

## ***PLANNING COMMITTEE Regulatory Committee Agenda***

Date Wednesday 16 January 2019

Time 6.00 pm

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

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

2. CONTACT OFFICER for this Agenda is Fabiola Fuschi Tel. 0161 770 5151 or email [fabiola.fuschi@oldham.gov.uk](mailto:fabiola.fuschi@oldham.gov.uk)

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Friday, 11 January 2019.

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

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

Members of the public and the press may also record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

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

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:

Councillors Akhtar, Ali, S Bashforth (Chair), Ball, Brownridge, Davis, H. Gloster, Haque, Harkness, Hewitt (Vice-Chair), Hudson, Leach, Qumer and Phythian

Item No

- 1 Apologies For Absence
- 2 Urgent Business  
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest  
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time  
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 4)  
The Minutes of the meeting of the Planning Committee held on 19<sup>th</sup> December 2018 are attached for Members' approval.
- 6 PA/341276/18 - Stock Lane, Chadderton, Oldham, OL9 9EY (Pages 5 - 12)  
Variation of condition no 8 relating to the noise generation scheme in relation to PA/338488/16
- 7 PA/342113/18 - 2 Bridge Street, Oldham, OL1 1EA (Pages 13 - 20)  
Erection of five storey mixed use building consisting of 2 No. commercial units at lower ground floor level and 14 No. apartments at ground, first, second and third floor level. Access, appearance, layout and scale to be considered, with landscaping reserved.
- 8 LB/342254/18 - Hartford Mill, Block Lane, Oldham, OL9 7SX (Pages 21 - 38)  
Complete demolition of listed building at Hartford Mill in association with proposed outline application for residential development (PA/342255/18)
- 9 PA/342255/18 - Hartford Mill, Block Lane, Oldham, OL9 7SX (Pages 39 - 52)  
Outline planning application for residential use at Hartford Mill and surrounding land at Block Lane and Edward Street. All matters reserved. Submitted in conjunction with LB/342254/18 seeking consent to demolish a listed building at Hartford Mill.



- 10 HH/342318/18 - 9 Oak Close, Chadderton, Oldham, O9 7FH (Pages 53 - 56)  
Part two storey, part single storey rear extension and front porch
- 11 LB/342337/18 - Uppermill Library, High Street, Uppermill, Oldham, OL3 6AP  
(Pages 57 - 60)  
Removal of notice board to open up fireplace, clean and restore and supply and fit clear "Perspex" sheet for public to view.
- 12 PA/342564/18 - Hubron International Ltd, Ashton Road West, Failsworth, Manchester, M35 0FP (Pages 61 - 66)  
Proposed installation of 4 No 60 Ton Polymer Storage Silos (16m high x 3m dia) with associated pipework, safety access ladder and roof top guarding within existing service yard area fronting Albion Street.
- 13 Appeals (Pages 67 - 72)  
Planning Appeals Decision

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**PLANNING COMMITTEE**  
**19/12/2018 at 6.00 pm**

**Present:** Councillor S Bashforth (Chair)  
Councillors Akhtar, Ali, Ball, Brownridge, Davis, H. Gloster, Hewitt  
(Vice-Chair), Hudson and Qumer

Also in Attendance:

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

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors  
Harkness, Leach and Phythian.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

**RESOLVED** that the minutes of the Planning Committee  
meeting held on 14<sup>th</sup> November 2018 be approved as a correct  
record.

6 **PA/340523/17 - LAND AT EDGE LANE STREET, ROYTON,  
OL2 6DS**

APPLICATION NUMBER: PA/340523/17

APPLICANT: Brantones Ltd

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

It was **MOVED** by Councillor Bashforth and **SECONDED** by  
Councillor Ball 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 the conditions and the completion of the legal agreement as set out in the report.

7 **PA/341391/18 - LION MILL, FITTON STREET, ROYTON, OL2 5JX**

APPLICATION NUMBER: PA/341391/18

APPLICANT: Daleford Ltd

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

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

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

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

DECISION: That the application be GRANTED subject to the conditions as set out in the report and a request that the applicant engage with neighbouring residents in devising the required landscaping and screening details.

**NOTES:**

1. That an Objector attended the meeting and addressed the Committee on this application.

8 **PA/342378/18 - LAND ADJACENT TO GORSE MILL, GORSE STREET, CHADDERTON**

APPLICATION NUMBER: PA/342378/18

APPLICANT: Cantt Pak

PROPOSAL: Erection of 1no. distribution warehouse with associated external works.

LOCATION: Land Adjacent To Gorse Mill, Gorse Street, Chadderton

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

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

DECISION: That the application be GRANTED, subject the conditions and the completion of the legal agreement as set out in the report, and to the following additional/ amended conditions:

#### Amended Condition 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, and in relation to potential land contamination, has been carried out and the consultant's written report and recommendation have been submitted to and approved in writing by the Local Planning Authority. 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 and has been subject to previous landfilling operations.

#### Additional Condition 11

No development comprising the erection of the building hereby approved or the final creation of parking and servicing areas shall commence until full details of proposed land and floor levels relative to previously agreed datum points have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details.

Reason - In the interests of the amenity of the area.

#### Additional Condition 12

No external storage shall take place on the site other than in clearly defined areas, the details of which, including any necessary screening, shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason – In the interests of the visual amenity of the area.

#### **NOTES:**

1. That an Objector and the Applicant attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 10.

9

#### **APPEALS**

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

10

**LATE LIST**

**RESOLVED** that the information related to the submitted planning applications as at 19<sup>th</sup> December 2018, as contained in the Late List, be noted.



The meeting started at 6.00 pm and ended at 6.55 pm



## APPLICATION REPORT - PA/341276/18

Planning Committee, 16 January, 2019

**Registration Date:** 12/01/2018  
**Ward:** Chadderton Central

**Application Reference:** PA/341276/18  
**Type of Application:** Removal/Variation of Conditions

**Proposal:** Variation of condition no 8 relating to the noise generation scheme in relation to PA/338488/16

**Location:** Stock Lane, Chadderton, Oldham OL9 9EY

**Case Officer:** Graeme Moore

**Applicant Agent :** UK Power Reserve  
Mr Fagg

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### THE SITE

The application relates to a 0.43 hectare parcel of land at the junction of Stock Lane, Stockfield Road and Dairy Street, Chadderton. The land comprises a hardstanding surface with a split level single/two storey building located to the south-east corner adjacent to the site entrance off Stock Lane. To the western elevation there is an acoustic fence at an approximate height of 3-4 metres. A second vehicle access is located off Stockfield Road to the north-west corner of the site. Permission was previously granted under PA/338488/16 for the erection of an electricity generation plant and associated ancillary apparatus, and this development has now been implemented.

The perimeter of the site is enclosed by palisade fencing to a height of approximately 2 metres and a grass verge providing a narrow strip of landscaping. Ground level rises gently in northerly and westerly directions across the site, with a low retaining wall flanking the western boundary with Dairy Street.

The site is surrounded by a mix of commercial, industrial and residential uses. These include a group of industrial units at Palm Business Centre to the south; a scaffold storage depot to the east; a combination of leisure, warehousing and retail uses within Stockfield Mill to the north, and rows of two-storey terraced dwellings to the west on Dairy Street and Stockfield Road.

### THE PROPOSAL

The application seeks full permission for the variation of the wording of condition 8 of PA/338488/16 - Erection of standby electricity generation plant including associated ancillary apparatus and 2.4m high perimeter fencing (revision of PA/337190/15).

Condition 8 is currently worded as follows:

*None of the generators hereby approved shall be installed on the site until a scheme to attenuate noise generated by this equipment (including any associated plant and machinery) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that noise emissions from the generators and any associated plant machinery do not exceed 39 dB(A) Leq (5 minutes) at any time when measured at the boundary of the closest dwellings on Stockfield Road and Dairy Street. The noise attenuation measures contained within the duly approved scheme shall be implemented before any of the generators are first brought into use, and shall be maintained as such thereafter*

The applicants applied to vary the wording as follows:

*None of the generators hereby approved shall be installed on the site until a scheme to attenuate noise generated by this equipment (including any associated plant and machinery) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that noise emissions from the generators and any associated plant machinery do not exceed 47dBLAeq at any time when measured at the boundary of the closest dwellings on Stockfield Road and Dairy Street. The noise attenuation measures contained within the duly approved scheme shall be implemented before any of the generators are first brought into use, and shall be maintained as such thereafter*

#### **RELEVANT HISTORY OF THE SITE:**

- PA/338488/16 - Erection of standby electricity generation plant including associated ancillary apparatus and 2.4m high perimeter fencing (revision of PA/337190/15) - Granted, 22/06/2016
- PA/337190/15 – Erection of electricity plant and associated equipment (resubmission of PA/335922/14) – Granted, 28/08/2015.
- PA/335922/14 – Erection of an electricity generation plant – Granted, 12/11/2014.
- PA/56041/09 – Alterations to existing building and the erection of a new storage building – Granted, 10/03/2009.

#### **SITE SPECIFIC LDF POLICIES**

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Oldham is the Joint Core Strategy and Development Management Policies Development Plan Document adopted 9 November 2011 (DPD) and the saved policies of the 2006 Unitary Development Plan.

The site is currently allocated as a Business Employment Area (BEA) in the adopted DPD.

#### **Joint DPD Policies:**

Policy 9 – Local Environment

Policy 18 – Energy

#### **National Policy:**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

#### **CONSULTATIONS**

Environmental Health – Accept the findings of the noise assessment subject to the wording of the condition being amended as follows:

*The sound pressure level of the plant shall not exceed 47dBA (5 mins) when measured in free field at the outside any residential property. Unless otherwise agreed in writing with the Local Planning Authority the plant shall only operate between the hours of 06:00 and 23:00. Outside of these hours the plant shall only operate for a maximum of 100 hours per calendar year. Should it be requested the applicant shall provide an operational hours log to the Local Planning Authority*

#### **REPRESENTATIONS**

A request for the application to be determined by the planning committee was submitted by Councillor Colin McLaren on the grounds that the proposed increase in noise levels will lead to an unacceptable impact on the neighbouring residential properties.

The appropriate neighbouring properties were notified of the application by letter and a site notice posted. No representations have been received.

## **PLANNING CONSIDERATIONS**

### **Principle of Development**

The principle of the development has already been established under the previous approval, PA/338488/16, therefore in consideration of this application the only matter to be addressed is the condition that is proposed for amendment and the impact that the amended condition would have on the amenity of neighbouring residents.

The purpose of the development is to provide a standby electricity source through a series of gas fuelled engine generators which will contribute to the National Grid's Short Term Operating Reserve (STOR) programme by producing energy on demand. The applicant's previous supporting statement, made reference to National Grid's Annual Market Report (2011/12), which indicated that the maximum duration of a "STOR call" (the only time when the generators are operational) in 2011/12 was 5 hours, though the average running time was only 83 minutes.

The average number of STOR calls per day was less than 1 (0.38). Whilst there is no restriction on the timing or duration of STOR calls, it is apparent from the supplied figures that their frequency and duration is very limited. The run data for Stock Lane shows the plant has operated 404 times for a total of 686 hours and 48 minutes in the last year. Furthermore, data supplied by the applicants show that the plant has run for only 37 hours between the hours of 11:00pm and 6:00am in the last 12 months. This is typical of other similar plant across the country.

### **Noise**

Further noise assessment work has been undertaken as part of this application. The applicants state that the planning consent (PA/338488/16) included the installation of a 2.4m acoustic fence around the whole perimeter of the site (Condition 7 of PA/338488/16). Following the determination of the application it was identified that a better solution would be to install an acoustic wall on the western side of the site between the approved development and the residential properties on Dairy Street which would avoid installing a fence close to the residential properties and would acoustically screen first floor windows.

Furthermore, it was identified that an acoustic fence on the northern, eastern and southern boundaries creates no beneficial reduction to noise levels at the nearest receptors. The consent was therefore implemented with an acoustic fence located only on the western side of the facility facing the properties on Dairy Street.

The receptors identified under the previous consent are still relevant and the principal noise-generating apparatus still remains the same, namely, the 10 gas powered engines and roof-level flues.

The applicants consider that unrestricted operation between 07:00 - 23:00 (standard daytime as defined by BS4142), is achievable. This is based on the site currently being just below the background noise level during the day (plant is 46dBA and background is 47dBA LAeq) and a contextual argument that the site is:

- a) an industrial location;
- b) the previous occupier was a builders yard which would have been noisier;
- c) the building has reduced the background noise by screening the residential properties from the wider industrial estate; and
- d) there has been only one complaint during the first year of operation which has been resolved.

Having consulted with Environmental Health officers as part of this application, the

applicants and Environmental Health have now agreed the following variation of the condition:

*"The sound pressure level of the plant shall not exceed 47dBA (5 mins) when measured in free field at the outside of any residential property. Unless otherwise agreed in writing with the Local Planning Authority the plant shall only operate between the hours of 06:00 and 23:00. Outside of these hours the plant shall only operate for a maximum of 100 hours per calendar year.*

*Should it be requested the applicant shall provide an operational hours log to the Local Planning Authority."*

#### **Conclusion:**

The proposed development would provide a balance between the needs of the applicant and the requirements of the Council to protect the amenity of the neighbouring residential properties. The proposal is already operating as a standby electricity generation facility to meet local infrastructure requirements during peak periods of energy demand. The development already contributes to the continuity and security of energy provision in the area.

Based upon the information supplied as part of this application and the discussions with the applicant and Environmental Health, it is considered that the development would have no undue impact on the amenity of surrounding uses by reason of its noise, and appropriate mitigation measures would be put in place. The proposed development is therefore in accordance with the requirements of the Joint Core Strategy and Development Management Policies Development Plan Document and the National Planning Policy Framework.

#### **RECOMMENDATION**

Approve, subject to the following conditions:

1. This permission relates to the following plans:

Drawing no. 15051.101 Rev 2 – Location plan received 19/04/16.

Drawing no. 15051.102 Rev 5b – Site plan received 19/04/16.

Drawing no. 15051.103 Rev 5b – Full site elevations received 19/04/16.

Document titled 'Appendix 1: Equipment, materials and appearance' received 31/05/16.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason - For the avoidance of doubt and to ensure a satisfactory standard of development

2. The sound pressure level of the plant shall not exceed 47dBA (5 mins) when measured in free field at the outside of any residential property. Unless otherwise approved in writing by the Local Planning Authority the plant shall only operate between the hours of 06:00 and 23:00. Outside of these hours the plant shall only operate for a maximum of 100 hours per calendar year. When requested the applicant shall provide an operational hours log to the Local Planning Authority

Reason - To protect the amenity of surrounding occupiers and to prevent nuisance arising.

3. Emissions from the generators shall be exhausted through stacks with a height at least 12.6 metres above ground level.

Reason - To ensure the efficient transmission and dispersal of waste gases to avoid the potential for unacceptable air pollution in the interests of public health and to minimise the development's environmental impact.

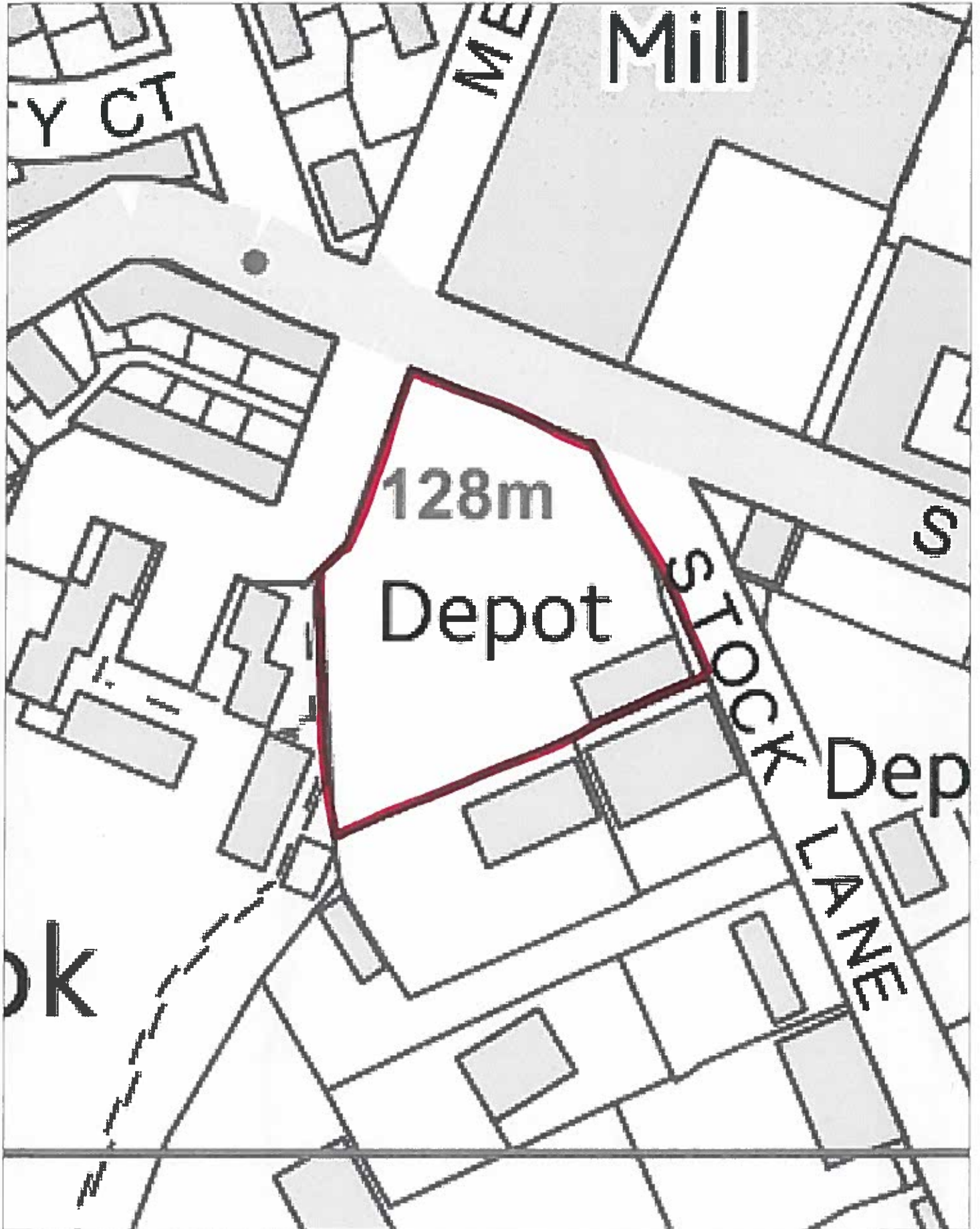
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), no development falling within Schedule 2, Part 15, Class B of that Order shall be carried out on the site unless the prior written approval of the Local Planning Authority has been obtained.

Reason - To protect the amenity of surrounding occupiers and to prevent nuisance arising.

5. Within three months of the date of this permission a final completion report detailing site investigation and assessment into landfill gas risk shall be submitted to the LPA. The final report shall demonstrate the measures taken in order to ensure public safety from the development of the site and to ensure that no harmful landfill gases have been released (the report shall include any subsequent amendments as required by the Authority). On receipt of a satisfactory completion report, the condition can be discharged.

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





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## APPLICATION REPORT - PA/342113/18

Planning Committee, 16 January, 2019

**Registration Date:** 16/07/2018  
**Ward:** Saint Mary's

**Application Reference:** PA/342113/18  
**Type of Application:** Outline Planning Permission

**Proposal:** Erection of five storey mixed use building consisting of 2 No. commercial units at lower ground floor level and 14 No. apartments at ground, first, second and third floor level. Access, appearance, layout and scale to be considered, with landscaping reserved.

**Location:** 2 Bridge Street, Oldham, OL1 1EA  
**Case Officer:** Marc Wood

**Applicant** Mr Thind  
**Agent :** Mrs Tamworth

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### THE SITE

2 Bridge Street, Oldham, is a previously developed site which is now cleared, and covers just over 300 square metres. The site formerly comprised a derelict building which was occupied as a nightclub with its associated curtilage.

The site is bounded by Roscoe Street to the south with Oldham Way (A62) approximately 100m further to the south. Bridge Street forms the eastern boundary with light industrial and commercial uses in mainly three storey brick buildings beyond. An alleyway to the north of the site provides service access to the two storey commercial properties fronting Union Street. A warehouse (three to four storeys equivalent height) is located to the west beyond which lies Robson Street. Bridge Street is on a slight gradient running uphill from Rhodes Bank at its southern end to Union Street to the north.

### THE PROPOSAL

Erection of a five storey mixed use building consisting of 2 No. commercial units at lower ground floor level and 14 No. apartments at ground, first, second and third floor level. The application is in outline form, however, all reserved matters except landscaping are sought for approval at this stage.

The application follows a series of applications of a similar nature for the site. The most recent being an almost identical scheme which was assessed as part of a 2013 outline approval and subsequent 2016 reserved matters approval. Prior to this a 2009 outline application was considered, again for a similar scheme and approved by Planning Committee.

### RELEVANT HISTORY OF THE SITE:

PA/338072/16 - Reserved matters application (approval of access, appearance, landscaping, layout and scale) following outline permission for 2 no commercial units and 16 no apartments approved under application no. PA/334020/13. Granted 25/04/2016

PA/334020/13 - Outline application for 2 no. commercial units and 16 no. apartments (all matters reserved). Granted 16/10/2013.

PA/332107/12 - Extension of time limit to previously approved PA/56513/09 for outline application for the erection of five storey mixed use building, consisting of commercial use (591 sq mtrs of gross office floor space) and 12 no. apartments with all matters reserved.(Includes demolition of existing building). Granted 31/05/2012.

PA/056513/09 - Outline application for the erection of five storey mixed use building, consisting of commercial use (591 sq mtrs of gross office floor space) and 12 no. apartments with all matters reserved.(Includes demolition of existing building) - Granted 02/09/2009.

PA/054528/08 - Outline application for mixed use development comprising office space, studio & 28 no. apartments with layout, scale and access to be delivered. Landscaping and appearance to be reserved - Refused 06/06/2008.

## **CONSULTATIONS**

Highway Engineer	No objection.
Environmental Health	No comments received.

## **REPRESENTATIONS**

The application has been advertised by way of site notice and notification letters to neighbouring properties and has been published on the Council's website. No representations have been received as a result of this publicity.

## **PLANNING CONSIDERATIONS**

The application site is located within the Town Centre but is otherwise unallocated on the LDF Proposals Map. The proposed development must be determined against local and national planning policy, including the relevant policies of the Core Strategy and Joint Development Plan Document and the National Planning Policy Framework (NPPF), and any other material planning considerations.

The following policies of the Core Strategy and Joint Development Plan Document are considered relevant:

Policy 1 - Climate Change and Sustainable Development;  
Policy 3 - An Address of Choice;  
Policy 5 - Promoting Accessibility and Sustainable Transport Choices;  
Policy 9 - Local Environment;  
Policy 11 - Housing;  
Policy 20 - Design;  
Policy 23 - Open Spaces and Sports

In determining the application, the main issues to consider are:

- Principle of the development
- Design
- Access, parking and highway safety
- Impact on surrounding uses
- Amenity for future occupiers
- Public open space
- Energy

### **Principle of Development**

DPD Policy 3 'An Address of Choice' seeks to provide a range of accommodation within Oldham to suit all requirements, including a balanced housing market by providing quality, choice and diversity through new residential developments. It seeks to promote the vast majority of new housing development on previously developed land in sustainable locations. The proposed residential element of the scheme will provide appropriate dwelling units

within the town centre on a previously developed site.

Policy 11 'Housing' states that all residential development must be appropriate to the area, accessible to public transport and key services. It also promotes a mix of housing within Oldham Town Centre and other centres in order to provide an appropriate mix of housing to suit all needs.

The site is well located in terms of access to modes of transport other than the car (including Metrolink stops at Union Street and Mumps) and in terms of access to basic services, and the types of residential units to be provided are considered appropriate in this location.

In relation to the proposed commercial floorspace at ground floor level, Policy 4 'Promoting Sustainable Regeneration and Prosperity' highlights the need to meet the Council's employment needs which specifically cites that these will be based on Oldham Town Centre and other centres within the Borough. The development is considered to be consistent with Policy 15 'Centres', in that it provides a mixed use development, which will help to maintain the viability and vitality of the town centre.

It is important to note the site history associated with the application whereby very similar applications have been considered and approved, most recently in 2009 and 2013. The principle of a mixed use development of this size and scale has therefore been established and as such the development is considered acceptable in principle.

### **Design**

DPD Policy 20 'Design' seeks to promote high quality design as does the National Planning Policy Framework. Policy 9 'Local Environment' is also relevant since it seeks to protect the visual amenity of an area. The site currently sits vacant although is utilised for car parking which detracts from the character and appearance of the area. The design scheme shows a building of contemporary and high quality design, which also reflects the scale and massing of the adjacent Wray's Warehouse building. The scheme will be a significant improvement on the existing site and through appropriate use of high quality materials can add visual interest to the streetscene and subsequently enhance the appearance of the surrounding area.

### **Access, parking and highway safety**

The site is in a highly sustainable and accessible location. A full range of transport facilities are available, including the Metrolink and frequent bus services. Walking and cycling are also feasible modes of transport due to the location of the site within the town centre where there is a wide range of shops and services available, and to that end adequate cycle storage provision is included in the proposal. Due to the type of accommodation being provided, and its town centre location, on-site car parking provision is not considered necessary. Residents and visitors can make use of the public car parking facilities within the vicinity, particularly the large public car park to the south of Roscoe Street.

### **Impact on surrounding uses**

DPD Policy 9 requires that development does not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on privacy, safety and security, noise, pollution, the visual appearance of an area, access to daylight or other nuisances.

It is not considered that the scale of the proposed development would adversely affect neighbouring premises, which are largely in commercial use.

### **Amenity for future occupiers**

The amenity of future occupiers of the development is a key consideration when assessing whether a proposal is considered acceptable. Particular attention given to the Technical

Housing Standards – nationally described space standard which works in tandem with DPD Policy 9 to ensure that future occupiers of a development are afforded acceptable living standards in terms of space provision in a dwelling. Although the applicant has not definitively indicated whether each bedroom will be single or double occupancy, the space standard requirement thresholds in terms of overall space are met and bedroom sizes are considered acceptable in this context.

### **Public Open Space**

DPD Policy 23 'Open Spaces and Sports' 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. Given the constraints of the site it was agreed under the previous applications that the provision of public open space/public realm improvements could take the form of a commuted sum towards off-site open space and the sum was calculated at the time at £24,510 taking into account the open space deficiencies in St Mary's ward.

Given the similarity between the previous schemes and the current scheme in terms of number of residential units, officers within the Regeneration team have assessed the figures put forward as part of the viability assessment provided as part of the 2017 application and on balance this amount is still considered to be an appropriate contribution towards addressing the open space deficiencies in St Mary's ward.

### **Energy**

The applicant has submitted an energy statement as part of the submission although as it stands the technical specifications for construction are still to be finalised. The applicant has however indicated that there will be an intention to meet the minimum requirements of DPD Policy 18 in terms of emission rates and this issue will be also covered by Building Regulations when the development commences on site.

### **Conclusion**

The principle of a development of this nature has been assessed and deemed acceptable previously with only a small deviation in the number of residential units proposed. Similarly the issue concerning an acceptable open space contribution reflects that provided as part of the earlier Reserved Matters application for 16 apartments. Having assessed the application, which has two apartments less than that of the 2013 approval, then it is deemed that this figure of £24,510.00 is acceptable due to the similarity between the schemes.

In summary, the development is a highly sustainable scheme and is supported by both the joint DPD and the NPPF, which places a presumption in favour of sustainable development. It is considered that the proposed development complies with the relevant planning policies identified above, and the application is recommended for approval, subject to a legal agreement to secure provision of public open space, and appropriate conditions.

### **RECOMMENDATION**

It is recommended that Committee resolves:

1. To grant planning permission subject to the following conditions and to a Section 106 contribution of £24,510.00 for off-site public open space, and,
2. To delegate authority to the Head of Planning & Development Management to issue the decision notice upon satisfactory completion of the legal agreement.

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

last of the reserved matters.

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

2. Approval of Landscaping (the reserved matter) shall be obtained from the Local Planning Authority in writing before any development is commenced and the development shall be carried out as approved.

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

3. The development hereby approved shall be fully implemented in accordance with the amended plans and specifications, received on 23 July 2018 which are referenced as follows:

Dwg no. M2916 PL05 Rev. A Proposed Floor Plans

Dwg no. M2916 PL06 Rev. A Proposed Elevations

Dwg no. M2916 PL07 Rev. A Proposed Site Plan

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

4. No development shall take place unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority for the reduction in energy emissions over and above Part L of the Building Regulations 2010 in accordance with Policy 18 of the Joint Development Plan Document (DPD) of the Local Development Framework (LDF). Measures contained within the approved scheme shall be implemented in full prior to the first occupation of the development.

Reason - To ensure the development is compliant with Policy 18 of the Joint Development Plan Document and in the interests of energy efficiency and carbon reduction.

5. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's written 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 250 metres of a former landfill site.

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

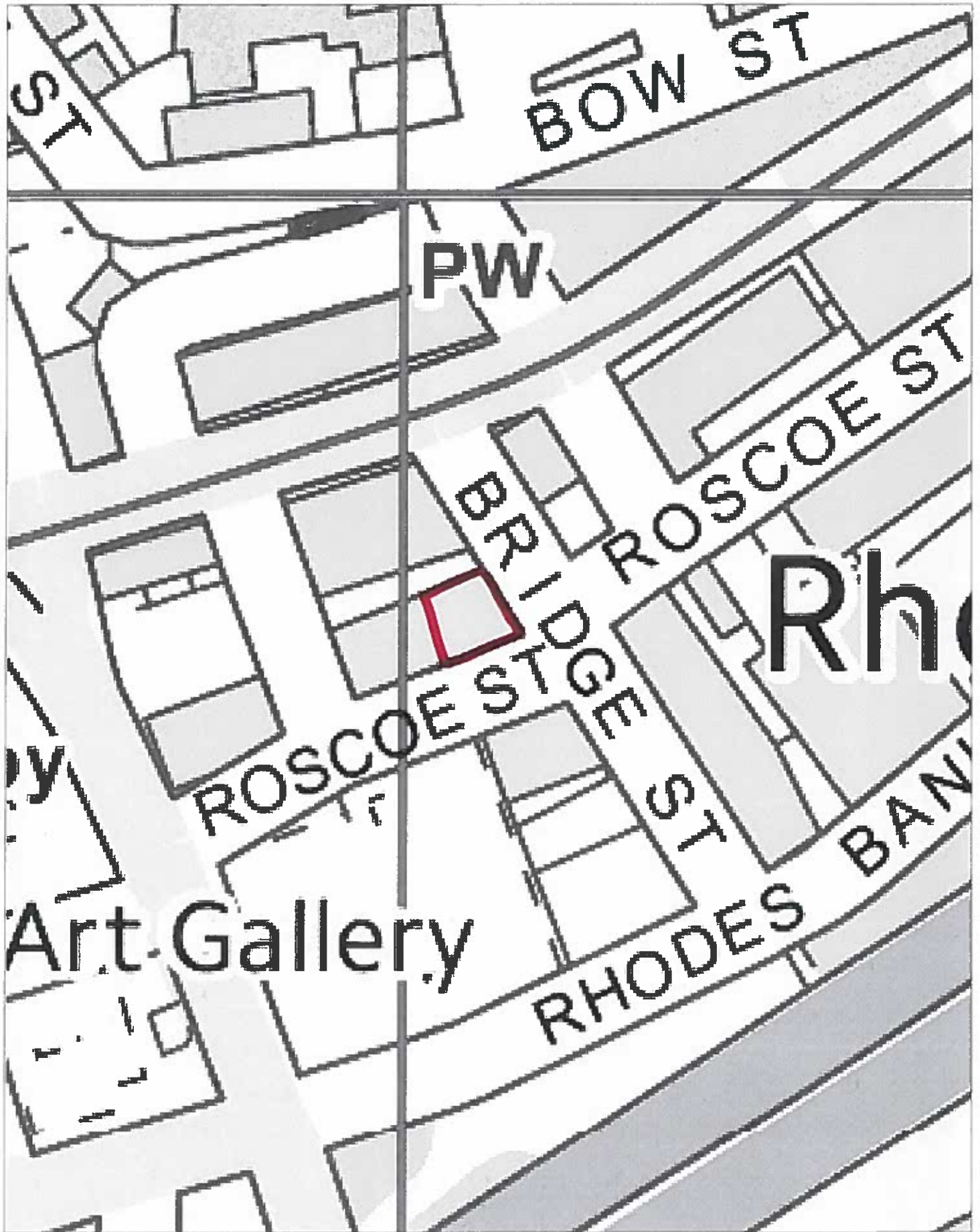
Reason - In order to protect public safety and the environment.

7. No development shall take place unless and until a scheme for protecting the apartments from noise from the commercial units has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the apartments are occupied.

Reason - To protect the future occupiers of the apartments.

8. The 'Commercial Units' hereby approved shall be used for Class A1 or Class A2 purposes only and for no other purpose (including any other use in Class A of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to the class in any statutory instrument amending or replacing that Order).

Reason - To ensure that the use of the premises is acceptable to the Local Planning Authority.



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## APPLICATION REPORT - LB/342254/18

Planning Committee, 16 January, 2019

**Registration Date:** 01/10/2018  
**Ward:** Werneth

**Application Reference:** LB/342254/18  
**Type of Application:** Listed Building Consent

**Proposal:** Complete demolition of listed building at Hartford Mill in association with proposed outline application for residential development (PA/342255/18)

**Location:** HARTFORD MILL, Block Lane, Oldham, OL9 7SX

**Case Officer:** Graham Dickman

**Applicant Agent :** Oldham Council

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### THE SITE

Hartford Mill is a large former mill building originally built as a cotton spinning mill in 1907, to which additions were incorporated in the 1920s. It was listed Grade II in 1983 by virtue of its special architectural or historic interest.

The mill has been vacant since 1991 when the previous owner Littlewoods, which used the building as a mail order depot, departed. It is in an increasingly dilapidated condition and has been subject to trespass, vandalism and vegetation growth.

The building occupies a sloping site and comprises between 4 and 5 storeys of above ground accommodation and an associated basement. The main structure is faced in red brick and is 25 bays (100 metres) long and 12 bays (45 metres) wide. Regular window openings feature across the main elevations.

A staircase tower dominates the north-west corner of the mill containing the main staircase, with the name of the mill written in glazed brick towards the top. A smaller central tower breaks up the main north-east facing elevation, along with loading bays which have been added at ground floor level.

A three storey engine house, again constructed with red facing brick, dominates the south-west corner of the mill along with the mill chimney.

A detailed description of the decoration to the construction, exterior of the mill and of the interior features of the building is set out in the Heritage Statement which accompanies the application, and is described in the context of the assessment later in this report.

The scale of the building ensures that it dominates the surrounding townscape; its presence increased by the undeveloped land to the north and east/ south-east. In particular, the building is highly visible from the Metrolink tram line, and Freehold tram stop, which occupies an elevated position immediately to the north-west of the site.

A small housing estate of two-storey dwellings, Ridings Way, adjoins the site immediately to the west, with the modern, single storey buildings of Freehold Community Academy located to the south-west. Across the presently open land to the east are residential properties on Milne Street, Tamworth Street, and Edward Street. A more modern housing estate lies across Edward Street to the north-east.

## THE PROPOSAL

This application proposes the complete demolition of the listed building at Hartford Mill in order to facilitate a comprehensive residential redevelopment of the mill site and adjoining presently vacant parcels of land as set out in the concurrent application (PA/342255/18).

The application is accompanied by the following documents:

- Hartford Mill Development Framework
- Heritage Statement
- Structural Report
- Building Appraisal
- Ecology Report
- Letters from Homes England, Department of International Trade, Keepmoat Homes, Greater Manchester Police, and Greater Manchester Fire & Rescue Service.

## RELEVANT PLANNING HISTORY OF THE SITE:

PA/342255/18 – Outline planning application for residential use at Hartford Mill and surrounding land at Block Lane and Edward Street. All matters reserved. Submitted in conjunction with LB/342254/18 seeking consent to demolish a listed building at Hartford Mill. Pending determination.

PA/333994/13 and LB/333995/13 - Installation of 6 antennas, 2 equipment cabins, and ancillary development. Planning permission and Listed Building Consent granted 23 July 2013.

PA/051333/06 - Outline application for residential development and associated works. All matters reserved. Approved 30 June 2006.

PA/051332/06 - Change of use from industry to residential accommodation and associated works. Approved 30 June 2006.

## CONSULTATIONS

Historic England	Whilst the loss of this landmark structure is highly regrettable, it is recognised that there are a number of issues relating to the retention and reuse of the building which create a huge conservation deficit.  Should permission be granted, this should be subject to achievement of the public benefit associated with redevelopment of the site and therefore no demolition should be permitted until a reserved matters application has been approved, and a contract for the construction of the dwellings entered into.
Environmental Health	Conditions will be required to ensure nearby properties are protected from noise and vibration during demolition.
Highway Engineer Transport for Greater Manchester	No objection. No objection as the demolition and redevelopment would improve passive surveillance of the tram line.
Greater Manchester Ecology Unit	The ecology survey and assessment report has recorded minor bat use of the Mill building by a relatively common species of bat ( <i>Pipistrelle</i> ). Therefore, subject to simple mitigation measures being conditioned for implementation (as described in the Ecology survey report) which would avoid any possible harm to bats, the conservation status of bats is capable of being maintained.

<p>Greater Manchester Police Architectural Liaison Unit Coal Authority United Utilities</p>	<p>The applicant should be advised that a protected species licence may need to be obtained from Natural England before undertaking any works that could cause harm to bats.</p> <p>Support the application since the building has become an attraction for anti-social behaviour.</p> <p>No objection.</p> <p>No objection subject to a requirement for a sustainable drainage scheme, including arrangements for the future management of the system.</p>
<p>LLFA and Drainage Ancient Monuments Society, Council for British Archaeology, Society for the Protection of Ancient Buildings (SPAB), Georgian Group, Victorian Society Association for Industrial Archaeology</p>	<p>No comments received.</p> <p>No comments received.</p> <p>It has to be regretted that this mill is now in such a condition that the only option available is its complete demolition. However, it should be a condition of any approval to demolish that there is an archaeological recording/historic building survey. It is noted that this may only be possible in respect of the exterior, given the unsafe nature of the interior. However it would be possible to use laser scanning for the interior.</p>

## REPRESENTATIONS

The application has been advertised by press and site notice and the occupiers of 85 properties in the vicinity of the site have been notified.

3 letters have been received from local residents expressing support for the application.

## PLANNING POLICY SETTING

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 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 designated as a Housing Allocation Phase 1 by the Proposals Map associated with the Joint Development Plan Document.

In respect of this specific application, DPD Policy 24 (Historic Environment) is of particular relevance.

The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest.

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.

In addition, Part 16 of the revised 2018 National Planning Policy Framework (NPPF) sets out guidance on the approach to be taken in considering proposals which would affect heritage assets.

Paragraph 189 states that *"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation"*.

It goes on to state at paragraph 190 that *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal"*.

At paragraph 191 it cautions that *"Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision"*.

Paragraph 192 requires local planning authorities to take account of:

*"a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness"*

It continues at paragraph 193, stating 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*. At 194 it states that *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of...grade II listed buildings...should be exceptional"*

Paragraph 195 states that *"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

*a) the nature of the heritage asset prevents all reasonable uses of the site; and*

*b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

*c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible"*

*d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

Finally at Paragraph 198, it concludes that *"Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred"*.

The NPPF is supported by Planning Practice Guidance. This includes guidance on 'Conserving and enhancing the historic environment'.

The guidance explains that 'significance' is important in decision-taking as heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.

A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

The guidance explains that *"the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places."*

Disrepair and damage and their impact on viability can be a material consideration in deciding an application. Any deliberate damage is not a material consideration.

In terms of considering future viable uses the planning guidance recognises that *"By their nature, some heritage assets have limited or even no economic end use... It is important that any use is viable, not just for the owner, but also the future conservation of the asset"*.

The guidance states that the evidence needed to demonstrate there is no viable use includes appropriate marketing to demonstrate the redundancy of a heritage asset. The aim of such marketing is to reach all potential buyers who may be willing to find a use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but redundancy will not have been demonstrated.

In terms of demonstrating public benefits the guidance states *"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress...Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits"*.

DPD Policy 24 states that the Council will conserve and enhance its heritage assets, including listed buildings, and will *"support heritage-led regeneration, including the reuse of historic buildings such as mills, to achieve economic, community and regeneration objectives where appropriate"*. It also states that *"There will be a strong presumption against proposals involving the demolition of listed buildings or structures"*

## **PLANNING CONSIDERATIONS**

### **Introduction**

The above policy considerations define clearly the context in which the application must be assessed. The conservation of buildings which are listed for their architectural or historic importance is of special significance, and where such loss is to be sanctioned, very strong justification will be necessary. In particular, circumstances will need to be

specific to the context of the building, its history, and the reality of its future prospects, if the underlying presumptions related to the significance and protection of listed buildings are not to be de-valued.

Firstly, the significance of the heritage asset must be identified, including its contribution to local character.

Secondly, the viability of alternative proposals or uses to sustain the heritage asset must be fully addressed, including the contribution it makes, and could continue to make, to support sustainable communities. This includes financial viability, assessment of alternative funding sources, and other benefits of bringing the site back into productive use.

### **Assessment of the value of the heritage asset**

The application is supported by a Building Appraisal prepared by Stephen Levrant Heritage Architecture in February 2014 and Heritage Statement, prepared by Archaeological Research Services (ARS) Ltd in November 2016.

The heritage statement assesses the significance of the assets as defined by Historic England's 2008 guidance document, "Conservation principles, policies and guidance for the sustainable management of the historic environment". The guidance identifies four values (evidential, historical, aesthetical and communal) that together amount to the significance of a place, and are addressed in the Heritage Statement:

#### Evidential Value

This relates to the potential of the asset to yield primary evidence about past activity.

A degree of evidential value rests on the nature of construction and style of the structure. In terms of the interior, the open space on each floor, the outline of where machinery would have been situated, and a small number of remaining fixtures give some evidential value.

However, this has been diminished due to the condition of the building and the removal of features and fixtures, the roof and floors are beginning to fail and the evidential value it possesses is gradually deteriorating. In addition, mill related features, such as reservoirs and workers' housing have been lost over time, further diminishing the evidential value of the building.

#### Historical Value

This relates to the ways in which the present can be connected through a place to past people, events and aspects of life.

The building is of some historical value; although it now stands in isolation from the industrial landscape of which it originally formed part.

Hartford Mill can be appreciated and understood as a cotton spinning mill from the early 20<sup>th</sup> century. However, due to the standardised plan, form and appearance, the survival of similar buildings in the area, and the aforementioned erosion of its setting; the mill is considered to be of local interest only.

The building does not demonstrate innovation in terms of construction or plan form, for instance in the use of concrete floor construction.

The building is of some historical value. Its second to fifth floors were probably used for cotton spinning, with the basement used for yarn storage and the final floor a card room. The engine house to the south of the site is recognisable through the decorative tiles that remain. To the east is the boiler room which has in situ Lancashire boilers. These reflect an early 20<sup>th</sup> century large-scale cotton mill.

However, the removal of original fixtures and features and the building's deterioration has harmed the historical value of the building. It is unsafe to enter and thus the internal layout will no longer be seen and the engine room, in addition to the boiler room, are not accessible. The understanding of the building is largely limited to the exterior which is in a state of disrepair. Similarly, the historical context of the Mill has been reduced within the surrounding, now cleared area.

### Aesthetical Value

This relates to the ways in which people draw sensory and intellectual stimulation from a place.

The mill has aesthetic value through its composition, massing, and views. However, its condition is notably poor as there are smashed windows, burnt/fractured staircases, leaking water resulting in shrubbery growth and fly tipping in the vicinity. The current poor condition of the building makes a prominent, but unsightly contribution. Therefore, it is likely that people derive negative sensory stimulation from the complex.

### Communal Value

This relates to the meanings of a place for the people who relate to it, or for whom it figures in their collective experience of memory.

The building is currently derelict, the surrounding site is vacant, and attracts anti-social behaviour in the form of fly tipping, trespass and vandalism. The mill continues to reflect an important element of the town's past; however, the decay and current state of the building have a negative impact on the portrayal of the site, and is adversely affecting the potential regeneration of the area.

In this regard, its communal value is greatly diminished.

In conclusion, overall the assessment has demonstrated that the site is of minimal evidential value; some historical value; and no likely aesthetical or communal value.

### **Condition of the building**

A Structural Assessment of the mill was undertaken in June 2017 and accompanies the application. Due to vandalism, degradation of the floors of the mill, and the confirmed presence of broken and loose asbestos, the inspection process and the extent of intrusive works has been severely restricted and was undertaken under strict control using full protective clothing, respiratory equipment, and subsequent recontamination.

The report concludes that due to its historic use as a mill, it could support the conversion to new commercial or residential uses. However, this is "***provided the structure were in good condition***". In fact, the degradation due to water ingress and vandalism would necessitate major remedial works. This includes the removal of asbestos-containing debris (alone estimated to cost in excess of £1M), repair of corroded brickwork and lintels, and significantly, an inspection of a proportion of filler joists close to the facade walls indicates that they have perished to a degree which leaves the affected area of floor at risk of collapse. This would require further intrusive works.

The Assessment concludes, that "***the building is unsafe and should not be accessed by any unauthorised person***".

This is due to:

- wide spread asbestos contamination;
- large, unprotected holes in the floors;
- collapse state of the roof and the potential for future failure;
- unsafe panels of floor slabs due to disintegration of the filler joists; and,

- the complete absence of window glazing.

Furthermore, it states that *“Due to widespread issue with the filter joists we suggest that the building is now beyond reasonable and economic repair. The potentially unsafe and extensive nature of the floor slabs provides a strong case for immediate propping throughout or urgent demolition”*.

## **THE CASE FOR DEMOLITION**

### **Regeneration options**

Hartford Mill is located within the North Werneth area which formed one of the former Housing Renewal Areas (HRA) for Oldham. However, its redevelopment was stalled following the demise of the HRA programme in 2011, along with the wider financial crisis.

The HRA Masterplan has been delivered in part with areas of clearance and some phases of the new development have been delivered by Keepmoat Homes on land to the east. However, this has been at the margins of viability.

A Development Framework Review (DFR) has subsequently been undertaken by Halliday Meecham Architects. This includes a review of the previous Housing Market Renewal Masterplan to assess its ongoing relevance in the post financial collapse climate; to re-visit the cost of repairs; review alternative uses and associated costs and consider the viability of alternative uses.

The report concluded that the overall objectives and conclusions of the previous Masterplan were still valid, in particular there should be ongoing promotion of the delivery of new homes and related amenities, alongside improvements to the retained housing stock.

It further concluded that the presence of Hartford Mill in its derelict state represents an adverse blight, not only to the immediate neighbourhood, but to Oldham more generally. This is particularly due to its prominent position adjacent to the Manchester to Oldham Metrolink line and Freehold tram stop.

An analysis of the prevailing property market was also undertaken to inform potential development options. Whilst the residential sector in Oldham is benefiting from year on year improvements in value, it is to a lesser extent than other parts of the Manchester conurbation. Affordability is the single most positive feature of the local market. Within Oldham there is also disparity with some areas outperforming others. Whilst the area around Hartford Mill has improved in recent years, it is still one of the cheapest areas within the borough and development viability in the post Housing Market Renewal climate has been challenging.

Keepmoat Homes has submitted a representation in relation to this application which concludes that further development of cleared sites within the area cannot go ahead whilst the future of Hartford Mill remains uncertain. This covers both adjacent sites with existing planning permission, and potential re-development of the site around Hartford Mill itself.

Demand for residential accommodation in this area is dominated by family housing, in particular houses with 3 bedrooms and above. However, such a profile does not sit comfortably with a mill conversion that would be more likely to offer apartment accommodation.

The potential for commercial development of any substantial scale at this location is severely limited and would be against general trends. There is a good supply of ready to occupy commercial premises in and around this neighbourhood, including other nearby mills. The last 25 years plus of marketing have not produced any interest for commercial or industrial use.

The site's distance from major arterial routes does not make it attractive for modern industrial or major office use on the scale that would be offered within Hartford Mill. Despite



its former industrial use, the site suffers from poor access via Block Lane. Consequently, without identifying alternative access via third party (council owned) land, it is unlikely that any new use would obtain planning approval on highways grounds alone.

### **Alternative funding**

Housing Market Renewal funding was prematurely withdrawn for this area, but even before then despite a successful CPO across the area, the Council had decided not to vest Hartford Mill because it could not identify a viable use for the site. Subsequent discussions with the Homes and Communities Agency (The government agency tasked with promoting housing development throughout England, now rebranded as Homes England) were also unable to identify funds to bridge the large funding gap that would enable development to go forward. There was also the issue of a lack of demand for either the quantum of commercial space that would be brought to the market or the number of apartments the building would yield.

Likewise, Historic England (HE) has seen a reduction in resources and in consequence directs any available funding to buildings of grade 2\* and above. Hartford Mill is therefore not eligible for HE assistance.

There has been no interest from charities, not least due to the scale of the project, both in terms of the funds required and the space it would deliver for which there is no identified demand.

Historic England, in its consultation response, recognises that conservation by grant-funding or some form of not for profit, charitable or public ownership is not possible due to the scale of the conservation deficit.

### **Potential alternative use of the building**

Since the mill's last use in the early 1990s, the site has been marketed for use in its current form and for redevelopment. There has been no deliverable interest in taking the site for industrial or commercial use, no scheme for its redevelopment for other uses has proven viable. Costs have risen faster than values, rendering viability ever more difficult.

As part of the Development Framework Review (DFR), a series of redevelopment scenarios have been tested, including retaining the mill for a range of uses. This assessment covered industrial, residential, office, residential with offices, managed workspace and residential led mixed use.

All the options included using the Council-owned land running between the mill and Edward Street as this land is essential to achieve suitable access to the mill site.

In each scenario, the cost of repair of the Mill has been factored in, with a range of costs between £15.3 million and £16.9 million being identified.

The residual development appraisals show negative values ranging from £14.15 million for a mix of residential and office uses, to £24.87 million for a managed workshop scheme. As a consequence, it is concluded that it is inconceivable that a re-use of the building is possible on a commercial basis.

The Mill has a very deep floor plan making it difficult to sub-divide for use as smaller units or residential use without a substantial atrium being constructed through its core; a costly intervention made more problematic by the state of the concrete floor. Any scheme for retention of the mill faces costs in the region of £6 to 7 million simply to achieve a wind and watertight shell.

The DFR concludes that there is no immediate or long term prospect of values increasing to an extent that redevelopment of the mill would become viable. Commercial or residential values would need to exceed those currently being achieved in the centre of Manchester.

At present, the gap between cost and value is widening; nationwide build costs are rising fast but locally values are moving slowly. The appraisal analysis contained in the DFR sets out the costs and values associated with several potential development scenarios, none of which come close to viability.

Setting aside the high costs of conversion, in terms of the supply of office/commercial accommodation in the area, both the immediate area and wider Oldham area can demonstrate a supply of existing ready to occupy unlet space and new build sites, without the need to convert Hartford Mill.

For a residential conversion, there is no evidence of demand for apartments on the scale necessary to persuade a developer that such a scheme would be successful given the demand in this locality is predominantly for family homes with gardens.

The scale of the mill (circa 50,000 sq ft per floor) has been a significant barrier to finding alternative uses. The deep plan nature of the floors restricts cellular conversions for either office or residential use. There are nevertheless examples of mills in Oldham and beyond whose longevity has been expanded by the introduction of alternative uses.

However, any such alternatives must be considered in the context of the present condition of the mill, and the assessment of whether viable interventions could be introduced to overcome those deficiencies.

### **Development options following demolition**

Taking into consideration the previously identified restrictions and likelihood of potential demand for commercial re-development of the site, the Development Framework Review (DFR) assessment concentrated on possible returns from a residential scheme following the demolition of the Mill.

This option considered a development of 65 houses (at a density of 40 per developable hectare), along with a linear public park improving access to the Freehold tram stop, and concluded, as a high level appraisal, that such a scheme would generate a Gross Site Value of £500K, from which there is a need to deduct certain abnormal costs to include demolition, cut and infill, an allowance for site remediation and service diversions. Such costs will substantially exceed the gross land value.

Since the DFR was commissioned, the owner has obtained further quotes for asbestos removal to be completed at the same time as the demolition and this brings the costs down significantly from the £1.1 Million originally quote.

To offset the financial costs, options for supportive grant funding would be considered.

Homes England have a number of grant funding opportunities to further improve viability and North Werneth, with its historical investment, close proximity to a sustainable transport system and on brownfield land is a strategic location that they would be willing to support. Further opportunities for funding are likely to become available as the government push towards their target of delivering 300,000 new homes per year. Specific opportunities currently on the table include:

**Housing Infrastructure Fund** - This is a fund for Local Authorities for sites which require enabling, remediation and infrastructure investment. HIF grant funding provides the final, or missing, piece of infrastructure funding to get additional sites allocated or existing sites unblocked quickly. Funding is available in two pots – Marginal Viability Fund (up to £10 M) and Forward Fund (up to £250 M). A bid was made in late 2017 to the Marginal Viability Fund, but until permission is obtained to demolish, it's unlikely that the council would be able to meet the grant funding criteria.

**Shared Ownership and Affordable Homes Programme** – This provides funding for the delivery of new affordable homes and can provide around £40,000 (or higher in certain circumstances) of grant per property. Decisions on funding can be obtained quickly through

Continuous Market Engagement once schemes are ready to be delivered and Homes England have already provided grant support in North Werneth.

### **Housing delivery**

The site is allocated within the Joint DPD for housing under Saved UDP Policy H1.1.27 as a phase 1 housing development. The site is also within the Oldham Strategic Housing Land Availability Assessment (SHLAA) and was moved from the five year supply to the post five year supply because of the current constraints to delivery. Demolishing the mill would bring the site forward.

North Werneth is a former Housing Market Renewal Intervention Area. To date, two phases of development have been delivered by Keepmoat Homes at North Werneth, comprising some 109 homes. Of these, 57 were sold on the open market, with the remainder sold for affordable housing.

This has left some 3 hectares of cleared sites in Council ownership ready to be developed. However the land for these final phases are blighted by the presence of the derelict Hartford Mill that dominates this part of the site, and affects its viability. The mill covers a further 1.8 hectares which will also be developed for new homes should permission be secured to demolish. Whilst development in North Werneth is marginal, viability wise Keepmoat Homes has proved that there is a market for new homes in the area, and this will only improve should permission be obtained to demolish.

The stalled, already cleared sites in the immediate vicinity have a capacity to deliver circa 122 new homes, and the mill site itself a further 65 along with new open space, and improved access and visibility to the Metrolink station.

The Council's development partner for the stalled sites has indicated that they would be able to bring forward their sites if the mill were demolished and the site cleared. The company has also indicated interest in acquiring the resultant cleared site. The fact that this site is preventing other sites coming forward to meet the Council's housing land requirements and regenerate the area, makes this a unique case.

The Council is therefore confident that once the mill is demolished and the site cleared, there would be sufficient interest to ensure that beneficial development would follow. However, due to the cost involved in bringing forward a detailed planning application (in excess of £250,000), developers have been unwilling to commit to this exercise without the certainty that the mill will be demolished.

In light of the above, the site if demolished would meet the 'Deliverability' test of NPPF:

- The site once demolished would be available for development.
- The site is a previously developed site and is located in a sustainable location, adjacent to a tram stop and bus routes with good access to key services.

Approval of outline planning application PA/342255/18 is also recommended in association with this proposal.

### **Adverse impact on the local area and socio-economic well-being**

Werneth is amongst the most deprived neighbourhoods within the borough and has been prioritised by the council for regeneration since the late 1990s. Some improvements were carried out under the Housing Market Renewal initiative but, after its demise, the much needed regeneration of the area in the immediate vicinity of the mill stalled for several years leaving cleared sites undeveloped, creating a general air of neglect. Whilst sites further away from the mill have been developed, those in its shadow remain vacant, deprivation still exists and needs to be addressed. The loss of the mill can be justified to deliver real and tangible benefit to the people who live in its shadow.

The negative impact on the social and economic well-being of the people and businesses

within the local and wider area is the key driver for seeking demolition. The condition of the mill deters investment and presents a negative image of the local neighbourhood and given that it is a 'gateway' to Oldham, it impacts the borough as a whole.

A public consultation event was held in December 2016, it was attended by 53 local residents. Respondents stated that the mill had a negative impact on the area, is an eyesore, a magnet for anti-social behaviour, attracts vandalism and fly tipping and is a dangerous structure. In effect it highlighted the concern regarding the mill and the increasing blight it cast over the wider area.

There has been a death on the site as well as a range of anti-social behaviour from drug use to fire setting as well as the disturbing habit of 'selfie' taking on its roof.

Despite the approved change of use in 2013 and subsequent confirmation of the CPO, the hoped for catalyst for Hartford Mill being brought back into use was not forthcoming.

### **Extent of anti-social behaviour**

The mill has suffered the deterioration that occurs when there is no natural surveillance through ongoing occupation. The Mill, and the land which surrounds it, covers 1.72 hectares and whilst it is fenced and patrolled by a security company, it is impossible to deter determined intruders.

The ground floor windows have been boarded frequently, but determined intruders still get into the building; vandalism, damage and anti-social behaviour continue within the site; and inside the building, including organised fly tipping by a criminal gang who removed the gate lock and replaced it with their own to facilitate easy access.

The owner has investigated boarding up all window openings, but is not in a position to afford a compliant scheme for boarding a listed building.

Fly-tipping in the mill yard presents an ongoing danger to trespassers and legitimate visitors to the site (including security staff and emergency services). There is evidence of drug taking (discarded sharps) and rough sleeping.

The mill is immediately adjacent to both family homes on Ridings Way and the Freehold Community Academy (primary school). Both the residents and the School Head have expressed concern on several occasions regarding the unauthorised activities that take place on the site.

In 2015, there was a death as a result of a person falling from the roof of the building. There is also evidence that as a result of its new prominence and accessibility via Metrolink, a craze for taking selfies on the roof and posting them on social media has led to a number of youths travelling to the site from across Greater Manchester.

The police consider the danger to be so high that they have deployed officers at the Freehold stop to escort youths back onto the trams after warning them of the dangers of entering the site.

The District Superintendent for Greater Manchester Police has written specifically in support of the application noting the need for the Police to respond to numerous reports of anti-social behaviour, including the aforementioned death. The on-going situation represents a danger to Police Officers and other emergency services that may need to enter the building to deal with incidents.

These views are reflected by the area Borough Commander for Greater Manchester Fire & Rescue Service who similarly notes that need to attend numerous incidents, including 58 in the last 3 years, and the danger this places on his officers.

Local residents are concerned for their children who play nearby (there is a designated play area in the vicinity) and by the attraction the building has for more serious anti-social

behaviour. These many concerns have also been highlighted by the local MP, Jim McMahon.

## **Ecology**

The application is accompanied by an Ecological Survey and Assessment which looked at both the mill building and surrounding open land with surveys carried out between May and September 2017. The land surrounding the mill is colonised by unmanaged rank neutral grassland with some self-seeded willow and birch specimens.

The site has no statutory or non-statutory designation for nature conservation and does not contain any Priority Habitats. With the exception of the bat survey referenced below, no protected species were identified.

Hartford Mill has been assessed as having no suitability for bats which are known to roost in voids, such as brown long-eared, and to be of low suitability for use by crevice dwelling species, such as common pipistrelle. However, a survey in August 2017 identified two common pipistrelle bat day roosts on the mill.

Consequently, an appropriate Natural England Licence will be required to legally proceed with the works and destroy the roosts. However, it is considered that the three tests of the Conservation of Habitats and Species Regulations 2017 can be met, and therefore, planning permission in respect of the mill could be granted, subject to the developer satisfying other necessary legal requirements.

## **CONCLUSION**

As stated earlier, the tests for determining whether consent should be granted for demolition of a listed building are ones which require careful consideration prior to reaching a conclusion that the legislative and policy requirements have been met.

The loss of this landmark structure would be highly regrettable. However, there are a number of factors which are of identified significance in this assessment which support the proposal.

It has been demonstrated that, whilst Hartford Mill is a building of historical significance, it is not a unique example of its kind in terms of its construction, design, or historical links. This by itself is not a justification for the loss of the building; however, the reality of the building's condition, and its likelihood of viable re-use must also be carefully considered.

The wider context of the historic development of the cotton industry at the site has long since disappeared and the building stands in isolation.

The building has been vacant for over 25 years, during which time its condition has deteriorated, and market conditions have not resulted in viable re-use opportunities coming forward. Further consideration has been given to varying options for re-use; however, it is clear that none of these would obtain a return sufficient to entice development of the site. Indeed, no viable options for re-use have been identified which would provide a positive return, nor is it likely that such a return could be achieved in the foreseeable future.

Furthermore, the continuing deterioration of the building reduces its chances of productive re-use.

The specialist assessments of the building's condition which accompany the application clearly illustrate that the conservation deficit has reached a point where the on-going damage and deterioration of the structure, including the presence of asbestos, would both add to the costs of any renovation, but may necessitate the introduction of substantial modern construction to provide support for the failing structural features inherent in the building.

In this context, it is nevertheless necessary to establish whether there are substantial public

benefits which would outweigh the intrinsic harm resulting from the building's loss.

In this regard, the continued presence of the Mill building demonstrably detracts severely from the local area and from the amenity of the wider community. For local residents, the building represents an unsightly feature which dominates the immediate area. Furthermore, the local community is faced with the consequences of the anti-social behaviour which regularly blights the area. For the emergency services, lives are potentially put at risk in continually responding to incidents at the mill.

Furthermore, as demonstrated through the conclusions of the Development Framework Appraisal, along with the views of the nearby developer which has stalled its own investment in the area, and the lack of support funding or wider investor interest, the continued presence of the building not only prevents redevelopment of the site, but undermines confidence in the wider locality.

This impact is reflected wider once it is recognised that the site occupies an importance gateway into the Borough. The introduction of the Metrolink tramline has provided easy, quick and frequent access towards the regional centre. Unfortunately, the mill building presents a vision of the Borough which inevitably would deter wider investment and business confidence. This undermines local pride, and deters people who may choose to live in the area.

Both the development of this site, and the benefits which would accrue from development of adjacent sites, would also assist in facilitating the provision of much needed family housing in a highly sustainable location.

Having taken into consideration all relevant factors, it is concluded that on balance the benefits associated with the demolition of the heritage asset would outweigh the loss, recognising that this balance is tipped by the identified limitations on the viability of the building's potential future use.

A "Buildings at Risk Assessment" completed in 2016 has stated that Hartford Mill is "At Risk" and is "facing the most serious threat as a result of vacant occupancy and very bad condition... The cost of retaining the building and/or converting it to an alternative use would be prohibitively expensive".

It is evident that the condition of the mill is unlikely to ever be restored due to the cost and lack of viability of doing so. No viable re-use for the mill can be found. The gap between the cost and value is increasing over time. Therefore the mill is likely to continue to deteriorate and continue to attract negative behaviour and a negative image of Oldham.

Historic England has similarly recognised that a strong case for demolition has been presented, and has therefore raised no objections to the application subject to ensuring, in accordance with NPPF paragraph 198, that "Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred".

For this reason, it has been recommended that the following conditions are imposed in order to comply with the policy requirement.

"No demolition shall commence until:-

- a) Reserved matters pursuant to outline planning permission PA/342255/18 have been approved by the Local planning Authority; and
- b) A contract for the construction of the dwellings approved by planning permission PA/342255/18 has been submitted to and approved in writing by the local planning authority in consultation with Historic England and subsequently entered into and a copy of the completed contract provided to the local planning authority".

Officers recognise the approach set out by Historic England correctly reflects an important requirement in ensuring the justification for permitting demolition, particularly where this is largely founded on the regeneration benefits of such demolition, and must engage

safeguards to ensure this is carried out. This is the approach followed in the officer's recommendation.

It is nevertheless recognised that, having regard to the evidence presented in support of the application, that this may create a 'catch 22' situation, whereby difficulties may continue to occur in attracting a developer prepared to submit the necessary application and enter into the required contract, whilst the mill building remains in situ.

Furthermore, members may consider that, having regard to all the factors presented above, the benefits of demolition of itself still outweighs the harm resultant from the loss of the heritage asset in terms of the potential amenity and environmental benefits to the area.

## RECOMMENDATION

In accordance with the requirements of the 'Arrangements for Handling Heritage Applications – Notification to the Secretary of State (England) Direction 2009', since the application involves "works for the demolition of any (Grade II unstarred) principal building", no such determination can be taken without first notifying the Secretary of State.

It is therefore recommended that Committee resolves to grant listed building consent subject to the conditions below and to referral of the application to the Secretary of State for his consideration.

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby approved shall be carried out in accordance with the details indicated on the 1:1250 scale location plan received on 28 August 2018.

Reason – For the avoidance of doubt

3. No demolition of Hartford Mill shall commence until:-

- a) Reserved matters pursuant to outline planning permission PA/342255/18 have been approved by the Local planning Authority; and
- b) A contract for the construction of the dwellings approved by planning permission PA/342255/18 has been submitted to and approved in writing by the local planning authority in consultation with Historic England and subsequently entered into and a copy of the completed contract provided to the local planning authority.

Reason – To ensure that the public benefits associated with the demolition of the mill can be achieved to meet the requirements of the Planning (Listed Building & Conservation Areas) Act 1990 and to accord with paragraph 198 of the National Planning Policy Framework.

4. Prior to the commencement of any works of demolition, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the demolition works are commenced, and shall be maintained for the duration of the demolition works.

Reason – In order to protect the amenity of neighbouring residents.

5. No works of demolition shall commence until further bat activity surveys have been undertaken by suitably qualified consultants to determine the presence or otherwise of bats utilising the building, and that all necessary legislative steps have been taken to demonstrate that no harm will be caused to the protected species.

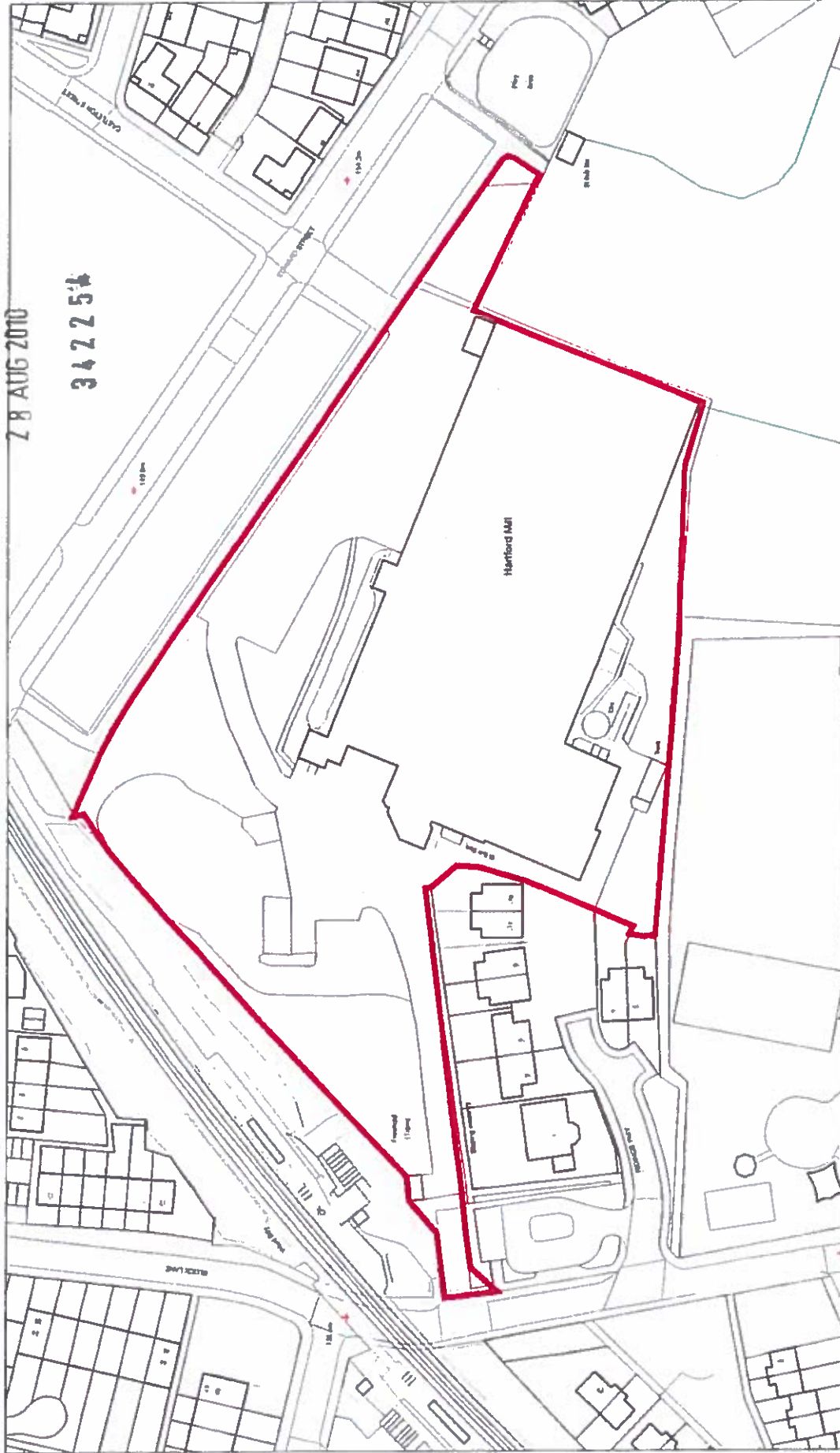
Reason – In order to ensure no harm to bats which are a protected species under the provisions of the Wildlife & Countryside Act 1981.

6. No works of demolition shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority, and a copy of the investigation findings have been submitted to and approved in writing by the Local Planning Authority.

Reason – In order to ensure that a satisfactory historical record of the building has been obtained prior to the loss of the heritage asset.



Hartford Mill



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Hartford Mill

Drawn by:	JW
Division:	
Drawing no:	
Date:	15:01:18
Scale:	1:1250

Oldham Council  
 Civic Centre  
 West Street  
 Oldham  
 OL1 1UT



**Oldham**  
Council



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App 2

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Planning Committee, 16 January, 2019

**Registration Date:** 01/10/2018  
**Ward:** Werneth

**Application Reference:** PA/342255/18  
**Type of Application:** Outline Planning Permission

**Proposal:** Outline planning application for residential use at Hartford Mill and surrounding land at Block Lane and Edward Street. All matters reserved. Submitted in conjunction with LB/342254/18 seeking consent to demolish a listed building at Hartford Mill.

**Location:** HARTFORD MILL, Block Lane, Oldham, OL9 7SX

**Case Officer:** Graham Dickman

**Applicant** Oldham Council  
**Agent :**

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## THE SITE

This application relates to 3.24 hectares of land located 1.5km to the west of Oldham town centre. The site is dominated by the large Grade II listed Hartford Mill which occupies a central position on the site, which otherwise contains large areas of vacant, cleared land and natural vegetation. Land levels fall gradually in an east to west direction.

The scale of the building ensures that it dominates the surrounding townscape; its presence increased by the undeveloped land to the north and east/south-east. In particular, the building is highly visible from the Metrolink tram line, and Freehold tram stop, which occupies an elevated position immediately to the north-west of the site.

A small housing estate of two-storey dwellings, Ridings Way, adjoins the site immediately to the west, with the modern, single storey buildings of Freehold Community Academy located to the south-west. Across the presently open land to the east are residential properties on Milne Street, Tamworth Street, and Edward Street. A more modern housing estate lies across Edward Street to the north-east.

## THE PROPOSAL

This is an outline planning application for residential development with all detailed matters reserved for subsequent approval. The proposal is submitted in conjunction with a Listed Building Consent application (LB/342254/18) seeking listed building consent to demolish the listed Hartford Mill.

Indicative layouts have been submitted. However, these do not form part of the application.

The following supporting documents have also been submitted with this application:

- Transport Statement
- Flood Risk Assessment
- Phase 1 Contamination Survey
- Ecological Survey and Assessment
- Building Appraisal
- Structural Assessment
- Heritage Statement

## RELEVANT PLANNING HISTORY OF THE SITE:

LB/342254/18 – Complete demolition of a listed building at Hartford Mill in association with proposed outline application for residential development (PA/342255/18). Pending determination.

PA/333994/13 and LB/333995/13 - Installation of 6 antennas, 2 equipment cabins, and ancillary development. Planning permission and Listed building consent granted 23 July 2013.

PA/051333/06 - Outline application for residential development and associated works. All matters reserved. Approved 30 June 2006.

PA/051332/06 - Change of use from industry to residential accommodation and associated works. Approved 30 June 2006.

## CONSULTATIONS

Highway Engineer	No objections subject to a condition requiring the approval of reserved matters to include detailed measures to ensure adequate highway and drainage standards.
Environmental Health	Conditions will be required in respect of the need for a landfill gas and land contamination assessment; to ensure nearby properties are protected from noise and vibration during demolition; and for measures to reduce air pollution by enabling charging of plug-in and other ultra-low emission vehicles.
The Coal Authority	No objection subject to the imposition of a pre-commencement condition to secure the undertaking of intrusive site investigations, prior to the commencement of development, to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site.
LLFA	No comments received.
Greater Manchester Ecology Unit	The ecology survey and assessment report has recorded minor bat use of the Mill building by a relatively common species of bat (Pipistrelle). Therefore, subject to mitigation measures being conditioned for implementation (as described in the Ecology survey report) which would avoid any possible harm to bats, the conservation status of bats is capable of being maintained. The applicant should be advised that a protected species licence may need to be obtained from Natural England before undertaking any works that could cause harm to bats.
Greater Manchester Police Architectural Liaison Unit Historic England	A Crime Impact Assessment will be required as part of any detailed application. Whilst the loss of this landmark structure is highly regrettable, it is recognised that there are a number of issues relating to the retention and reuse of the building which create a huge conservation deficit.

Should permission be granted, this should be subject to achievement of the public benefit associated with redevelopment of the site and therefore no demolition should be permitted until a reserved matters application

United Utilities

has been approved, and a contract for the construction of the dwellings entered into.

No objection subject to the site being drained on separate foul and surface water systems, with conditions to ensure the submission of a full drainage scheme based on sustainable drainage principles.

Transport for Greater Manchester

No objection in principle. The development should improve passive surveillance at the Freehold tram stop, and the layout should be designed to improve access. Conditions are recommended in relation to the need for a Travel Plan, a Construction Management Plan, controls on works in proximity to the tram line, sound insulation of proposed houses, and adequate boundary fencing.

## REPRESENTATIONS

The application has been advertised by press and site notice and the occupiers of 85 properties in the vicinity of the site have been notified.

4 written representations have been received raising the following issues:

- The mill attracts anti-social behaviour and fly-tipping and its demolition would be welcomed;
- The impact of family homes on school places should be considered;
- The design and relationship to existing houses needs consideration;
- The access position from Edward Street should be re-thought.

## PLANNING POLICY SETTING

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

The majority of the site is a saved Unitary Development Plan (UDP) Phase 1 housing allocation which is included in the adopted DPD (reference H1.1.27 Hartford Mill/Land off Milne Street, Oldham). The site also incorporates land beyond the allocation boundary to include two cleared sites (formerly terraced properties) along Edward Street, and land bounding the tram line.

The following policies are considered relevant:

:

- Policy 1 - Climate change and sustainable development
- Policy 2 - Communities
- Policy 3 - An address of choice
- Policy 4 – Promoting Sustainable Regeneration and Prosperity
- Policy 5 - Promoting accessibility and sustainable transport options
- Policy 6 – Green Infrastructure
- Policy 9 - Local Environment
- Policy 10 – Affordable Housing
- Policy 11 - Housing
- Policy 13 – Employment Areas
- Policy 14 - Supporting Oldham's Economy
- Policy 17 – Gateways and corridors

Policy 18 – Energy  
Policy 19 – Water and Flooding  
Policy 20 – Design  
Policy 21 – Protecting Natural Environmental Assets  
Policy 22 – Protecting Open Land  
Policy 23 - Open spaces and sports.  
Policy 24 – Historic Environment  
Policy 25 – Developer Contributions

Saved UDP Policy

D1.5 - Protection of Trees on Development Sites

## **PLANNING CONSIDERATIONS**

### **Principle of Development**

The National Planning Policy Framework (NPPF) notes the purpose of the planning system to contribute to the achievement of sustainable development which comprises 3 overarching objectives – an economic objective, to ensure that sufficient land of the right types is available in the right places and at the right time to support growth; a social objective, supporting strong, vibrant and healthy communities by providing sufficient homes to meet the needs of present and future generations, with accessible services and open spaces; and an environmental objective, contributing to the protection of the natural, built and historic environment.

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

Annex 2 of the NPPF defines "previously developed land" as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure, noting that it should not be assumed that the whole of the curtilage should be developed.

Policy 1 also states that planning applications for residential development will be permitted where the site is allocated for residential development and has come forward in line with the council's approach to phasing.

The site is a Phase 1 housing allocation and therefore the principle of residential development in this location is considered acceptable. It is within a former Housing Market Renewal area and has previously been granted outline permission for residential development subject to legal agreement (PA/051333/06).

The site is also included in the Council's Strategic Housing Land Availability Assessment (SHLAA) and the Brownfield Register, indicating that it is considered suitable, available and achievable for residential development. Whilst appearing in a SHLAA does not automatically infer that permission will be granted for housing, its inclusion in this, along with its allocation in the Local Plan, is a reflection of the support for the site as housing land.

DPD Policy 3 similarly gives preference to the use of previously developed sites for residential development and notes that the availability of such land, both in the locality and boroughwide, as assessed by the Council's monitoring arrangements, will be the first consideration when determining applications on greenfield sites. This Policy also clarifies the Council's aims to promote development in sustainable locations.

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

(i) a deliverable 5-year supply of housing land cannot be demonstrated,

(ii) it contributes towards the delivery of the borough's regeneration priorities, or,  
(iii) it contributes to the delivery of affordable housing that meets the local affordable housing needs.

The majority of the site has previously been identified for future housing development covering the site of the mill and its curtilage, and includes land beyond the allocation boundary comprising two cleared sites (formerly terraced properties) along Edward Street, and land bounding the tram line.

The development of the site would provide much needed housing investment on a previously developed site which will assist the Council's housing land supply position.

Policy 11 requires new residential development to deliver a mix of appropriate housing types, sizes and tenures. These details will form part of a subsequent reserved matters application.

### **Sustainable location**

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

The proposal would be considered to be major development which, according to policy 3, should have access to at least three key services. The site has access to at least four key services, including Freehold Academy, Werneth Primary Care Centre, the Dog Inn, and nearby employment areas and retail outlets.

DPD Policy 5 requires major development to achieve 'high accessibility' as a minimum which is defined as being within approximately 400m of a frequent bus route or approximately 800m of a rail station or Metrolink stop.

The site is adjacent to Freehold Metrolink station, and within 400m of frequent bus routes operating along Edward Street, Block Lane, and Manchester Street providing services to Oldham, Manchester, and Middleton. It therefore comprises a highly sustainable location and accords with this policy.

### **Contribution to affordable housing**

DPD Policy 10 states that all residential development of 15 dwellings and above will be required to provide an appropriate level of affordable housing provision, with the target being 7.5% of the total development sales value to go towards the delivery of affordable housing, unless it can be clearly demonstrated that this is not viable. This is expected on-site unless there are exceptional circumstances that would justify the acceptance of off-site provision or a financial contribution in lieu of provision.

As the application is for outline permission, no precise detail on the type of housing to be offered has been submitted. However, the development would be expected to provide an appropriate contribution to affordable housing, unless the applicant can clearly demonstrate that this is not feasible given the financial constraints on development of the site.

### **Open space provision**

DPD Policy 23 seeks to protect, promote and enhance existing open space in the borough. The policy sets out six circumstances where the loss of open space will be permitted. The application does not function as open space.

There is a small play area to the east of the site. However, this falls outside the proposed development boundary. This is identified in the Council's Open Space Study as 'Edward St.

play area' with a quality rating of 75%.

To have sufficient provision of open space, an area should meet the provision standards for quality, quantity and accessibility per 1000 population. The "area" this refers to the Lower Super Output Area (LSOA) in which the application site is located. The LSOA is a geographical unit in which there is a population of 1000 people. If a site is deficient in at least one of the quality, quantity and accessibility standards of a type of open space it should be classed as 'deficient' in that open space type. An assessment of open space in the area shows that there is a deficiency (in relation to accessibility, quantity or quality) in all types of required open space except provision for young people.

As part of the detailed application it will need to be determined if there is an acceptable amount of space for the scale of the development and the additional residents that this will generate. If this open space is not seen to be sufficient, an additional financial contribution may also need to be offered, in line with the standards set out in Policy 23 and the Council's Interim Open Space Planning Position Paper (2012). Further detail on this can be provided once an assessment has been undertaken on the sufficiency of the proposed open space and when it is known how many bedrooms the development is likely to provide at Reserved Matters stage.

### **Highways and Access Issues.**

The application is supported by a Transport Statement which has considered the accessibility of the site, and the impact of potential traffic flows on the highway network.

The report concludes that the development will have minimal impact on the operation of the local highway network and that safe and efficient access to the site can be achieved. It also notes that the site is located within a sustainable area, with day to day amenities in the vicinity, existing and new pedestrian routes will serve the development, and it benefits from easy access to the Freehold Metrolink tram stop and local bus routes.

It is important that the final layout has due regard to the tram stop and to other public transport options in the locality for both existing and new residents, and serves to encourage and facilitate use of sustainable transport modes. This will be addressed at Reserved Matters stage. A Travel Plan will consequently also be a requirement of any detailed application.

Transport for Greater Manchester has also assessed the likely trip generation and concluded that this would exceed that set out in the Transport Statement. Therefore, it has referred consideration back to the Council to determine whether further assessment work is required. However, the Council's Highway Officer supports the findings in the Statement, and raises no objections to the application subject to full details of access, the Travel Plan, parking, and drainage being provided as part of the reserved matters submission.

Consequently, there is no evidence to suggest that the development cannot be adequately accommodated on the local highway network.

### **Amenity issues**

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. Policy 20 requires that new development should have regard to local character, safety and inclusion, diversity, ease of movement, legibility, adaptability, sustainability, designing for future maintenance, good streets and spaces, and well-designed buildings.

Paragraph 127 of the NPPF further requires that new development achieves a high standard of amenity for existing and future users.

The site is located within a primarily residential setting and therefore would represent an



appropriate land use in this context. Furthermore, the removal of the existing derelict mill building and enhancement of the associated open areas which are subject to anti-social behaviour would of itself substantially enhance the day to day experiences of nearby residents.

The application is in outline form with all detailed matters reserved, and therefore direct impacts on neighbouring properties cannot be assessed at this stage. However, it is evident that sufficient land is available to ensure that future relationships between buildings can achieve a satisfactory standard of amenity for both existing and future residents.

Development of the site will necessitate the demolition of the existing mill building. This is a large structure and the undertaking of such works has the potential to create significant disturbance for local residents. For this reason, it is considered necessary that any approval includes a requirement for a demolition methodology to be submitted and approved before such works commence.

### **Trees and Ecology**

DPD Policy 6 indicates that developments should promote and enhance the borough's Green Infrastructure network, which includes areas of open space.

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

The application is accompanied by an Ecological Survey and Assessment which looked at both the mill building and surrounding open land with surveys carried out between May and September 2017. The land surrounding the mill is colonised by unmanaged rank neutral grassland with some self-seeded willow and birch specimens.

The site has no statutory or non-statutory designation for nature conservation and does not contain any Priority Habitats. With the exception of the bat survey referenced below, no protected species were identified.

Hartford Mill has been assessed as having no suitability for bats which are known to roost in voids, such as brown long-eared, and to be of low suitability for use by crevice dwelling species, such as common pipistrelle. However, a survey in August 2017 identified two common pipistrelle bat day roosts on the mill.

Consequently, an appropriate Natural England Licence will be required to legally proceed with the works and destroy the roosts. However, it is considered that the three tests of the Conservation of Habitats and Species Regulations 2017 can be met, and therefore, planning permission in respect of the mill could be granted, subject to the developer satisfying other necessary legal requirements.

On this basis, the Greater Manchester Ecology Unit has raised no objections to the development.

Landscaping forms part of the reserved matters for subsequent approval. Whilst established trees on site comprise self-seeded, unmanaged specimens, a future application will be required to demonstrate that appropriate measures have been adopted to ensure the protection and incorporation of existing greenery where this contributes to the existing environment, or the amenity of neighbouring residents.

### **Drainage and Flood Risk**

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.

A Flood Risk Assessment has been submitted in association with the application. The site has been identified as falling within Flood Zone 1 with the lowest probability of flooding. It is however recommended that a sustainable drainage system is incorporated into the development.

### **Demolition of the Listed Building**

Justification for the demolition of the Grade II listed Hartford Mill is set out in detail in the report associated with the application for listed building consent (LB/342254/18) which is also included on this Committee agenda, and is applicable to the determination of this application.

### **Conclusion**

Based on emerging requirements for housing delivery, it is likely that the borough will have a shortfall of housing land. The site is allocated for housing in the current Local Plan and is included in the 2018 SHLAA. The site also still has to be assessed against relevant policy – in particular in this case, policy and legislation relating to the demolition of a listed building, and alongside the criteria included in the presumption in favour of sustainable development. This has been appropriately demonstrated in the accompanying application for listed building consent

The developer is required to provide affordable housing on a development of this scale and will need to provide further information in line with Policy 10, either setting out the affordable housing provision that will be made or a clear demonstration as to why it is not viable to provide affordable housing in this instance.

Having balanced all relevant planning considerations, it is concluded that the proposal will make a significant contribution towards the regeneration of this area of Oldham, and has the potential to act as a catalyst for further regeneration initiatives in the vicinity and the wider borough. The proposed use can be accommodated without any negative impacts in respect of traffic generation and local amenity, and in fact is likely to lead to an improvement in access to public transport and the local environment.

It is therefore considered that the scheme is in accordance with relevant local and national planning policies, and is consequently recommended for approval.

### **RECOMMENDATION**

It is recommended that Committee resolves:

1. To approve the application subject to the following conditions and to the applicant entering into a Section 106 agreement in relation to ensuring appropriate contributions towards affordable housing and public open space, and
2. To authorise 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 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. Approval of the Reserved Matters of 1) Access 2) Appearance 3) Landscaping 4) Layout and 5) Scale shall be obtained from the Local Planning Authority in writing before any development is commenced and the development shall be carried out as approved.

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

3. The development hereby approved shall be carried out in respect of the site indicated on the Location Plan reference 5124-HMA-HM-L0-DR-A-00001 received 28 August 2018.

Reason – For the avoidance of doubt

4. No demolition of Hartford Mill shall commence until:-

- a) Reserved matters pursuant to outline planning permission PA/342255/18 have been approved by the Local Planning Authority; and  
b) A contract for the construction of the dwellings approved by planning permission PA/342255/18 has been submitted to and approved in writing by the local planning authority in consultation with Historic England and subsequently entered into and a copy of the completed contract provided to the Local Planning Authority.

Reason – To ensure that the public benefits associated with the demolition of the mill can be achieved to meet the requirements of the Planning (Listed Building & Conservation Areas) Act 1990 and to accord with paragraph 198 of the National Planning Policy Framework.

5. Any application for the approval of reserved matters in respect of the Layout of the development shall be accompanied by the following information:

- (i) a full site survey showing:
- the datum used to calibrate the site levels
  - levels along all site boundaries
  - levels across the site at regular intervals
  - floor levels of adjoining buildings
- (ii) where known, full details of the proposed finished floor levels of all buildings and proposed levels for external areas.
- The development shall be implemented only in full accordance with the approved details.

Reason – In order to secure a satisfactory appearance and relationship to neighbouring properties.

6. Any application for the approval of reserved matters in respect of Layout shall be accompanied by an accurate tree survey, including any measures to protect trees identified as worthy of protection. The survey details shall indicate species, position, height, girth, crown spread, health, condition, structural defects, life expectancy and desirability for retention of all existing trees, shrubs and hedgerows within the site and on land adjacent to the development which may be affected by it. On the plan shall be marked the positions of spot heights, changes of levels, all proposed buildings, hard landscaping, roads, service trenches and footpaths. The plan shall indicate all trees, shrubs and hedgerows it is proposed to prune or remove, to BS3998.

Reason – To ensure the protection of trees within the site which are of ecological or

arboricultural value.

7. Prior to first occupation of any dwelling hereby approved, an interim green travel plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Following approval of the interim plan, the developer shall submit a full travel plan for the written approval of the local planning authority which shall be implemented within 3 months of first occupation of any dwelling.

Reason – To ensure the development accords with sustainable transport policies in order to promote sustainable modes of transport.

8. Prior to the commencement of any development, other than the demolition of Hartford Mill, a Coal Mining Risk Assessment to undertake intrusive site investigation works, detailing the mining position and any structural precautions which may be necessary, including how the foundations of the buildings shall be re-inforced, the buildings strengthened and the ground forming the site treated, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out except in complete accordance with the approved details.

Reason - In order to ensure adequate precautions in respect of coal mining legacy.

9. No development shall commence unless and until a site investigation and assessment into landfill gas risk and ground contamination has been carried out and the consultant's written report and recommendation have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason - In order to protect public safety, because the site is located within 250 metres of a former landfill site and has been subject to previous industrial use.

10. Prior to the commencement of any development hereby approved, including demolition of Hartford Mill, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the demolition or construction works are commenced, and shall be maintained for the duration of the development.

Reason – In order to protect the amenity of neighbouring residents.

11. Prior to the commencement of the construction of any dwellings hereby approved, an assessment of the nature and extent of noise affecting the residential development site from the Metrolink tramline shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out in accordance with a methodology which has been previously approved in writing by the Local Planning Authority and shall identify mitigation measures required to protect the development. The approved mitigation measures shall be implemented in full before first occupation of the dwellings and shall be retained thereafter.

Reason - In order to ensure a satisfactory standard of amenity for future residents.

12. Prior to the commencement in the construction of any dwelling hereby approved, a scheme for the provision of bat and bird boxes within the development site shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall

be installed on the relevant properties prior to first occupation of the property and shall be retained thereafter.

Reason - In order to promote biodiversity on the site.

13. No works of demolition shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority, and a copy of the investigation findings have been submitted to and approved in writing by the Local Planning Authority.

Reason – In order to ensure that a satisfactory historical record of the building has been obtained prior to the loss of the heritage asset.

14. The submission of an application for an approval of reserved matters for the development shall show details of:
1. the means of access to the buildings
  2. gradients
  3. sight lines
  4. the means of servicing the buildings
  5. the provision made for parking and/or garaging facilities clear of the highway
  6. secure cycle storage facilities
  7. the means of draining the highway.
  8. pedestrian and cycle links to and through the site
  9. traffic calming measures on the existing highway network

Reason - To ensure adequate highway and drainage standards are achieved.

15. No development comprising the construction of any buildings 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.

16. No construction of any dwellings hereby approved shall commence until a detailed energy statement has been 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 and shall detail how:

- a target area has been determined; and

- how the development will meet this target.

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

Reason – In the interests of sustainability and energy efficiency.



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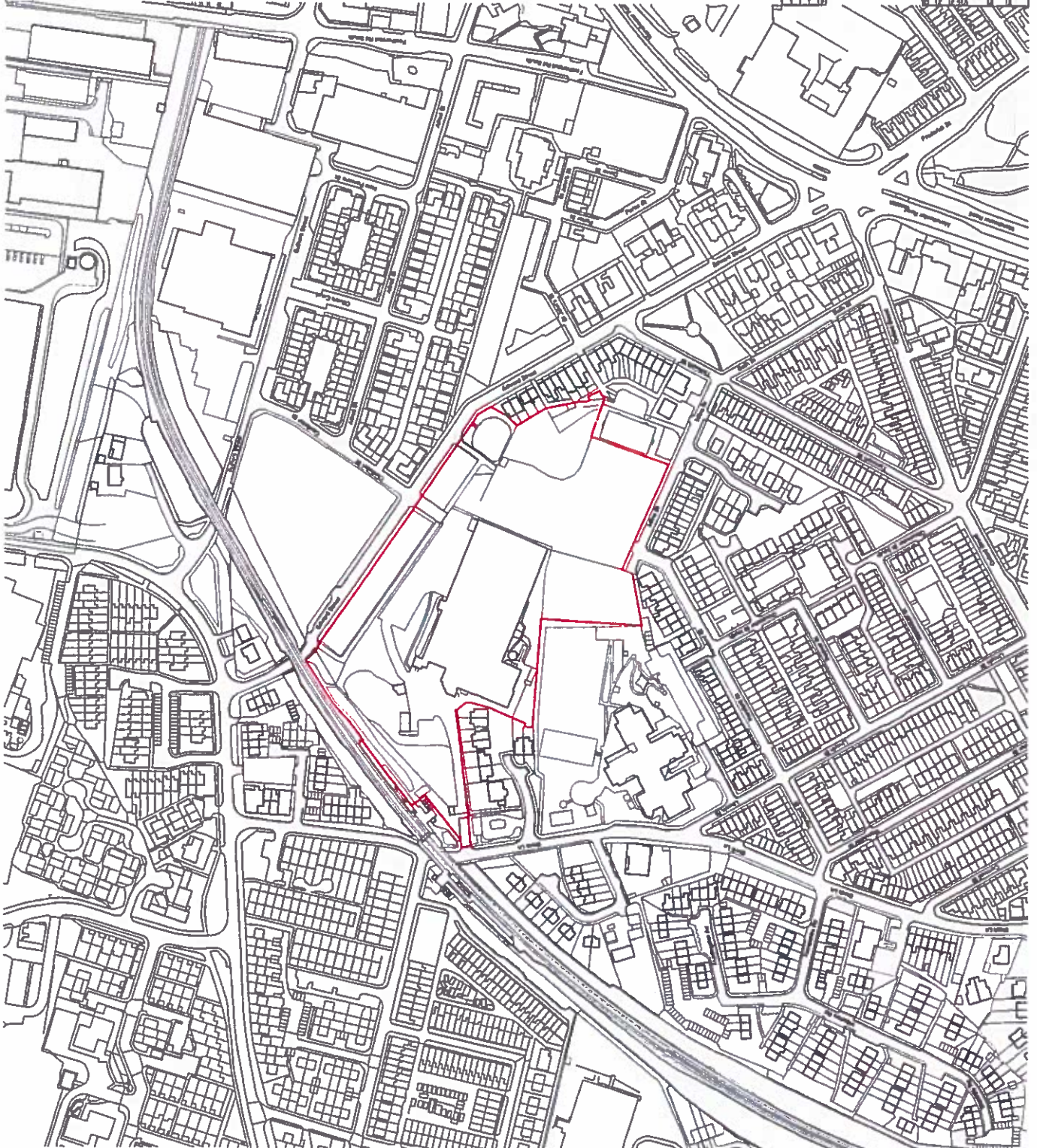
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PLANNING	
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Location Plan	
Scale	1:2500
Date	10.05.10
Drawn by	PCS
Checked by	LE
Project No.	5174
Revision No.	00001
5124-HMA-HM-LC-DR-A-00001	



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## APPLICATION REPORT - HH/342318/18

Planning Committee, 16 January, 2019

**Registration Date:** 27/09/2018  
**Ward:** Werneth

**Application Reference:** HH/342318/18  
**Type of Application:** Full Planning Permission

**Proposal:** Part two storey, part single storey rear extension and front porch  
**Location:** 9 Oak Close, Chadderton, Oldham, OL9 7FH  
**Case Officer:** Graeme Moore

**Applicant Agent :** Mr Akhtar

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### THE SITE

The application property is a modern two storey, detached dwelling located on Oak Close, Chadderton. The street is characterised by semi-detached and detached properties, none of which have been significantly augmented since construction.

### THE PROPOSAL

The proposal is for a part two storey, part single storey, rear extension measuring 9.5m x 3m (4.8m at ground floor) x 7.5m (5m to the eaves). The proposal will create a enlarged kitchen/dining room at ground floor and a new bedroom with en-suite and office at first floor.

### RELEVANT HISTORY OF THE SITE

None relevant to the determination of this application.

### RELEVANT PLANNING POLICIES & GUIDANCE

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Oldham is the Joint Core Strategy and Development Management Policies Development Plan Document adopted 9 November 2011 (DPD) and the saved policies of the 2006 Unitary Development Plan.

The site is unallocated on the Development Plan.

### DPD Policies:

Policy 9 – Local Environment  
Policy 20 – Design

### National Policy:

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### REPRESENTATIONS

The appropriate neighbouring properties were notified of the application by letter and a site

notice posted. Two letters of objection have been received from the neighbouring properties, objecting on the grounds that the proposed extension would have an oppressive and detrimental impact on the private amenity of their property.

## **PLANNING CONSIDERATIONS**

In accordance with the Scheme of Delegation, the application has been brought to Planning Committee due to the applicant's spouse being a member of staff within the Economy and Skills Directorate.

### **Appearance and Design**

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

In addition, Policy 20 states that the Council will promote high quality design in developments in order that they reflect the character and distinctiveness of the area.

The proposed development would result in a substantially larger detached property. However, due to the extension being located on the rear of the property it is considered to cause no harm to the character of the streetscene. Therefore, the proposed development, by virtue of its size and design, would be compatible with the character of the host property and would not have a harmful impact on the appearance of the area.

### **Impact on residential amenity**

Criterion (iii) to DPD Policy 9a states that development should not cause significant harm to the amenity of existing and future occupiers through impacts on privacy, access to daylight or other nuisances.

The main area of concern is the impact of the extension on the property to the rear (no.10). The original plans did give rise to concerns in relation to the impact of the proposal on the private amenity space and rear elevation of no.10. However, amended plans have been received relocating the first floor element to the opposite side away from this boundary and creating a gap from the first floor side wall to the neighbour's garden boundary of 3 metres.

The proposal would introduce a first floor window, approximately 10m from the rear elevation of no.10, albeit at an oblique angle. Nevertheless, this would introduce a feeling of overlooking, and therefore, it is considered that this window should contain obscured glazing only.

Turning to the objections raised to the amendment by the neighbouring property (no.8), whilst the changes result in the extension now adjoining the rear garden boundary, it is noted that at ground floor of the adjacent house there is an existing garage door only. Above this there is a bedroom window at first floor; however, taking into account the distance from the boundary and the orientation of the dwellings, with the neighbouring garden being located to the south, there is likely to be little in the way of a detrimental impact in relation to any loss of daylight or sunlight. Consequently, it is considered that the overall depth of the extension is not oppressive and overbearing enough to justify a refusal.

It is therefore considered that the amended plans overcome the concerns associated with the rear extension and would not infringe on the privacy and amenity of neighbouring residents.

## **RECOMMENDATION**

Approve subject to the following conditions:

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

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

2. The development hereby approved shall be fully implemented in accordance with the approved plan and specifications, received on 04/12/2018 which is referenced as 7OC/01/A.

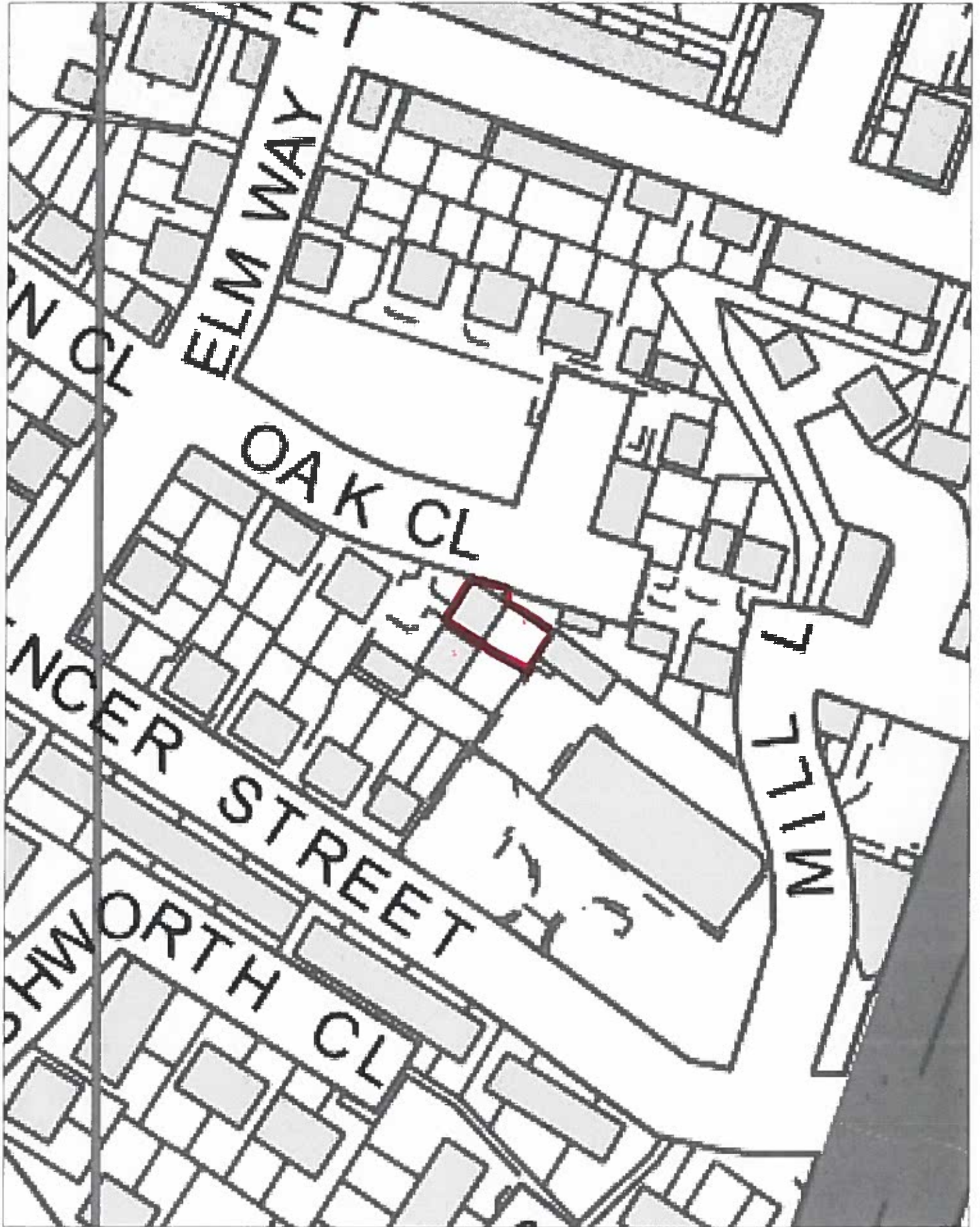
Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason - To ensure that the appearance of the existing building is not detrimentally affected by the proposed extension.

4. Notwithstanding the detail indicated on the approved plan and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or any Order revoking and/or re-enacting that Order with or without modification, the first floor rear 'office' window shall be permanently fitted with obscured glazing panels.

Reason - To protect the amenity of the occupiers of the neighbouring residential property.



## APPLICATION REPORT - LB/342337/18

Planning Committee, 16 January, 2018

**Registration Date:** 31/10/2018  
**Ward:** Saddleworth South  
**Application Reference:** LB/342337/18  
**Type of Application:** Listed Building Consent

**Proposal:** Removal of notice board to open up fireplace, clean and restore and supply and fit clear "Perspex" sheet for public to view.  
**Location:** Uppermill Library, High Street, Uppermill, OL3 6AP  
**Case Officer:** Hannah Lucitt  
**Applicant Agent :** OMBC  
Unity Partnership

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### THE SITE

Uppermill Library is a Grade II listed building constructed circa 1978 and located within the built up area of Uppermill High Street.

The application site is also located within Uppermill Conservation Area.

### THE PROPOSAL

This application relates to internal works only comprising the removal of the existing notice board to open up an original fireplace. The application proposes to clean the existing fireplace, and to fit a clear "Perspex" sheet to the rear of the lintel, recessed from the existing hearth. Existing timber skirting will be removed to allow for carpet tiles to match the new area, and will then be re-fixed. No replacement materials are proposed.

### RELEVANT HISTORY OF THE SITE:

No relevant planning history.

### CONSULTATIONS

None.

### REPRESENTATIONS

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

### PLANNING CONSIDERATIONS

Section 66(1) of 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.

Section 72(1) of the Act states that 'with respect to any buildings or other land in a conservation area,' .... 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'

Policies 9 and 20 of the Joint Development Plan Document of the Local Development Framework for Oldham (DPD) recognise the contribution that high quality design can make to regeneration and sustainable development. DPD Policy 24, together with National Planning Policy Framework (NPPF) Part 16 (Conserving and enhancing the historic environment) reflect the statutory duty, and are particularly relevant in this instance.

NPPF Paragraph 189 requires the applicant to describe the significance of the heritage asset including any contribution made by their 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.

The applicant has submitted a Heritage Statement with the application which explains and justifies the proposed works. It highlights the listed status of the building and acknowledges the importance of its significance and setting.

The existing fireplace is currently covered with a chipboard backing and a drawing board to the front. The applicant proposes to remove the chipboard and drawing board cover to better reveal the previously covered fireplace.

The proposed development has clearly been sympathetically designed to better reveal the historic asset, whilst protecting the asset from potential damage.

Given the above, the proposed development is considered to 'preserve' the special interest of the Grade II listed building, and its setting within Uppermill Conservation Area, in compliance with DPD Policies and Part 16 of 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

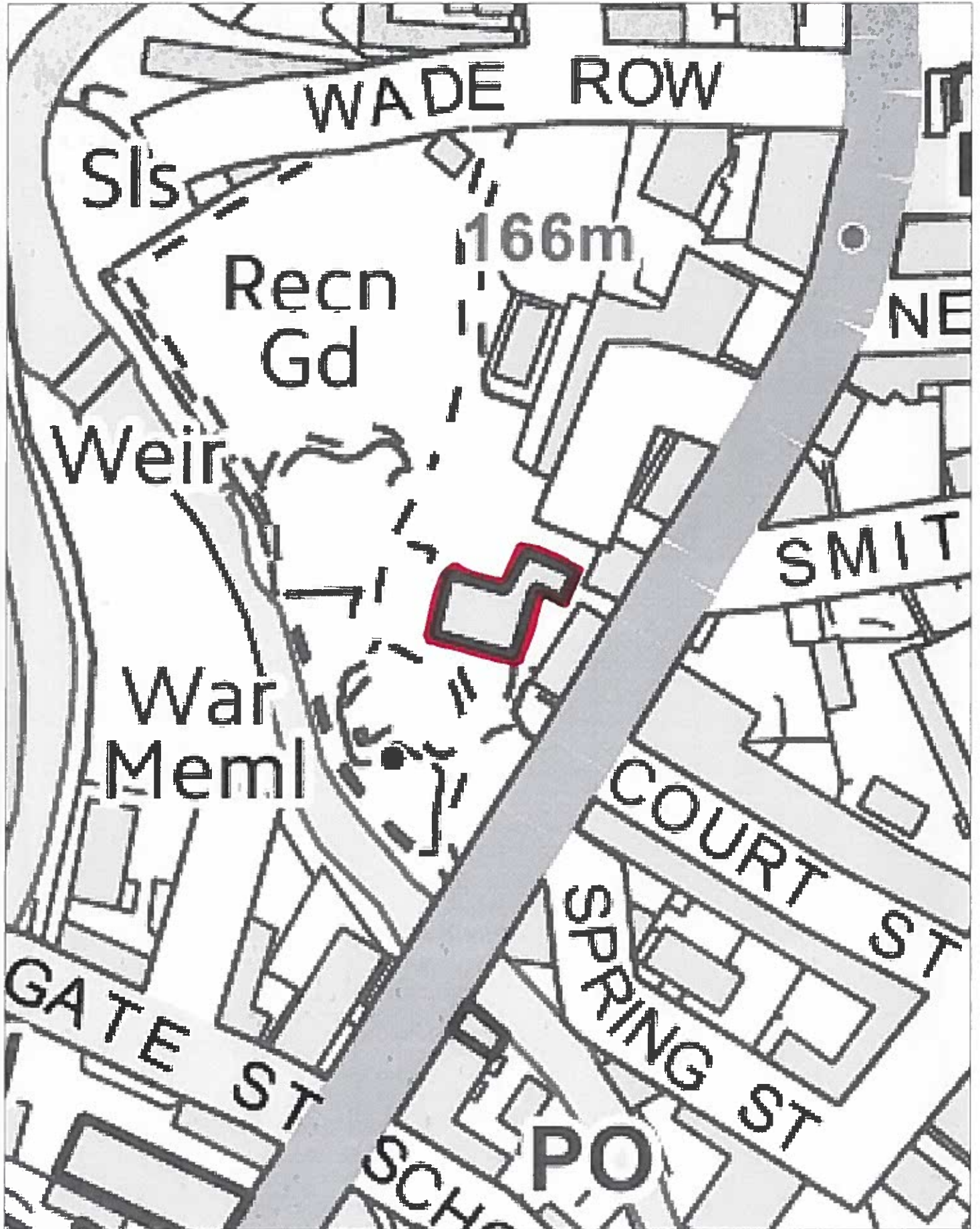
- Drawing no. UPLIB-HB-02 (location and floor plans only) received 31st October 2018
- Photo named 'Perspex sheet to be fitted between brass fireplace surround and stone hearth' received 31st October 2018
- Document named 'Heritage Statement for Fireplace Restoration at Uppermill Library' received 31st October 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. Notwithstanding any detail indicated in the specifications hereby approved, no chemical stone cleaner shall be used in the implementation of this development.

Reason - To protect the heritage asset.





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## APPLICATION REPORT - PA/342564/18

Planning Committee, 16 January, 2019

**Registration Date:** 09/11/2018  
**Ward:** Failsworth West

**Application Reference:** PA/342564/18  
**Type of Application:** Full Planning Permission

**Proposal:** Proposed installation of 4 No 60 Ton Polymer Storage Silos (16m high x 3m dia) with associated pipework, safety access ladder and roof top guarding within existing service yard area fronting Albion Street.

**Location:** Hubron International Ltd, Ashton Road West, Failsworth, M35 0FP  
**Case Officer:** Matthew Taylor

**Applicant** Hubron International Limited  
**Agent :** Peter Harrison Architects

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### THE SITE

This application relates to a large industrial site occupied by the applicant, Hubron International Ltd. The site is located on both sides of Albion Street, an industrial cul-de-sac situated on the south side of Ashton Road West. The site contains a mix of industrial buildings, including a block of 6 silos located approximately halfway along the length of Albion Street.

The rear of residential properties on the west side of Clive Road face the site, with further residential properties to the south on Marlborough Drive. Rochdale Canal is to the north-west.

### THE PROPOSAL

Planning permission is sought for the erection of four Polymer Storage Silos, each storing approximately 60 tons of product. They will be located immediately adjacent to the existing silos on the east side of Albion Street. The new silos will measure 16 metres in overall height, will be 3 metres in diameter, and will be faced in aluminium alloy sheet. The appearance will therefore reflect that of the existing silos, but with a maximum height increased by 2 metres.

### RELEVANT HISTORY OF THE SITE:

PA/040978/01 - Erection and installation of 6 no. polymer and chalk silos with associated pipe transfer system – Granted 13/03/2001.

### 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).

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is

unallocated on the Proposals Map associated with this document.

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

Joint Development Plan Document

Policy 1 - Climate change and sustainable development;

Policy 9 - Local environment;

Policy 14 - Supporting Oldham's Economy

Policy 20 - Design

## **CONSULTATIONS**

Highway Engineer	Does not wish to restrict the granting of planning permission.
Environmental Health	No comments.

## **REPRESENTATIONS**

Councillor Elaine Garry has requested that the application should be determined by Planning Committee as the silos would possibly cause a negative visual impact for residents.

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

## **PLANNING CONSIDERATIONS**

The main issues to consider are:

- Principle of the proposed development
- Design;
- Residential amenity; and
- Highway safety.

### Principle of the proposed development

DPD Policy 1 seeks to ensure the effective and efficient use of land and buildings, promote economic prosperity and meet the needs of existing and new businesses, and to promote high quality and sustainable design. DPD Policy 14 states that it is important that Oldham has a range of sites to support the local economy for both existing and new firms within the area.

The proposal has been submitted by an established business to assist with enhanced production at the site. It would therefore support an existing local business and help to maintain an employment generating use on the site. It is therefore considered compliant with the aims and objectives of Policy 14.

### Design

DPD Policy 20 requires such proposals to respond positively to the environment, contribute to a distinctive sense of place, and make a positive contribution to the street scene.

It is recognised that the proposed silos will exceed the height of the neighbouring buildings and existing silos, and are of a functional, industrial design. However, the new silos will be viewed in the context of the established industrial character of the site, particularly from Ashton Road West. Distant views are generally obscured by established trees or existing

industrial buildings, with only glimpses of the silos being evident.

Other than use of Albion Street by some pedestrians as a cut through, close views will generally be restricted to employees and visitors to the existing industrial site.

In this context it is considered that the development accords with the design principles set out in Policy 20.

#### Residential Amenity

Policy 9 states that consideration must be given to the impact of a proposal on the local environment. It seeks to ensure that development, amongst other matters, is not located where it would be adversely affected by neighbouring land uses, does not cause significant harm to the amenity of the occupants of the development or to existing and future neighbouring occupants or users through impacts including safety, security and noise.

In terms of visual impact, the silos will primarily be visible from the rear of terraced houses on Clive Road. However, much of this boundary is lined with a tall row of conifers. Views of the existing silos are still evident, and the new silos will further breach the skyline. Nevertheless, given the existing screening, a minimum separation distance of over 50 metres, and the fact the existing silos have been a part of the established view since 2001, it is not considered that the additional impact will result in a significant adverse outlook from these properties. No other residential properties will have clear visibility to the silos.

In terms of other potential amenity impacts, the Environmental Health officer has raised no objection to the proposed development.

#### Highway safety

It is not anticipated that the development would result in any significant increase in traffic generation, and the Council's Highway Engineer has raised no objections.

#### Conclusion

The proposal will support an existing business and source of local employment and is located on an established industrial site. Although some visual impact will result due to the scale of the silos, this will be largely mitigated by existing structures and landscaping. It is therefore considered that the proposed development complies with Policies 1, 9, 14 and 20 of the Oldham LDF Joint Core Strategy and Development Management Policies DPD and it is therefore recommended that permission be granted.

### **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.

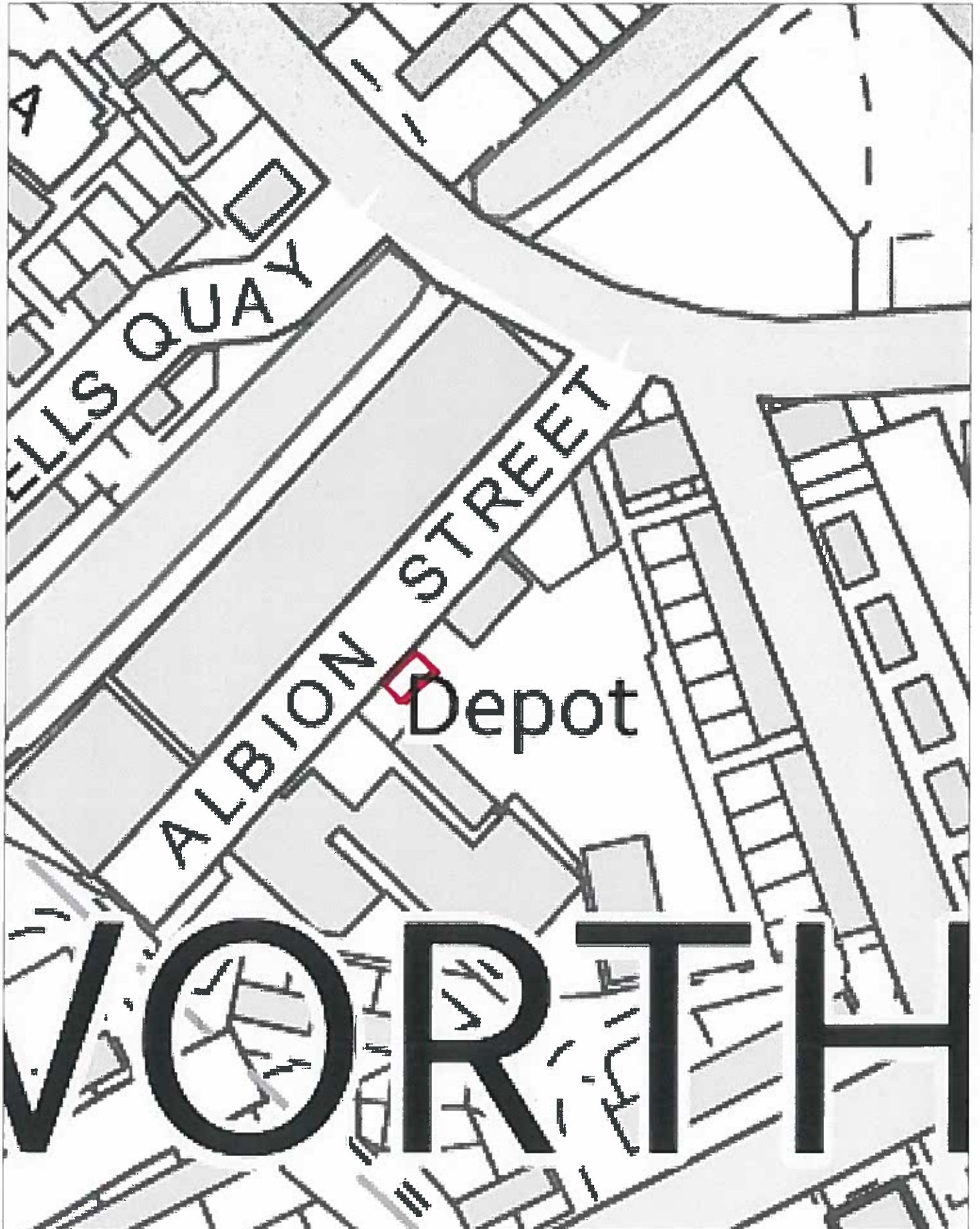
2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications, received on 9th November 2018, which are referenced as follows:

Drg. no. 2783/AL/0001

Drg. no. 2783/AL/0002

Drg. no. 2783/AL/0004

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




**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
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Civic Centre  
West Street  
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OL1 1UQ

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Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Date: 07.01.19   
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# **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.

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## 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: 20<sup>th</sup> December 2018**

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**Appeal Ref: APP/W4223/W/18/3208889**

**87-89 Yorkshire Street, Oldham, OL1 3ST**

- 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 Samrum Investments Ltd against the decision of Oldham Metropolitan Borough Council.
  - The application Ref PA/341119/17, dated 24 November 2017, was refused by notice dated 20 July 2018.
  - The development proposed is a change of use of first and second floor from a night club (Sui Generis) and pub (A4 Drinking establishments) to 11 no. apartments (C3 Use Class) and self-storage units (B8 Storage or distribution).
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### Decision

1. The appeal is allowed and planning permission is granted for a change of use of first and second floor from a night club (Sui Generis) and pub (A4 Drinking establishments) to 11 no. apartments (C3 Use Class) and self-storage units (B8 Storage or distribution) at 87-89 Yorkshire Street, Oldham, OL1 3ST in accordance with the terms of the application, Ref PA/341119/17, dated 24 November 2017, subject to the conditions set out in the attached schedule.

### Procedural Matters

2. The description of development given above is taken from the Decision Notice rather than the planning application form. This wording reflects alterations that were made to the scheme at the application stage, and has been agreed by both parties.
3. A revised elevations plan was submitted at the appeal stage (Ref DA17100.005 Rev 5). This shows repositioned windows on the western elevation of the building at first floor level. Given the very minor nature of these alterations, I do not consider that any party would be prejudiced by my acceptance of them. I have therefore determined the appeal based on the revised plan.

### Main Issue

4. The main issue is whether the development would result in unacceptable living conditions for future occupiers with regard to outlook, privacy, noise and disturbance, and adequate internal living space.



## Reasons

5. The appeal site comprises a vacant building on the northern side of Yorkshire Street. It is located in a relatively prominent position within Oldham Town Centre and has previously been used as a drinking establishment. The development proposes the conversion of the building to 11 apartments.
6. The sole source of outlook to Apartment 2 would be onto a narrow private amenity area at the rear. This would be positioned between 2 relatively high walls, which would restrict the amount of natural light that would reach the apartment windows. The outlook to those rooms would also be limited. However, the amenity area would be relatively open at either side which would allow some light into this area. It would also be for the sole use of the occupiers of that apartment. I return to this matter below.
7. The bedroom to Apartment 5 would look out onto a narrow alley between the appeal building and the Coliseum Theatre. Whilst the outlook from this room would be restricted, the apartment would otherwise have good outlook from its lounge/kitchen area to the north. Again, I return to this matter below. Separately, Apartments 4 and 10 would have an appropriate standard of outlook across the alleyway and open area along the side of the Coliseum Theatre. These alleyways to the west of the building are not publically accessible, and so would not significantly undermine the privacy of future occupiers of the development.
8. Both parties refer to the Technical Housing Standards, which set out a nationally described space standard for new dwellings. These standards have not been adopted in any development plan document in Oldham, and so cannot be given full weight in this case. However, each apartment would meet the relevant minimum standards for a 1 bed-space apartment.
9. The appeal building is in a town centre location and there are a number of drinking establishments and other late night uses nearby. However, the building could be fitted with appropriate noise mitigation, and I note that the Council's Environmental Health Officer is satisfied that this could be achieved. The precise specification of any noise mitigation could be secured by condition.
10. It is likely that there will be some disturbance to residents in Apartments 4, 5, 6, and 10 from the neighbouring theatre, particularly when set changes take place in the late evening. However, those activities are relatively infrequent and occur in the context of a town centre environment where there are other sources of external noise at that time. Accordingly, I do not consider that this matter would result in undue disturbance to future occupiers.
11. Separately, whilst it would be inconvenient for occupiers of the upper apartments to access the bin storage area, that matter alone would not justify withholding permission.

## Conditions

12. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. Further conditions relating to sound insulation, outdoor amenity space, boundary



treatments, and screening are necessary in order to protect the living conditions of future occupiers of the development.

### **Conclusion**

13. The proposal would involve the refurbishment of a derelict town centre site and would deliver significant regeneration benefits in this regard. As set out above, the outlook from some rooms in Apartments 2 and 5 would be suboptimal. However, given the layout of the existing building, it is difficult to see how the development could be altered to improve this. Future occupiers would also be aware of the situation before deciding whether to live at the property.
14. In these circumstances, and on balance, I conclude that the development would not result in unacceptable living conditions for future occupiers with regard to outlook, privacy, noise and disturbance, and adequate internal living space. It would therefore accord with Policy 9 of the Oldham Joint Core Strategy and Development Management Policies (2011). This policy seeks to ensure, amongst other things, that new development does not harm the living conditions of future occupiers.
15. For the reasons given above I conclude that the appeal should be allowed.

*Thomas Hatfield*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DA17100.001 Rev 1; DA17100.002 Rev 2; DA17100.003 Rev 13; DA17100.004 Rev 1; DA17100.005 Rev 5.
- 3) Prior to the first occupation of the dwellings hereby approved, a detailed scheme of acoustic insulation and ventilation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of any dwelling hereby approved and shall thereafter be retained.
- 4) Any works to facilitate the creation of the proposed first floor dwellings above the ground floor unit shall incorporate a scheme of acoustic insulation between the intervening floor/ceiling. A sound insulation test shall be undertaken to demonstrate that the floor achieves the following minimum insulation standards: 1. Impact L'nT,w 55dB, 2. Airborne DnT,w 55dB, 3. Airborne DnT,w + Ctr 49dB. Prior to the first occupation of the proposed first floor dwellings, the results of this test shall have been submitted to and approved in writing by the Local Planning Authority. The sound control measures shall thereafter be retained.
- 5) Prior to the first occupation of Apartment 2, the proposed outdoor amenity space, associated boundary treatment, and boundary screen to the courtyard, shall be fully implemented and retained thereafter.
- 6) Prior to the first occupation of Apartment 10, the proposed boundary screen to the courtyard shall be fully implemented and retained thereafter.

