

PLANNING COMMITTEE Regulatory Committee Agenda

Date Wednesday 19 December 2018

Time 6.00 pm

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

Notes 1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Sian Walter-Browne in advance of the meeting.

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

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Friday, 14 December 2018.

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

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

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

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

Item No

- 1 Apologies For Absence
- 2 Urgent Business
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 10)
The Minutes of the meeting of the Planning Committee held on 14th November 2018 are attached for Members' approval.
- 6 PA/340523/17 - Land at Edge Lane Street, Royton, OL2 6DS (Pages 11 - 22)
Outline planning application for the erection of 13 no. apartments. Access, layout, appearance and scale to be considered (landscaping reserved).
- 7 PA/341391/18 - Lion Mill, Fitton Street, Royton, OL2 5JX (Pages 23 - 36)
Proposed mixed use B1, B2 and B8 building with car parking, yard area and landscaping.
- 8 PA/342378/18 - Land Adjacent To Gorse Mill, Gorse Street, Chadderton (Pages 37 - 48)
Erection of 1no. distribution warehouse with associated external works.
- 9 Appeals (Pages 49 - 76)
Appeals



PLANNING COMMITTEE
14/11/2018 at 6.00 pm

Present: Councillor S Bashforth (Chair)
Councillors Akhtar, Ali, Ball, Davis, H. Gloster, Haque,
Harkness, Hudson, Leach and Qumer

Also in Attendance:

| | |
|-----------------|--|
| Alan Evans | Group Solicitor |
| Wendy Moorhouse | Principal Transport Officer |
| Tessa McKee | Planning Officer |
| Stephen Irvine | Head of Planning and Development Management |
| Graham Dickman | Development Management Team Leader |
| Graeme Moore | Planning Officer |
| Kaidy McCann | Constitutional Services |

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Brownridge, Councillor Hewitt and Councillor Phythian.

2 URGENT BUSINESS

There were no items of urgent business received.

3 DECLARATIONS OF INTEREST

Councillor Leach declared a personal interest at item 11.
Councillor Leach left the room during this item and took no part in the discussion or vote thereon.

Councillor H. Gloster declared a personal interest at item 12.
Councillor H. Gloster left the room during this item and took no part in the discussion or vote thereon.

4 PUBLIC QUESTION TIME

A public question was received from Mr Tony Martin:

“Are there any reasons, planning or otherwise, why the derelict sites on Derker have not been applied for regarding social housing? Why are the amenity spaces in Moorside, Sholver preferred, when the areas on Derker are Brownfield sites with excellent transport links, bus service 81 goes right through it, and the Metro is a short walk away. The area is clearly in need of regeneration, why are these areas not prioritised instead of disposing of community valued amenity spaces?”

The following response was provided:

“This is a good question and one that is often asked by people particularly when objecting to a planning application.



With land being in so many different ownerships, planning applications of all types are submitted as and when any particular land owner/developer is able or wants to.

In addition, when a planning application is submitted to a planning authority there is then a legal obligation on that authority to fully consider that application within a set time frame. A decision for each application will then be made on its own merits, as will the applications referred to in the question, and based on an assessment of current planning policy balancing the relative economic, social and environmental benefits and negatives a scheme has.

The question contends that none of the sites on Derker have had applications for development. This is not so as Keepmoat completed 165 units at Churchill Gardens in early 2016 and Guinness Northern Counties 10 homes on Acre Lane in 2014/15. First Choice Homes started on site with a further 51 affordable new homes on vacant land at Acre Lane earlier this year. Whilst the former Cromford Mill site is now used a Park and Ride for the Metrolink.

With regards to other previously developed land. Oldham MBC has produced a "Brownfield Register" which lists land that has been previously developed subject to its availability (ie will the owner sell it), its suitability and would development be achievable in the next 15 years.

It is often asked why councils don't insist that these sites are used before others? And indeed a previous Government set a national target in February 1998 to ensure 60 per cent of all new developments were built on brownfield land this was followed up after the publication of Planning Policy Statement 3 (PPS3) published in November 2006, reiterated the Government's commitment to the 60 per cent target for new homes built on brownfield land.

In July 2011 the Coalition government published a new draft National Planning Policy Framework designed to streamline planning policy, improve clarity and unblock the system. The policy emphasis moved to one of encouraging sustainable growth and currently there is no legislation any local authority can use to compel anyone or any developer to build on any particular site.

Here in 2018 the emphasis is very much on "sustainable growth" and with the Government's new housing targets more than doubling for local authorities including OMBC's, it is more and more difficult for Las to insist on what goes where."

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MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 17th October 2018 be approved as a correct record.

6

PA/338218/16 - PLOTS 9 & 10, LAND TO REAR OF ASHES LANE AND STATION STREET, SPRINGHEAD

APPLICATION NUMBER: PA/338218/16

APPLICANT: Formbrook Ltd

PROPOSAL: Erection of a pair of semi-detached houses

LOCATION: Plots 9 & 10, Land to rear of Ashes Lane and Station Street, Springhead.

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

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

DECISION: That the application be GRANTED subject to the completion of a planning obligation for a financial contribution of £22,500 (pro rata with PA/338534/16, PA/339842/17, PA/339843/17 and PA/339844/17) towards the provision of off site public open space and subject to the conditions as outlined in the report and as amended in the Late List.

NOTES:

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

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PA/338534/16 - PLOTS 7, 8, 11 & 12 LAND TO REAR OF ASHES LANE AND STATION STREET, SPRINGHEAD

APPLICATION NUMBER: PA/338534/16

APPLICANT: IES Developments Ltd

PROPOSAL: Erection of 4 no. semi-detached dwellings

LOCATION: Plots 7, 8, 11 & 12 Land to rear of Ashes Lane and Station Street, Springhead.

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

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

DECISION: That the application be GRANTED subject to the completion of a planning obligation for a financial contribution of £22,500 (pro rata with PA/338218/16, PA/339842/17, PA/339843/17 and PA/339844/17) towards the provision of off site public open space and subject to the conditions as outlined in the report and as amended in the Late List.

NOTES:

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



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PA/339842/17 - PLOT 4, LAND TO THE REAR OF ASHES LANE AND STATION STREET, SPRINGHEAD, OLDHAM

APPLICATION NUMBER: PA/339842/17

APPLICANT: Mr Cunliffe

PROPOSAL: Erection of 1 No. detached dwelling

LOCATION: Plot 4, Land to the rear of Ashes Lane and Station Street, Springhead, Oldham

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

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

DECISION: That the application be GRANTED subject to the completion of a planning obligation for a financial contribution of £22,500 (pro rata with PA/338218/16, PA/338534/16, PA/339843/17 and PA/339844/17) towards the provision of off site public open space and subject to the conditions as outlined in the report and as amended in the Late List.

NOTES:

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

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PA/339843/17 - PLOT 5, LAND TO THE REAR OF ASHES LANE AND STATION STREET, SPRINGHEAD, OLDHAM

APPLICATION NUMBER: PA/339843/17

APPLICANT: Mr Cunliffe

PROPOSAL: Erection of 1 No. detached dwelling

LOCATION: Plot 5, Land to the rear of Ashes Lane and Station Street, Springhead, Oldham

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

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

DECISION: That the application be GRANTED subject to the completion of a planning obligation for a financial contribution of £22,500 (pro rata with PA/338218/16, PA/338534/16, PA/339842/17 and PA/339844/17) towards the provision of off site public open space and subject to the conditions as outlined in the report and as amended in the Late List.

NOTES:

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

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PA/339844/17 - PLOT 6, LAND TO THE REAR OF ASHES LANE AND STATION STREET, SPRINGHEAD, OLDHAM

APPLICATION NUMBER: PA/339844/17

APPLICANT: Meadowgate Developments Ltd

PROPOSAL: Proposed 1 no. detached dwelling.

LOCATION: Plot 6, Land to the rear of Ashes Lane and Station Street, Springhead, Oldham

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

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

DECISION: That the application be GRANTED subject to the completion of a planning obligation for a financial contribution of £22,500 (pro rata with PA/338218/16, PA/338534/16, PA/339842/17 and PA/339843/17) towards the provision of off site public open space and subject to the conditions as outlined in the report and as amended in the Late List.

NOTES:

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

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PA/340887/17 - LAND AT, KNOWLS LANE, OLDHAM

APPLICATION NUMBER: PA/340887/17

APPLICANT: Russell Homes UK Ltd

PROPOSAL: Hybrid Planning Application comprising of: Part A - Full Planning Application for the development of a new link road between Knowls Lane and Ashbrook Road and associated works, and Part B - Outline Planning Application for the development of up to 265 dwellings, open space and landscaping, with all matters reserved except for access.

LOCATION: LAND AT, Knowls Lane, Oldham

It was MOVED by Councillor Qumer and SECONDED by Councillor Ali that the application be REFUSED (against Officer recommendations).

On being put to the vote 9 VOTES were cast IN FAVOUR OF REFUSAL and 1 VOTE were cast AGAINST with 0 ABSTENTIONS.



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

The proposal would result in the loss of OPOL 12 land and subsequent landscape harm and harm to the visual amenity of the Wharmton Undulating Uplands (Area 7a) LCA and Thornley wooded valley landscape since the development will result in a significant fragmentation and loss of Green Infrastructure assets and open landscape, as well as having a transformative effect on the openness, local distinctiveness and visual amenity of OPOL 12 and the Wharmton Undulating Uplands (Area 7a) LCA. This harm significantly and demonstrably outweighs the acknowledged benefits of the scheme when weighed against the Local Plan and NPPF policies taken as a whole. As such, the proposal is contrary to:

- *Policy 6 - Green Infrastructure;*
 - *Policy 21 – Protecting Natural Environmental Assets;*
- and,*
- *Policy 22 – Protecting Open Land*
- of the Oldham Local Development Framework, Development Plan Document (November 2011) that seek to protect valued landscapes and OPOL land.*

NOTES:

1. That an Objector, the Applicant and Ward Councillor, attended the meeting and addressed the Committee on this application.
2. Councillor Leach declared a personal interest in this item. Councillor Leach left the room and took no part in the discussion or vote thereon.

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PA/341768/18 - CROMPTON HOUSE C OF E HIGH SCHOOL, ROCHDALE ROAD, SHAW, OL2 7HS

APPLICATION NUMBER: PA/341768/18

APPLICANT: Oldham Council

PROPOSAL: 1) Erection of a three storey teaching block over existing multi use games area (MUGA) with associated soft and hard landscaping 2) Construction of a multi-use games area (MUGA) to rear of existing Sports Hall and associated soft and hard landscaping 3) Erection of a single storey extension to Clegg block 4) Internal remodelling to existing Selwyn and Milne block 5) Demolition of existing Ballard teaching block and removal of existing MUGA 6) Creation of two new car parking areas.

LOCATION: Crompton House C of E High School, Rochdale Road, Shaw, OL2 7HS

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

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

DECISION: That the application be GRANTED subject to the conditions as outlined in the report, the additional condition (no. 31) detailed in the Late List, the amended condition 23 detailed below and a new condition 32 detailed below:

Amended condition 23:

The development hereby approved shall not be brought into use unless and until a Parking Management Plan, detailing the operation and availability of the school car parks during events out of school hours, and including a restriction on vehicular use of the proposed Grampian Way access and car park outside school hours, has been submitted to and approved in writing by the Local Planning Authority. Thereafter all measures that form part of the approved management plan shall be implemented and remain available for users of the facility.

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

New condition 32

Prior to the commencement of the construction of the new access and car park from Grampian Way, details of a boundary treatment which shall be designed to include measures to protect the amenity of the occupiers of adjacent residential properties shall be submitted to and approved in writing by the Local Planning Authority. Use of the access and car park shall not commence until the duly approved boundary treatment has been installed in full, and the approved boundary treatment shall be retained thereafter.

Reason – In order to protect the amenity of the occupiers of the adjacent residential properties.

NOTES:

1. That a Ward Councillor attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 16.
3. Councillor H. Gloster declared a personal interest in this item. Councillor H. Gloster left the room and took no part in the discussion or vote thereon.

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**PA/341773/18 - G M MACHINERY, BARRY STREET,
OLDHAM, OL1 3NE**

APPLICATION NUMBER: PA/341773/18

APPLICANT: Mr Taylor

PROPOSAL: Proposed replacement portal frame factory unit (use class B1c). Demolition of single storey building and part demolition (single storey lean-to section) of a main factory unit.

LOCATION: G M Machinery, Barry Street, Oldham, OL1 3NE

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

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

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

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**PA/342202/18 - KINGFISHER SCHOOL, FOXDENTON
LANE, CHADDERTON, OL9 9QR**

APPLICATION NUMBER: PA/342202/18

APPLICANT: Oldham Council

PROPOSAL: Extension of existing building for the provision of a new nursery classroom for the school and alterations to the existing school car park to provide extra car parking spaces.

LOCATION: Kingfisher School, Foxdenton Lane, Chadderton, OL9 9QR

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

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

DECISION: That the application be GRANTED subject to the conditions outlined in the report.

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APPEALS

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

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**LATE LIST - PLANNING COMMITTEE - 14TH NOVEMBER
2018**

RESOLVED that the information related to the submitted planning application as at 14th November 2018, as outlined in the Late List, be noted.



The meeting started at 6.00 pm and ended at 8.25 pm

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APPLICATION REPORT - PA/340523/17

Planning Committee, 19 December, 2018

Registration Date: 18/07/2017
Ward: Royton South

Application Reference: PA/340523/17
Type of Application: Outline Planning Permission

Proposal: Outline planning application for the erection of 13 no. apartments .
Access, layout, appearance and scale to be considered
(landscaping reserved).

Location: Land at Edge Lane Street, Royton, OL2 6DS

Case Officer: Matthew Taylor

Applicant Brantones Ltd
Agent : HNA Architects Ltd

INTRODUCTION

Members may recall that Planning Committee resolved to approve this development of a block of 13 apartments at the meeting held on the 20th December 2017, subject to a legal agreement requiring a contribution towards off-site play provision.

Since that decision the applicant has been approached by a local registered care provider which is interested in purchasing the development upon completion. The care provider provides accommodation for people living with a physical and/or learning disability. In order to meet the care provider's requirements, a redesign was undertaken which has resulted in alterations to the design of the building, including an increase in the height of the roof in order to incorporate a stretcher-enabled lift serving all three floors.

THE SITE

The application relates to 0.13 hectares of land located on the eastern side of Edge Lane Street, in an area which retains a mixed commercial and residential character. The latter includes the two storey dwellings which form John Hogan Close to the rear of the site. An assisted living scheme is under construction to the north-west of the site, with which the development will share an access. There are commercial buildings to the south and an area of vacant land on the opposite side of Edge Lane Street. The site itself has been cleared of buildings for a number of years. The site is generally flat with a part culverted stream running across the south-west corner of the site.

THE PROPOSAL

This is an outline planning application for the erection of 13 no. apartments. Access, layout, appearance and scale are to be determined at this stage, with landscaping reserved for future consideration.

The revised building will occupy the same footprint as that considered in December 2017, being positioned towards the front of the site, with a car parking area to the rear. It will retain

the same eaves height as the earlier building at 5.7m; however, the apex of the ridged roof will rise from 9m to 10.7m. This increase is required to accommodate a minimum 3.5m space from the uppermost floor to the top of the lift shaft (to accommodate the lifting gear and beam).

The building footprint will continue to measure 25.9m in length and 13.1m in width. To the front the original design of a 5m wide central gable feature will remain, with the sections of the building to either side being recessed by 2m. The main entrance doorway of the building is located within the ground floor of this central front elevation feature. The revised design raises the eaves height of the central section above the eaves of the main structure, but still retained within the roofscape, and provides a facade with window openings over three floors

The rear elevation has a flat facade with window openings over two floors and rooflights serving the accommodation in the roofspace, again reflecting the original design. A secondary entrance door will be provided.

Both side elevations include two ground floor, two first floor window and two second floor openings.

The building is proposed to be constructed with facing brick and grey roof tiles.

Also proposed is the construction of a 16 space car parking court to the rear of the building. Access to these proposed spaces is via Edge Lane Street. The access road, car parking spaces and pedestrian path are proposed to be constructed from bitmac.

RELEVANT HISTORY OF THE SITE:

PA/340490/17 - Reserved matters approval for appearance and landscaping associated with outline permission granted under PA/338702/16 – Approved 13/09/17.

PA/338702/16 - Outline application for a two storey block of up to 11 one-bed assisted living apartments (use class C2) including associated car parking (access, layout and scale applied for) – Approved 31/01/17.

PA/334104/13 – Outline application for mixed use development comprising of a dance studio/nursery, offices, veterinary surgery and 19 no. dwellings (Access, Appearance, Layout, Scale to be considered. Landscaping reserved) – Approved 20/11/15.

CONSULTATIONS

| | |
|------------------------|---|
| Traffic Section | No objection. Recommended a condition for the provision of access and parking. |
| Pollution Control | No objection in principle. Recommended conditions in respect of contamination, landfill gas, and waste storage. |
| Drainage and LLFA | No objection subject to drainage scheme |
| G M Police | No objection. |
| Electricity North West | No objection. |
| National Grid | No objection. |
| United Utilities | No objection subject to submission of the sustainable drainage scheme. |

REPRESENTATIONS

The occupiers of neighbouring properties have been notified of both the original application, and of the revised proposals. A site notice has also been displayed. Five individual letter of

objection were received in connection with the original application. The concerns raised are summarised as follows:

- Communal bins for 13 flats will create an unacceptable amount of smell.
- Noise and disturbance from nearby commercial premises.
- The land was meant to be for employment generating use.
- The development will reduce the value of the property.
- Close proximity to neighbouring dwellings will reduce the amount of light.
- The proposed building is of an inappropriate scale and massing in comparison to the existing dwellings nearby.
- Increased traffic.
- Increased noise and disturbance created by the entrance in the rear elevation facing the John Hogan Close development.
- The management of any tree planting is questioned.

RELEVANT PLANNING POLICIES & GUIDANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF).

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

Core Strategies:

Policy 1 - Climate change and sustainable development;

Policy 3 - An address of choice;

Policy 5 - Promoting accessibility and sustainable transport choices;

Development Management policies:

Policy 9 – Local Environment

Policy 11 - Housing;

Policy 14 - Supporting Oldham's Economy

Policy 20 – Design;

Policy 23 - Open Spaces and Sports.

ASSESSMENT

Principle of development

The issues associated with the principle of the development were accepted by Planning Committee at the meeting in December 2017.

Loss of employment land

The site falls within the Shaw Road BEA and is also allocated as 'Business and Industrial Land' in the UDP. DPD Policy 14 sets out 13 uses which will be permitted within this BEA (listed as "other Business and Employment Areas"). These include a mix of industrial (class B), commercial (class A), leisure, retail and *sui generis* uses of an industrial/commercial

character. Saved UDP policy B1.1 states that sites designated under this policy are allocated for "business and industry (Use Classes B1, B2 and B8)".

The proposed C3 use does not fall within any of the categories set out in DPD Policy 14. Nevertheless, Policy 14 goes on to state that uses other than those listed in the policy will be permitted on sites most recently used for employment purposes provided that the applicant can demonstrate that it is no longer appropriate or viable to continue using the site for employment purposes. The three options for demonstrating this are identified as follows:

- Through a marketing exercise that there is no market for the uses listed in the policy; or
- Through a viability exercise that the continued use/development of the site for the uses listed in the policy is unviable; or
- That the development of the site for alternative uses would benefit the regeneration areas identified by the council as being in need of investment or would benefit the community of an area.

Employment uses on the site have ceased since the land has been cleared. The applicant has provided marketing information from Bolton Marshall. In addition to the above, it is noted that the majority of the site allocated under UDP policy B1.1 has been redeveloped for housing pursuant to planning permission PA/336687/15, with the exception being the consent for the residential assisted living apartments (Ref: PA/338702/16). To this end, it is of note that the uses permitted on the remaining areas of the site under application PA/334104/13 did not involve any of the employment uses listed in DPD policy 14 or UDP policy B1.1.

The potential use of the site for employment purposes has been diminished by the reduced size of the designated employment allocation due to the presence of nearby dwellings on John Hogan Close and consent for assisted living apartments adjacent. It limits the potential for B2 and B8 uses on adjoining land due to the proximity of these noise-sensitive receptors. In contrast, the proposed apartments represent a use which is compatible with the residential character of neighbouring properties on John Hogan Close and, whilst not an employment use, would provide economic, social and environmental benefits by bringing a vacant parcel of land back into use.

With respect to the marketing information provided by the applicant and the fact that non-employment uses have already been permitted on the site under the same policy context as part of previous applications, it is considered that satisfactory evidence exists to demonstrate that there is no reasonable prospect of the site being used for the employment purposes. Accordingly, alternative uses for the site can be considered in these circumstances.

Sustainability

DPD Policies 3, 5 and 11 are concerned with ensuring that new residential development is provided in sustainable locations which are defined as being within 480 metres or a ten minute walk of at least two 'key services'. The site is positioned within the prescribed walking distance of a Lidl supermarket, Royton Hall Primary and Nursery School, Royton and Crompton School, Royton Sports Centre, Saint Pauls Church and Royton Town Hall. It is also located close to main bus routes operating along both Rochdale Road and High Barn Street and therefore complies with Policy 5. The site is also located adjacent to large areas of housing. Therefore, it is considered that the site lies in a sustainable location and is in accordance with the Policies 3, 5 and 11 of Joint DPD.

Design and Appearance

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

The proposed appearance of the building is considered to be similar to that of the design of the adjacent approved assisted living accommodation Ref: PA/340490/17. The building's scale, height and proposed roof profile would be similar to that comprising the eastern wing of the apartment block at Runnymede Court which also faces onto the roundabout junction to the north-west. Therefore, whilst forming a larger 'block' than the dwellings on John Hogan Close to the north, the proposed building's close relationship to the approved assisted living accommodation and the existing apartment block on the opposite side of High Barn Street would ensure consistency in both appearance and building form within the locality. As such, the amended proposal is considered to be acceptable, subject to a condition requiring details of the materials to be used in its construction first being submitted for approval. A condition requiring this is attached to the recommendation.

The alterations to the design, and incorporation of the revised elevation treatment to the front does not change this assessment, and the latest proposed scheme continues to represent an appropriate visual addition to the area.

Impact on amenity

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

From the site layout plan it is clear that proposed flats are positioned so that the rear habitable room windows overlook the rear elevation of the neighbouring properties at 7, 9, 11 and 13 John Hogan Close, and the gable elevation of 15 John Hogan Close. The side (north-west) elevation habitable room windows would overlook the parking area and rear elevation of the assisted living accommodation approved on the adjacent site.

Impact on 7, 9, 11 and 13 John Hogan Close:

It is considered that the 20m separation distance between the proposed development's rear elevation and these neighbouring properties is adequate. Although the ridge height has been increased, at its apex it will be 26.5m from the rear of the houses, and therefore, would not result in any significant increase in impact. As such, the amended development would not appear overly oppressive and would not result in a significant loss of light within the rear habitable rooms of these neighbouring dwellings.

Impact on 15 John Hogan Close:

It is considered that the 13m separation distance between the proposed development's rear elevation and the gable of this neighbouring property is satisfactory. As such, the amended development would not appear overly oppressive and would not result in a significant loss of light within the front habitable rooms of this neighbouring dwelling.

Impact on the adjacent site for assisted living accommodation:

It is considered that the 20m separation distance between the proposed development's side elevation and this neighbouring property is satisfactory. As such, the amended development would not appear overly oppressive and would not result in a significant loss of light within

the rear habitable rooms of this neighbouring dwelling.

Impact on the Future Occupiers

DPD Policy 9 states that the council will protect amenity by ensuring development does not cause significant harm to the amenity of the occupants and future occupants of the development. To this end, although not a statutory document, the apartments have been assessed against the 'Technical housing standard- nationally described space standards', March 2015. The apartments all contain a single bedroom and have been designed for occupation by either one or two residents. In this context the development will provide appropriate living space for the future occupants.

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

Highways and Access

Policy 9 of the Joint DPD states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users.

The Council's Highway Engineer notes that the proposed development is located within a well established residential area close to the Royton district centre. Moreover, there are good links to public transport and access to a wide range of local amenities. It is not anticipated that the amount of traffic generated by a development of this size will have a detrimental impact on highway safety. The 16 no. parking space provision on site, accessed via a shared access road with the adjacent approved assisted living accommodation is considered acceptable and appropriate in this instance. As such, the Highway Engineer has no objection in principle to the scheme, but recommends that a condition requiring the car parking to be completed in accordance with the approved site layout, and a condition for the provision of a secure cycle parking facility is required.

Overall, it is considered that the development accords with the principles set out in PDP Policy 9.

Public open space

DPD Policy 23 states that all residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable. No on-site open space, accessible and usable by the public, is proposed within this proposed development. Instead, based on the surpluses and deficiencies of various typologies of open space in the area as identified in the Open Space Interim Planning Position Paper 2012, the applicant proposes a contribution of £28,423.59 for the improvement of the play offer at Broadway/Shaw Road End public open space provision.

In response to this the applicant has confirmed agreement to accept this figure in order to satisfy Policy 23.

Trees

Saved UDP policy D1.5 encourages, where possible, the retention of existing trees on development sites. Where losses are permitted, these should be compensated for by replacement planting. With the exception of scattered goat willow trees to the western and southern boundaries, the site comprised bare ground which has no discernible ecological

value.

The proposed development would require the removal of all trees on the site in order to allow the development, all but one falling in retention category 'C' (low value).

The removal of existing trees on the site would cause only limited harm in visual terms given the low value classification. Indicative areas of planting are shown elsewhere within the site and this replacement planting is capable of providing adequate compensation for the loss of existing vegetation. This will, however, be a matter dealt with at reserved matters when the landscaping of the site is applied for.

Flooding and drainage

DPD policy 19 seeks to direct development away from areas at risk of flooding and encourages the use of sustainable drainage systems (SUDS) in new development. Criterion (b) of the policy states that developments must:

- minimise the impact of development on surface water run-off. The allowable discharge rates must be agreed with the council for all developments, which must where possible be achieved through the implementation of SUDS.

Following a reduction in the size of the application site, it is noted that the development falls within Flood Zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency's Flood Map. Accordingly, it is at a low risk of flooding and, given the size of the site, a flood risk assessment is not required. Nevertheless, the NPPF identifies that development should ensure that developments do not increase flood risk elsewhere. In this respect, it is considered expedient to attach conditions requiring the submission of an appropriate drainage strategy to ensure that the post-development surface water discharge rate does not exceed the pre-development rate (including the use of appropriate attenuation measures where required) in order to comply with DPD policy 19 and the NPPF.

Contamination

Given the previous use of the site, it is considered appropriate to impose a condition requiring intrusive site investigations and the submission of a remediation strategy before any development takes place. The need for such a condition is also identified by the Council's Environmental Health Officer. An appropriate condition has been recommended in this regard.

Conclusion

Planning Committee has previously resolved to grant permission for a development of this type, scale, and design, and the proposed amendments to the building will have no significant impacts beyond those satisfactorily addressed in the earlier scheme. The site is located in a sustainable location in terms of proximity to key services and public transport. In principle this is consistent with the aims and objectives the Oldham LDF Joint DPD policies and the NPPF.

RECOMMENDATION

It is recommended that Committee resolves:

1. To approve the application subject to the conditions below and to the satisfactory completion of a Section 106 agreement for a commuted sum payment of £28,423.59 for the

improvement of the play offer at Broadway/Shaw Road End public open space provision.

2. To delegate authority to the Head of Planning & Development Management to issue the decision notice upon satisfactory completion of the agreement.

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

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

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

Drawing No: 1184/000, Revision D, received on 06/11/2018.

Drawing No: 1184/101, Revision F, received on 06/11/2018.

Drawing No: 1184/102, Revision F, received on 06/11/2018.

Drawing No: 1184/103, Revision F, received on 06/11/2018.

Drawing No: 1184/201, Revision C, received on 06/11/2018.

Drawing No: 1184/202, Revision C, received on 06/11/2018.

Drawing No: 1184/301, Revision A, received on 06/11/2018.

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 erection of any external walls 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. Prior to installation a detailed specification and colour scheme for all external doors, windows and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority.

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

5. The development hereby approved shall not be brought into use unless and until the access and car parking spaces have been provided in accordance with the approved plan received on 6th November 2017 (Ref: Dwg No. 1184/000 Rev B). 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 the construction of the

access/ parking spaces. 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.

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

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

7. No development comprising the construction of the building hereby approved 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.

8. No development comprising the construction of the building hereby approved 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.

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

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

10. Prior to the commencement of any development comprising the construction of the

building hereby approved, 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.

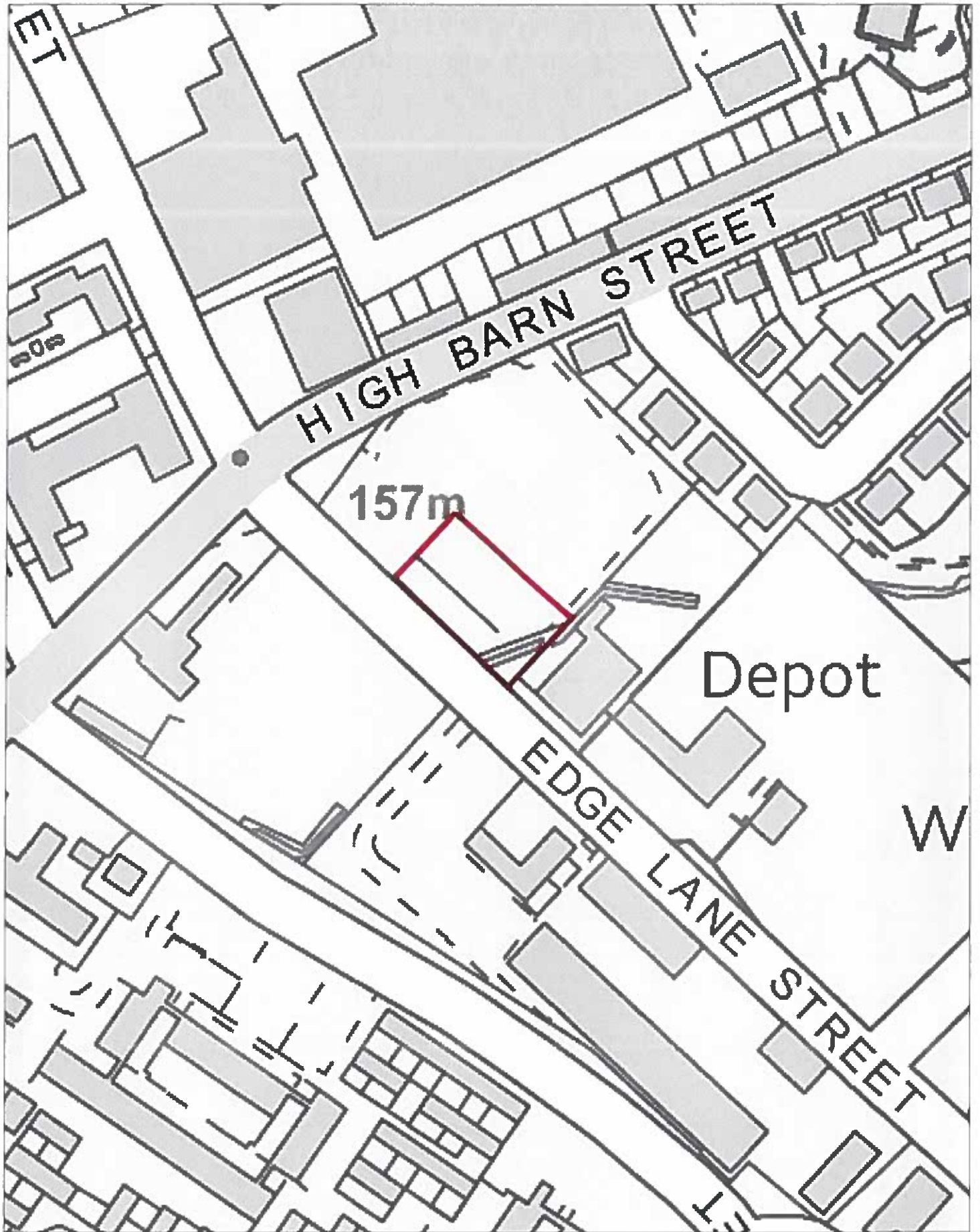
The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to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

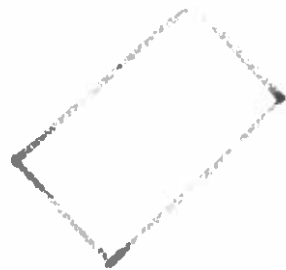
The scheme shall include a sustainable drainage management and maintenance plan for the lifetime of the development and shall include as a minimum:

- Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

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





APPLICATION REPORT - PA/341391/18

Planning Committee, 19 December, 2018

Registration Date: 08/03/2018
Ward: Royton South

Application Reference: PA/341391/18
Type of Application: Full Planning Permission

Proposal: Proposed mixed use B1, B2 and B8 building with car parking, yard area and landscaping.

Location: Lion Mill, Fitton Street, Royton, OL2 5JX

Case Officer: Tessa McKee

Applicant Daleford Ltd
Agent : Daleford Limited

THE SITE

The application relates to an industrial site associated with the 5 storey, Grade II listed, Lion Mill which fronts onto Fitton Street and Penryn Avenue. The mill remains in operation and the application indicates the current use of the mill is lightweight storage. The application site itself is within the service yard and curtilage of the mill. The mill forms part of a wider group of industrial buildings, with further industrial premises and associated yard located to the north, and a larger industrial unit adjoining the site to the west.

Nearby residential properties front onto Shaw Road to the north, with further residential areas to the east and south.

The service yard comprises an open hardstanding, with unmarked servicing and parking areas, and will originally have included the now infilled mill lodge. It is located to the west of the mill with access from Penryn Avenue, which also serves the adjacent residential estate. Some of those residential properties back onto the mill yard to the south. A red brick wall runs along the south-east boundary.

THE PROPOSAL

Planning permission is sought for the:

- Erection of a new building for industrial or storage and distribution purposes (Use Classes B1, B2 and B8) with associated offices;
- Provision of a service yard and car parking to serve Lion Mill and the proposed industrial building.
- Associated landscaping scheme.

The building is proposed to be located along the south-western boundary of the site, on part of the existing hardstanding yard and grass verge. It will be single storey, approximately 8.5m in height up to the eaves, with a parapet roof. All elevations of the building will have a brick finish with inset grey cladding and windows, and design features to reflect the vernacular style of the mill.

The proposed floorspace is 2,252 square metres. 18 full time equivalent employees are anticipated. The hours of operation are not specified on the application form, however, the supporting statement indicates the hours of operation are to be in line with the existing mill operating hours.

RELEVANT HISTORY OF THE SITE:

There have been various previous applications associated with employment uses and telecommunication developments on the Lion Mill site, though none of direct relevance to this application.

RELEVANT PLANNING POLICIES & GUIDANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework 2018.

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 shown within a Business Employment Area on the Proposals Map associated with this document.

Joint Development Plan Document

Policy 1 - Climate change and sustainable development;
Policy 9 - Local environment;
Policy 14 - Supporting Oldham's Economy
Policy 18 - Energy
Policy 19 – Water and Flooding
Policy 20 – Design;
Policy 21 – Protecting Natural Assets
Policy 24 – Historic Environment

CONSULTATIONS

| | |
|---|---|
| Highway Engineer | No objection, subject to a condition regarding parking and access provision. |
| Environmental Health | No objection, subject to conditions to limit the hours of vehicle movements and the submission of a scheme for protecting the occupiers of the existing housing from noise before any use, and to require a landfill gas investigation. |
| Greater Manchester Ecology Unit | No objection. Recommend conditions regarding protection of nesting birds and a scheme for biodiversity mitigation and enhancement measures. |
| Greater Manchester Archaeological Advisory Services | No archaeological interests are affected by the proposals and therefore no archaeological mitigation is required. |
| Tree Officer | There is some tree loss which will require replacing and the remaining trees are close to the proposed building. So long as the Arboricultural Method Statement, Tree Protection Plan and landscaping scheme (including replacement planting) are adhered to, the development |

| | |
|-----------------------------------|--|
| Drainage | should be able to go ahead. Recommends a condition for a drainage design. |
| United Utilities Asset Protection | No objection. Recommend conditions regarding surface water drainage and wastewater provision. |
| Transport for Greater Manchester | The revised plan that relates to the car parking layout and service yard demonstrate HGV manoeuvres can be accommodated, alongside parking spaces. |

REPRESENTATIONS

The proposed development has been advertised by means of a press notice, public notice erected on site and individual consultation letters sent to neighbouring properties.

6 letters of objection were initially received, with 2 additional letters following re-consultation after the submission of amended plans. The comments are summarised below:

- Loss of privacy, including the use of CCTV, due to the close proximity to residential properties and garden areas.
- The height, scale and proximity of the grey industrial type building is not in keeping with the area. It will be oppressive, overbearing, block sunlight, create overshadowing, cause a detriment to outlook, and a concern of fire safety.
- The increase in traffic to Fitton Street/ Penryn Avenue will have a negative impact on the surrounding residential area and the area in close proximity to this proposed new build.
- Noise and disturbance, generated by the new industrial/warehousing building being constructed in such close proximity to residential properties, parking, and exacerbation of existing issues, such as heavy goods vehicles regularly queuing, gates banging and clanging at unsociable times, litter, rubbish, use of space for toilet activity, and to burn pallets.
- Concerns with the current use of the open area, which has been neglected for over 7 years, with the grounds turned into a truck park with caravans and rubbish at times.
- The following questions regarding the proposal are raised:
 - Are there any landscaping or screening proposals?
 - What are the hours proposed for its use?
 - Is the new proposal in keeping with the existing Grade II listed Mill?
 - Could the building be smaller and set away from residential properties?
- Detriment to ecology and trees (loss of 15-20 mature trees) on site.
- Security lighting will be detrimental to amenity.
- Concern that the warehouse to be used to store waste materials.
- Waste management concerns.
- The development would make properties unsaleable.

PLANNING CONSIDERATIONS

The main issues to consider are:

- Principle of the proposed development;
- Design and heritage;
- Amenity;
- Highway Impact;
- Landscaping, Trees and Ecology; and
- Other matters.

Principle of the proposed development

The application site is located within a Business Employment Zone. DPD Policy 1 seeks to ensure the effective and efficient use of land and buildings. DPD Policy 14 states that employment areas are to provide land for existing firms to expand and for new firms to locate, thus providing job opportunities.

The building is proposed on previously developed land. The existing site and business has a history of commercial activity and the proposed building and use would retain this function. The application is acceptable in principle as the development would support an existing local business and maintain an employment generating use on the site. It is therefore considered compliant with the aims and objectives of Policies 1 and 14.

Nevertheless, the impact on surrounding land uses, including the listed mill and nearby residential properties, must be taken into consideration and these matter are assessed below.

Design and Heritage

The Planning (Listed Buildings and Conservation Areas) Act 1990, states that the primary duty of the Local Planning Authority in relation to listed buildings is to have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses. DPD Policy 24 (Historic Environment) together with Part 16 (Conserving and enhancing the historic environment) of the NPPF reflect this duty.

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 are particularly relevant in this instance as the proposed development would be sited within the curtilage of the Grade II listed Lion Mill.

Section 66(1) of the Act states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

NPPF Paragraph 189 requires the applicant to describe the significance of the heritage asset including any contribution made by its setting. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

DPD Policy 24 states that development within the curtilage or vicinity of a listed building or structure must serve to preserve or enhance its special interest and its setting.

The proposed industrial unit and alterations to the service yard are located within the curtilage of the listed Lion Mill building.

The existing yard is currently concreted and the mill's historic lodge has been infilled. It would appear therefore that this area of the site has always maintained an open character, and the construction of the new building will therefore change this character. By developing within the curtilage of the listed mill, the primacy of the mill will be partly diminished. In respect of the NPPF guidance the harm would be considered to be 'less than substantial'

In assessing the proposal it is noted the height is limited to 8.5m and the elevations facing the mill will be sympathetic to the mill building, set away from the dominant building and retain existing boundary trees which contribute to the setting. As noted above, the proposal will diminish the setting of the mill to an extent; however the overall prominence of the five storey mill building will be maintained.

NPPF Paragraph 196 advises that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The additional statement submitted in support of the application indicates the proposed industrial unit would provide 14 full time and 8 part time jobs. The car parking scheme would provide 106 designated car parking spaces for the use of the proposed industrial unit and Lion Mill, and will provide a surfaced service yard.

During the application process, the applicant was requested to further demonstrate the public benefits of the proposal. Additional documents entitled 'Site Operations Accommodating Proposed Unit' and 'Proposed Unit Financial Benefits to Lion Mill' were received on the 24 September 2018. These documents detail benefits of the proposal which are summarised below:

- *Rental income from the proposed unit will support the existing mill overheads to create one overall viable site.*
- *The sale of the current mill owner's existing unit in Worsley will create funds to build the proposed unit and create some funds to be used against long term capital expenditure.*
- *Create the basis for long term sustainability of the mill.*
- *New car parking will generate a better quality of car parking area for mill operatives and employees.*
- *Designated parking will mean land is not subject to storage of old used vehicles, storage containers and general waste, as is currently the case.*
- *Bicycle shelter to be provided.*
- *Toilet, shower and welfare facilities will be provided for employees.*
- *Existing loading bay and turning area will be made good and resurfaced.*
- *CCTV installation will take place to create a safer environment and avoid fly tipping.*
- *Additional and maintained lighting to benefit safety and welfare of staff.*
- *Full time maintenance/caretaker will be appointed.*
- *Hours of operation are to be in line with the mill operating hours.*
- *Existing mill operations will continue unaffected by the proposed unit.*
- *The proposed unit will not remove any existing facilities for the current mill operation.*
- *The additional facilities generated by the proposed unit will enhance existing mill operation/facilities and encourage future tenants.*

Whilst there is no mechanism to ensure direct enhancements to the listed building, in this case, the overall scheme should provide an opportunity to improve the operation on site and in turn benefit the long term viability of the site and Lion Mill's economic use. In conclusion, the application demonstrates that the 'less than substantial harm' is outweighed by the benefits of the proposal and considered to comply with 'statutory duty' of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements of the NPPF.

Amenity

DPD Policy 9 requires that development does not adversely affect the environment or human health caused by air quality, odour, noise, vibration or light pollution, or cause significant harm to the amenity of existing and future occupants through impacts on privacy,

safety, security, noise, pollution, visual appearance of an area, access to daylight, and other nuisances.

The proposal will increase the capacity and improve the function of the existing employment site in line with adopted planning policies.

During the consideration of the application the building has been re-sited to ensure increased separation from the nearest houses.

The closest residential properties are those on Penryn Avenue and at 2 Penthorpe Drive. The industrial building would be set 45m away from the garden boundary and 58m away from the rear elevation of 2 Penthorpe Drive. It would also be set 55m away from the garden boundary and 63m from the main rear elevation of 65 to 71 Penryn Avenue. The existing landscape buffer at the boundary of the site is to be retained.

The Environmental Health team has recommended conditions, including a limit on vehicular movement and a scheme to protect existing residents from noise.

Given the separation distances, retention of the landscape buffer (which is to be enhanced) and conditions to protect residents from noise, the impact is considered acceptable. It is noted within the objection letters that there are requests for a boundary fence in order to mitigate noise and this is something that could be considered through the condition discharge process as part of the required measures to restrict any noise impact.

It is noted the scheme does not include details of external lighting and security measures; however these are referred to in supporting information. A condition is recommended to allow the assessment of lighting and security details, through the means of a condition discharge process.

Taking into consideration the established use of the site, the benefits of providing additional employment accommodation, the revisions to the site layout, and the measures to be required by condition, it is considered that the development would not result in an unacceptable impact on the neighbouring properties or wide area in accordance with the objectives of DPD Policy 9.

Highway Impact

The Council's Highway Engineer and Transport for Greater Manchester (TfGM) have assessed the scheme in terms of the potential impact on the local highway network and highway safety. TfGM is satisfied with the scheme submitted. The Highway Engineer is also satisfied that the proposed development will not have a significant effect on the local highway network. Recommended conditions are to ensure that the turning area and parking spaces outlined in the submission are maintained at all times within the site.

The proposed service yard and parking are both required to be available for the existing Lion Mill building and the proposed industrial unit. A condition to that effect is also recommended.

Landscaping, Trees and Ecology

The revised layout, Arboricultural Method Statement and Tree Protection Plan ensures the retention of the existing landscape buffer and most of the boundary trees to the south-east of the site.

The proposal will nevertheless result in loss of 13 trees to the rear of the proposed building. The Arboricultural Method Statement refers to new boundary landscaping within the 5.5 –

6.5 metre wide strip of ground along the south-western boundary at the rear of the new building and a high quality tree, shrub and hedge planting scheme will be provided.

Retention of the existing trees in the south-eastern half of the site will safeguard the boundary screening with the adjacent residential properties. Subject to appropriate re-planting, landscaping and aftercare the Trees Officer does not object to the tree loss. Landscaping conditions are recommended to require appropriate re-planting of trees (ratio of 2 for 1), shrub and hedge planting.

The Tree Protection Plan details that retained trees are recommended to be protected from unnecessary damage during the construction process and suitable tree protection measures are proposed.

Greater Manchester Ecology Unit advised that the submitted Ecology Appraisal has been carried out an appropriate level of survey and the appraisal found the site to be of generally low ecological value. The Appraisal identified two trees that have some potential to support bats; however, these trees are to be retained. The proposal involves the loss of some trees and scrub and these may be used by nesting birds.

The general layout is acceptable in terms of ecology and trees, subject to a landscaping scheme to be recommended to ensure necessary re-planting and ecological mitigation.

Other matters

Ground conditions

The proposed building is to be partly sited on the infilled reservoir of Lion Mill. A Phase 1 Desk Study has been submitted and the Council's Environmental Health Officer has recommended conditions requiring contaminated land and landfill gas investigations before any development of the proposed building takes place. These are recommended accordingly.

Drainage

DPD Policy 19 seeks to direct development away from areas at risk of flooding and encourages the use of sustainable drainage systems (SUDS) in new development. Criterion (b) of the policy states that developments must 'minimise the impact of development on surface water run-off. The allowable discharge rates must be agreed with the council for all developments, which must where possible be achieved through the implementation of SUDS'. The NPPF identifies that development should ensure that developments do not increase flood risk elsewhere.

In this respect, it is considered expedient to attach conditions requiring the submission of an appropriate drainage strategy to ensure that the post-development surface water discharge complies with DPD Policy 19 and the NPPF.

Energy

DPD Policy 18 requires all developments over 1000sqm to reduce energy emissions in line with the targets based on reductions over and above Part L of the Building Regulations 2010 or 2013. The submitted Energy Statement states that the project will follow the principles of the 'zero carbon hierarchy'; however details of how this will be achieved in accordance of the Policy 18 are required to be provided. A condition is therefore recommended for a detailed scheme to be submitted.

Conclusion

The proposed development will assist in the creation of additional employment opportunities in the borough on a site allocated for such purposes, and will provide potential for cross-subsidy of the adjacent heritage asset of the listed mill. The scheme has been designed to have due regard to its setting and not to undermine the primary of the mill building. Impacts associated with traffic and parking, drainage, ecology, and protection of amenity of nearby residents have all been taken into consideration, and it is considered that subject to the proposed conditions, the proposed development complies with Policies in the Oldham LDF Joint Core Strategy and Development Management Policies DPD and the NPPF.

RECOMMENDATION

Approve, subject to the following conditions:

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

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

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications:
 - Dwg.002 R15 - Proposed New Unit Plan relocated OPTION ONE (received 7 December 2018);
 - Dwg.004 - REV 9 - Proposed Unit Elevations (received 7 December 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 the building hereby approved shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

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

4. No development comprising the construction of the building hereby approved shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

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

5. Prior to the commencement of any above ground construction works of the building hereby approved a scheme for surface water drainage, which shall follow the principles of sustainable drainage as far as practicable and restrict the rate of discharge to the lowest possible rate, shall be submitted to and approved in writing by the Local Planning Authority. The drainage shall be provided in accordance with the approved details before the building is brought into use and retained thereafter.

Reason - To secure proper drainage and to manage the risk of flooding and pollution.

6. Prior to the commencement of any above ground construction works of the building hereby approved, a specification and colour scheme for all external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until it is coloured in accordance with the approved scheme.

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.

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

Reason - In the interest of Ecology.

8. Prior to the commencement of any above ground construction works of the building hereby approved a scheme for the Biodiversity Mitigation and Enhancement Measures, as set out in section 4.2 of the Preliminary Ecological Appraisal dated 16th October 2018 ref: UES02538/01 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development and shall be retained thereafter.

Reason - In the interest of ecology.

9. The development hereby approved shall not be brought into use unless and until the car parking spaces and manoeuvring areas have been provided in accordance with the approved plan received on 1st October 2018 (Ref: Dwg No.002 R15) and details of construction, levels and drainage which have previously been approved in writing by the Local Planning Authority. Thereafter the access, car-parking and manoeuvring areas shall continually remain available for users of both the building hereby approved and Lion Mill, and shall not cease to be available for use by the occupiers of either building, or used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking and waiting facilities are provided for the development so that parking does not take place on the highway to the detriment of highway safety and to ensure the on-going viable operation of the listed Mill.

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

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

11. Prior to the commencement of any above ground construction works of the building hereby approved, a detailed energy statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall set out how the development will accord with the Energy Infrastructure Target Framework set out in Policy 18 of the Oldham Local Development Framework Joint Core Strategy and Development Management Policies DPD.

The development shall be carried out in accordance with the approved scheme and retained as operational at all times thereafter.

Reason – In the interests of sustainability and energy efficiency.

12. No vehicle movements to and from and/or within the site shall take place outside the hours of 7:30 a.m. and 6:00 p.m. Monday to Friday, 8:30 a.m. to 12:30 p.m. on Saturday and at no times on Sunday or Bank Holidays and Public Holidays.

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

13. The development hereby approved shall not be brought into use unless and until a detailed scheme for all external lighting to be installed has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the position and height of lighting on the building or site and its luminance, angle of installation and any shields to be fixed to the lights. Only lighting as approved shall be installed on the site, and the works shall be completed before the building is first brought into operation.

Reason - To protect the amenities of occupiers of nearby residential properties from lighting spill and luminance.

14. Prior to the commencement of any above ground construction works of the building hereby approved, a scheme for protecting the occupiers of existing housing in the vicinity of the site from noise from the development shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the building is first occupied and retained thereafter.

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

15. The development hereby approved shall not be brought into use unless and until a scheme for security measures to be implemented has been submitted to and approved in writing by the Local Planning Authority. The works or arrangements forming the approved scheme shall be completed entirely in accordance with the approved scheme and thereafter the works forming the approved scheme shall at all times remain in place.

Reason - In the interests of security.

16. No above ground works shall commence unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

The hard landscape details shall include proposed finished levels or contours; means of enclosure and hard surfacing materials.

The soft landscaping works shall include planting plans with replacement tree planting at a ratio of 2:1; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme and aftercare commitments (including watering, mulching, tree tie replacing, replacing of dead or damaged plants).

All approved hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme approved in writing by 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.

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

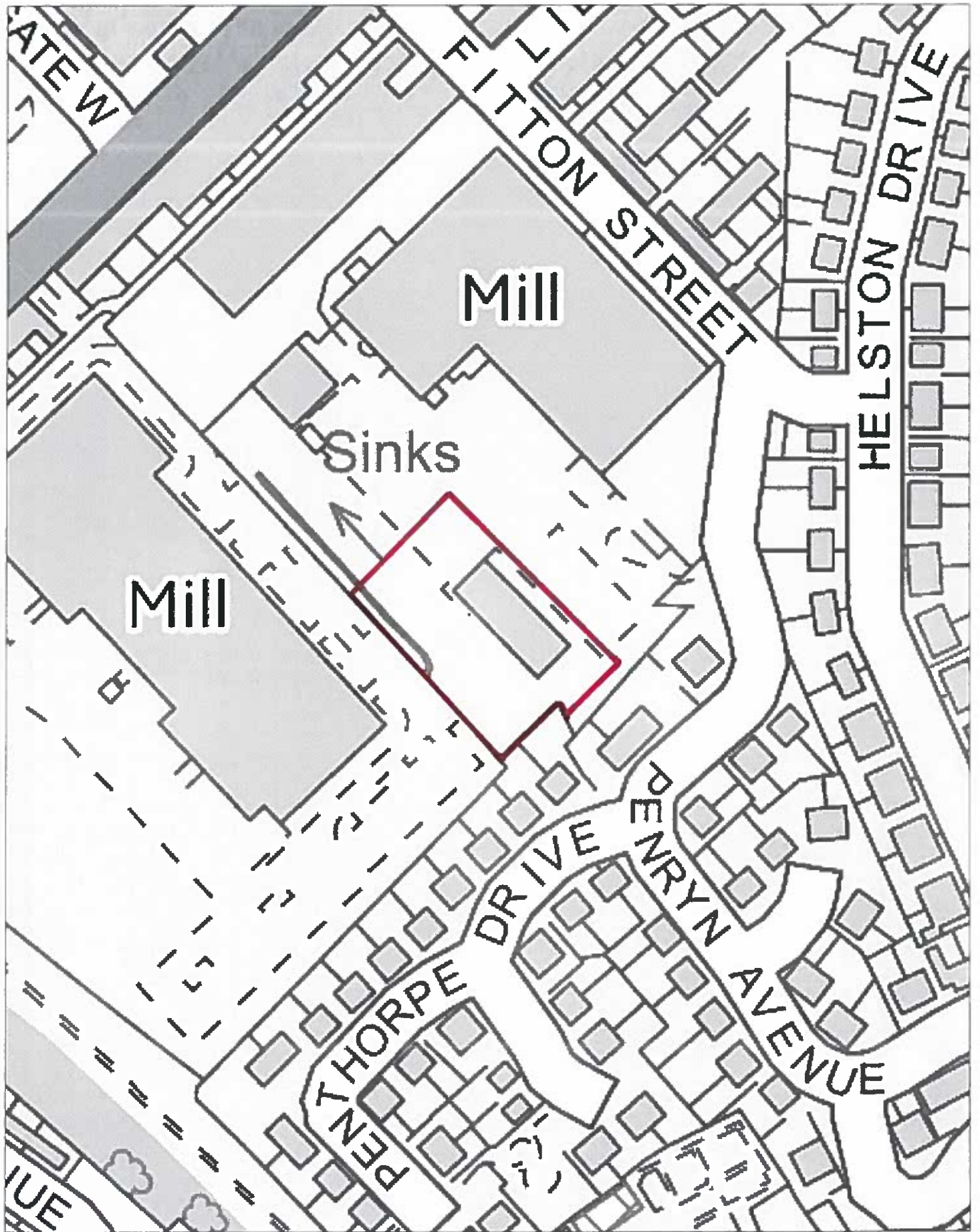
17. No development to the service yard and landscape buffer shall commence unless and until a detailed method statement (ensuring compliance with BS 5837: Trees in relation to construction) for arboricultural work on the site has first been submitted to and approved in writing by the Local Planning Authority. The statement should indicate the location of building materials storage area, erection of protective fencing, a services strategy to minimise trenches and combine service runs and therefore minimise potential impact on trees through root severance and a detailed plan showing the type of protection measures to be used throughout the development. Thereafter, the proposed development must be constructed fully in accordance with the details of the approved method statement and all tree related conditions and the approved scheme shall remain as operational at all times thereafter.

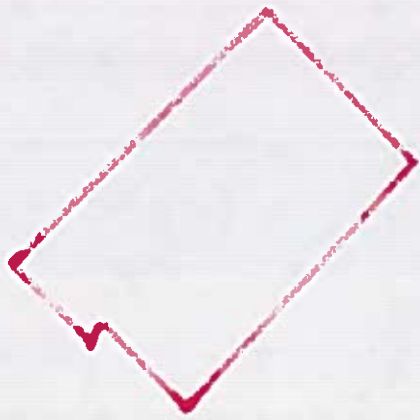
Reason - To avoid damage to trees within the development site.

Case Officer
Date
Planning Officer
Date

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APPLICATION REPORT - PA/342378/18

Planning Committee, 19 December, 2018

Registration Date: 19/10/2018
Ward: Chadderton Central

Application Reference: PA/342378/18
Type of Application: Full Planning Permission

Proposal: Erection of 1no. distribution warehouse with associated external works.
Location: Land Adjacent To Gorse Mill, Gorse Street, Chadderton
Case Officer: Graeme Moore

Applicant Agent : Cantt Pak
PIN Property Consultancy LTD

THE SITE

The application site is located to the south of Ram Mill, Chadderton located just off the A663/A627(M), approximately two miles to the west of Oldham town centre. The surrounding area comprises a mixture of commercial uses and industrial operations. It is identified as a Business Employment Area (BEA3) within the Joint Core Strategy and Development Management Policies DPD (2011).

The site is effectively surrounded on four sides by commercial uses and buildings of an industrial scale, with three historic mills known as Ram Mill, Gorse Mill and Ace Mill all being in close proximity. Nearby modern industrial sheds have similar heights, bulk and massing, and use materials that are comparable to those proposed within this application.

Existing access serves the site from Gorse Street and Jardine Way which is already utilised by cars and heavy goods vehicles (HGVs) as part of the existing operation of the BEA. The site edged red incorporates the site of the proposed new industrial building, and an area of car parking and servicing.

The site is generally flat, and comprises a vacant parcel of land with a historical pond.

THE PROPOSAL

A full planning application has been submitted for the construction of a single distribution warehouse unit with a total floor area of 4,858sqm (of which 1,767sqm will be ancillary B1 office accommodation). The building proposed would reach a maximum height of 16m (12m to the eaves), whilst measuring 79m in length and 70m in width.

PLANNING HISTORY

PA/340711/17 – Planning permission for 1) Erection of a distribution warehouse 2) Associated external works, at Rugby Mill, Gorse Street, Chadderton. Granted 26/02/2018.

RELEVANT PLANNING POLICIES & GUIDANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF 2018).

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The site is allocated as a Business Employment Area (Broadway / Greengate) within the Council's adopted Local Development Framework (LDF).

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

Core Strategy

Policy 3 An Address of Choice

Policy 5 Promoting Accessibility and Sustainable Transport Choices

Development Management Policies

Policy 9 Local Environment

Policy 13 Employment Areas

Policy 14 Supporting Oldham's Economy

Policy 20 Design

PUBLICITY AND REPRESENTATIONS

The application has been publicised on the Council's web-site, by press advertisement and by site notice.

A letter has been received from the owners of the adjacent Ram Mill on the grounds that the development will obstruct the private rights of access through the site, that the development would lead to flooding problems, trees would be lost, and that views of the mills will be obstructed.

CONSULTATIONS

Highways Engineer - No objections, subject to conditions.

Transport for Greater Manchester - No objections, subject to conditions and a contribution towards upgrading the existing SCOOT traffic management system on the A663.

Highways England - No objections.

Environmental Health - No objections, subject to conditions in relation to contaminated land and landfill gas.

United Utilities - No objections, subject to conditions in relation to drainage.

DETERMINING ISSUES

1. Principle of the development

2. Design and appearance
3. Ecology
4. Environmental impact
 - Flood risk and drainage
 - Land stability
5. Highways & Traffic

ASSESSMENT

Principle of the development

The principle of the proposed development is considered to be acceptable at the scale proposed in this location. The application site forms part of an existing industrial area, and will make a positive and productive contribution to this existing use. The site forms a vacant area within an existing site and therefore provides for the efficient use of land to meet an identified need for industrial purposes. There are active industrial uses all around the application site.

The application demonstrates that such a facility can be accommodated on the existing site, close to all existing facilities, and within a sustainable location. The site is part of the Greengate Business Employment Area. DPD Policies 13 and 14 support proposals for development for employment generating uses within this existing industrial area.

Design and appearance

Guidance within Section 12 (Achieving well-designed places') of the NPPF (2018) is relevant, together with DPD Policies 1, 9, and 20, which provide guidance on the design of new development.

The proposed design reflects the character and appearance of adjacent and surrounding recently built industrial buildings. In terms of its materials, height, bulk and massing, and appearance, the proposed building will be in keeping with the existing commercial and industrial vernacular. Furthermore, the building would have no impacts upon any surrounding building or properties in regard to issues such as overlooking, overshadowing or having an overbearing or oppressive impact.

In relation to landscaping the proposed development will not affect any trees of any quality, with the site being generally overgrown and the applicant's intention is to clear the site. Additionally, given the nature of the site, whilst it is enclosed, no details of any boundary treatment has been submitted. It is therefore considered that a condition should be applied requiring the submission of any details of any proposed boundary treatment.

In taking account of the context and character of the site and surrounding area, it is considered that the overall design concept, the layout of the site and the scale and design of the building and associated infrastructure are acceptable. Suitably worded planning conditions could be imposed to ensure that outstanding details are approved. 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.

Ecology.

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

The application was accompanied by a Ecological Assessment which surveyed the site and its surroundings in September 2018. The report states that there are no protected species within the confines of the site, primarily because any potential habitat has been destroyed. The limited amount of foliage on the site also restricts foraging opportunities. In order to boost biodiversity however, the report outlines a strategy which involves creating bat roosting boxes and bird roosting boxes to be located in and around the site, including on the proposed warehouse.

Therefore, in taking account of the location of the site, the nature and scale of the proposed development and the findings of the ecological assessment, it is considered that the proposal would not have any detrimental impacts upon local ecology, biodiversity or legally protected species. The proposal is therefore considered to be acceptable when assessed against the aforementioned national planning guidance and local planning policy.

Environmental impact

Flood risk and drainage

National guidance contained within Section 14 of the NPPF, the NPPF technical guidance document and DPD Policy 19 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 given the size of the application site, a Flood Risk Assessment has been submitted and the Environment Agency (EA) has been consulted.

At the time of writing this report, the EA has not responded to the consultation. However, given the scale and nature of the application and the mitigation measures proposed within the FRA, it is considered that the scheme will not increase the risk of flooding elsewhere. The measures include:

- Flood attenuation on site for up to 2,638 m³ of water, by allowing the HGV park to flood (to mitigate the impact of the loss of the existing pond);
- A storage tank volume of 1,543m³ to provide a greenfield run off rate of 13.3l/s; and
- Raise the height of the building to 0.30m above adjacent ground levels.

Furthermore, it is noted that United Utilities do not raise any objections to the proposal.

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

Land and groundwater conditions

National guidance within paragraphs 178 and 179 of the NPPF (2018) and DPD Policies 7, 8 and 9 are relevant, which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The Environmental Health team have advised that having reviewed the application and its site history, they have no objections to the proposal subject to conditions requiring a landfill gas investigation and contaminated land report be submitted before development commences on site. Furthermore, it is considered that an informative could be added to the

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

Highways & Traffic

Guidance within Section 9 ('Promoting sustainable transport') of the NPPF (2018) is relevant, together with DPD Policies 5, 9, 13, and 20.

Gorse Street is a 9m wide access road that provides access to the commercial properties along its length. The road operates as a cul-de-sac, with access to the proposal site provided from its northern end. Parking is controlled along the length of Gorse Street by double yellow lines. Street lighting and footways are present.

Access to the site will be provided from its historic location, at the end of Gorse Street, whilst another entrance will be gained via Jardine Way. The accesses will be gated. There is an existing gated access leading directly from the end of Gorse Street. 131 parking spaces will be provided for staff and visitors, including 14 disabled persons' spaces and 14 cycle spaces. Footways are provided around the perimeter of the building to connect the parking areas to the building access points.

Additionally, Jardine Way is 8.6m wide which provides access to the Aldi store service yard and Ram Mill. Access will be provided to the site from Jardine Way which operates the same as Gorse Street, effectively as a cul-de-sac. Jardine Way meets the A663 at a signalised junction just like Gorse Street. The A663 Broadway is a distributor road that connects the site to the M60 in the south and the A627(M) in the north.

There are two service yards associated with the building, located at either side (east / west). Parking space is provided for seven HGVs. Swept path analysis has been undertaken of the layout and this shows that large vehicles can enter and leave the site in a forward gear, and that there is room to turn within the site and also access the parking bays.

Having consulted TfGM, they have raised no objections to the proposal, subject to conditions and the provision of a sum to update the existing "Split Cycle and Offset Optimisation Technique" (SCOOT) traffic management system. The SCOOT system co-ordinates surrounding traffic signals to ensure that the network operates as efficiently as possible. The applicant is willing to fund the update to SCOOT in this instance for a sum of £5,300.

Additionally, the applicant is supportive of measures to promote sustainable transport and the development is underpinned by a framework travel plan. The measures in the plan are considered to be commensurate with the scale of impact of the proposal.

TfGM and the Council's Highways Officer have assessed the Travel Plan and the impact of the proposal and have stated that subject to the imposition of planning conditions, they have no objection to the proposal in principle.

Therefore, in taking account of the scale and nature of the development, the technical advice given by the Council's Highway Officer and subject to the imposition of the recommended planning conditions, it is considered that the proposed use can be adequately accommodated on the local highway network, that there would be adequate access, servicing, circulation and car parking arrangements and that the proposal would not have any detrimental impacts upon pedestrian or highway safety. For these reasons the proposal is considered to be acceptable when assessed against policies 5, 9, 13 and 20 of the DPD.

Conclusion

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

For the reasons detailed within this report the proposed development will provide new jobs and investment in the district and will contribute towards developing this designated employment zone which in turn will assist in meeting the Council's wider objectives to regenerate areas and provide jobs and growth for the district.

The proposal, subject to the imposition of planning conditions and subject to the applicant signing up to a Section 106 contribution of £5,300 to upgrade the existing SCOOT system, accords with the aforementioned policy guidance and conditional approval of planning permission is recommended.

Recommendation

It is recommended that committee resolves to:

1) To grant planning permission, subject to the satisfactory completion of a Section 106 Legal Agreement for a £5,300 contribution to allow for the upgrading of the existing SCOOT traffic management system.

2) Upon satisfactory completion of the above S106 Legal Agreement that the Planning Committee grant delegated approval for the decision to be issued by the Head of Planning and Infrastructure, 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, received on 28/11/2018, which are referenced as follows PPC120_000, PPC120_001, PPC120_002, PPC120_003 and PPC120_004.

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 any external walls of the development hereby permitted shall commence until details of facing materials 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 details.

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 comprising the construction of the building hereby approved shall commence until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's written report and recommendation have been submitted to and approved in writing by the Local Planning Authority. 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 as the site is located within 250 metres of a former landfill site.

5. No development comprising the construction of the building hereby approved shall commence until 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 has been submitted to and approved in writing by the Local Planning Authority.

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

The scheme shall include:

- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

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

6. The development hereby approved shall not be brought into use unless and until the accesses, turning areas and car parking spaces have been provided in accordance with the approved plan received on 28th November 2018 (Ref: Dwg No. PPC120_002). The details of the layout of the access points, construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the building. 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 and servicing facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety.

7. 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 the development hereby approved, a full green travel plan for the whole development shall be submitted to and approved in writing by the Local Planning Authority. All measures approved shall be implemented thereafter.

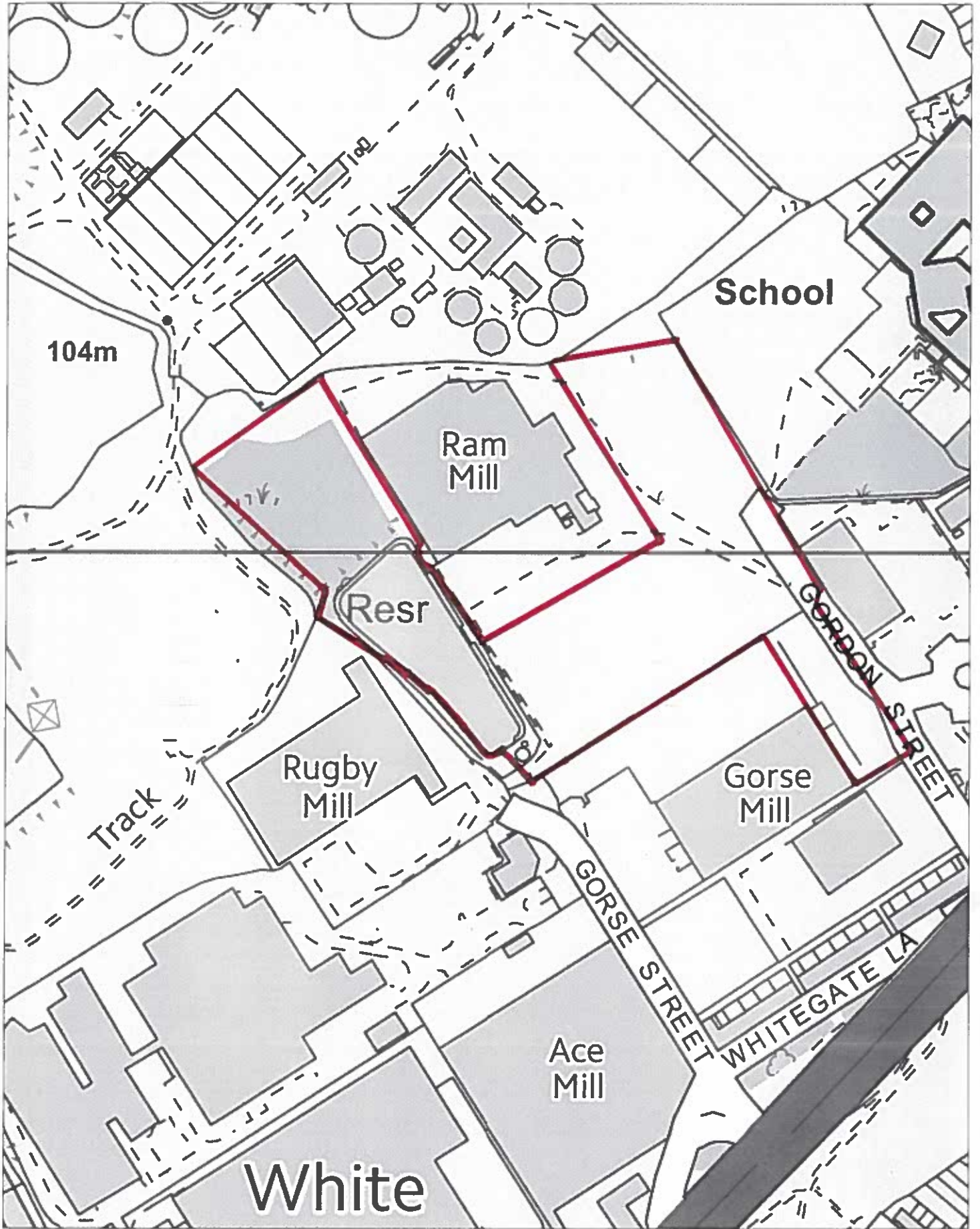
Reason - To ensure the development accords with sustainable transport policies

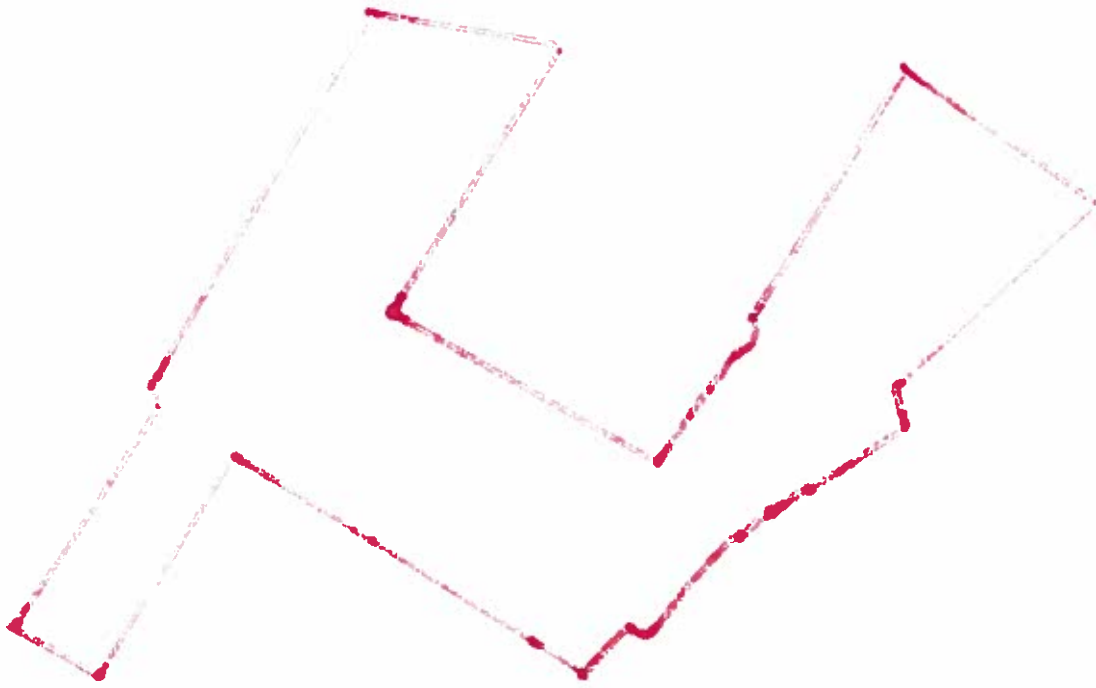
9. The development shall be carried out in strict accordance with the ecological report submitted with the application (Ref 80-022-R1-REVC, dated September 2018), including the provision of any proposed details of habitat protection/ creation.

Reason - To safeguard wildlife in the interests of nature conservation.

10. No development hereby approved which would restrict existing access to Ram Mill shall be commenced until details of arrangements for the continued effective vehicular access to Ram Mill have been submitted to and approved in writing by the Local Planning Authority, and such alternative provision has been put in operation.

Reason - In order to ensure the continued operation of an existing source of employment.





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

December 2018

PLANNING APPEALS

WRITTEN REPRESENTATIONS

PA/340929/17 318 Oldham Road, Royton, Oldham, OL2 5AS
PA/341619/18 Land adj 83 Coppice Street, Oldham, OL8 1TP

HEARINGS

PA/339752/17 Land at Arncliffe Rise, Oldham, OL4 2LZ

HOUSE HOLDER

HH/341919/18 48 Surrey Avenue, Shaw, Oldham, OL2 7DP

ADVERTISEMENTS

APPEAL DECISIONS

PA/341265/18 Beech Hill House, 25 Beech Lane, Grasscroft, OL4 4EP
Original Decision Del
Appeal Decision Dismissed

PA/340631/17 Land adjacent to 1 Den Lane, Uppermill, Oldham, OL3 6DD
Original Decision Del
Appeal Decision Dismissed

PA/341082/17 Land to rear of 141-145 Manchester Road, Greenfield, OL3 7HJ
Original Decision Del
Appeal Decision Dismissed

HH/341823/18 59 Devon Street, Oldham, OL9 7BZ
Original Decision Del
Appeal Decision Dismissed

| | |
|-------------------|--|
| PA/341635/18 | 600 Huddersfield Road, Oldham, OL4 3NN |
| 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.

Files held in the Development Control Section

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

Appeal Decision

Site visit made on 13 November 2018

by **Thomas Hatfield BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th December 2018

Appeal Ref: APP/W4223/W/18/3207236

600 Huddersfield Road, Oldham, OL4 3NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs G Haynes against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/341635/18, dated 22 March 2018, was refused by notice dated 25 June 2018.
 - The development proposed is sub-division of 1 No. dwelling to create 3 No. dwellings (Resubmission of PA/336238/14).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would result in unacceptable living conditions for future occupiers with regard to internal living space and natural light.

Reasons

3. The appeal property is a terraced dwelling on the southern side of Huddersfield Road. It is positioned within a row of mostly small properties that are Victorian in appearance. The proposal would subdivide the existing property into 2 terraced dwellings and would create a basement apartment below.
4. Both parties refer to the Technical Housing Standards, which set out a nationally described space standard for new dwellings. Planning Practice Guidance (PPG) states that "*where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard*"¹. These standards are not adopted in the Oldham Joint Core Strategy and Development Management Policies DPD (2011) and so cannot be given full weight in this case, albeit they are a useful point of reference.
5. The proposed terraced dwellings would have Gross Internal Areas of 64 square metres and 60 square metres respectively. This would be significantly below the minimum standard for this type of dwelling, which is set at 70 square metres in the Technical Housing Standards. This has resulted in an excessively

¹ Paragraph: 018 Reference ID: 56-018-20150327

cramped internal layout that is particularly apparent in relation to the size of the proposed single bedrooms, bathrooms, and the smaller kitchen/dining area. This arrangement would be inadequate in my view and would result in unacceptably poor living conditions for future occupiers.

6. Whilst the basement apartment would have adequate internal space, its sole source of outlook would be via 2 rear facing windows. This would heavily restrict the amount of natural light that would penetrate into the kitchen/lounge area in particular, and future occupiers would likely be reliant on artificial sources of light during the day. This would result in an unacceptably poor standard of accommodation in my view.
7. Approval was granted in 2015 for a very similar development that would also have converted the property into 3 dwellings (Ref PA/336238/14). However, that permission has now expired. In any case, I have come to my own view on the proposal rather than relying on the approach taken by the Council prior to the publication of the Technical Housing Standards.
8. My attention has also been drawn to 2 appeals in London that were allowed despite a marginal shortfall against the internal space standards required by the London Plan. However, the full details of those cases, including the proposed internal layouts, are not before me so I am unable to assess their direct comparability to the current proposal.
9. Whilst the property may historically have been used as 3 separate dwellings, the building is clearly of some age and is likely to have been constructed prior to the modern planning system. Whilst neighbouring terraces may have comparable internal layouts, that is reflective of historic rather than current internal space standards.
10. For the above reasons, I conclude that the development would result in unacceptable living conditions for future occupiers with regard to internal living space and natural light. It would therefore be contrary to Policy 9 of the Oldham Joint Core Strategy and Development Management Policies DPD (2011). This policy seeks to ensure, amongst other things, that new development does not harm the living conditions of future occupiers.

Other Matter

11. It is asserted that the proposed dwellings would be affordable. However, from the information before me, it is unclear whether they would meet the definition of affordable housing set out at Annex 2 of the National Planning Policy Framework.

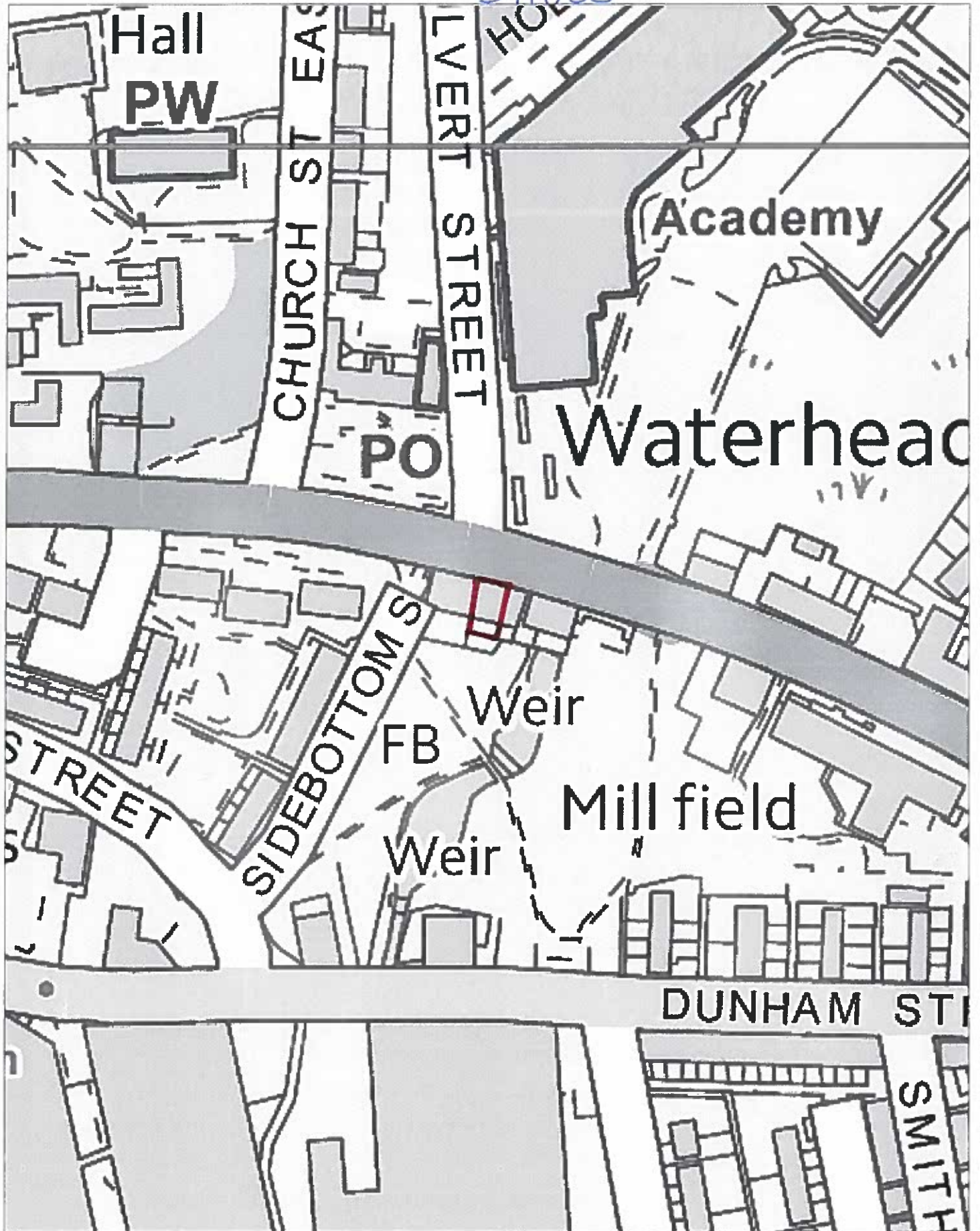
Conclusion

12. As set out above, I conclude that the development would significantly harm the living conditions of future occupiers. Whilst it would provide new housing in a relatively accessible location, and would generate some modest economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

341635







Appeal Decision

Site visit made on 6 November 2018

by **R A Exton Dip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th November 2018

Appeal Ref: APP/W4223/W/18/3204542
145 Manchester Road, Greenfield OL3 7HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Ainley against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/341082/17, dated 17 November 2017, was refused by notice dated 6 March 2018.
 - The development proposed is described as application with all matters reserved for one detached dwelling with parking on land to the rear of 141-145 Manchester Road, with the provision of a vehicle passing place on the site frontage with Horsforth Lane.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline form with all matters reserved. However, the Council refer to the Development Management Procedure Order's ¹ ('The Order') requirement that where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated. The planning application was accompanied by an existing block plan and location plan. These show both an indicative access point from the public highway between 139 and 141 Manchester Road and an indicative access point to the north of the sites frontage with Horsforth Lane. I consider these plans meet the requirements of the Order and I will consider the appeal proposal in light of them, my observations on site and the policies and evidence before me.
3. The new National Planning Policy Framework ('The Framework') was introduced in July 2018. Both the Council and the appellant have been given the opportunity to comment on its relevance to this appeal. I have taken account of any comments in my reasoning below.

Main Issue

4. Although the details of access are a reserved matter, in order to conclude that the site is suitable in principle for the proposed development it needs to be clear that a satisfactory means of access to the appeal site could be achieved.

¹ The Town and Country Planning (Development Management Procedure) (England) Order 2015 Part 3 'Applications'.

This is why, even when an outline application is submitted with all matters reserved, the Order requires the area of access points to be shown.

5. In light of the above I consider that the main issue is whether a satisfactory means of access to the appeal site could be achieved with particular regard to its effect on pedestrian and highway safety.

Reasons

Highway and Pedestrian Safety

6. The appeal site is situated to the rear of 141-145 Manchester Road. It would be accessed off Horsforth Lane which passes between Nos 139 and 141 Manchester Road. Horsforth Lane is very narrow at its junction with Manchester Road and for the distance it passes along the plots of Nos 139 and 141. It also has no defined footpaths. There would be insufficient width for 2 vehicles to pass in this area.
7. In the event of a vehicle entering Horsforth Lane from Manchester Road and a vehicle travelling down Horsforth Lane towards Manchester Road there would be conflict. One vehicle would have to reverse. This would be potentially hazardous to both any pedestrians on Horsforth Lane and traffic on Manchester Road. In the absence of footpaths there would be no safe refuge for pedestrians on Horsforth Lane. Although Manchester Road is within a 30mph speed limit, a vehicle reversing out onto it from Horsforth Lane would be highly likely to cause a significant disruption to the flow of traffic. This would be detrimental to highway safety.
8. I noted at the time of my site visit that since the consideration of an earlier appeal² a right turning facility has been marked on Manchester Road. Whilst this may offer drivers waiting to turn right better visibility up Horsforth Lane it would not ensure that drivers would not have to reverse onto Manchester Road if they met a vehicle travelling down Horsforth Lane. There would also be likely to be other highway safety issues associated with the use of the right turn facility. I also noted the absence of any parking restrictions on Manchester Road in the vicinity of its junction with Horsforth Lane. Parked vehicles on Manchester Road to the east of its junction with Horsforth Lane would significantly narrow the carriageway. This would mean that a vehicle travelling from the east would have to slow or stop to allow a vehicle using the right turning facility to enter Horsforth Lane. Vehicles parked close to the junction with Horsforth Lane would also severely restrict the visibility of the driver of a vehicle reversing onto Manchester Road.
9. I note the indicative widening of Horsforth Lane in front of the appeal site and that this did not form part of the earlier appeal proposal. However this would not significantly mitigate the harm arising from the potential scenarios described above. Vehicles that had entered the narrowest part of Horsforth Lane from either end may still have to reverse.
10. From the evidence before me it appears that 15 dwellings could currently be served off Horsforth Lane. This appears to be 1 more than at the time the earlier appeal was considered. I accept that an additional dwelling would generate a limited amount of vehicle movements. However, given the severe limitations of the current access arrangements I consider that even these

² Appeal Ref T/APP/W4223/A/97/281598/P9)

would be likely to have a significantly detrimental effect on pedestrian and highway safety.

11. As I have explained above, the details of access do not form part of the consideration of this appeal. However, it needs to be clear that a satisfactory means of access to the appeal site could be achieved in order for the principle of the proposed development to be acceptable. In light of the above, and given that, based on the evidence before me, there appears to be no alternative form of access, I conclude that the appeal site is not suitable for the proposed development due to the absence of a satisfactory means of access. The appeal proposal would therefore conflict with the highway safety aims Policy 9 of the LDF³ and the Framework.

Other Matters

12. I note the highways officer's lack of objection, the planning officer's recommendation for approval and also the Council's grant of planning permission for a dwelling on a different site served off Horsforth Lane. However, as I have assessed the appeal proposal on its own merits based on the evidence before me these matters carry limited weight.
13. I also note the absence of recorded road accidents in the vicinity of the appeal site and the limited scope for further residential development served off Horsforth Lane. However these matters are significantly outweighed by the absence of a satisfactory means of access, the consequent harm to highway safety and conflict with the development plan I have identified in this case.

Conclusion

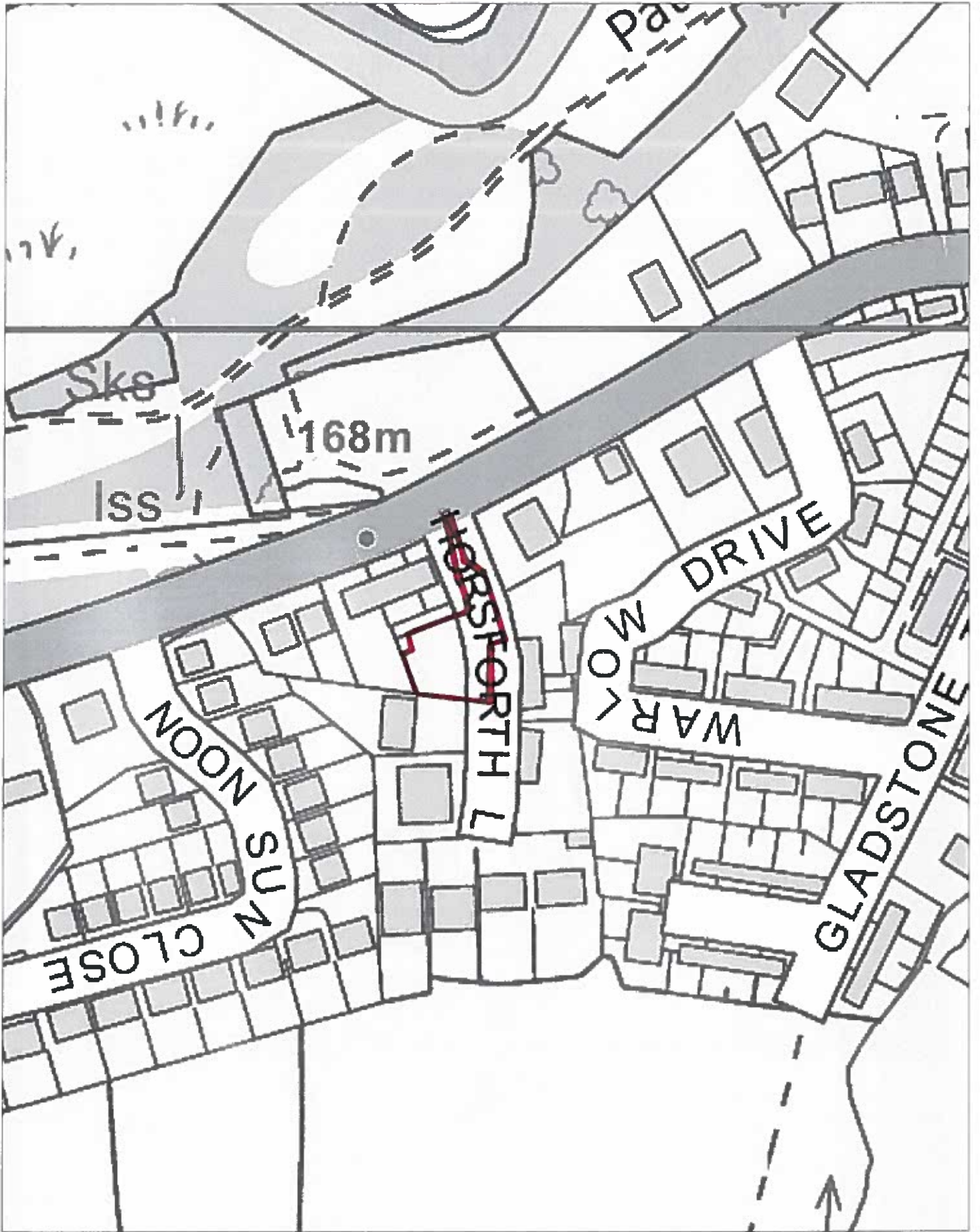
14. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Richard Exton

INSPECTOR

³ The Oldham Local Development Framework Joint Core Strategy and Development Management Policies DPD adopted in 2011.

341082







Appeal Decision

Site visit made on 2 October 2018

by **D Child BA BPL MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 November 2018

Appeal Ref: APP/W4223/W/18/3204760

Beech Hill House, 25 Beech Lane, Grasscroft, Oldham OL4 4EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Arther John Pearson against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/341265/18, dated 9 January 2018, was refused by notice dated 24 April 2018.
 - The development proposed is described as change of use to the existing coach house to form a residential property, demolition/removal of existing roof re-spar and re-roof using existing natural slates.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the development would preserve or enhance the character and appearance of Grasscroft conservation area.

Reasons

Conservation area

3. Beech Hill House is a substantial detached stone-built dwelling. The separate coach house is located within the plot and is currently used for domestic storage. The coach house is of modest size and simple rectangular plan form, built of coursed natural stone with stone quoins, corbels and a natural slate dual-pitched roof.
4. The degree of physical separation and relative scale between the coach house and Beech Hill House reflect the coach house's subordinate relationship to the host dwelling. This relationship, and the simple architecture of the coach house make a positive contribution to the character and appearance of the conservation area. The development would represent a substantial extension and change of use of the building, to form a dwelling for a family member.
5. The significance of the conservation area lies, in part, in the manner in which it encompasses an irregular layout of former weavers' cottages, large mansions, former industrial and agricultural buildings. Buildings are tightly grouped on sloping land and accessed via a network of narrow lanes centred on Clough Lane. Later modern residential infill developments are representative of the era during which they were constructed but the predominant use of materials is

stone. Although heights and orientation vary, buildings are predominantly of simple plan form and where there have been additions they are generally subordinate.

6. I appreciate the need to consider the slope of the land and maximise light given shade cast by nearby trees. The development would, however, double the footprint of the building and be significantly taller. The original structure would be subsumed and dominated by the proposed extension which, by comparison, would appear overscaled. There would be a lack of architectural cohesion between the original coach house and what is proposed. I note particularly that the height and extent of the double pitched roof and the window arrangement would fail to reflect the modest proportions, detailing or symmetry of the host building.
7. The massing of the extension would be broken up by varying ridge heights and vertical glazing. Nonetheless, these features would result in the extension appearing contrived and unbalanced in relation to the original structure. Whilst I acknowledge that there is no policy requirement to match exactly the original structure, the proposal would nevertheless detract significantly from the coach house's simple plan form and symmetry, to the detriment of the positive contribution it makes to the conservation area.
8. The fact that in some views the development would appear with the backdrop of the far more substantial gables of Beech Hill House would not reduce the development's impact. In addition, although recessive in colour, the use of black stained timber in places would appear somewhat arbitrary and contrary to the predominant use of stone in the locality. The presence of existing black painted timber-boarded doors on the appeal building and agricultural buildings nearby does not justify wider use on the walls of the extension. I appreciate that this could be altered and that the appeal plans state 'or stone', but a condition to require the use of stone could not overcome my concerns above in relation to massing and scale.
9. I concur with the appellant that views from the south west are largely screened by a group of mature trees. I also concur that views of the building from the north west from the adjacent footpath and driveway in front of Ingle Nook are restricted by high stone walls. However, public views of the coach house and its setting would not necessarily be limited to those identified as key views in the conservation area's appraisal. I note that the appellant proposes the provision of a Beech hedge on top of the stone boundary walls to provide screening and privacy. A hedge would, however, take time to establish and would not overcome the impact of the scheme on the host building. In any case, harm in conservation areas is not predicated upon visibility from the public domain, which may change. I also note the presence of modern infill development within the conservation area. However, I do not have the details of those permissions and in any event each case must be determined on its own merits.
10. For the reasons set out above, I find that the development would be unsympathetic to the host building. This would be detrimental to the significance of the conservation area, and would result in less than substantial harm as set out in Paragraph 193 of the National Planning Policy Framework (NPPF). Paragraph 196 of the NPPF requires that less than substantial harm should be weighed against the public benefit of a proposal. However, in this case the benefits arising from the development would be primarily private.

11. As such, I conclude that the development would fail to preserve or enhance the character or appearance of the conservation area. Accordingly, the proposal would conflict with the heritage protection and design aims of policies 9, 20 and 24 of the Joint Development Plan Document which forms part of the Oldham Local Development Framework, and the NPPF.

Other matters

12. The appellant says that the development would make effective re-use of an underused brownfield site and provide a dwelling for a member of their family. The appellant also argues that the proposal will assist in the protection of Green Belt land. I appreciate these limited benefits, however, they do not outweigh my findings on the main issue. With regard to the NPPF's presumption in favour of sustainable development, this does not alter the statutory weight to be given to the relevant policies of the development plan, which remains the starting point for decision makers.
13. Reference is made to the Oldham Housing Prospectus Booklet and examples of other development. However, none would appear to be located in a comparable context and in any case each case must be considered on its merits. I appreciate that the historic plans suggest there was less separation between the host dwelling and the coach house previously. However, I am unable to conclude what form these buildings took, and give this argument little weight.
14. It has been suggested by the appellant that Paragraph 118 of the NPPF is supportive of upward extensions. However, this refers to residential and commercial premises and the coach house is neither. Moreover, Paragraph 118 states that upward extensions should be well designed and be consistent with the overall street scene. For the reasons given above, I find that the development would harm the character and appearance of the conservation area.
15. The appellant suggests that the Council has not fully engaged with them to overcome their concerns. This is not, however, a matter before me.
16. The appellant argues that the coach house is in fact a garage. However, its current use is not determinative and in any case it is referred to as a coach house in the design and access statement.

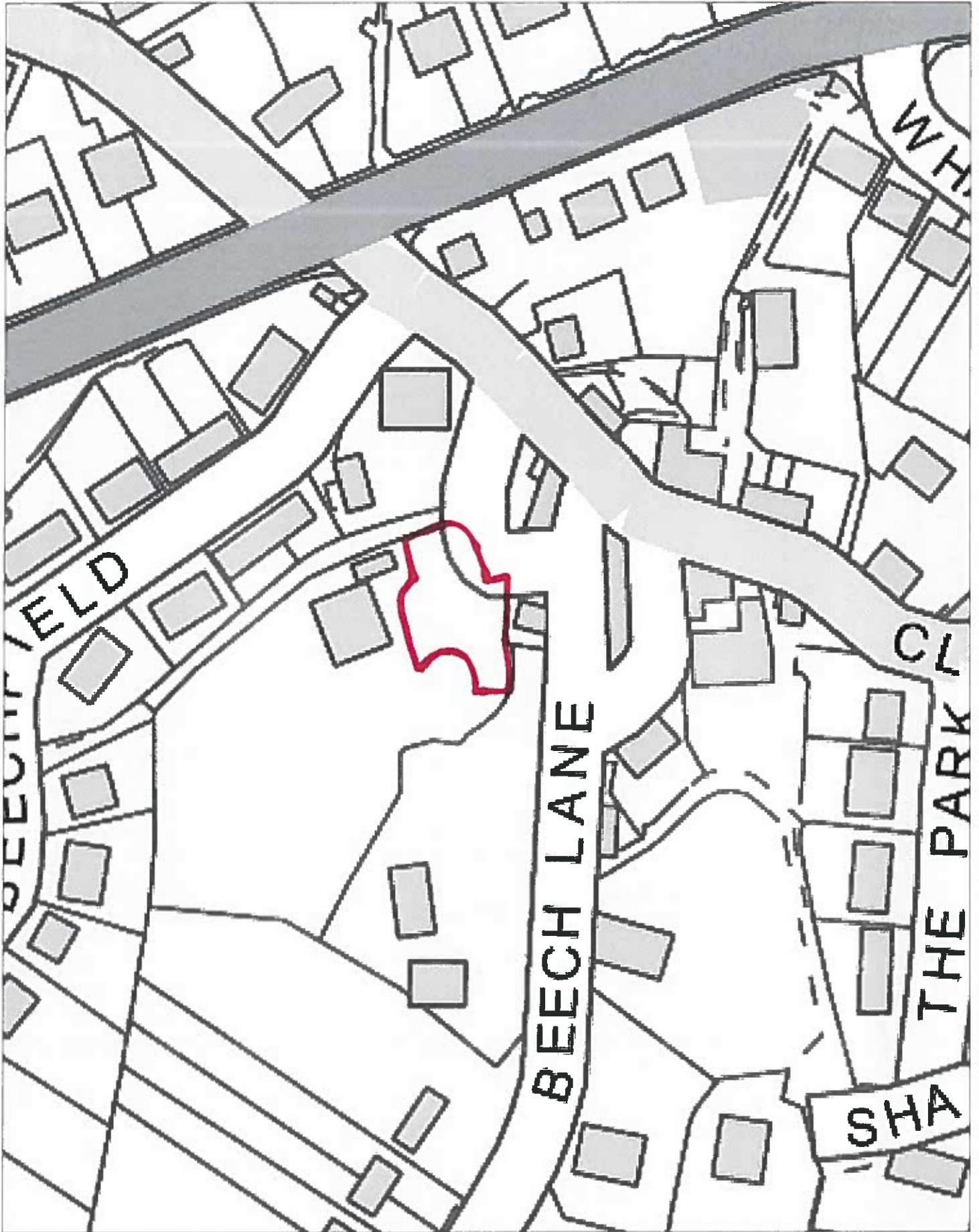
Conclusion and Planning Balance

17. The appellant contends that the Council does not have a 5 year housing land supply. However, even if that were the case it does not automatically lead to planning permission and in any case one dwelling would be a modest addition to local housing supply. For the reasons given above I consider that the adverse impacts of the development would significantly and demonstrably outweigh the benefits.
18. For the reasons given above, and having regard to all other matters, I conclude that the appeal should be dismissed.

D Child

INSPECTOR

341265





Appeal Decision

Site visit made on 21 November 2018

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th December 2018

Appeal Ref: APP/W4223/D/18/3209757

59 Devon Street, Oldham, OL9 7BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mohammed Iqbal against the decision of Oldham Council.
 - The application Ref HH/341823/18, dated 12 May 2018, was refused by notice dated 10 July 2018.
 - The development proposed is an infill of existing covered area to form living room extension.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal property forms part of a 'homezone' development that was granted planning permission in 2007¹. The appeal property is subject to a condition whereby no extensions (amongst other forms of development) should be erected without the further approval of the Local Planning Authority.
3. A single storey extension to the rear of the appeal property was approved in 2010².

Main Issue

4. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal property is a mid-terraced three storey dwelling within a modern row of houses. It is located in a residential area, largely comprising other terraced dwellings.
6. The terrace has a distinctive design, such that the front elevation to the ground floor is recessed, with the upper stories effectively "overhanging" above. This creates a private space between the front of dwellings and a low wall with railings. Beyond the railings is a parking area. The recessed design feature is

¹ Ref: PA/049951/05.

² Ref: HH/057577/10.

distinctive and attractive and it is not obscured to any significant degree by the presence of parking to the front of the terrace.

7. In addition to the above, the presence of exposed steel, pillars and the use of brick, render and weatherboarding, all combine with the recessed area to lend the terrace a strong sense of uniformity, as well as adding to its distinct appearance.
8. During my site visit, I observed that this sense of uniformity is only broken to any significant degree by the presence of a small porch constructed to the front of the appeal property. This appears as an unsympathetic and discordant feature, out of keeping with the terrace's otherwise uniform appearance.
9. The proposed development would effectively fill the recessed area to the front of the appeal property by bringing the ground floor elevation forward, such that it would be flush with the upper floors. I find that this would result in an incongruous form of development, out of character with the appearance of all of the other properties within the terrace. It would fill-in an important gap and in doing so, it would detract severely from the attractive, distinctive and uniform attributes recognised above.
10. Further, I consider that the significant harm arising from the above would be exacerbated as a result of the proposal combining with the small porch to the front of the appeal property to create a development that would appear prominently and draw attention to itself as an awkward and intrusive feature. This would be to the detriment of the generally harmonious appearance of the terrace.
11. Taking all of the above into account, I consider that the proposed development would harm the character and appearance of the area. This would be contrary to the National Planning Policy Framework and to Policies 9 and 20 of the Joint Development Plan Document of the Local Development Framework for Oldham (2011), which together amongst other things, protect local character.

Other Matters

12. In support of his case, the appellant states that the proposal will provide much-needed living space. Whilst I note that the proposal would provide some additional living space, I have found that it would do so in a manner that would result in significant harm to local character and hence, my decision below.

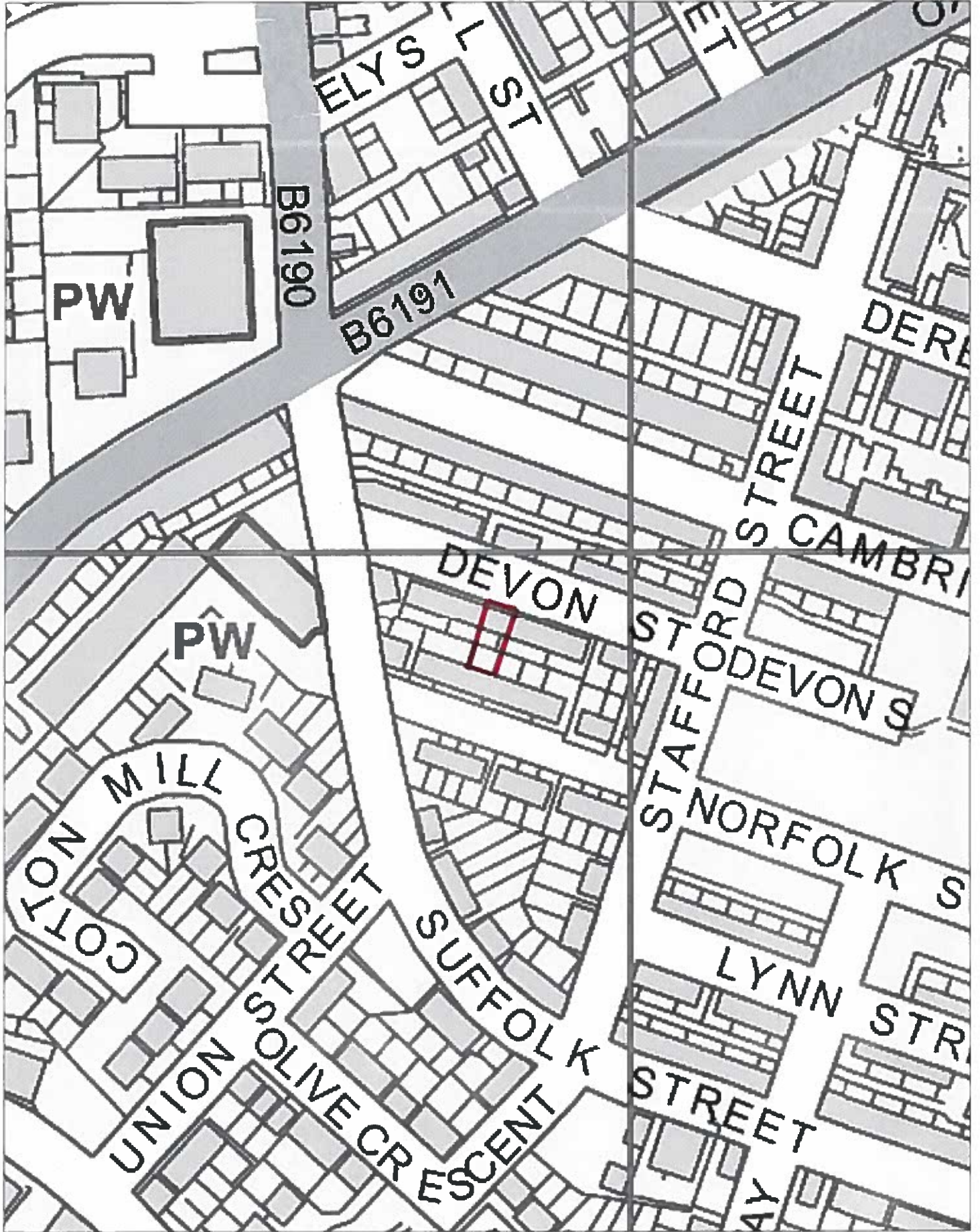
Conclusion

13. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

341823







Appeal Decision

Site visit made on 6 November 2018

by **R A Exton Dip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th November 2018

Appeal Ref: APP/W4223/W/18/3205019

Land adjacent to 1 Den Lane, Uppermill, Oldham OL3 6DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Taylor against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/340631/17, dated 24 August 2017, was refused by notice dated 7 March 2018.
 - The development proposed is described as 1 No. detached dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The new National Planning Policy Framework ('The Framework') was introduced in July 2018. Both the Council and the appellant have been given the opportunity to comment on its relevance to this appeal. I have taken account of any comments in my reasoning below.

Main Issue

3. The main issue is the effect of the appeal proposal on the Uppermill Conservation Area ('the UCA'), a designated heritage asset, having special regard to the desirability of the preservation of its character or appearance.

Reasons

UCA

4. In the vicinity of the appeal site the UCA is characterised by mainly terraced properties sited close to roads and interspersed with areas of trees and vegetation. There are also detached properties, notably Ridgeworth House and Hillcrest, but these are set back from road and screened by vegetation. Consequently, they are not visually prominent. The appeal site is situated on the highest point of Moorgate Street at its western extent and is on a steep slope itself. As such it is highly visible within the UCA in views up Moorgate Street. The visual break provided by the appeal site provides a transition between properties on Moorgate Street and Den Lane. This, together with its lack of development and the mature trees it contains, and even taking account its level of maintenance, means it significantly contributes to the character and appearance of the UCA.

5. The appeal proposal would result in the siting of a detached dwelling close to and at a slightly elevated level to the adjacent terraced row of properties fronting Den Lane. Due to its proximity to No 1 Den Lane, the proposed dwelling might not be visible when viewed from the lower part of Moorgate Street. However, the development as a whole would become increasingly apparent when approaching from the east along Moorgate Street. Despite the retention trees within the appeal site, including those subject to a Tree Preservation Order, and the possibility of new planting, the proposed dwelling would appear dominant, particularly when the trees were out of leaf. It would significantly diminish the appeal sites value as a visual break and area of transition between Moorgate Street and Den Lane.
6. The siting of the proposed dwelling would also sit uncomfortably with the terraced row fronting Den Lane and would not appear as an extension to it. Unlike the other detached properties in the area identified above it would be visually prominent. Although there would be similarities in design and materials, its detached nature and set back siting would contrast with the uniformity of the terraced row. The combination of the above factors would not make a positive contribution to the area but would result in a harmful effect on the character and appearance of the UCA. In accordance with Paragraph 193 of the Framework I attach great weight to the conservation the UCA as a designated heritage asset.
7. I note the difference between the design of the proposed dwelling and previous proposals on the site. I also note the removal of a timber building and improvements to the boundary wall that could occur. However, these matters do not outweigh the harm to the character and appearance of the UCA I have identified above.
8. The harm to UCA would be localised and therefore less than substantial. In this instance paragraph 196 of the Framework requires that the harm should be weighed against the public benefits of the appeal proposal.
9. I have taken account of the contribution a family sized dwelling in a location with good accessibility to shops, services and public transport would make to boosting housing supply within the borough. I have also taken account of the economic benefits the appeal proposal could deliver including those arising through the construction process and those arising from future occupiers spending in the local area. However the public benefits associated with a single dwelling would be limited.
10. Overall, the limited nature of these benefits means that they do not outweigh the harm to the character and appearance of the UCA to which I attach great weight. Consequently, I conclude that the appeal proposal would conflict with the design aims, particularly in relation to the historic environment, of Policies 20 and 24 of the LDF¹ and the Framework.

Other Matters

11. I note the Council's lack of objection to the appeal proposal on other matters including traffic impact, living conditions of nearby residents, effect on protected trees and the rail network. However these are neutral matters and therefore do not carry weight either way.

¹ The Oldham Local Development Framework Joint Core Strategy and Development Management Policies DPD adopted in 2011.

Conclusion

12. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Richard Exton

INSPECTOR

340631

