an area identified as being at risk from flooding within the Environment Agency's Indicative Flood Maps. However, it is known that the area directly adjacent to the site floods during periods of heavy rainfall, possibly due to the presence of a culvert which runs through the site. To this end, the applicant was requested to submit a Flood Risk Assessment (FRA). The findings of the FRA stated that there is a private culvert entering the site, that there is an existing sluice/headwall evident near to the junction with Chew Valley Road and St Mary's Drive, but that there was no evidence of Open Watercourse on site serving the sluice. Both OMBC's drainage team and the LLFA agreed with the findings of the FRA.

In order to mitigate the impact of the proposal, the applicants propose the use of Sustainable Urban Drainage System (SUDS), with a connection to the surface water culvert that crosses the site from St Mary's Drive. Further investigation will need to be undertaken to understand what works will need to be done to the culvert in order to achieve the run off rates required of 1.4l/s. This will be done in conjunction with OMBC's drainage team, the LLFA and the applicant. The strategy also involves the creation of a storage tank, which is to be located under the front driveways of plots three and four of the proposed scheme, to control surface water run-off. Conditions are recommended in order to ensure the scheme does not exacerbate the existing situation. Indeed, it should improve it as no SUDS scheme is in place on the site currently.

Whilst it is accepted there is a capacity issue on Chew Valley Lane during periods of heavy rainfall, advice from OMBC LLFA and OMBC Drainage confirms that the applicants are required to demonstrate the proposal will not exacerbate the existing situation. In order to achieve this, the provision of on site flood storage works is required. This will regulate and control water flow from the site. As stated in the FRA, it is considered that for planning purposes,

a drainage solution is achievable. Therefore, whilst the objections received from members of the public are noted, on the basis of the advice from the statutory consultees, it is considered that a ground for refusal based upon on drainage or surface water run off related matters could not be sustained or reasonably defended.

In taking account of the planning history of the site, the findings of the FRA and the comments of the technical consultees, it is considered that the proposal would not increase the flood risk at the site or within the wider area, and that, subject to the imposition of planning conditions, the site could be adequately drained. The proposal is therefore considered to be acceptable when assessed against national planning guidance and local planning policy.

Highways

Guidance within Section 9 ('Promoting sustainable transport') of the NPPF (2018) document is relevant, together with policies 5 (Promoting Accessibility and Sustainable Transport Choices), 9 (Local Environment) and 20 (Design) of the DPD, set out the standards and criteria against which the highway implications of the development are assessed.

The proposed development is located within a sustainable location with excellent links to public transport. The site also has access to a wide range of amenities. The amount of traffic generated by four additional dwellings, in a well established residential area will have no significant impact on the local highway network.

The internal layout of the development site will allow cars to turn so that they can leave the site onto the A669 Chew Valley Road in a forward gear. Having consulted the Highways Engineer, it is noted that there are some reservations about the amount of parking provision - there will be one garage and one driveway parking space per dwelling. However, the layout does not lend itself to any additional parking within the site for visitors or residents. Nevertheless, in the absence of any local or national parking standards, it is considered that a ground for refusal based upon highways and/or parking related matters could not be sustained and reasonably defended on the grounds that planning legislation contained within the NPPF (2018) only allows refusals if the impact of a proposal would be 'severe' something which the scheme put forward for determination, clearly, would not be. Equally, more parking provision would result in an additional loss of TPO trees.

As a private driveway, the internal layout will not be considered for adoption by the Local Highway Authority. Furthermore, a 2m wide footpath will ensured by planning condition to ensure highway safety at the site entrance.

In taking account of the documentation submitted, the scale and nature of the development, the technical advice given by the Council's highway engineer and subject to the imposition of the recommended planning conditions, it is considered that the proposed use can be adequately accommodated on the local highway network, that there would be adequate access, servicing, circulation and car parking arrangements and that the proposal would not have any detrimental impacts upon pedestrian or highway safety. For these reasons the proposal is considered to be acceptable when assessed against the aforementioned policies.

Other Matters

Turning to the other matters raised during the consultation process, specifically:

- In relation to the impact on wildlife, whilst it is accepted that the scheme will have some impact on any existing wildlife during the construction period. It is considered that, post completion, with the mitigation measures installed, the proposal will lead to a net gain in biodiversity over time.
- Turning to the issues raised in relation to noise and disturbance, disturbance during the construction period is to be expected. However, upon completion, it is considered that the impact of four properties in this location is unlikely to lead to a level of noise and

disturbance which would warrant a reason for refusal that could be reasonably defended or sustained at appeal.

- The concerns raised surround the site being a local beauty spot are noted, however, the landscape is not statutorily protected. As such, a reason for refusal based upon the loss of beauty spot is not sustainable in planning terms.
- With regards to the concerns raised in relation to the safeguarding of the school, it is considered that these carry no weight. The dwellings are located more than 20m away from the main school building, whilst the school site itself is already bound by residential development of varying scale. Therefore, it is considered that a reason for refusal based upon the safeguarding of the school could be not be reasonably defended or sustained at appeal.

Conclusion

Paragraph 38 of the NPPF states that

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible'.

The proposal has been fully assessed against national and local planning policy guidance. As stated in the body of the report, weight is given to the need to boost the supply of housing in Oldham and in particular the Saddleworth area, which suffers from historically low levels of provision. The impact that the loss of TPO'd trees will have on the character and appearance of the area weigh against it. In relation to highways and flooding matters, having consulted the relevant consultees, it is considered that the issues will not sustain a reason for refusal and conditions can be imposed on any permission granted which would address the matters raised by the respective technical consultees. The decision therefore boils down to which element is given more weight, the need to deliver more housing, or the need to protect existing trees.

On balance, it is considered that the economic and social benefits of the scheme, coupled with the need to boost the supply of housing across the borough, outweigh the environmental harm that the scheme would generate. Furthermore, it is considered that the design of the dwellings are done in such a way as to minimise their footprint and thus reduce the impact on amenity means that the proposal meets the requirements of policies 9 and 20 of the DPD. Additional mitigation has been proposed, in order to boost the biodiversity of the area to compensate for the loss of the TPO'd trees, which means that officers consider the proposal to be in accordance with policies 6 and 21 of the DPD. Given the above reasons, it is considered that on balance, for the reasons set out in this report, the proposal is acceptable when assessed against national and local planning policy and subsequently conditional approval of planning permission is recommended.

Reccomendation

Approve subject to the following conditions:

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

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

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications, r 13/02/2018, which are referenced as follows 7203_08_02, 7203_08_03, 7203_08_05, 7203_08_06, 7203_08_07,

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. The submitted landscaping scheme as shown on the Landscape Enhancements Plan (ref. 7203_08_14), submitted on the 2nd August 2018 shall be implemented in full and before the occupation of the first dwelling on site.

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.

5. All hard and soft landscape works for the site to comply with condition 4 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.

6. No dwelling shall be occupied until, a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. The scheme shall include a detailed maintenance and management regime for the storage facility. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To ensure adequate drainage facilities are provided to serve the development and/or to prevent pollution of the water environment

7. A scheme(s) for the accommodation of additional flows impacting upon the watercourse network and detailing works in the vicinity of any watercourse; shall be submitted to and approved in writing by the Local Planning Authority before the occupation of the first dwelling. The scheme shall cater for the impact resulting from the minimum 100 year return period storm event. No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed.

Reason: To protect the site and the wider area from flooding.

8. 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.

9. 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.

10. No development or other operations shall take place on site in connection with the development hereby approved until, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. No development or other operation shall take place except in complete accordance with the approved Method Statement. Such Method Statement shall include full details of the following:

- a) Implementation, supervision and monitoring of the approved Tree Protection Scheme
- b) Implementation, supervision and monitoring of the approved Tree Work Specification
- c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme
- d) Timing and phasing of Arboricultural works in relation to the approved development.

Reason: For the avoidance of doubt and to ensure all parties are aware of the approved operations, whilst ensuring the continued well being of the trees in the interest of the amenity of the locality

11. No development shall take place, (including any works of demolition), until a Construction Method Statement has been submitted to, and approved in writing by, the LPA. The approved statement shall include scaled drawings illustrating the provision for -

- 1) The parking of site operatives and visitors vehicles.
- 2) Loading and unloading of plant and materials.
- 3) Management of construction traffic and access routes.
- 4) Storage of plant and materials used in constructing the development.
- 5) Measure to prevent mud and debris being brought onto the highway.

The scheme approved shall be implemented throughout the construction period.

Reason: In the interests of highway safety

12. Notwithstanding the provisions of Clauses A, B, C, D, E, F, G and H of Schedule 2 Part 1 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, the dwelling(s) hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the dwellings.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of adjoining dwellings/the resulting amount of space around the dwelling and to safeguard the character and appearance of the building(s) and its surroundings

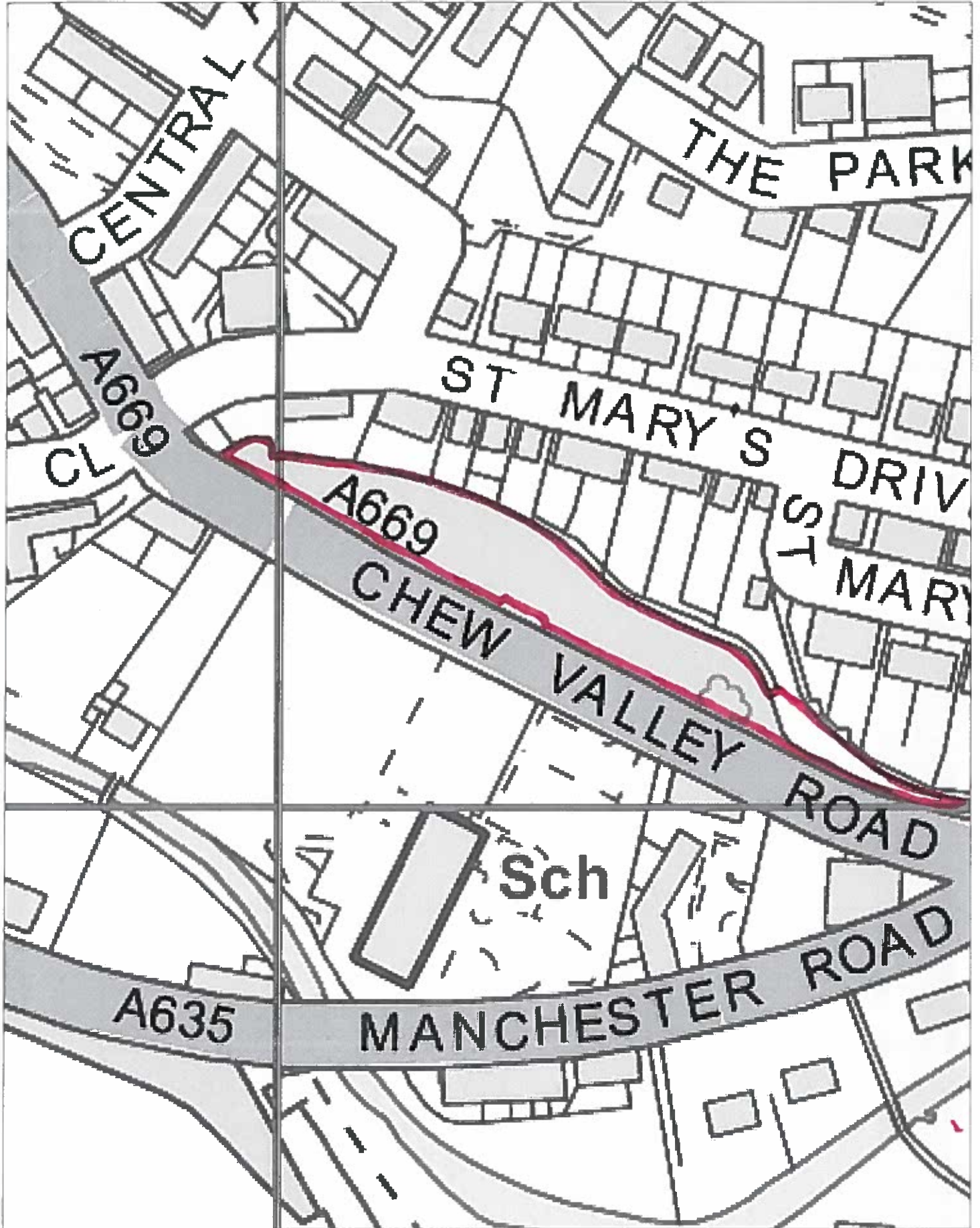
13. No dwelling shall be brought into use unless and until the access and car parking space for that dwelling has been provided in accordance with the approved plan received on 10th May 2018 (Ref: Dwg No.7203_08_03 Rev A). The details of construction, levels and drainage shall be submitted to and approved 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.

14. The development hereby approved shall not be commenced unless and until a highway improvement to Chew Valley Road including provision of a 2.0 metre footway near the access road has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be brought into use unless and until the approved scheme has been fully implemented.

Reason - To facilitate the movement of traffic generated by the development in the interests of highway safety.

Land at Chew Valley Road, Greenfield



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APPLICATION REPORT - PA/341476/18

Planning Committee, 19 September, 2018

Registration Date: 27/03/2018
Ward: Chadderton Central

Application Reference: PA/341476/18
Type of Application: Full Planning Permission

Proposal: Proposed drive-through café/restaurant (Use Class A3), public house/restaurant (Use Class A4), 3 industrial units (Use Classes B1, B2 or B8), associated parking, landscaping & infrastructure.

Location: Land to the west of Greengate, Oldham

Case Officer: Hannah Lucitt

Applicant Agent : Royal London Mutual Insurance Society Ltd
Hourigan Connolly

THE SITE

The application site covers 3.34 hectares (8.25 acres). The site access forms part of a traffic light controlled junction with Greengate (B6393) with pedestrian and cycle crossing provision. Greengate is a main vehicular arterial route linking the areas of Middleton and Chadderton with the City of Manchester to the south.

There is currently access to the site via an under bridge, accessed from an unnamed service road, however this is height restricted and effectively limits its use to cars and small vans.

Boundaries to the site are generally a combination of palisade and weld mesh security fencing.

The site predominantly comprises hard landscaping and is relatively flat. There are a number of lighting columns on the site together with an electricity pylon.

To the north of the site is an area of open land, beyond which are a number of commercial and employment units. To the east of the site are further commercial premises. To the south of the site is the M60 and to the west is Blackley Golf Club.

The site is located in an area allocated for predominantly employment uses.

The surrounding area therefore comprises various commercial, industrial and trade units. Beyond the M60 to the south is the residential area of Moston, and to the north and west beyond the employment units are residential areas of Middleton and Alkrington.

THE PROPOSAL

This application proposes the erection of a drive-through café/restaurant (Use Class A3), a public house/restaurant (Use Class A4), the erection of three industrial units (Use Classes B1, B2 or B8), and associated parking, landscaping & infrastructure.

The proposed drive-through café/restaurant would be of a broadly rectangular shape, and would measure 16m in length, 1.5m in width, and would feature a lean-to roof design, reaching a maximum of 5.3m in height. This unit would be externally faced in timber cladding, and white render.

The proposed public house/restaurant would be of a broadly rectangular shape, and would measure 33m in length, 15m in width, and would feature a pitched roof design, reaching a maximum of 9.4m in height. This unit would be externally faced in roof tiles, red brick, and render.

The proposed industrial units are designed as follows:

Unit A

Unit A would run parallel to the highway at Greengate and would measure 130m in length, 20m in width and would feature a low pitched roof design, reaching a maximum of 10.4m in height. This unit would be externally faced in profiled wall cladding in grey.

Unit B

Unit B would measure 87m in length, 63m in width and would feature a low pitched roof design, reaching a maximum of 12.4m in height. This unit would be externally faced in profiled wall cladding in grey.

Unit C

Unit B would measure 38m in length, 17.5m in width and would feature a low pitched roof design, reaching a maximum of 10.4m in height. This unit would be externally faced in profiled wall cladding in grey.

Staff and visitor parking within the site for a total of 199 vehicles is proposed, including 20 dedicated disabled persons' spaces, together with 9 motorcycle spaces and provision for 21 secure cycle parking spaces.

RELEVANT HISTORY OF THE SITE:

No relevant planning history.

CONSULTATIONS

Environmental Health	No objection, subject to the inclusion of conditions addressing landfill gas and contaminated land. They also comment on the need for reference in the travel plan to ensure that the fleets used in the proposed B8 uses are sustainable and low emission vehicles or at least there is an ambition/plan to move towards this.
Highway Engineer	No objection, subject to the inclusion of conditions addressing the provision and retention of car parking spaces, the full design and construction details of the required improvements to the Greengate access arrangements, cycle storage, and the provision of a Travel Plan
Highways England	No objection, subject to the inclusion of a condition restricting development on land owned by Highways England.
Environment Agency	No objection, subject to the inclusion of a condition addressing contamination.
LLFA and Drainage	No comment.
Greater Manchester Ecology Unit	No comment.
Greater Manchester Police	No objection.
Architectural Liaison Unit	
Rochdale MBC	No comment.
Manchester City Council	No comment.
National Grid Company PLC	No objection.
Transport for Greater Manchester	No objection, subject to the inclusion of a condition

addressing the needs for a Travel Plan.

REPRESENTATIONS

This application has been publicised by way of a site notice, press notice and neighbour notification letters. No neighbour responses have been received by virtue of this publication process.

PLANNING CONSIDERATIONS

The main issues to consider are:

1. Land Use;
2. Parking and highway safety;
3. Amenity and design;
4. Contaminated land, landfill gas, and drainage.

Land Use

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. It contains the Core Strategies and Development Management policies used to assess and determine planning applications.

The application is located within a 'Business Employment Area' as allocated by the Proposals Map associated with this document. Therefore, the following policies are considered relevant:

Policy 1 - Climate Change and Sustainable Development;
Policy 9 - Local Environment;
Policy 13 - Employment Areas;
Policy 14 - Supporting Oldham's Economy; and,
Policy 20 - Design.

The guidance within the National Planning Policy Framework (NPPF) is also a material planning consideration.

Policy 1, in the context of this application, seeks to ensure the effective and efficient use of land and buildings by promoting the re-use and conversion of existing buildings and development on 'previously developed land' prior to the use of greenfield sites.

The application site is previously developed land, evident by the hard landscaping and existing use.

Supporting Oldham's Economy

DPD Policy 14 states that it is important Oldham has a range of sites to support the local economy. Employment areas are spread across the borough. They provide land for existing firms to expand and for new firms to locate here, so providing for job opportunities. Development proposals which would result in the loss of a site currently or most recently used for employment purposes to other uses should include measures to outweigh the loss of the site and support Oldham's economy and the regeneration plans of the borough.

As the application site proposes a mixed use A3/A4/B1/B2/B8 facility, the proposed development complies with Policy 14 and the principle of the proposal is therefore satisfactory. The industrial units provide a wide mix of sizes to accommodate the needs of a variety of businesses. The benefit of the anticipated 210 full time job roles that would be created by virtue of the proposed development is acknowledged.

Parking and highway safety

Access to the proposed development will be taken from the existing traffic signal controlled junction with Greengate which also serves the industrial premises to the east. A highway improvement will be carried out to the junction to facilitate movement into and out of the site for vehicles, cyclists and pedestrians.

The site is in a sustainable location with excellent links to public transport and opportunities for walking and cycling. Conditions are attached to the recommendation to ensure that more sustainable modes of travel are promoted in the form of the provision of cycle storage facilities and the provision of a Travel Plan.

A Transport Assessment was submitted with this application which examined the existing conditions and the effect the development would have on the local highway network. The expected levels of traffic generated by uses previously granted planning permission and the current proposal were compared. It was found that the amount of traffic likely to be generated by the current proposal will be less than that of previously approved schemes.

Traffic Modelling of the existing traffic signal controlled junction was also undertaken, and after the addition and clarification of some information, Transport for Greater Manchester is satisfied that the junction will continue to operate within capacity, and that the traffic generated by the proposed development will have no significant or adverse impact on the local highway network.

The proposed development has been assessed by the Council's Highway Engineer. Given that the expected trip generation and operation of the highway network will not have a significant or adverse effect on highway safety, no objection has been raised.

Therefore, the proposed development is considered to be in compliance with DPD Policy 9 in this regard.

Amenity and Design

DPD Policy 9 seeks to ensure development does not result in unacceptable adverse impact on amenity, whilst Policies 9 and 20 recognise the contribution that high quality design can make to regeneration and sustainable development.

There are no nearby dwellings within close proximity to the application site. Therefore, the proposal will have no significant impact on amenity.

The design of the industrial units is typical of the industrial sites within the area. Whilst this is not of particularly high architectural merit, it would be screened by a landscaping buffer, and is both functional and appropriate to its setting.

The proposed public house would be externally faced in red brick and black roof tiles, which would broadly reflect the Oldham centre vernacular. The design is considered both functional and acceptable.

The proposed drive-through cafe/restaurant is of modern design. The proposed unit is relatively modest in scale and is screened by landscaping. It is considered acceptable in this context.

The proposed landscaping scheme provides a more verdant character to the site, which is currently hard landscaped.

The proposed development is considered to have a positive impact on the streetscene and the character of the wider area.

Given the above, the impact on residential amenity and design is considered acceptable, in accordance with DPD Policies 9 and 20.

Contaminated land, landfill gas, and drainage

The Environmental Health Team have requested the inclusion of contaminated land and landfill gas, pre-commencement conditions.

The application site lies in an area susceptible to water surface flooding. A condition has also been included within the recommendation to address surface water drainage on site. The Drainage team have been consulted in regard to this application, and raise no objection on this basis.

Section 100ZA of the Town and Country Planning Act 1990, inserted by section 14 of the Neighbourhood Planning Act 2017, provides that planning permission for the development of land may not be granted subject to a pre-commencement conditions without the written agreement of the applicant to the terms of the condition. Regulation 2 provides that planning permission may be granted subject to a pre-commencement condition without the applicant's written agreement. The applicant has confirmed that they are happy for the pre-commencement conditions to be included within the report.

RECOMMENDATION

Approve, subject to the following conditions:

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

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

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

Site Plans

- Drawing no. 17022_PL02 revision D received 09th July 2018
- Drawing no. 17022_PL15 revision A received 26th February 2018

Public House

- Drawing no. 17022_PL12 received 26th February 2018
- Drawing no. 17022_PL13 revision A received 26th February 2018
- Drawing no. 17022_PL14 received 26th February 2018

Unit A

- Drawing no. 17022_PL03 received 26th February 2018
- Drawing no. 17022_PL04 received 26th February 2018

Unit B

- Drawing no. 17022_PL05 received 26th February 2018
- Drawing no. 17022_PL06 received 26th February 2018
- Drawing no. 17022_PL07 received 26th February 2018

Unit C

- Drawing no. 17022_PL08 received 26th February 2018
- Drawing no. 17022_PL09 received 26th February 2018
- Drawing no. 17022_PL10 received 26th February 2018

Drive-through

- Drawing no. 17022_PL11 received 26th February 2018

Landscaping Plans

- Drawing no. 101 received 26th February 2018
- Drawing no. 201 received 26th February 2018
- Drawing no. 202 received 26th February 2018
- Drawing no. 203 received 26th February 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 comprising the construction of external walls or roofs shall take place unless and until samples of the materials to be used 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 be undertaken on or adjacent to any motorway embankment or retaining wall which shall put any such embankment, retaining wall or earthworks at risk. Prior to the commencement of the use of any part of the development hereby approved, a close boarded fence or similar barrier not less than 2 metres high shall be erected along the frontage of the site with the M60 motorway in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. The fence shall be erected behind the existing motorway boundary fence, be on the developer's land and be independent of any existing motorway boundary fence.

Reason - To prevent any direct vehicular or pedestrian access between the site and the M60 motorway in the interests of highway safety.

5. All hard and soft landscape works for the site shall be carried out in accordance with the approved details:
 - Drawing no. 101 received 26th February 2018
 - Drawing no. 201 received 26th February 2018
 - Drawing no. 202 received 26th February 2018
 - Drawing no. 203 received 26th February 2018

The works shall be carried out prior to the occupation of any part 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.

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.

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

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

No drainage from the proposed development shall run off into the motorway drainage system, nor shall any such new development adversely affect any motorway drainage.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

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

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

8. Within three months of the first occupation of any individual part of the development hereby approved, a Travel Plan for that part shall be submitted for the written approval of the local planning authority. The approved Travel Plans for each part shall be implemented within six months of occupation of that part of the development. The Travel Plans shall be maintained and kept up to date at all times, and shall take into account any change in circumstances, such as a change to the occupier of the site.

Reason - To ensure the development accords with the Council's sustainable transport policies

9. No development hereby approved shall be brought into use unless and until the access and car parking spaces associated with that part of the development have been provided in accordance with the approved plan received on 9th July 2018 (Ref: Dwg No. 17022_PL02 Rev D). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such development. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

10. No development of the site shall commence unless and until the developer has submitted the following full design and construction details of the required improvements to the Greengate Access Arrangements, such details to be agreed in writing by the Local Planning Authority.

Such works that form the approved scheme shall be completed before any of these elements of the proposal are brought into use.

The details to be submitted shall include:

- a) How the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations,
- b) Full signing and lighting details,
- c) Confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards),
- d) An independent Stage Two Road Safety Audit (taking account of any Stage One Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes.

Reason - To ensure that the means of access to the application site is acceptable to the Local Highway Authority in terms of highway safety and the continued efficient operation of the local highway network.

11. 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.

12. 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.

13. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.



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

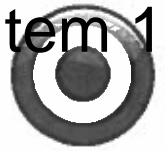
1. **The appropriate planning application file:** This is a file with the same reference number as that shown on the Agenda for the application. It may contain the following documents:
 - The application forms
 - Plans of the proposed development
 - Certificates relating to site ownership
 - A list of 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/341526/18 12 Oak View Road, Greenfield, Oldham, OL3 7EP
HH/341355/18 1065 Middleton Road, Chadderton, OL9 0NW

ADVERTISEMENTS

APPEAL DECISIONS

HH/341284/18 17/19 Huddersfield Road, Oldham, OL1 3LG
Original Decision Del
Appeal Decision Dismissed

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.

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 17 August 2018

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 September 2018

Appeal Ref: APP/W4223/Z/18/3205553

Land at 17/19 Huddersfield Road, Oldham OL1 3LG

- 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 Paul O'Sullivan against the decision of Oldham Metropolitan Borough Council.
 - The application Ref AD/341284/18 was refused by notice dated 30 April 2018.
 - The advertisement proposed is the replacement of 2no. existing illuminated 48-sheet advertising displays with 2no. 48-sheet digital LED advertising display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisements on public safety.

Reasons

3. The proposal is 2 internally illuminated LED digital display panels placed back to back on a monopole to one side of Huddersfield Road (A62) to face oncoming traffic using this highway in both directions. While the images on the new signs would regularly change, only static pictures and text would be displayed with no moving content or flashing images. The changes between images would be instantaneous. Both displays would be illuminated to levels in accordance with the guidance issued by the Institute of Lighting Professionals. The new panels would replace 2 externally illuminated displays of the same size and in the same position. The southwest facing advertisement was in use as an illuminated changing display for a protracted period up to about 2013.
4. The new displays would be close to a busy traffic light controlled junction to the southwest, which is at the confluence of Bottom O'Th' Moor, Shaw Road, Cross Street and Huddersfield Road. For brevity, I shall refer to this as 'the junction'. The southwest facing display would be evident from the junction. It would also be visible from Greenacres Road as it connects with Huddersfield Road. The northeast facing sign would be noticeable mainly for those traveling along Huddersfield Road towards the site. The Council has concern that the new advertising would reduce the clarity and effectiveness of the traffic signals and be unduly distracting to road users.
5. These particular circumstances are listed in the Planning Practice Guidance (PPG) as the type of sign that may cause danger to road users. The PPG notes that advertisements at points where drivers need to take more care, for

- example at junctions and pedestrian crossings, are more likely to affect public safety. It also states that highway danger may arise due to internally illuminated signs including those utilising LED technology that, because of their colour could be mistaken for, or confused with, traffic lights; and those signs that are subject to frequent changes of the display.
6. As the appellant points out, this does not mean that internally illuminated roadside signs using LED technology would pose a safety hazard. The PPG adds that there are less likely to be road safety problems if the advertisement is on a site within a commercial locality, which would be the case here. Within such areas, it is my experience that road signage and advertisements are familiar features.
 7. The appellant has provided a detailed account of the recorded accidents in the vicinity of the site. This evidence indicates that there have been 15-recorded incidents at the junction in the last 10 years of which 12 were slight; 2 were serious and 1 was fatal. The Council's accident data is not inconsistent with the appellant's findings. In the most recent 3-year period, the Council states that there were 6 personal injury accidents at the junction. Of that total, the Council notes that 2 were killed or seriously injured and these involved right turning manoeuvres onto Huddersfield Road from Cross Street.
 8. From the submitted information, none of these incidents was directly attributable to the presence of advertising on the site. The appellant's Highways Assessment also regards the overall number of accidents as not unusually high for a busy junction in an urban area. Nevertheless, the recent safety record of the junction does, however, make clear the potentially serious consequences if drivers and motorcyclists in particular fail to pay due care and attention. Taking all of the evidence into account, it seems to me that any additional risk to highway safety could be significant.
 9. On the immediate approach to the junction, Bottom O'Th' Moor has 3 lanes from which the new southwest facing display would be visible with the head(s) of the traffic signals in the foreground. The junction itself has multiple lanes across the carriageway and several entry and exit routes from which the proposed advertising would be evident with the traffic lights also in view.
 10. During the mid morning site visit, the junction and the roads leading into it were busy. A number of people also used the dedicated pedestrian crossing facilities at the junction. To my mind, this level of activity requires the concentration of drivers, pedestrians and cyclists to be maintained. I also observed that users of Huddersfield Road and Bottom O'Th' Moor often change lane on the approach to the junction ahead of queuing traffic or to then turn left or right. While the considerable volume of traffic may, at times, create relatively low speeds, drivers and cyclists approaching this junction require a high degree of attention to safely navigate it. For drivers traveling along Huddersfield Road towards the junction, I saw that the proposed northeast facing advertisement would also come into view behind the traffic signals just before the junction with Soho Street.
 11. In that context, the prominence of the new advertisements and frequently changing display would draw the eye, diverting the attention of road users even momentarily. It would distract exactly at the point where full concentration on the road ahead is required even from drivers and cyclists that are taking reasonable care of their own and others' safety.

12. It is true, as the appellant states, that the new displays would be some distance behind and in some instances to one side of the head of the traffic lights when seen from the flow of traffic in both directions. However, at the stop lines of the junction, a change in the colour of the image from red to green for instance could be glimpsed and misinterpreted by some drivers as a signal to move forward. That decision would be made at exactly the point where pedestrians and cyclists may well be crossing the carriageway. Figure 3.3 of the appellant's Highways Assessment illustrates this general point.
13. In reaching this view, I appreciate that my assessment, which reflects the particular circumstances of this case, departs from the findings of another Inspector involving an appeal in Warrington. In that case, the Inspector noted that a reduction from 4 to 2 displays and their revised positioning should make the traffic signals more visible. Those circumstances differ to the nature of the proposal before me. It is also unclear from the appeal decision whether the adjacent crossroads, while busy, had a safety record comparable to that of the junction, which forms part of the context in this case.
14. The appellant's grounds of appeal and the Highways Assessment find no direct correlation between accidents and roadside advertising. Even so, I am not convinced that such a general finding therefore justifies displays that would cause material harm to highway safety. Both main parties also refer to other advertisements that have been refused or allowed at application or appeal that are similarly visible from busy roads. While I have had regard to all of these cases, I have evaluated the proposal on its own merits.
15. I note that the Council has referred to a development plan policy as well as the National Planning Policy Framework. The Regulations to control advertisements require that decisions be made only in the interests of amenity and public safety. As such, the planning policies and guidance cited cannot, therefore, be decisive, but I have taken them into account as a material consideration.
16. The Council raises no issue in relation to amenity. From the submitted evidence, I have no reason to disagree with that finding. Nevertheless, for the reasons given I conclude that the proposal would be detrimental to the interests of public safety. Therefore, the appeal is dismissed.

Gary Deane

INSPECTOR

