

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

Date Wednesday 13 February 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 Kaidy McCann in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Kaidy McCann Tel. 0161 770 5151 or email [Kaidy.McCann@oldham.gov.uk](mailto:Kaidy.McCann@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, 8 February 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 - 6)  
The Minutes of the meeting of the Planning Committee held on 16<sup>th</sup> January 2019 are attached for Members' approval.
- 6 Planning Application/PA/341132/17 26 Selkirk Avenue, Oldham, OL8 4DQ (Pages 7 - 16)  
Outline planning application for a residential development of 3 no. detached dwellings. Access and layout to be considered. All other matters reserved.
- 7 Planning Application/PA/341467/18 Land to the rear of the Dog and Partridge PH, Medlock Road, Failsworth, Oldham, M35 9NP (Pages 17 - 30)  
Erection of 17 houses with vehicular access from Medlock Road
- 8 Planning Application/PA/342004/18 Land bounded by Hudson Street, Oldham Road (A62) and Hollinwood Metrolink Park and Ride, Chadderton. (Pages 31 - 40)  
A HYBRID (part full / part outline) planning application for a total of 9,290 sqm of Class B1(a) office floorspace and associated services and infrastructure.  
  
A) FULL planning permission for 'Block G' - a 3 storey Class B1(a) office building of 1,858 sqm, together with the creation of vehicular and pedestrian access via Hudson Street, car and cycle parking, bin storage and landscaping associated with that building.



B) OUTLINE planning permission for six buildings (Blocks A to F) comprising a combined total of 7,432 sqm gross external area Class B1(a) offices on the remainder of the site. Layout, scale, appearance and access are to be considered, landscaping is reserved.

- 9 Planning Application/PA/342222/18 Land to the rear of 29 -51 Shaw Hall Bank Road, Greenfield, OL3 7LD (Pages 41 - 60)

Erection of 20 no residential dwellings with amended road access and associated car parking.

- 10 Planning Application/PA342503/18 Former Royton Youth Centre, Chapel Street, Royton, OL2 5QL (Pages 61 - 70)

Erection of detached two storey building for use as a medical centre (D2 Use Class), creation of 18no. car park spaces, erection of 2m high fencing to site perimeter and associated landscaping works.

- 11 Planning Application/PA/342585/18 Former Breeze Hill School, Roxbury Avenue, Oldham, OL4 5JE (Pages 71 - 92)

Erection of a two and four storey secondary school and associated access, car parking, sport facilities, landscaping and substation.

- 12 Planning Application/PA/342606/18 Express Dairies Milk, Ridgefield Street, Failsworth, M35 0HJ (Pages 93 - 100)

Variation of condition number 2 relating to PA/338035/16 to make changes to approved proposed site plan

- 13 Planning Application/PA/342624/18 Land west of Springfield Farm, Friezland Lane, Greenfield, OL3 7EU (Pages 101 - 110)

Demolition of shippon / stables and erection of school for children with autism (Use Class D1), associated car parking and landscaping

- 14 Appeals (Pages 111 - 162)

Appeals

This page is intentionally left blank



**PLANNING COMMITTEE**  
**16/01/2019 at 6.00 pm**

**Present:** Councillors Akhtar, Ali, Ball, Brownridge, Davis, H. Gloster, Haque, Harkness, Hudson, Leach, Qumer and Phythian

Also in Attendance:

Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Officer Transport Projects
Stephen Irvine	Head of Planning and Development Management
Graham Dickman	Development Management Team Leader
Hannah Lucitt	Senior Planning Officer
Fabiola Fuschi	Constitutional Services Officer

1           **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Hewitt.

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, subject to an amendment concerning adding the record of Councillor Haque's apologies, the minutes of the Planning Committee meeting held on 19<sup>th</sup> December 2018 be approved as a correct record.

6           **PA/341276/18 - STOCK LANE, CHADDERTON, OLDHAM, OL9 9EY**

APPLICATION NUMBER: PA/341276/18

APPLICANT: UK Power Reserve

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

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

On being put to the vote, it was **UNANIMOUSLY** cast **IN FAVOUR OF APPROVAL**.

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

7

**PA/342113/18 - 2 BRIDGE STREET, OLDHAM, OL1 1EA**

APPLICATION NUMBER: PA/342113/18

APPLICANT: Mr. Thind

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

LOCATION: 2 Bridge Street, Oldham, OL1 1EA

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

On being put to the vote, it was UNANIMOUSLY cast IN FAVOUR OF APPROVAL.

DECISION:

1. That the application be GRANTED subject to the conditions as set out in the report and to a Section 106 contribution of £24,510.00 for off-site public open space and
2. That authority be delegated to the Head of Planning and Development Management to issue the decision notice upon satisfactory completion of the legal agreement.

8

**LB/342254/18 - HARTFORD MILL, BLOCK LANE, OLDHAM, OL9 7SX**

APPLICATION NUMBER: LB/342254/18

APPLICANT: Oldham Council

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

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

On being put to the vote, it was UNANIMOUSLY cast IN FAVOUR OF APPROVAL.

DECISION: that listed building consent be GRANTED subject to the conditions as set out in the report, with the exception of the removal of condition 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)* and subject to referral of the application to the Secretary of State for his consideration.



Reason for removal of Condition 3 – Members considered that the imposition of the condition would unnecessarily delay the removal of the building. This would lead to continuing blight of the local area, would prolong the serious problems of visual harm and anti-social behaviour which exist, whilst the building's removal would also assist in attracting development interest with the resultant public benefit.

**NOTE:** that the Applicant attended the meeting and addressed the Committee on this application.

9

**PA/342255/18 - HARTFORD MILL, BLOCK LANE,  
OLDHAM, OL9 7SX**

APPLICATION NUMBER: PA/342255/18

APPLICANT: Oldham Council

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

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

On being put to the vote, it was UNANIMOUSLY cast IN FAVOUR OF APPROVAL.

**DECISION:**

1. That the application be GRANTED subject to the conditions as outlined in the report, with the exception of the removal of condition 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 the 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*) and subject to the applicant entering into a Section 106 agreement in relation to ensuring appropriate contributions towards affordable housing and public open space to be determined by the Head of Planning and Development Management and;

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

Reason for removal of Condition 4 – Members considered that the imposition of the condition would unnecessarily delay the removal of the building. This would lead to continuing blight of the local area, would prolong the serious problems of visual harm and anti-social behaviour which exist, and the building's removal would also assist in attracting development interest with the resultant public benefit.

**NOTE:** that the Applicant attended the meeting and addressed the Committee on this application.

10      **HH/342318/18 - 9 OAK CLOSE, CHADDERTON, OLDHAM, O9 7FH**

APPLICATION NUMBER: HH/342318/18

APPLICANT: Mr. Akhtar

PROPOSAL: Part two storey, part single storey rear extension and front porch

LOCATION: 9 Oak Close, Chadderton, Oldham, OL9 7FH

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

On being put to the vote, it was UNANIMOUSLY cast IN FAVOUR OF APPROVAL.

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

11      **LB/342337/18 - UPPERMILL LIBRARY, HIGH STREET, UPPERMILL, OLDHAM, OL3 6AP**

APPLICATION NUMBER: LB/342337/18

APPLICANT: Oldham Metropolitan Borough Council

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

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

On being put to the vote, it was UNANIMOUSLY cast IN FAVOUR OF APPROVAL.



DECISION: that the application be GRANTED subject to the conditions as set out in the report and the removal of condition 3 as outlined in the Late List at Item 14.

NOTE: in reaching its decision, the Committee took into consideration the information as set out in the Late List included in Item 14.

12      **PA/342564/18 - HUBRON INTERNATIONAL LTD, ASHTON ROAD WEST, FAILSWORTH, MANCHESTER, M35 0FP**

APPLICATION NUMBER: PA/342564/18

APPLICANT: Hubron International Limited

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

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

On being put to the vote, 12 VOTES were cast IN FAVOUR OF APPROVAL and 1 VOTE was cast AGAINST with no ABSTENTIONS.

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

13      **APPEALS**

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

14      **LATE LIST - PLANNING COMMITTEE**

**RESOLVED** that the information relating to the submitted planning applications as at 16<sup>th</sup> January 2019, as contained in the Late List, be noted.

The meeting started at 6.00 pm and ended at 6.53 pm

This page is intentionally left blank

## APPLICATION REPORT - PA/341132/17

Planning Committee, 13 February, 2019

**Registration Date:** 01/12/2017  
**Ward:** Werneth

**Application Reference:** PA/341132/17  
**Type of Application:** Outline Planning Permission

**Proposal:** Outline planning application for a residential development of 3 no. detached dwellings. Access and layout to be considered. All other matters reserved.

**Location:** 26 Selkirk Avenue, Oldham, OL8 4DQ

**Case Officer:** Richard Byrne

**Applicant** Ms Wilkinson  
**Agent :** Cordingleys

---

### THE SITE

This application relates to an associated garden to a large detached dwelling located at 26 Selkirk Avenue, Werneth, Oldham.

The surrounding area is predominantly residential in nature and contains a number of trees. Five trees in the southern corner of the site are covered by a Tree Preservation Order (TPO/00126/83). The application site is currently accessed off Selkirk Avenue through the existing property; however, the rear boundary of the garden area forms the boundary with Wellington Road.

### THE PROPOSAL

Outline planning permission is sought to establish the principle of residential development on this site with the means of access and layout of the site to be considered.

Access to the site would be attained from Wellington Road with a shared drive serving three detached dwellings.

Plot 1 would face into the site and onto the shared driveway. The rear of the property and the garden space would face Wellington Road.

Plots 2 and 3 are located at the rear of the site and face the shared driveway.

The detached dwellings measure 8.5 metres by 8.5 metres with an integral side garage. The dwellings are shown with private garden space and driveways leading onto the shared access road.

### RELEVANT HISTORY OF THE SITE

PA/049753/05 - Outline application for residential development. All matters to be reserved. Refused on 25 August 2005 as the proposal residential development would have a seriously detrimental impact on the character and appearance of the immediate area.

### RELEVANT PLANNING POLICIES AND GUIDANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in

accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 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 by the Proposals Map associated with this document.

The following DPD Policies are considered to be 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; and  
Policy 23 - Open Spaces and Sports.

## **CONSULTATIONS**

OMBC Highway Engineer - No objection in principle subject to a condition securing the layout in accordance with the approved plan.

Coal Authority - No objection subject to the imposition of a condition requiring intrusive site investigations to be undertaken prior to work commencing.

OMBC Arboriculture Officer - No objection in principle. The trees intended to be removed from site to facilitate development are all class B, C or U and there is no objection to their individual loss which includes the one remaining protected tree from the Hartford Grange TPO. To accord with UDP Policy D1.5 and taking into account the quality and density of the existing trees on the site a total of 40 new trees are required. As eighteen trees are proposed to be planted within the site the remainder are required to be secured by a commuted sum through a Legal Agreement with the applicant. In this instance the sum would be £6,600, and the most suitable site for the off-site replacement planting would be Werneth Park.

Greater Manchester Ecology Unit - No objection in principle.

- Agrees with the ecological appraisal that the site does not have evidence to suggest the site is used by bats and the trees on the site did not support the potential of roost features;
- Suggests that the number of trees for the replacement scheme is low;
- Recommends conditions for a tree protection scheme and restriction of vegetation clearance to be outside of main bird breeding season.

Natural England - Not assessed the application and has provided its standing advice and advised to consult local ecology bodies

## **REPRESENTATIONS**

The application has been advertised by notification letters and a site notice. As a result of the publicity two representations have been received and are summarised as follows:

- Wellington Road is unadopted and the condition of the surface is poor, the proposed development would compound the problem with an increase in traffic;
- Planning permission should be refused on the basis of the Coal Mining Report as there is a serious safeguarding risk to the surrounding properties;
- Loss of privacy and impact on standard of living; in particular development would be contrary to the Human Rights Act Protocol 1 Article 1;
- Destruction of wildlife given the land is a woodland and is a wildlife haven.

## **PLANNING CONSIDERATIONS**

The main issues for consideration comprise the following:

- Principle of land use;
- Layout design;
- Effect on residential amenity;
- Impact on highway safety;
- Trees and ecology;
- Ground conditions;
- Drainage; and,
- Other matters.

### **Principle of land use**

Paragraph 17 of the NPPF states that planning should “Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”.

This is reiterated in DPD policies 1 and 11 which indicate that, when determining planning applications, the Council will ensure the effective and efficient use of land and buildings by promoting the reuse and conversion of existing buildings and development on previously developed land prior to the use of greenfield sites.

The site is currently part of the garden for 26 Selkirk Avenue. The definition of “previously developed land” in Annex 2 of the NPPF makes clear that this excludes “land in built-up areas such as private residential gardens”.

The site is unallocated on the DPD Proposals Map. However, DPD Policy 3 allows a proportion of new housing development to be delivered on land which is not previously developed, including a general exception for “small developments” (‘minor’ developments of under 10 dwellings). Therefore, there is no moratorium on the development of greenfield sites.

The proposal would constitute a small scale development and the development would assist in boosting the supply of housing land.

DPD Policy 11 states that housing development will not be permitted within an existing residential curtilage unless it is acceptable in terms of design, scale, massing and density which is sensitive and compatible with local character.

### **Layout design**

Paragraph 130 of the NPPF advocates that where a development is a poor design that fails to take the opportunities available to improve the character and quality of an area and the way it functions planning permission should be refused.

The scale and design of the dwellings have been reserved for a later submission. Nevertheless it is considered the proposed layout provides a degree of spaciousness which is a characteristic feature of the dwellings in the surrounding area. The dwellings are set within generous plots providing ample garden and amenity space, sufficient vehicle manoeuvring and parking to the front of the dwellings without appearing cramped within the confines of the site.

### **Effect on residential amenity**

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

The siting of the three dwellings are sufficiently positioned within the site to respect the relationship between the existing properties that surround the site. Notwithstanding that scale has been reserved, it is noted there is an approximate 30 metre offset distance to the rear of 24 Selkirk Avenue and 32 metres to the rear of 26 Selkirk Avenue. The two intervening distances would normally be above an acceptable tolerance between the rear of properties to maintain a degree of privacy and to mitigate against a significant loss of amenity. However, a detailed assessment will be undertaken when the scale of the dwellings are known and their design with respect to any windows looking towards neighbouring properties.

In respect of Wellington Lodge, it is noted that a number of windows face the boundary with the application site and their garden is immediately adjacent to the boundary. It is also noted the application site is lower than Wellington Lodge and the Plot 2 dwelling is positioned with its gable wall 4 metres from the boundary edge. Whilst the height of Plot 2 is unknown, it is considered Wellington Lodge would still afford a wide degree of outlook from the side facing windows.

Similarly, the degree of separation and difference in topography does mitigate any effect on the garden space of Wellington Lodge; however, the full effect would have to be considered when the scale, height and design of Plot 2 is known.

The layout has been revised to take into account the presence of windows in the adjacent care home (Hartford Grange). Again the full extent of its impact cannot be assessed at this stage, however, Plots 1 and 3 have been orientated to provide a degree of separation from the care home facing windows. The closet part of the dwellings are shown to be garages which normally limits the overall height.

### **Impact on highway safety**

The site is considered to be in an accessible and sustainable location in close proximity to public transport and key services.

The access onto Wellington Road is considered to be acceptable and the layout provides sufficient space for the manoeuvring and parking of vehicles.

The condition of Wellington Road falls outside of the remit of this application. Nevertheless it is considered the introduction of three dwellings using Wellington Road would not be sustainable for refusal on the grounds of having an adverse impact on highway safety, and the Council's Highways Engineer has raised no objections on these grounds.

### **Trees and ecology**

An arboricultural report has been submitted with the application, which states that there would be loss of 71 trees comprising 8 individual trees and 6 groups to facilitate the development. These include a combination of Category B trees of moderate quality, Category C trees of low quality and two Category U trees which are unsuitable for retention regardless of the proposals.

It is considered that many of the trees are not great quality due to a variety of reasons and the removal of the trees would ensure the existing trees retained have opportunity for future growth. The existing retained trees within the application site can be protected by planning condition.

It is proposed to introduce 18 new trees which can be incorporated into the layout. Although landscaping would come forward at a later stage, a planning condition can be attached to ensure the proposed trees are incorporated into the future development.

It is considered expedient that replacement tree planting will be required to mitigate the overall loss of the trees. Given all the trees cannot be accommodated within the site an off-site replacement scheme will be required.

As such the applicant will be required to enter into a Legal Agreement for a commuted sum which would secure the off-site tree planting in the locality. This will mitigate the overall tree loss and ensure the development complies with Policy D1.5 of the saved UDP.

Therefore given the quality of treescape within the locality, the proposed replacement trees on the site and the proposed off-site replacement scheme the loss of trees is acceptable.

The Greater Manchester Ecology Unit raises no objection to this application in respect of protected species. The site is not designated for its nature conservation value and is not adjacent to any designated sites. It comprises a small area of overgrown garden and the trees on the site do not have high potential to support bat roosting. It is therefore considered that the effect on protected species has been taken into account and there is no objection to the scheme in this respect.

### **Ground conditions**

Paragraph 178 of the NPPF indicates that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Criterion (vi) to DPD Policy 9(a) states that the development will be permitted where it is not located in areas where an identified source of potential hazard exists and development is likely to introduce a source of potential hazard or increase the existing level of potential hazard.

### **Coal mining legacy**

A Coal Mining Risk Assessment has been submitted. The applicant's report identifies the application site as being subject to past coal mining activity, where shallow underground coal mine workings could be present beneath the site. The report appropriately recommends carrying out of intrusive ground investigations to ascertain the ground condition, to establish the presence of mine workings, and to inform any remedial measures. It is therefore considered expedient to attach a condition to secure any necessary remediation and ensure the safe development of the site.

### **Landfill gas and ground contamination**

The Council's Environmental Health team has recommended that a ground contamination investigation is undertaken prior to any development commencing on the site to establish the measures necessary to mitigate any ground risk. It is considered this approach is appropriate and as such it is expedient to secure the investigations by planning condition.

### **Drainage**

DPD Policy 19 aims to ensure that development does not result in unacceptable flood risk. The site is located within flood zone 1 and there is evidence the site is subject to surface water flooding, albeit at a low risk.

In respect of the surface water, taking into account the scale of the proposed development, the area of external space which can be appropriately landscaped and the low risk to flooding it is considered the proposal would not warrant further investigation of the drainage of the site.

### **Other matters**

In respect of the Human Rights Act, it is an inherent part of the decision making process for the Local Planning Authority to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining planning applications. In carrying out this balancing exercise the Local Planning Authority has to act proportionately and the assessment of weight is a matter for planning judgement.

The occupiers of the neighbouring property, 24 Selkirk Avenue, believe that by virtue of the siting of the proposed houses, this would interfere with the standard of living as they would overlook the house and garden resulting in the loss of privacy and their human rights would be contravened.

However, in recommending approval of the application, the impact on neighbouring properties has been carefully considered. The resultant relationship will ensure a satisfactory level of amenity is retained and in this regard, the Council will have performed its duty under the Act.

In respect of the noise from the future occupiers of the site it is considered the relationship between properties and garden space is similar to the relationship which exists between 22 and 24 Selkirk Avenue and would not result in an untoward relationship.

Whilst there inevitably would be noise and disturbance from the construction stage this would be short lived. In any event should a disturbance be significant, this would be investigated under environmental protection legislation.

### **Conclusion**

It is considered the principle of the residential development is acceptable and comprises a layout and design which assimilates with the character and appearance of the surrounding area.

The effect on the amenity of the surrounding properties has been considered acceptable insofar as the layout of the dwellings and its relationship with surrounding properties.

Similarly the effect on highway safety has been considered and it is found to be acceptable providing sufficient space for the manoeuvring and parking of vehicles.

Therefore subject to the applicant entering into a s.106 Agreement to secure a sum to contribute towards an off-site tree planting scheme to mitigate the loss of trees on the site the application is recommended for approval.

### **RECOMMENDATION**

Approve, subject to the applicant entering into a s.106 Agreement to secure a sum to contribute towards an off-site tree planting scheme and the following conditions:

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 Scale, Appearance and Landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

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

3. The development hereby permitted shall be fully implemented in accordance with the following approved / amended plans and specifications:

Page 12

Drawing Number: 3297/01 - received 1 December 2017;



Drawing Number: 3297/03D - received 22 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.

4. Notwithstanding the Coal Mining Risk Assessment dated 14 March 2018, no development shall commence unless and until a site investigation and risk assessment into coal mining activity has been submitted to and approved in writing by the Local Planning Authority. The Coal Mining Risk Assessment shall contain:
- The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;
  - The submission of a report of findings arising from the intrusive site investigations, the results of any gas monitoring and a scheme of proposed remedial works for approval; and
  - The implementation of those remedial works.

Written approval from the Local Planning Authority will then be required on receipt of a satisfactory completion report, to discharge the condition.

Reason - In order to protect public safety, because the site is located in a coal mining referral area and has been subject to coal mining activity.

5. No development shall commence unless and until a site investigation and assessment into contamination of the site has been carried out and the consultant's written report and recommendation has been submitted to and approved in writing by the Local Planning Authority.

Written approval from the Local Planning Authority will then be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

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

6. No development shall take place until a scheme for tree protection measures (both above and below ground) to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees to be retained;
- (ii) Details of any excavation to take place within the root protection areas of those trees to be retained;
- (iii) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained within the duly approved scheme throughout the entirety of the construction period.

Reason - To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence.

7. No clearance of trees and shrubs in preparation for (or during the course of)

development shall take place during the bird nesting season (March - August inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site.

Reason - In order to prevent any habitat disturbance to nesting birds.

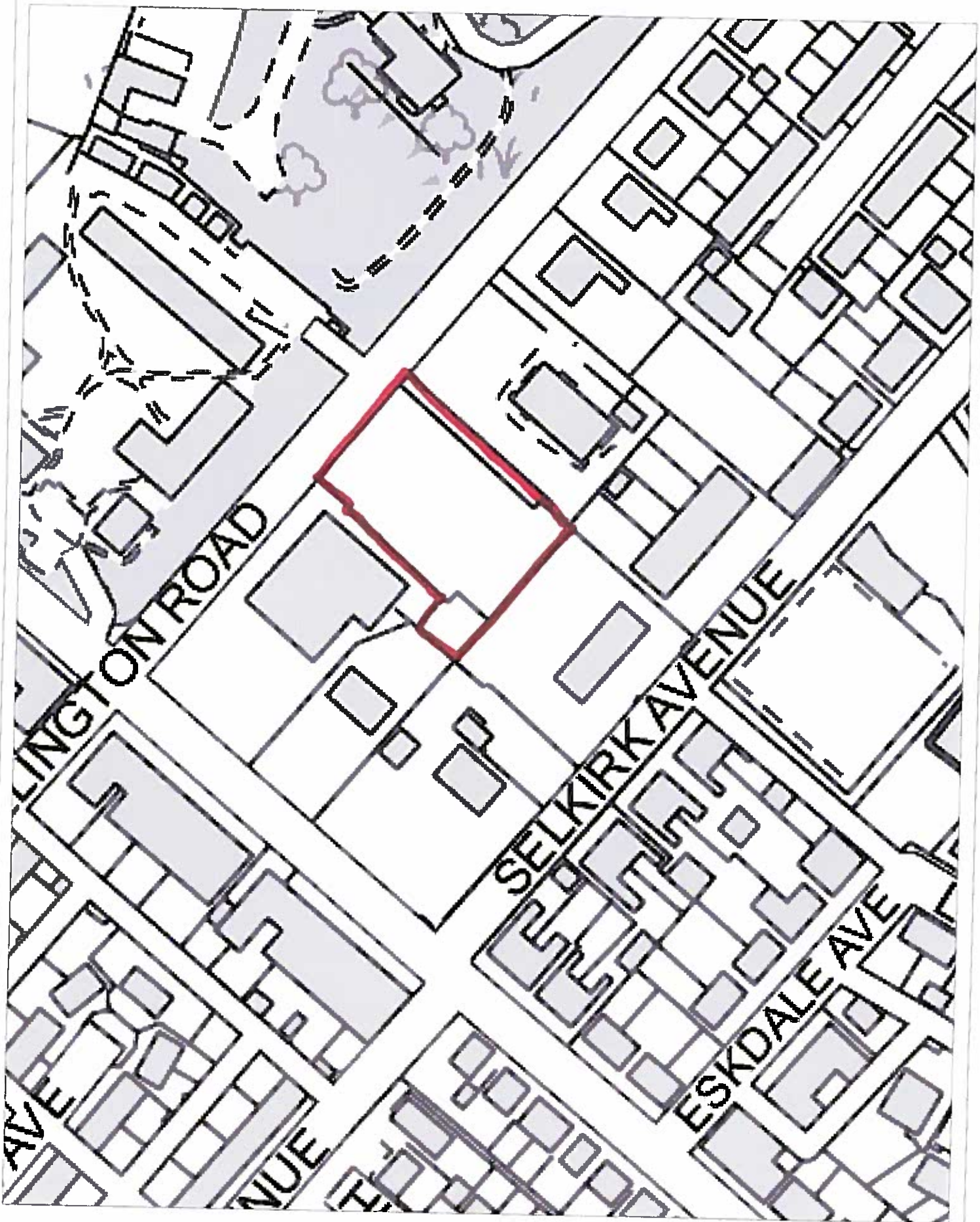
8. The development hereby approved shall not be brought into use unless and until the access and car parking spaces for the dwelling to which it relates has been provided in accordance with the approved plan received on 22 October 2018 (Ref: Dwg No. 3297/03D) and thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

9. Any application for the approval of reserved matters in respect of landscaping shall incorporate a scheme for planting of 18 on-site trees. The scheme shall include details of the size, species and location of the new trees. Each new tree shall be planted during the first planting season after the development hereby approved is first brought into use.

If any of the trees are removed, die, become severely damaged or seriously diseased within 5 years of planting, they shall be replaced by trees of a similar size and species.

Reason - To ensure there is appropriate compensatory planting following the loss of trees on the site.



341132

**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

Contact Us  
Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Page 15  


Ordnance Survey

Date: 05.02.19

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Oldham MBC Licence No. 0100019606 2008

This page is intentionally left blank

## APPLICATION REPORT - PA/341467/18

Planning Committee, 13 February, 2019

**Registration Date:** 16/03/2018  
**Ward:**

**Application Reference:** PA/341467/18  
**Type of Application:** Full Planning Permission

**Proposal:** Erection of 17 houses with vehicular access from Medlock Road  
**Location:** Land to the rear of the Dog and Partridge PH, Medlock Road, Failsworth, Oldham, M35 9NP  
**Case Officer:** Matthew Taylor

**Applicant** Mr Sheridan  
**Agent :** Plan:8 Town Planning Ltd

---

### THE SITE

The site is a roughly 'L' shaped plot of land that gently slopes down from the north to south, it is approximately 0.7 hectares in area. It is bounded by the Brookdale Golf Course to the west and both the Dog and Partridge public house bowling green/beer garden and playground to the east. The area comprises cleared ground with self-seeded grass and shrubs covering the site.

The site is both located with the Woodhouses Conservation Area and a Phase 2 Housing allocation on the Local Plan Proposals Map, which is a saved Unitary Development Plan Policy (ref. H1.2.4 Medlock Road, Woodhouses).

### THE PROPOSAL

The application relates to the erection of 17 dwellings, including a mix of 4 and 5 bed houses, with associated car parking for each plot provided either by on-site parking spaces or garages.

The access road will be formed into the site off Medlock Road between No's 111 and 125 Medlock Road. Pedestrian access will be possible to the site via the both the access road and the park off Stamford Drive.

The proposed layout contains dwellings that are three storeys in height incorporating rooms within the roof space and full height gable features. The properties have been designed illustrating a contemporary approach to traditional suburban dwelling types. Features specifically include the use of brickwork and render, gable roofs and overhanging eaves.

The layout takes the form of an 'L' shaped configuration. Plots 1 and 2 adjoin the rear of existing properties on Medlock Road and the public house beer garden. Plots 3 and 4 face the site entrance. Plots 5 to 15 face the access road with the park opposite and rear gardens adjoining the golf course. Plots 15 to 17 are served off a private drive at the south-eastern edge of the site facing the park and backing onto the golf course.

### RELEVANT HISTORY OF THE SITE:

No relevant planning history.

### 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 a Phase 2 Housing allocation within the Woodhouses Conservation Area 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 3 - An address of choice;  
Policy 5 - Promoting Accessibility and Sustainable Transport Choices';  
Policy 9 - Local environment;  
Policy 11 - Housing;  
Policy 16 - Local Services and Facilities;  
Policy 20 – Design  
Policy 21 -  
Policy 23 - Open space and sports

### **CONSULTATIONS**

Environmental Health	Recommended both landfill gas and contaminated land conditions and informative notes.
Natural England	No objection.
Greater Manchester Ecology Unit	Recommended conditions and informative notes to address the proximity to a Watercourse/Brookdale Golf Course SBI and wild life on site. Greater Manchester Police Architectural Liaison Unit
United Utilities	Recommended conditions and informative notes to address both drainage and the management and maintenance of Sustainable Drainage Systems.
Trees	No objection.
National Grid	Recommended an informative note.
Electricity North West	No objection.
Sport England	No objection.
Environment Agency	No objection.
LLFA	No objection.

### **REPRESENTATIONS**

This application was publicised by way of a site notice, neighbour notification letters and press notice. 59 individual letters of objection have been received (43 to the original scheme and a further 16 to the amended plans consultation), in which the concerns raised can be summarised as follows:

- The proposed ball stop fence is unnecessary and will be an eyesore;
- Will result in an increase of traffic volume along Medlock Road;
- Assess to the site does not comply with 'Manual for Streets 2 guidelines';
- Proposed design is stark contrast to the red brick Victorian terrace dwellings within the conservation area;
- Overbearing in height and density and will inhibit views from neighbouring properties across open Green Belt land in the Medlock valley;
- The village infrastructure cannot take any further additions to the number of family homes;

- Will result in the loss of a green space;
- This infill development will ruin the character of the village;
- The proposed access road running alongside the park will impact on the park's safe use
- Loss of trees;
- Loss of wildlife habitat;
- Proposed development does not provide sufficient off street car parking for its future occupiers;
- Proposed development does not provide affordable houses for the residents of Woodhouses;
- Noise and disturbance as a result of the development;
- Drainage system within the locality is not sufficient for such an addition of dwellings; and
- Information provided does not provide true picture of the developments impact.

## **PLANNING CONSIDERATIONS**

The main planning issues are as follows:

- Principle of Development;
- Design and impact on the Conservation Area;
- Residential Amenity;
- Open Space and Affordable Housing;
- Trees;
- Ecology;
- Drainage;
- Highway safety; and
- Conclusion.

### **Principle of development**

DPD Policy 1 seeks to ensure the effective and efficient use of land and buildings by promoting the re-use and conversion of existing buildings prior to the use of greenfield sites. It also aims to meet Oldham's housing needs by focusing residential development in sustainable locations and to ensure that development respects Oldham's natural, built and historic environments.

DPD Policy 3 states that planning applications for residential development, in whole or as part of a mixed-use scheme will be permitted where the site is allocated for residential development or mixed-use and has come forward in line with the council's approach to phasing. Policy 3 goes on to outline that the use of previously developed land is the council's first preference for residential development. To address this matter the applicant has updated the original planning statement and provided an assessment of alternative sites in the area. This assessment clearly demonstrates there is a lack of available brownfield land in this location (that does not already have permission or is being developed). This provides justification for the development of this greenfield site.

More significantly, the site is a Phase 2 housing allocation (ref. H1.2.4 Medlock Road, Woodhouses), which is covered by the saved UDP policy on Housing Land Release. This policy identified a number of Phase 1 and Phase 2 allocations with the intention that development of the Phase 1 allocations would be prioritised over the Phase 2 allocations. Phase 1 allocations were either on previously developed land and or were greenfield sites considered to have satisfactory public transport access. As such, it was intended that Phase 2 allocations (which were mostly greenfield) should only be brought forward if monitoring showed a shortfall in the required building rate. However, as there has been a change in circumstances regarding the housing land supply and required building rates, and therefore it is not considered necessary to continue to apply this phasing approach.

Consequently, the status of the site has an identified housing allocation must be afforded significant weight. Therefore, as the principle of residential development has previously been found acceptable, there are no planning policy justifications for withholding permission

in this instance.

DPD Policies 3, 5 and 11 are also concerned with ensuring that new dwellings are provided in sustainable locations which are defined as being within 480 metres or a ten minute walk of at least three 'key services'. The site is positioned within the prescribed walking distance of Woodhouses Primary School, the Dog and Partridge public house and Woodhouses Church, whilst also being located on a main bus route operating along Medlock Road for purposes of compliance with DPD Policy 5. The site is also located adjacent to established residential areas. Therefore, it is considered that the site lies in a sustainable location.

As such, for the reasons given above it is considered that the principle of the proposal is acceptable.

### **Design and Layout**

The original site allocation details indicative a capacity of 20 dwellings, based on a density of 30 dwellings per hectare, which is considered a reasonable density for this type of area. Furthermore, the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities.

To this end, concerns were raised with the developer that the originally development for 14 dwellings, equating to a density of just over 20 dwellings per hectares, was not appropriate. In response, the developer has increased the site's overall density as the amended development proposes 17 dwellings. This brings it more in line with the indicative capacity of the site.

This density will still allow for the larger house types that the developer is seeking. The allocation doesn't specifically state that larger family homes are required, however the requirement includes a mix of housing types, which includes larger homes.

It is noted that by increasing the overall density of the site, the original detached dwellings located on Plots 1 and 2 have been amended to include 2 pairs of semi-detached dwellings. The pair located on what was original Plot 2 (now Plots 3 and 4) now face the Medlock Road frontage, and along with Plots 1 and 2 provide a more welcoming entrance feature. This would be seen from the main highway within the Woodhouses Conservation Area, where previously a gable end would have only been visible. The area of open land that was located to the side on what was originally Plot 2 will now provide each of the dwellings with front gardens and off-street car parking provision.

In regards to the overall amended site layout, it is noted that other than Plots 3 and 4 on the amended scheme every dwelling will either front the access road or provides views towards the park. This layout allows for each dwelling proposed to benefit from front/rear gardens and off-street car parking provision.

In this instance, this layout is considered by officers to be the most appropriate design.

Concerns in regards to the design of the properties were raised with the applicant as originally submitted, in particular with the high levels of glazing in both the front and rear elevations. Following the submission of amended plans, it is considered the mix of house types has been improved and the level of glazing has significantly been reduced in each.

Moreover, it is noted the house types all reflect the main elevation of the neighbouring recent development for 3 dwellings on Medlock Road, which has significantly improved the scheme. Also, whilst the design of the proposal more clearly reflects the modern houses in the area, Officers are of the opinion the design overall will serve to preserve the character of the conservation area given its scale and massing is appropriate and it follows a mainly linear format.

Given the relationship of the site to a green on the adjacent golf course, it has been necessary to give consideration to the impact of stray golf balls on the amenity of the new residents. For this reason, it will be necessary for a safety fence to a height of 7 metres to be installed on the boundary of the rear gardens and the green. Although this will be a large



structure, it will be viewed against the backdrop of the dwellings themselves, and therefore have a limited visual impact on the wider area.

### **Impact on the Woodhouses Conservation Area**

The Planning (Listed Buildings and Conservation Areas) Act 1990, states that the primary duty of the Local Planning Authority with respect to any buildings or other land in a conservation area is to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. DPD Policy 24 (Historic Environment) together with Part 16 (Conserving and enhancing the historic environment) of the NPPF reflect this duty. The application site lies within the Woodhouses Conservation Area and as such the impact on the character of the Conservation Area must be assessed.

The area was designated as a Conservation Area because it has retained its character as a 19th century village, set in a semi-rural location. The retention of the traditional brick terraces and its linear form, with the commercial and public buildings redolent of a village, such as the church, school, public houses with bowling green, children's playground, listed farmhouse, cricket ground, etc., all combine to preserve the character of a 19th century village.

The area proposed for development represents one of the few open areas included within the conservation area, which has generally been drawn quite tightly around the original linear development lines. This part of the conservation area provides a rural setting for the playground and to a lesser extent the Bowling Green and was part of the extension of the area in 1989.

Currently, the area contributes positively to the significance of the conservation area by providing a rural setting for the playground; allowing views of the surrounding countryside and landmarks, such as Hartshead Pike; and maintaining the rural setting in views from the greenbelt towards the conservation area. A large pylon does diminish this rural setting.

The introduction of housing would seem to inhibit views of the rural landscape beyond. Based on the information provided, it is therefore considered that the proposed development would cause 'less than substantial harm' to the heritage asset of Woodhouses Conservation Area in the context of NPPF paragraph 195.

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

In terms of public benefits, it is clear that the development will bring forward an allocated housing site within the borough that will have both economic and social benefits. A direct economic impact of the development is that the works on-site will result in employment generation within the borough. Moreover, housing developments have a lasting economic impact as the future occupiers of the development move into the area and as a result spend wages at local businesses.

In terms of the social benefits, given the scale of the development the developer will be required to make contributions towards both public open space improvements/maintenance and affordable housing provision within the locality. These are both considered to be major social benefits having a direct impact on the area.

Finally, given that the site has been a housing allocation within both the current and previous development plans it is considered that the development is securing the optimum viable use of the site. In addition, it is noted the amended scheme more closely meets the density desired for the site.

### **Residential Amenity**

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

#### *Impact of Plot No. 1:*

From the submitted amended plans it is clear, that an approximately 17 metre separation distance would exist between the proposed side elevation of plot No. 1 and the rear elevations of No's. 105a, 107, 109, 111 Medlock Road. As such, it is considered that the proposed dwellings would not result in significant loss of light or outlook from the garden areas or habitable room windows of these adjacent properties.

The proposed dwelling includes both ground and first floor side elevation windows that could have an outlook towards these adjoining properties. However, it is noted that the opening are all secondary habitable room windows.. As such, it is considered expedient to attach a condition removing Permitted Development right for the insertion of any additional windows, doors or other openings in the side elevations of the House Type 1 and a condition that requires that all the side elevation windows be installed with obscure glazing.

The proposed front elevation habitable room windows would overlook the non private front gardens of Plot No's 2, 3 and 4; whilst the rear elevation habitable room windows would overlook the Dog and Partridge Public House beer garden. Both these relationships are considered acceptable.

#### *Impact of Plot No.2:*

The proposed front elevation habitable room windows would overlook the non private front gardens of Plot No's 1, 3 and 4; whilst the rear elevation habitable room windows would overlook the Dog and Partridge Public House beer garden. Both these relationships are considered acceptable.

#### *Impact on the Plot No's. 3 and 4:*

From the submitted amended plans it is clear, that a separation distance of over 30 metres would exist between the proposed front elevation of plot No's. 3 and 4 and the rear elevations of No's. 111, 123, 125 and 127 Medlock Road. As such, it is considered that the proposed dwellings would not result in significant loss of light, outlook or privacy of the garden areas or habitable room windows of these adjacent properties.

#### *Impact on the No's. 126, 128 and 130 Medlock Road:*

It is noted the proposed vehicle access to the site will be directly face the front elevations of these neighbouring dwellings. This could result in the lights of cars leaving the site being directed towards the front elevation habitable room windows. However, it is the LPA's opinion this will not have a significant impact on the amenity currently enjoyed by the occupiers of the dwellings give they all are set back from the back edge of the footway and have both landscaping and off street car parking spaces forward of the front elevations.

#### *Impact on the No. 41 Stamford Drive:*

From the amended plans, it is noted an approximately 14 metre separation distance would exist between the proposed side elevation of plot No. 17 single storey attached garage and the side elevation of No. 41 Stamford Drive. Whilst an approximately 17 metre separation distance would exist between the proposed first floor side elevation of plot No. 17 and the side elevation of No. 41 Stamford Drive As such, it is considered that the proposed dwellings would not result in significant loss of light or outlook from the garden areas or habitable room windows of these adjacent properties.

Given the above, it is considered that the design of the proposed development is in accordance with DPD Policies 9.

#### 4. Open Space and Affordable Housing

Policy 23 ' Open Spaces and Sports' of Oldham's Joint DPD 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.

Following an assessment of the proposal and needs of the local area it is recommended that all of the planning contribution is to be put forward to provision of off-site open space rather than providing on site provision. The proposed housing will put additional pressure on the existing open space which is both deficient in quality and quantity. On the basis of the development a cost has been calculated for off-site public open space provision and equates to £110,000.00.

Policy 10 'Affordable Housing of the Oldham LDF Joint DPD states that all residential developments of 15 dwellings and above will be required to provide an appropriate level of affordable housing. The current target is for 7.5% of the total sales value to go towards the delivery of affordable housing, unless it can be demonstrated to the Council's satisfaction that is not viable. On the basis of the proposed development the figure for affordable housing provision would be £410,000.00.

In respect of the total off site provision the applicant has provided economic viability information purporting the scheme cannot sustain a full contribution towards off site Public Open Space and Affordable Housing. However, the viability report taking into account development costs and a reasonable rate of return, and the developer has offered a combined contribution of £160,000.00 . The information and its findings have been assessed by the PDI Section of the Council and agree with the maximum offer is reasonable.

Officers therefore consider the scheme is unviable if the full amount of contribution is required to address Policy 10 and 23. The applicant has offered a figure based on an appraisal of the viability of the development which is considered to be acceptable in addressing the policy requirements for Public Open Space and Affordable housing.

It is therefore recommended to Members that the Council enter into a s.106 Agreement for the applicant to contribute £160,000 and allocated to the following:

- Off-Site Public Open Space - £110,000.00.
- Off-Site Affordable Housing - £50,000.00

#### 5. Highway Safety

DPD Policy 5 requires that developments do not compromise pedestrian or highway safety and DPD Policy 9 states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users.

In terms of highway safety, the Council's Highway Engineer has been consulted and has raised concerns over the original proposed site layout, as they the proposed access into and out of the site would not operate safely without any mitigation measures. Given there would be inadequate visibility that is not acceptable for highway safety reasons.

The issues in regards to the safe creation of an access to the site application site include:

- There is inadequate space for a footway to be provided on each side of the carriageway;
- Visibility at the junction of the access road with Medlock Road cannot be achieved due to the presence of a boundary wall which is not under the Applicants ownership.

Within the application process Council Officers have had numerous discussions with the Applicant to try to reach a solution where all users of the development can use the access road safely. During these discussions with the applicant it was noted that the Council has aspirations to introduce a traffic calming scheme along Medlock Road. This scheme in principle does not include any specific measures at the proposed access to the development.

However, this traffic charming scheme affords the developer the opportunity to include a specific traffic calming measure at the junction of Medlock Road and the site access, that if

the proposed development was to be granted planning permission would resolve the problem of visibility. As the traffic calming features could be designed so that traffic is slowed down on the approach to the junction and the geometry of the access road would allow greater intervisibility between pedestrians and drivers, and the proposed access road could be used safely with no detrimental impact on any user of the highway.

The introduction of the traffic charming feature, which is directly required to make safe the proposed site access road, would be the subject of a Section 106 contribution of £31,317.50.

The applicant has confirm they are agreeable to the £31,370.50 payment, which is an additional financial contribution that will have to be borne out of the developer profit rather than subtracted from other areas of S106 commuted sum that has been agreed in relation to offsite openspace and affordable housing provision.

Given the site access could safely be achieved, it is noted the proposed development is located within an established residential area with links to public transport and local amenities. As such the Councils Highway Engineers is satisfied that the number of dwellings proposed will not have an adverse or significant effect on the amount of traffic generated on the local highway network. Following the submission of the amended site layout plan it is clear the parking provision within the site is acceptable, and service vehicles will be able to enter the site, turn and leave in a forward gear.

Officers therefore consider the scheme has addressed DPD Policies 5 and 9 in terms of highway safety. It is therefore recommended to Members that the Council enter into a s.106 Agreement that addresses the applicant's need to contribute £31,317.50 for traffic calming on Medlock Road.

## 6. Trees

Having considered the originally submitted information it is noted that no justification had been provided for the loss of trees as a result of the proposed development. Saved UDP Policy D1.5 'Protection of Trees on Development Sites', which states the following:

*'In determining a planning application for development of a site containing existing trees, or adjoining a site containing trees, the Council will only permit a proposal where:*

- a. the development is designed, insofar as is reasonably practicable, to maximise the retention and continued health of the trees in question; and*
- b. development comprising residential accommodation is positioned in relation to retained trees so as to avoid an unacceptable degree of overshadowing of both internal accommodation and garden areas.*

*In those cases where it is agreed that trees will be lost to accommodate the development, adequate replacement planting will be required as a condition of planning permission for the development.*

*Where trees are to be lost to development, the Council will require, as a minimum, replacement at a ratio of three new native trees for each mature or semi-mature tree lost. Where possible the replacement trees should be accommodated on or immediately adjoining the development site. In exceptional circumstances (e.g. certain small infill sites), where it is agreed that on-site replacement planting is not practicable, arrangements must be made for the planting of replacement trees on a suitable site in the wider locality through a section 106 planning obligation.'*

From the 'Preliminary Tree Survey schedule and plan' submitted it is noted that the majority of onsite trees are of category 'B' and 'C' quality. From the originally submitted 'Site Landscaping Plan' it is clear the proposed replacement trees are, on the whole, non-native and of a privet sizing.

However, following these concerns being raised with the applicant an amended landscaping plan and arbocultural justification has been provided. It is noted the planting specification on the amended details outlines 24 replacement trees that the proposal will provided 38 no. replacement trees that are a mix of Beech, Alder and Downy Birch. This is 5 no. tree less

than what is required to be removed to accommodate the development. However, given the loss of trees is required to meet the density of development required by the housing allocation in the saved UDP policy, it is the LPA's opinion that a condition should be attached to the recommendation that requires they are heavy standards to further address the loss of trees onsite.

## 7. Ecology

Policy 6 and Policy 21 of the Oldham LDF Joint DPD are concerned with protecting, conserving and enhancing our local natural environments.

The Greater Manchester Ecology Unit has been consulted and note that no significant ecological constraints were identified by the developer's consultants. Moreover, they state the application site has negligible ecological value and the potential issues relate to amphibians, nesting birds, proximity to an SBI and landscaping. Each of these is commented on below:

### *Great Crested Newts and other Amphibians.*

The remnant pond was assessed as low risk for great crested newts by the applicant submitted ecology statement. The Local record centre holds no records for great crested newts for this part of Oldham and they are assumed to be absent.

Reasonable avoidance measures (RAMs) have however been recommended in particular because of the stacks of debris near the entrance that will provide good habitat for all amphibians as well as small mammals and hedgehog. Therefore whilst GMEU do not believe RAMs are required for great crested newts a method statement for other amphibians and small mammals is justified because common toad and hedgehog, both UK Biodiversity Priority Species may be present and under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act. A condition is recommended for the submission of a method statement detailing the avoidance measures to reduce the risk of harm to amphibians, hedgehogs and other small mammals be submitted and agreed by the LPA prior to the site clearance.

### *Nesting Birds*

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

### *Proximity to a Watercourse and Brookdale Golf Course SBI*

A minor watercourse flows across the eastern edge of the site into Brookdale Golf Course SBI. There is therefore a risk during and post construction of negative impacts on both the watercourse and the SBI resulting from increase in sediment load and pollutants. There is also a risk of increased recreational pressure on the SBI though this is likely to be very low owing to the scale of the development relative to the existing number of houses and lack of obvious access into the SBI. To mitigate risks during construction and post development two conditions have been recommended.

### *Contributing to and Enhancing the Natural Environment*

Section 170 NPPF states that the planning system should contribute to and enhance the natural and local environment. The main features of ecological interest will be primarily retained, with the wetland habitat mitigated for within the general location of the existing wetland habitat. Habitat loss restricted primarily to improved grassland a widespread habitat of only low ecological value. Therefore GMEU are satisfied that the proposed wetland feature and additional tree planting have the potential to provide adequate mitigation for ecological losses on site. It is recommended however that the proposed trees include primarily native species particularly along the western boundary within the existing trees

rather than the currently proposed ornamental non-native species. These details will be provided as part of a landscape condition.

It is noted the amended plans will increase the ecological impact of the development and with the land set aside for ecological mitigation now primarily off-site. The soakaway proposed along the southern boundary also has the potential to intercept water that would feed the wetland area and increase flows in to the SBI. It is therefore GMEU recommendation that further details are provided on the likely impact of the proposed drainage in terms of increased flows and negative impacts on the existing wetland area, this will be addressed by an appropriately worded planning condition.

## 8. Drainage

Policy 19 of the Oldham LDF Joint DPD is concerned with ensuring that new developments do not result in an unacceptable flood risk or increased drainage problems by directing developments away from flood risk areas. The site is located within a critical drainage area. Therefore, in order to ensure the development complies with the above policy, the United Utilities has requested a condition requiring a sustainable drainage plan to be submitted and agreed by the Local Planning Authority prior to the commencement of development and that the development is implemented in accordance with the submitted Flood Risk Assessment & Drainage Strategy which was prepared by Watercourse.

## 9. Other matters

### *Contamination and Landfill Gas:*

The fifth bullet point to paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by:

- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Given the above, it is considered appropriate to impose a condition requiring intrusive site investigations and the submission of a remediation strategy before any development takes place. The need for such a condition is also identified by the Council's EHO. An appropriate condition has been recommended in this regard in order to ensure that the development does not conflict with the requirements of the NPPF.

## 10. Conclusion

With the above in mind, it is considered the proposed dwellings would not have a harmful effect on neighbour amenity, nor have a detrimental impact on the character of the Conservation Area. It therefore complies with DPD Policies and is recommended accordingly.

## **RECOMMENDATION**

- That Committee resolves to approve the application subject to the following conditions and to the submission of a commuted payment of £191,317.50 for the improvement of the play equipment on the adjacent park, the provision of offsite Affordable housing and construction of traffic calming measures on Medlock Road.
  - That authority is granted to the Head of Planning and Development Management to issue the decision notice upon satisfactory receipt of the planning obligation.
1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

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

2. The development hereby approved shall be fully implemented in accordance with the

amended plans and specifications, which are referenced as follows:

Drawing No. 003 Rev F, received on 31/01/2019.  
Drawing No. 004 Rev F, received on 31/01/2019.  
Drawing No. 005 Rev F, received on 31/01/2019.  
Drawing No. 009, received on 31/07/2018.  
Drawing No. 006 Rev A, received on 31/07/2018.  
Drawing No. 101 Rev A, received on 31/07/2018.  
Drawing No. 201 Rev A, received on 31/07/2018.  
Drawing No. 301 Rev A, received on 31/07/2018.

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

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

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

4. Prior to their installation a detailed specification and colour scheme for all external doors, windows and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority (such scheme to include any subsequent amendments as required by the Authority).

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

5. All hard and soft landscape works for the site shall be carried out in accordance with the approved details shown on Drawing No's. 003 Rev F and 003 Rev F (received on 31/01/2019). The works shall be carried out prior to the occupation of any part of the development or in accordance the programme agreed with the Local Planning Authority. Thereafter, any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

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

6. No development shall take place unless and until all trees, shrubs and hedges within the site and/or trees whose root structure may extend within the site, have been fenced off in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority (such scheme to include any subsequent amendments as required by the Authority). Thereafter no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence and tree during the construction period.

Reason - In order to avoid damage to trees/shrubs within the site, which are of important amenity value to the area. Page 27

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

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

8. 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.

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

Reason - To ensure that the site is not used in a manner

10. No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the minor watercourse and Brookdale Golf Course SBI from accidental spillages, dust and debris has been supplied to and agreed by the LPA. All measure will be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason: To protect the Brookdale Golf Course SBI.

11. No development shall take place until it can be demonstrated that there will be no negative impacts on the ecological status/potential of the minor watercourse resulting from the disposal of foul water and surface water disposal post-development submitted to and approved in writing by the Local Planning Authority. The details, as approved, shall be implemented in full in accordance with a timetable which has first been agreed in writing by the Local Planning Authority.

Reason - To protect the Brookdale Golf Course SBI.

12. No works to trees or shrubs shall occur between the 1<sup>st</sup> March and 31<sup>st</sup> August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Reason - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981.

13. Prior to any site clearance a method statement detailing reasonable avoidance



measures to reduce the risk of harm to amphibians, hedgehogs and other small mammals will be provided to and agreed in writing by the LPA.

Reason -To protect the wildlife.

14. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a 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 subsequently be completed, maintained and managed in accordance with the approved plan.

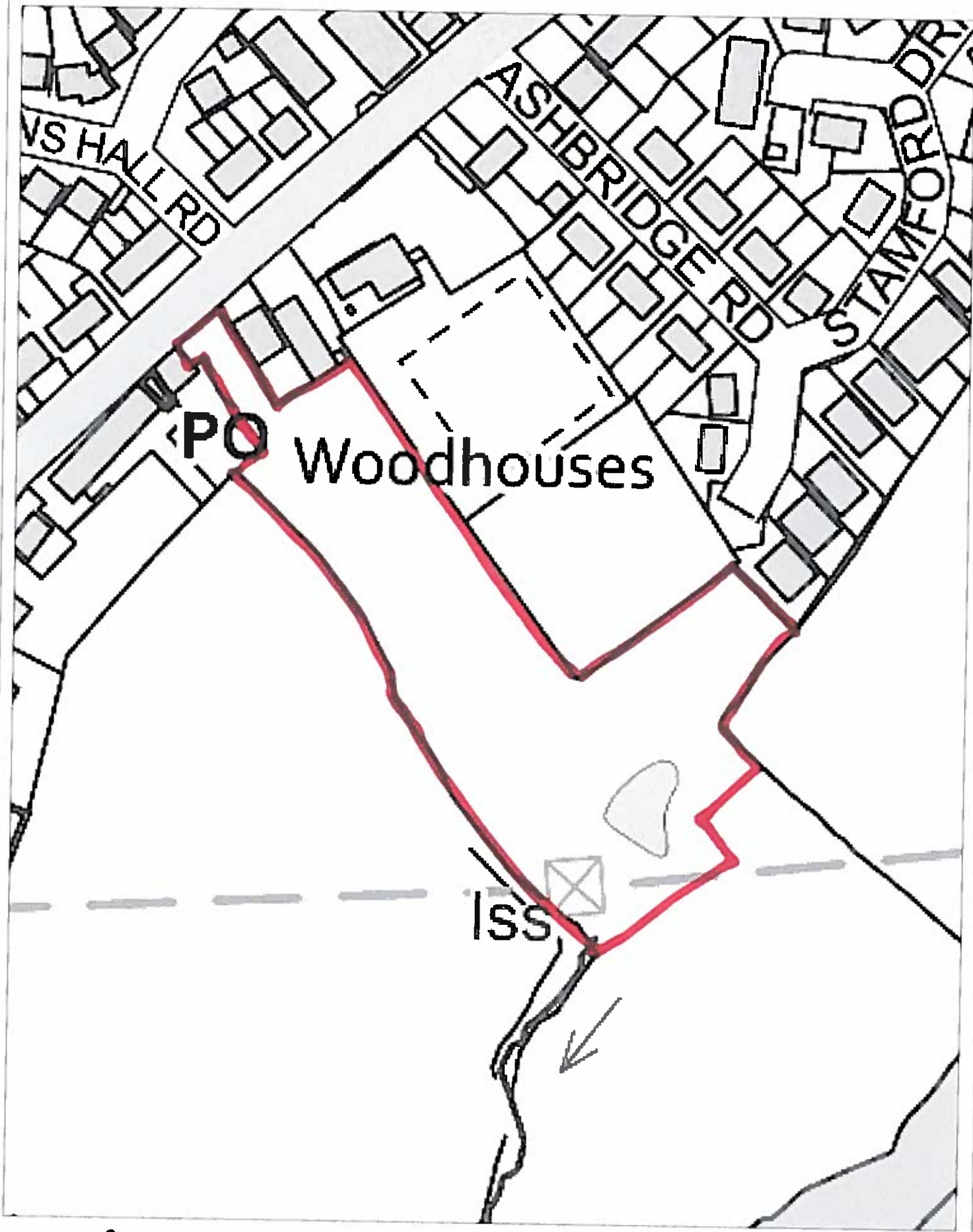
Reason - To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

15. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment & Drainage Strategy which was prepared by Waterco. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason - To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

16. No dwelling shall be brought into use unless and until the access and car parking space for that dwelling has been provided in accordance with the approved plan received on 31<sup>st</sup> January 2019 (Ref: Dwg No.005 Rev F). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access road or parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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



341467

**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

Contact Us -  
Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Page 30

 Ordnance Survey

Date: 04/02/19

Scale 1:1250



Reproduced from the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Oldham MBC Licence No 0102019896 2006

## APPLICATION REPORT - PA/342004/18

Planning Committee, 13 February, 2019

**Registration Date:** 28/06/2018  
**Ward:** Chadderton South

**Application Reference:** PA/342004/18  
**Type of Application:** Outline Planning Permission

**Proposal:** A HYBRID (part full / part outline) planning application for a total of 9,290 sqm of Class B1(a) office floorspace and associated services and infrastructure.

A) FULL planning permission for 'Block G' - a 3 storey Class B1(a) office building of 1,858 sqm, together with the creation of vehicular and pedestrian access via Hudson Street, car and cycle parking, bin storage and landscaping associated with that building.

B) OUTLINE planning permission for six buildings (Blocks A to F) comprising a combined total of 7,432 sqm gross external area Class B1(a) offices on the remainder of the site. Layout, scale, appearance and access are to be considered, landscaping is reserved.

**Location:** Land bounded by Hudson Street, Oldham Road (A62) and Hollinwood Metrolink Park and Ride, Chadderton.

**Case Officer:** Hannah Lucitt

**Applicant Agent :** Portcullis Oldham LTD  
Roman Summer Associates Ltd

---

### THE SITE

The application site is on land bounded by Hudson Street, Oldham Road (A62) and Hollinwood Metrolink Park and Ride, within the built up area of Chadderton.

The application site as a whole measures 1.86 ha. The part of site for which full planning permission is sought measures 0.4 ha, and the outline part of the site measures 1.46 ha.

The site comprises previously developed land. It was formerly occupied by the Siemens battery factory and is currently unused and largely hard surfaced with perimeter fencing.

The site is served by two historic access points. One from Hudson Street, and one from the A62, Oldham Road.

### THE PROPOSAL

This application seeks a hybrid planning permission – ie part full and part outline.

The application proposes full planning permission for 'Block G' - a 3 storey Class B1(a) office building of 1,858 sq.m (20,000 sq.ft) gross external area, together with the creation of vehicular and pedestrian access via Hudson Street. Details of car and cycle parking, bin storage, drainage and hard / soft landscaping associated with that building are also proposed.

A strip of landscaping is to be provided around the perimeter of Block G to provide a softening visual buffer with adjacent developments.

The application also proposes outline planning permission for six buildings (Blocks A to F), comprising a total of 7,432 sq.m gross external area Class B1(a) offices on the remainder of the site. All detailed matters, except landscaping, are nevertheless sought for approval at this stage.

The proposed layout includes 5 two storey buildings of between 836 and 1672 sq.m with associated car parking and landscaping, and a further 3 storey block of 1626 sq.m, each with an active frontage when viewed from public vantage points. It is proposed that the buildings are externally clad in red and grey brick with cast stone details. Slate effect hipped roofs are proposed.

The full application also seeks permission to re-clad the existing sub-station (adjacent to Block G) with sedum green walls and roof.

A 2.1m high brick wall and metal railing and gates to distinguish the boundary is proposed to the periphery of the site.

293 car parking spaces will be provided, and 36 cycle parking stands.

The existing access off Hudson Street / Railway Road is to be maintained. No access is proposed from Oldham Road.

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

PA/330665/11 - Outline planning application for redevelopment of site to comprise B1 (office) floorspace to a maximum of 6,968 sq.m (75,000 sq.ft). Access to be considered. All other matters reserved was granted outline planning permission on 8 December, 2011. This permission was never implemented and has since expired.

PA/053992/07 - Proposed office development with associated road works and parking was granted conditional planning permission on 20th December 2007. This permission was never implemented and has since expired.

#### **CONSULTATIONS**

Highway Engineer	No objection, subject to the inclusion of conditions or Section 106 addressing the required changes to the SCOOT loops; the provision and retention of car parking spaces; the provision of a Green Travel Plan; and details of secure cycling facilities.
Environmental Health	No objection subject to the inclusion of conditions addressing landfill gas, contaminated land, and a scheme for electric vehicle charge points.
LLFA & Drainage	No objection, subject to the inclusion of a condition addressing the need for a Flood Risk Assessment and Drainage Scheme.
Greater Manchester Police Architectural Liaison Unit	No objection.
Transport for Greater Manchester and Highways England	No objection, subject to the inclusion of a Section 106 agreement in relation to the required changes to the SCOOT loops.

#### **REPRESENTATIONS**

This application was publicised by way of a site notice, press notice and neighbour notification letters. One letter was received which commented that improvements must be made to current infrastructure, and that services must not be disrupted to adjacent buildings.

The main issues to consider are:

1. Land Use;
2. Parking and highway safety;
3. Amenity and design;
4. Environmental Impacts
5. Drainage.

### **Land Use**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in paragraph 2 within the National Planning Policy Framework (NPPF).

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

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

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

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

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

The application site is previously developed land, evident by the hard surface and previous use.

Oldham has identified an 'arc of opportunity' of key development locations for business that underpins Oldham's future economic prosperity. The application site lies within this opportunity area and an allocated Business Employment Area (BEA). DPD Policy 14 provides details of the types of uses that will be encouraged in the BEAs, as well as the circumstances in which changes from employment-generating uses will be permitted.

As the application site proposes a B1 Use Class facility, the proposed development complies with Policy 14 and the principle of the proposal is therefore satisfactory. The commercial units provide a mix of sizes to accommodate the needs of a variety of businesses. The benefit of the anticipated 715 full time jobs that would be created by virtue of the proposed development is acknowledged.

Consequently, the development will accord with the Council's objectives to promote and facilitate new employment development in a highly sustainable location.

### **Parking and highway safety**

A Transport Assessment has been submitted with this application. It examines existing conditions and the effect that the proposed development is likely to have on the highway network.

TfGM and Highways England have also been consulted in respect of the likely effects on the local and strategic highway networks respectively.

The Transport Assessment submitted by the applicant was reviewed and TfGM was not confident that the modelling provided an accurate reflection of the operation of the highway network in the vicinity of the site. As a result TfGM has worked with the applicant, requesting additional information to ensure that they could assess the impact of the development as accurately as possible given the location within an area with heavy existing traffic levels.

TfGM concludes that the network experiences severe congestion during the peak periods. Empirically, the addition of development traffic will further increase congestion and delay at the junction. At junctions operating at or close to practical capacity, small reductions in effectiveness will have significant increases in delay.

In order to overcome these concerns, TfGM has suggested measures in relation to the existing demand responsive urban traffic control system (SCOOT) which they are satisfied would mitigate against any adverse impact. This has been agreed with the applicant and will be incorporated into a Section 106 agreement.

These measures include:

- Relocation of SCOOT loops on the M60 off-slip at its junction with Hollinwood Avenue/A62. It is estimated that the cost of relocating the loops by an extra 100 metres would be in the region of £30,000.
- Revalidation of SCOOT at the junction of M60 off-slip/Hollinwood Ave at a cost of £2625.

The site is in a highly sustainable location with excellent links to public transport and opportunities for walking and cycling which will be developed further by the Local Highway Authority. Parking provision across the site is satisfactory, and it is not expected that there would be increased demand for parking on the local highway network as a result of the development.

The Council has an aspiration for the improvement of pedestrian and cycle infrastructure in the area. The proposed development is affected by this in that there is a potential link alongside the site through to the Metrolink stop. Discussions have taken place with the Applicant and they have agreed to dedicate an area of land currently in their ownership to the Council in order to facilitate this link.

A Section 106 Agreement will be required in order for the land in the Applicant's ownership at the side of the proposed development site to be dedicated as highway so that improvements to the pedestrian and cycle infrastructure can be carried out by the Local Highway Authority between the A62 Oldham Road and Hudson Street.

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

### **Amenity and Design**

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

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

The buildings are laid out at varying angles and contain a mix of fenestration and detailing, which along with the mix of heights creates an interesting appearance. This will be supplemented and softened by tree planting and associated landscaping.

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

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

### **Environmental impacts**

DPD Policy 18 promotes sustainable development in the borough through supporting carbon-neutral developments following the principles of the zero carbon hierarchy. The application site lies within an Air Quality Management Area (AQMA). Whilst the Environmental Health team has raised no objection, they have requested that electric vehicle charge points are incorporated into the scheme to reduce the impact on air quality.

The Environmental Health Team has also requested the inclusion of contaminated land and landfill gas, pre-commencement conditions. The inclusion of these pre-commencement conditions has been agreed with the applicant.

### **Drainage**

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

### **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 to cover the following matters:

- Relocation of SCOOT loops on the M60 off-slip at its junction with Hollinwood Avenue/A62;
- Revalidation of SCOOT at the junction of M60 off-slip/Hollinwood Ave; and,
- Land in the applicant's ownership at the side of the proposed development site to be dedicated as highway so that improvements to the pedestrian and cycle infrastructure can be carried out by the Local Highway Authority between the A62 Oldham Road and Hudson Street.

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

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

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

1. Application for approval of Landscaping (hereinafter called "the reserved matter") 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 Reserved Matter.

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

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

**SITE PLAN AND ACCESS**

- Drawing no. 9993 PL03 revision C received 26th June 2019
- Drawing no. 7879 access fig 1 received 26th June 2019

#### BLOCK G

- Drawing no. 9993 PL04 revision B received 26th June 2019
- Drawing no. 9993 PL05 revision C received 26th June 2019
- Drawing no. 9993 PL06 revision B received 26th June 2019
- Drawing no. 9993 PL08 received 26th June 2019
- 

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

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

- Drawing no. 9993 PL03 revision C received 26th June 2019
- Drawing no. 9993 PL07 revision A received 26th June 2019
- Drawing no. 9993 PL09 revision A received 26th June 2019
- Drawing no. 7879 access fig 1 received 26th June 2019

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

3. No development shall commence unless and until a detailed drainage scheme, based on sustainable drainage principles, and a Flood Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be completed in accordance with the approved plans and maintained thereafter.

Reason - To reduce the risk of flooding.

3. No development shall commence unless and until a detailed drainage scheme, based on sustainable drainage principles, and a Flood Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be completed in accordance with the approved plans and maintained thereafter.

Reason - To reduce the risk of flooding.

4. The proposed development shall be constructed in accordance with the recommendations contained within section 3.3 of the submitted Crime Impact Statement (URN: 2018/0154/CIS/01) and shall reflect the physical security specification listed within section 4 of the appendices within the submitted Crime Impact Statement.

Reason - To protect public safety.

4. The proposed development shall be constructed in accordance with the recommendations contained within section 3.3 of the submitted Crime Impact Statement (URN: 2018/0154/CIS/01) and shall reflect the physical security specification listed within section 4 of the appendices within the submitted Crime Impact Statement.

Reason - To protect public safety.

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 report and recommendations have been submitted to and approved in



writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

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

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 report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

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

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.

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 commence unless and until a scheme for electric vehicle charge points has been submitted to and approved in writing by the Local Planning Authority. The development must be implemented in accordance with the approved scheme.

Reason - To reduce the impact the development will have on air quality.

7. No development shall commence unless and until a scheme for electric vehicle charge points has been submitted to and approved in writing by the Local Planning Authority. The development must be implemented in accordance with the approved scheme.

Reason - To reduce the impact the development will have on air quality.

8. The development hereby approved shall not be brought into use unless and until the access and car parking spaces have been provided in accordance with the approved plan received on 26th June 2018 (Ref: Dwg No. 9993 16 Rev A). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction of the parking spaces and access. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

8. The development hereby approved shall not be brought into use unless and until the access and car parking spaces have been provided in accordance with the approved plan received on 26th June 2018 (Ref: Dwg No. 9993 16 Rev A). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction of the parking spaces and access. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

9. Prior to the occupation of the development, details of a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show measures to reduce the need to travel to and from the site by private transport and the timing of such measures. Within six months of the occupation of the development the plan shall be implemented in accordance with the details as approved.

Reason - To ensure the development accords with sustainable transport policies.

9. Prior to the occupation of the development, details of a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show measures to reduce the need to travel to and from the site by private transport and the timing of such measures. Within six months of the occupation of the development the plan shall be implemented in accordance with the details as approved.

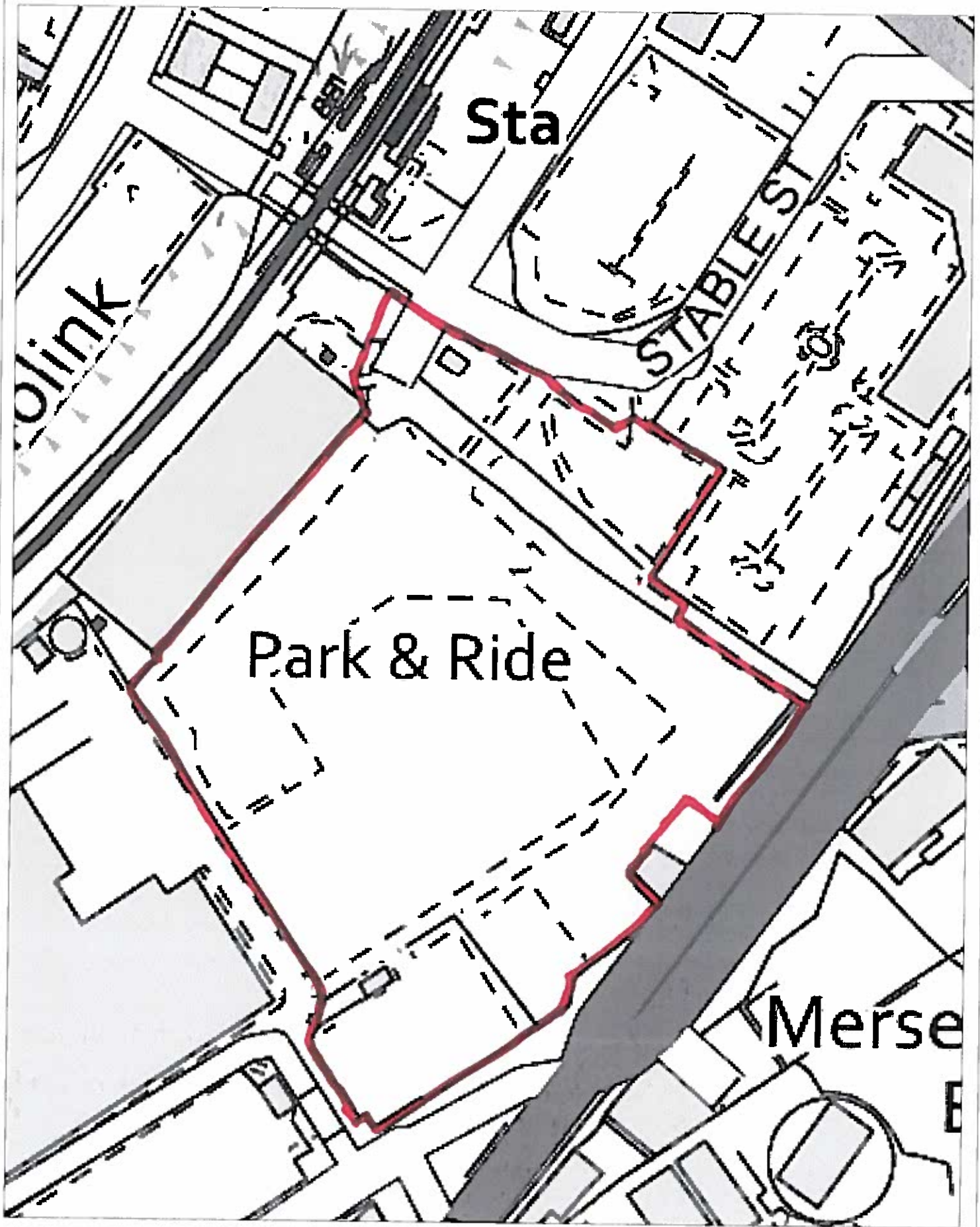
Reason - To ensure the development accords with sustainable transport policies.

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

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

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


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



342004  
**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

Contact Us -  
Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)  
Page 39

Date: 04 02 19   
Scale 1:1250

Reproduced from the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Oldham MSC Licence No 01001955 2008

This page is intentionally left blank

## APPLICATION REPORT - PA/342222/18

Planning Committee, 13 February, 2019

**Registration Date:** 16/08/2018  
**Ward:** Saddleworth South

**Application Reference:** PA/342222/18  
**Type of Application:** Full Planning Permission

**Proposal:** Erection of 20 no residential dwellings with amended road access and associated car parking.

**Location:** Land to the rear of 29 -51 Shaw Hall Bank Road, Greenfield, OL3 7LD

**Case Officer:** Hannah Lucitt

**Applicant Agent :** Wiggett Construction  
HNA Architects Ltd

---

### THE SITE

The site comprises a rectangular plot and amounts to approximately 8,647 square metres (0.864 Ha) in area.

The site is situated between Shaw Hall Bank Road and Huddersfield Narrow Canal, and sits within a residential area. It is located behind a row of existing terraced houses on Shaw Hall Bank Road to the north boundary. Shaw Hall Close is located to the west boundary, with the Huddersfield Narrow Canal to the south.

To the east/north east, the site is bound by an area of overgrown land 31m in width, followed by the existing access road to the adjacent Saddleworth Sewage Works, located to the south east of the site on the opposite side of the Huddersfield Canal.

The site has a level difference from Shaw Hall Bank Road, to Huddersfield Narrow Canal of approx. 7m. There is an existing slope down the access way between 29 and 31 Shaw Hall Bank Road of about 3m, then the site slopes down another 4m to the edge of Huddersfield Narrow Canal.

The whole site is subject to an area Tree Preservation Order (TPO/565/15). The site contains two areas of woodland, one area to the south west and one to the north east (which continues beyond the application site to the north east/east).

The site is currently overgrown with self-seeded vegetation with brambles making it difficult access and use as open space. It has invasive species and, due to the canal embankment creating a local damn effect, an occasional pond forms during the wetter months. The site has suffered from a fly tipping of garden waste in the past.

The application site is not within a Conservation Area, nor does it have any heritage assets on, or near to its boundaries.

The application site is located within Flood Zone 1.

### THE PROPOSAL

This application proposes the erection of 20 detached two-storey, four-bedroom houses of three different house types. Each property will be accessed from a private driveway and garden to the front. Each has a private garden to the rear. Access to the application site will

be via the existing access off Shaw Hall Bank Road.

The existing access is proposed to be altered to include a wider visibility splay into Shaw Hall Bank Road, bollards, and a footway.

Each dwelling would have at least one car parking space.

The application proposes the loss of existing trees to facilitate the proposed development, and the implementation of a landscaping scheme and associated works. This includes the removal of 9 trees, with 8 mature trees remaining on site, the planting of 34 new trees and a number of shrubs and hedges.

A proposed designated car parking area formalises the existing informal car parking arrangement and is proposed to the north of the site to serve the existing residents at Shaw Hall Bank Road.

No affordable housing or public open space is proposed on site.

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

PA/340397/17 - Land rear of 19 to 27 Shaw Hall Bank Road (*'Residential development of 2 No. detached dwellings. Access and layout to be considered. All other matters reserved'*) was granted conditional planning permission on 30th October, 2018.

### **CONSULTATIONS**

Highway Engineer	No objection, subject to the inclusion of conditions addressing the provision and retention of the access and car parking spaces, and the implementation of the highway improvement scheme.  An informative in regard to s.278 and s.38 of the Highways Act 1980 should also be included.
Environmental Health	No objection, subject to the inclusion of conditions addressing contaminated land and landfill gas.
LLFA	No objection, subject to the inclusion of a condition addressing the need for drainage plans.
Greater Manchester Police Architectural Liaison Unit	No objection, subject to the inclusion of a condition addressing the need for the development to meet the 'Secured by Design' standards.
Council's Arbourist	No objection, subject to the inclusion of a condition requiring the implementation of the landscaping scheme.
Drainage	No objection, subject to the inclusion of a condition addressing the need for drainage plans.
United Utilities Asset Protection	No objection, subject to the inclusion of a condition addressing the need for drainage plans and foul and surface water to be drained on separate systems.
Environment Agency	No objection, subject to the inclusion of a condition addressing contaminated land.
Canal & River Trust	No objection, subject to the inclusion of conditions addressing the implementation of the landscaping scheme, and a condition addressing the control of

boundary treatment.

An informative addressing discharge of surface water into the canal should also be included.

Greater Manchester Ecology Unit No objection, subject to the inclusion of conditions addressing the need for an ecological construction method statement, protection for nesting birds, lighting, biodiversity enhancement, and invasive species.

An informative in regard to what to do in the event badgers are found on site should also be included.

## REPRESENTATIONS

This application was publicised by way of a site notice, press notice and neighbour notification letters. A total of 157 letters of objection and a petition, objecting to the scheme, with 764 signatures was received. The objections are summarised as follows:

### Land use

- Application site is not suitable for housing;
- Development should not take place on this greenfield site;
- Proposed development is located within an unsustainable area;
- There is no need for four bedroom dwellings in the area;
- Proposed development would result in the loss of an important green space;
- Proposed development would not provide affordable housing; and,
- The proposed development would result in the loss of TPO trees.

### Design

- Proposed development would have an unacceptable negative impact on the character of the area;
- The gradient of the site is unsuitable for residential development;
- Proposed development would unacceptable impact an undesignated heritage asset; and,
- Proposed development is of poor design.

### Amenity

- Proposed development would have an overbearing impact on adjacent dwellings;
- Proposed development would cause loss of privacy;
- Proposed development would cause light pollution to local residents dwellings;
- Proposed development would cause unacceptable noise and disturbance to local residents;
- Proposed development would result in a loss of outlook; and,
- The existing space is a place for children to play, with no replacement being offered.

### Highways

- Proposed development would cause an increase in localised traffic congestion;
- Proposed development would have an unacceptable impact on highway safety and amenity; and,
- The proposed parking restrictions on Shaw Hall Bank Road (double yellows) are unreasonable and would exacerbate existing parking issue locally.

### Drainage

- No information on drainage has been provided; and,
- Proposed development would exacerbate localised surface water flooding.

## Ecology

- Proposed development would be harmful to local wildlife; and,
- Proposed development would cause light pollution to the canal.

## Other matters

- Proposed development would devalue local houses;
- Proposed development would have an adverse impact on local infrastructure;
- Submitted documents are misleading and inaccurate;
- Proposed development would cause increase to localised crime;
- There is a right of way which runs through the site; and,
- There are ownership issues on site.

Saddleworth Parish Council recommend refusal, and have made the following comments:

*"The proposal would result in the loss of green space and amenity to the community. It also represents overdevelopment of this small area creating an unacceptably high housing density.*

*19 letters of objection were received in respect of this application.*

*In presenting the case in favour of the development the representative for Wigget Homes referred to GMSF needs. The Parish Councillors countered that GMSF targets have been again further delayed and that OMBC should wait before making decisions concerning applications for large numbers of houses. They would also request that Brownfield sites are developed before Greenfield ones".*

## **PLANNING CONSIDERATIONS**

The main issues to consider are:

- 1) Land use;
- 2) Loss of open space;
- 3) Design;
- 4) Residential amenity;
- 5) Highway safety and amenity;
- 6) Drainage;
- 7) Ecology;
- 8) Public open space; and,
- 9) Other matters.

## **Land Use**

### Policy Background

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

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

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

The application site is unallocated by the **Page 44** Proposals Map associated with this document,



though it is identified in the Council's Open Space Study as part of Shaw Hall Bank Road Natural/Semi-natural space.

Therefore, the following policies 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 6 - Green Infrastructure;  
Policy 9 - Local environment;  
Policy 10 - Affordable Housing;  
Policy 11 - Housing;  
Policy 19 - Water and Flooding;  
Policy 20 - Design;  
Policy 21 - Protecting Natural Environmental Assets;  
Policy 23 - Open spaces and sports; and,  
Policy 25 - Developer Contributions.

Saved UDP policies: D1.5 - Protection of trees on development sites

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

Policy 1 of the DPD, in the context of this application, seeks the effective and efficient use of land and prioritises development on previously developed land. Policy 3 also gives preference to the use of 'previously developed sites' for residential development.

However, this is not synonymous with a position that all development of previously developed land is unacceptable especially if it achieves sustainable development objectives.

Policy 3 explains that in the case of proposals on non-allocated sites such development will only be considered favourably where a deliverable 5-year supply of housing land cannot be demonstrated, where it contributes towards the delivery of the borough's regeneration priorities, or where it contributes to the delivery of affordable housing needs. It also explains that the use of previously developed land and vacant or underused buildings is the Council's first preference for residential development and the availability of such land, both in the locality and boroughwide, will be the first consideration regarding applications on greenfield sites.

### Land Use Consideration

#### The case for new housing

It is recognised that there is a significant and unmet demand for housing within the area and that the scheme for new housing has significant economic and social benefits.

A failure to deliver new housing development in Saddleworth South and in the wider Oldham Borough area will contribute to and exacerbate problems that stem from the under-supply of housing, including:

- Constrained labour mobility and the potential for skills and labour shortages. The 2008 Taylor Review (Living, Working Countryside) found that a shortage of housing led to unfulfilled economic potential which were particularly acute in rural areas. These effects resulted from limited labour mobility and difficulties for employers to recruit locally. Research in Scotland and Cumbria observed that employers had resorted to subsidised housing and temporary accommodation for migrant labour to ensure they had access to the workforce they required.

- Further barriers to the recovery of the construction sector. Housing development is estimated to account for 25-30% of jobs in the construction sector, and plays a key part in providing apprenticeships, at work training and employment for young people, critical during

a period when youth unemployment has hit historic highs.

- Weak activity in the construction sector has wider impacts on the performance of a local economy. Research by Oxford Economics concludes that, for every £1 spent on construction, £1.40 in gross output will be generated across the wider economy. In effect, a failure to develop housing implies missed opportunities to boost local economic performance at a time when the economy remains in a fragile state.

- An under-supply of housing has adverse impacts on local consumer expenditure in a number of ways. High house prices (rental and purchase) are likely to reduce disposable income, which in turn reduces the potential household expenditure that local retailers and service providers compete to capture. A failure to attract a younger population to an area in which the population is ageing may lead to smaller, older households. With households in which the head is over the age of 75 spending only 50% of average household expenditure, this will affect the level of potential household income available in the area. While Greenfield is currently well provided for in terms of retail facilities and local services, the ageing of its population is likely to see significant growth in the number of smaller and older households in the area.

Given the significant economic and social benefits new housing brings, the benefit of providing much needed housing would weigh heavily in favour of the scheme.

The Council's 2016-17 Monitoring Report indicates that, as of 1 April 2017, the Council has a five-year supply of 2,743 dwellings, which provides a 6.55 year supply of deliverable housing land against the housing requirement set out in the Local Plan (289 dwellings per year), with 809 being on previously developed land.

A partial update of the council's Strategic Housing Land Availability Assessment (SHLAA) also illustrates that there is a potential housing land supply (11,233 dwellings) to meet the borough's housing requirements over a 20 year plan period (2018-2038) based on the levels set out in the Local Plan.

However, the current five-year supply would not meet the emerging housing requirements in the original draft GMSF (685 dwellings per annum) or the current version (752dpa). The NPPF requires local planning authorities to apply the standard national methodology when identifying the local housing need for the area. Whilst it is important to note that these are still in draft / consultation form, the evidence supporting the GMSF consultation indicates it is likely a housing requirement for Oldham of between 685 and 752dpa will need to be considered in the assessment of applications.

Paragraph 11 of NPPF sets out the presumption in favour of sustainable development which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

If a five year housing land supply cannot be demonstrated against the ministerial housing need figures, the proposal will need to be assessed against this presumption and Members should subsequently give weight to this.

The site is included in the 2012 SHLAA and in the draft SHLAA. However, inclusion in a SHLAA does not automatically imply that a site is granted planning permission for

housing.

Whilst the GMSF is an emerging plan, it provides the most up-to-date evidence with respect to OAN for each district in Greater Manchester and these targets have been utilised by Inspectors when assessing whether a Council is able to demonstrate an adequate supply of housing land.

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

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

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

It is acknowledged that the Council's current five-year supply is not certain to meet proposed housing requirements in the draft GMSF (685dpa) or that set out in the Government's 'Planning for the right homes in the right places' which has recently been consulted upon (752dpa). However, it is important to note that these are still in draft / consultation form. Nevertheless, the evidence supporting the draft GMSF and the recent Government consultation indicates a housing requirement for Oldham of between 685 and 752dpa.

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

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

### Affordable Housing

All residential development of 15 dwellings and above, in line with national guidance, will be required to provide an appropriate level of affordable housing provision. The current target is for 7.5% of the total development sales value to go towards the delivery of affordable housing, unless it can be clearly demonstrated to the council's satisfaction that this is not viable, in accordance with DPD Policy 10.

Affordable housing must be provided on-site, in partnership with a Registered Provider, preferably that belongs to the Oldham Housing Investment Partnership (OHIP), unless there are exceptional circumstances that would justify acceptance, by the council, of off-site

provision within the locality or a financial contribution in lieu of provision.

Exceptional circumstances include:

- e. where the specific characteristics of the residential development proposed mean that the provision of affordable housing on-site is neither practicable or desirable; or
- f. where the council consider that off-site provision within the locality or a financial contribution would meet local affordable housing needs and other planning and regeneration objectives more effectively.

As the proposed development is for 20 dwellings, on-site provision would be difficult to practically provide and subsequently off-site provision within the locality or a financial contribution would be required on a prorata basis for the 5 dwellings which fall over and above this threshold. This is particularly the case because housing association find it practically very difficult to manage small numbers of isolated affordable housing on site away from the rest of their housing stock.

In this instance, it would not be financially viable for a meaningful contribution or off site provision to be made.

Therefore, in this exceptional circumstance, it is considered that it is acceptable for the proposed development to include no provision for affordable housing.

#### Is the site within a sustainable location?

DPD Policy 3 clarifies the Council's aims to promote development in sustainable locations and on previously developed sites. This is not, however, synonymous with a situation where all development on greenfield sites should be refused. If the scheme is sustainable development, the guidance indicates it should be approved in accordance with Paragraph 11 of the NPPF.

In the case of proposals on a non-allocated site, Policy 3 states that such developments will be considered favourably where they satisfy three criteria. They are:

- (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.

In this case a 5 year housing land supply is difficult to justify in Oldham, and the scheme would result in the physical, economic and social regeneration of the area.

Policy 3 also acknowledges the contribution that residential development on non-allocated sites can make to housing 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.

In this instance, the application site is located within a highly sustainable location with two public houses, St Anne's Lydgate & Christ church Friezland C Of E Church and Saddleworth Rangers within the prescribed distance.

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 nearest bus stops providing services to Ashton, Dobcross and Denshaw are located less than 200 metres from the site, with further services available in Greenfield. Greenfield railway station with services eastbound and westbound is approximately 300 metres to the east.

Consequently, it is considered that the site **Page 48** is a highly sustainable location.

Having regard to the above factors, alongside the contribution the proposed development would make to the Council's housing land supply, it is considered that the principle of the proposed development is acceptable and that the land is suitable for housing, if the loss of open space does not outweigh the benefit of new housing.

#### Loss of 'open space'

The application site was directly assessed as part of the Oldham LDF 'Open Space Study' as 'Natural and Semi-Natural' open space. The site was not considered as being of 'Good Quality'. It was assessed in terms of quality as 49.6% 'Poor'. 'Good Quality' is described as scoring at least 70%. It therefore is clear that the quality of 'open space' is not high.

Though the application site was included within the 'Open Space Study' it is clear that the proposal would not amount to 'open space' being neither useable or accessible by virtue of the thick self-seeded vegetation on site, with no specific use or purpose.

Amongst this vegetation, there are a number of TPO trees. It is acknowledged that the site has some visual amenity value, particularly for the residents that face onto the application site.

Whilst the neighbours comments are acknowledged, Officers found the site to be largely inaccessible on foot, and subsequently cannot realistically be argued to be useable 'public open space'.

It is considered, in this instance, that there that there is sufficient good quality open space in close proximity to the site that will still meet the needs of the adjacent and new residents, to the immediate east and south of the application site, which are well used areas of grassed open space.

Overall, it is considered that the economic and social benefits associated with the provision of 20 dwellings would outweigh the impact of the loss of mostly unusable 'open space', that does not have a quality sufficient to demand its retention in this instance.

The applicant has agreed to a legal agreement in respect of a contribution of £150,000 towards the provision or improvement of existing public open space, specifically improvements to Churchill playing fields, provision of trim trail exercise equipment and surface improvements. This is supported by the Local Authority.

#### Land use conclusion

Given the above, it is considered that the application site is suitable for residential development, as it is located within a sustainable area, on land capable of being developed for housing in an area with identified housing need.

The release of this 'open space' is considered acceptable, given its low quality and accessibility, when considering the economic and social impacts brought about by new housing within the area.

Therefore, the land use is considered acceptable in principle.

#### **Loss of Trees**

Saved UPD Policies D1.5 states that where trees are to be lost to development, the Council will require, as a minimum, replacement at a ratio of three new native trees for each mature or semi-mature tree lost. Where possible the replacement trees should be accommodated on or immediately adjoining the development site.

The loss of 9 trees on this site clearly weighs against the scheme.

Any development of the site will result in tree loss. Overall, the majority of the trees required

to be removed would be limited to younger, low quality scrub and pioneer tree species such as goat willow.

Nevertheless, the Council's Arbourist has assessed the trees on site and has agreed to the removal of a number of trees, with 8 mature trees remaining on site. The Council's Arbourist has also supported the robust landscaping scheme and replanting schedule which includes the planting of 34 trees on site to mitigate against the loss of trees caused by virtue of the proposed development.

Give the above, the proposal is considered to be in accordance with Saved UPD Policies D1.5.

## **Design**

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

The layout of the proposed development has been designed in accordance with DPD Policy 20 to avoid adverse impacts on the amenity of future occupants and the occupants of existing neighbouring properties.

The design and materials proposed for the dwellings has been designed to be in keeping with the design of the dwellings within the surrounding area. They are constructed using stone, with a pitched roof of traditional design.

The proposed hard and soft landscaping, that will form part of the development, is considered to be acceptable, incorporating areas of green space, as well as landscaping forward of the front elevation of the proposed dwellings. This assists in the 'softening' the impact of the proposed development.

The proposed development would not have any impact on a designated or undesignated heritage asset.

In regard to the concerns outlined by neighbours in regard to design:

- The proposed development is considered to have a positive impact on the character of the area;
- The gradient of the site is suitable for residential development;
- The application site is not located within close distance to any designated or undesignated heritage asset; and,
- The proposed development is considered to be of high quality design.

Overall, it is considered that the high quality design of the proposed development would have a positive impact on the character of the area, in accordance with DPD Policies 9 and 20.

## **Residential amenity**

DPD Policy 9 outlines that new development proposals must not have a significant adverse impact upon the amenities of neighbouring properties.

It is considered that the relationship between the buildings within the site is acceptable since none of the windows proposed within the site would result in significant overlooking or loss of privacy to the occupiers of each of the proposed dwellings.

The minimum separation distance between windows serving first floor habitable rooms would be 17m, (at an acute angle between plots 18 and 20) with plot 20 being located at a higher topographical level.

Although ideally, a separation distance of 21m between habitable rooms should be achieved, given the sloping nature of the site and the impact of proposed habitable rooms

windows being largely offset from one another, it is considered that the reduced separation distance between dwellings is acceptable, given the mitigating impact of the topography of the land, and the offset window fenestration.

The garden areas associated with the proposed dwellings are considered to provide adequate amenity space. It is not considered that the existing site has any specific use, therefore, it is not considered that the proposed development would result in the loss of a children's play facility.

There is no evidence to show that an increase of 20 dwellings would have a significant adverse impact on local infrastructure.

The proposed residential use of the site is considered appropriate to the character of the surrounding area. It is considered that, when viewed as a whole, the layout and design of the proposed development would integrate into the wider character of the area. No objection has been raised by Environmental Health in regard to noise and disturbance, light pollution or other amenity matters. Therefore, it is considered that the proposed development would comply with DPD Policies 9 and 20.

### **Highway safety and amenity**

The proposed development is located within an established residential area. There are excellent links to public transport and access to a wide range of local amenities within walking or cycling distance. Parking provision across the site is adequate, and it is not considered that there will be any additional demand for on street parking on Shaw Hall Bank Road as a result of the development.

If left unaltered, visibility at the junction of the proposed access road and Shaw Hall Bank Road would have been obstructed by any vehicles parked on Shaw Hall Bank Road. 'Build outs' will therefore be provided on Shaw Hall Bank Road to improve visibility. Moreover, a s.106 Contribution of £4,500 has been agreed by the applicant to allow the introduction of waiting restrictions to each side of the build outs to further facilitate visibility for vehicles emerging from the proposed access road.

The waiting restrictions included as part of the s.106 agreement will facilitate visibility at the junction of the application site. The developer has made provision for parking for existing residents at Shaw Hall Bank Road on site. The proposed waiting restrictions will also prevent long banks of parked cars on Shaw Hall Bank Road, which currently prevent cars pulling in to pass each other.

Subject to these works, it is not anticipated that the traffic generated by an additional twenty dwellings will have any significant impact on the local highway network, or be detrimental to highway safety. No significant impact, in regard to additional congestion, is expected by virtue of the proposed development. Therefore, no objection has been raised by the Council's Highway Engineer, subject to the inclusion of conditions addressing the provision and retention of the access and car parking spaces, and the implementation of the highway improvement scheme.

### **Drainage**

The application site is located within a Critical Drainage Area and is known to suffer from localised surface flooding. No drainage scheme has been submitted with this application. However, there is no reason as to why a suitably designed drainage scheme could not effectively drain the site, without displacing surface water onto the adjacent dwellings at Shaw Hall Close. No objection has been raised by the LLFA, the Drainage Team, Environment Agency or United Utilities in relation to drainage on this point.

The LLFA and Council Drainage Team have commented that the Flood Risk Assessment as submitted is acceptable. There is no expectation that there will be issues with drainage on site that could not be overcome. Therefore, it is not considered that a reason for refusal will be able to be sustained on the basis of information currently available to officers, subject to

a suitable condition, ensuring adequate drainage being imposed .

## **Ecology**

An ecology survey has been submitted with the application (Rachel Hacking Ecology) that was undertaken in July 2018.

The site is adjacent to the Huddersfield Narrow Canal which is a Site of Biological Importance (SBI). It is of note that the Huddersfield Narrow Canal is also a SSSI but this designation does not extend into Oldham.

During the Phase 1 survey, the habitats were assessed for their potential to support protected species. This included looking for signs of Badger activity (e.g. setts, paths, latrines and hairs on fences), assessing any waterbodies on site or near the site for their potential to support Great Crested Newt and assessing the potential for any buildings or mature trees to be used by bats.

The site was also surveyed for invasive, non-native plant species, such as Japanese Knotweed and Giant Hogweed.

### Huddersfield Narrow Canal (SBI)

The proposal suggests that the Canal should be protected throughout works, including site clearance. Additionally, no building materials, pollutants or surface water run off should be allowed to enter the canal. Greater Manchester Ecology Unit have recommended that an Ecological Construction Method Statement be submitted detailing how the works will be completed and how the canal will be protected throughout the works.

### Badgers

No evidence of Badger was found at the site or immediately adjacent to the site. No Badger sett or Badger activity was found on or immediately adjacent to the site. Generally, it is good practice to implement a 30m buffer surrounding the site.

As badgers could use the site to forage, Greater Manchester Ecology Unit have recommended that any excavations which are created on the site should not be left open overnight and should be covered or fitted with a ramp to prevent any mammals from becoming trapped. An informative is also recommended so that the developer is aware of the legal protection that certain species receive.

Given the above, it is considered that the proposed development is acceptable in regard to the safety of badgers on and near to the site.

### Bats

In regard to bats, there are no building structures occur on site. Several mature trees are located within the broad-leaved woodland. These were all inspected from the ground for potential roosting features, such as cavities and limb damage. No trees were found to have such features. Bats may use features, such as the woodland edges and ponds (when it holds water), for foraging and commuting. The canal to the south of the site is optimum commuting and foraging habitat for bats. This site is not.

It is acknowledged that artificial lighting can affect the feeding and commuting behaviour of bats. Bats will use the Canal and the retained woodland to the east of the site for foraging and commuting. Greater Manchester Ecology Unit have therefore recommended that any lighting (during construction and post development) be directed away from the canal and the retained woodland to the east of the site.

Given the above, it is considered that the proposed development is acceptable in regard to the safety of bats on and near to the site.



## Non-Statutory Protected Sites

### Birds

The trees and dense scrub vegetation have the potential to support nesting birds. The ephemeral pond also has the potential to support nesting waterfowl. Birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

Greater Manchester Ecology Unit have recommended that development works and works to trees and scrub (including site clearance) should not be undertaken in the main bird breeding season (March to July inclusive), unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared. Subject to written confirmation, that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site, the scheme is acceptable for birds.

### Invasive Species

Also present on the site was the invasive Himalayan Balsam, Rhododendron and Variegated Yellow Archangel. It is an offence under the terms of the Wildlife and Countryside Act to allow these plants to grow in the wild. Greater Manchester Ecology Unit have therefore recommended that a condition be attached to any permission that, prior to the commencement of any works on site (including vegetation clearance), a methodology for the control of invasive species should be submitted to and agreed by the Council. Once agreed, the method statement must be implemented in full.

### Deer

It is acknowledged that deer have been sighted historically at this location. However, they are:

- not protected under wildlife law;
- not a priority or notable species and range over relatively wide areas and so would simply move on to another area if disturbed.

Greater Manchester Ecology Unit, therefore do not regard their potential presence as a significant issue.

### Biodiversity Enhancement

In accordance with DPD Policy 21, a condition is attached to the recommendation to ensure that biodiversity enhancement is incorporated into the new development.

No objection has been raised by the Environment Agency or Canal & River Trust in regard to ecological issues.

Given the above, and subject to the inclusion of the conditions as recommended by the Greater Manchester Ecology Unit to, amongst other issues, address light pollution onto the Canal, it is considered that the ecological impact of the proposed development is acceptable, and in accordance with DPD Policy 21, and paragraph 174 of the NPPF.

### **Other matters**

Whilst the comments from neighbours in regard to the potential change to the value of their properties are acknowledged, the value of individual dwellings is subjective, and not a material planning consideration.

There is no evidence to show that the proposed development would cause an increase in localised crime. Furthermore, no objection has been received from the Greater Manchester Police Architectural Liaison Unit in this regard.

There is no public right of way which runs through the site. As such, objection in this regard have no merit.

Site ownership is a civil matter for the applicant and interested parties, and not a planning consideration.

## Conclusion

Paragraph 38 of the NPPF states that '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

The proposal has been fully assessed against national and local planning policy guidance.

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. Where the development plan is absent, silent, or the relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Alternatively, specific policies in the Framework may indicate development should be restricted.

There is no doubt that additional housing arising from this scheme would be a significant public benefit for the area. It would introduce much needed housing for local people. It would boost the supply of housing in accordance with the Framework, contributing 20 dwellings. It would bring about additional housing choice and competition in the housing market. Additionally, the proposal would lead to improvements to Churchill playing fields, provision of trim trail exercise equipment and surface improvements. As such, these benefits are given substantial weight in the planning balance.

The scheme would generate other economic and social benefits. It would create investment in the locality and increase spending in shops and services. It would result in jobs during the construction phase. It is acknowledged that the site is in a sustainable location, within range of the shops, services, schools and the other facilities of Greenfield. There are bus and rail services available in the locality. A range of employment opportunities exist in Oldham. In all these respects, the scheme would comply with the economic and social dimensions of sustainability.

Some environmental benefits would also occur. There is the potential for biodiversity enhancement through additional planting. This coupled with the proposed landscape mitigation means that there are substantial environmental benefits associated with the scheme. The potential improvements to biodiversity are significant and can be given positive weight in the planning balance.

As stated in the design section of this report, it is considered that the high quality design of the proposed development would have a positive impact on the character of the area, in accordance with DPD Policies 9 and 20.

Importantly, the Council needs to significantly boost the supply of housing. The requirement to significantly boost the supply of housing in the district, coupled with the fact that there have been **very few major planning applications for housing** submitted to and approved by the Council in the past 10 years in the Saddleworth South ward, attracts substantial weight in favour of granting permission for the proposals. However, the need to boost the supply of housing does not necessarily override all other considerations.

In this case, there are concerns in respect of the adverse effects of the loss of this privately owned site. However, when taking into consideration the characteristics of the site, though the application site undoubtedly has some visual amenity value, as the site is not considered

either useable or accessible. It's value is therefore limited.

Moreover, it is considered in this instance that there that there is sufficient other open space in close proximity to the site that will still meet the needs of the adjacent and new residents, to the immediate east and south of the application site, which are well used areas of grassed open space.

Overall, it is considered that the economic and social benefits associated with the erection of 20 dwellings would outweigh the limited impact of the loss of open space, that does not have a quality sufficient to demand its retention in this instance.

Given the significant economic and social benefits associated with the scheme and the positive weight that is given to the environmental benefits of the scheme, it has no significant design, ecology, amenity, flood risk, drainage, highways or other implications that would sustain a reason for refusal, conditional planning permission is recommended to be granted, since the benefits of the scheme outweigh any harm in this case.

**It is recommended that Committee resolves to grant permission:**

**(1) subject to the conditions in the report and to completion of:**

**a) Section 106 legal agreement in respect of a contribution of £150,000 towards the provision or improvement of existing public open space, specifically improvements to Churchill playing fields, provision of trim trail exercise equipment and surface improvements.**

**b) Section 106 legal agreement in respect of a contribution of £4,500 to allow the introduction of waiting restrictions to each side of the build outs to further facilitate visibility for vehicles emerging from the access road.**

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

**and subject to the inclusion of 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:

1119 - 004 revision D Site Entrance Details - 1-200 received 04th December 2018

1119-103 revision D House Type B1 received 04th December 2018

1119-104 revision C House Type B2 received 14th August 2018

1119-106 revision C House Type C1 received 14th August 2018

1119-001 revision K received 02nd January 2019

1119-002 revision B received 02nd January 2019

1119-003 revision B received 02nd January 2019

1119-005 revision A received 02nd January 2019

Trevor Bridge Associates 5828.01 revision C Oct 18 - Proposed Soft Landscaping

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

3. Prior to any walls being constructed of the development hereby approved, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

Reason - To ensure that the appearance of the development is acceptable.

4. No dwelling shall be occupied unless and until the access and parking spaces for that dwelling situated clear of the highway have been provided in accordance with the approved plan (1119-001 revision K received 02nd January 2019). The parking and/or garage spaces so provided shall be available at all times thereafter for the parking of vehicles.

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

5. Prior to the commencement of works to the access road and parking spaces hereby approved, the highway improvement scheme at the junction of the access road and Shaw Hall Bank Road (1119-001 revision K received 02nd January 2019 and 1119 - 004 revision D received 04th December 2018) and completed in full. All work that forms part of the completed scheme should be retained thereafter.

Reason - To ensure adequate visibility at the junction of the access road and Shaw Hall Bank Road in the interest of highway safety

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

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

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

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

8. No development shall commence unless and until a detailed drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be completed in accordance with the approved plans and maintained thereafter.

Reason - To reduce the risk of flooding.

9. Foul and surface water shall be drained on separate systems.

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

10. The landscaping scheme hereby approved (drawing no. 5828.01C) shall be implemented in accordance with the approved details, prior to the first occupation of the development hereby approved. Thereafter, any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan.

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

11. Notwithstanding the landscaping scheme hereby approved, no hard boundary treatment is to be erected in parallel to the site boundary with the Huddersfield Narrow Canal. No boundary treatment shall be erected unless and until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are first occupied. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason - To ensure an acceptable form of development is achieved in the interests of amenity and to ensure that the waterway corridor is protected.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking and re-enacting that Order with or without modification) no development in Classes A, B, C, D, E, F, G or H of Part 1, or Class A of Part 2, of Schedule 2 to that Order shall be carried out on the site without the prior written consent of the Local Planning Authority.

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

13. Prior to any earth works, including site clearance, the site should be checked for badgers by a suitably qualified person. Care should also be taken throughout site clearance and should any large holes be discovered during clearance, works should cease immediately and advice sought from a suitably qualified ecologist.

Reason - To protect local wildlife and badgers.

14. Prior to the commencement of the development, an Ecological Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement should detail how the works will be completed and how the canal will be protected throughout the works. Works shall be implemented in accordance with the approved details.

Reason - To protect the Huddersfield Narrow Canal (SBI) from pollutants.

15. No development works and works to trees and scrub, including site clearance, shall be undertaken in the main bird breeding season (March to July inclusive), unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason - To protect nesting birds.

16. Within three months of the start of construction of the development a lighting plan should be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason - To protect foraging/commuting bats

17. Prior to the commencement of any works on site (including vegetation clearance) a methodology for the control of invasive species be submitted to and approved in writing by the Local Planning Authority. Once agreed the method statement must be implemented in full.

Reason - To protect against invasive species.

18. Prior to the occupation of the development hereby approved, a scheme for the following biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority.

These should include:

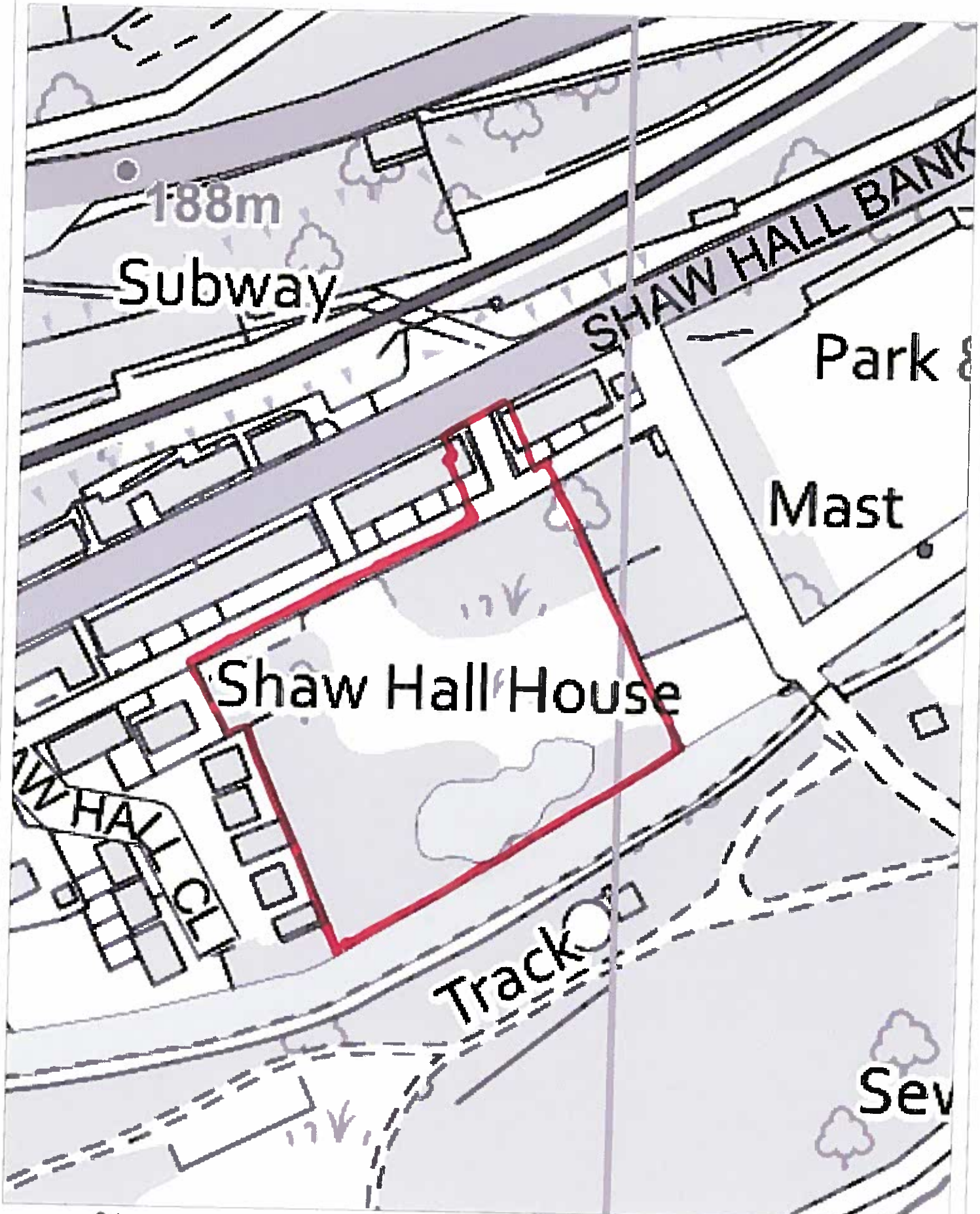
- Bat bricks and/or tubes within the new development
- Bird boxes
- Native tree and shrub planting
- Pond creation

The scheme should be implemented in accordance with the approved details and retained thereafter.

Reason - To enhance biodiversity.

19. The proposed windows To Plots 13 & 14 & 5 shown on the approved plan in the side elevation of the buildings shall be constructed and permanently glazed in Pilkington Level 3 obscure glass. No further windows or other openings shall be formed in that elevation without the prior written approval of the Local Planning Authority.

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



188m  
Subway

SHAW HALL BANK

Park &  
Mast

Shaw Hall House

Track

Sev

342222

**OLDHAM**   
Metropolitan Borough

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

Contact Us -  
Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Date: 05/02/19

Scale 1:1250



Page 59  
 Ordnance Survey

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Oldham MBC Licence No. 01/00019/000 2005

This page is intentionally left blank



## APPLICATION REPORT - PA/342503/18

Planning Committee, 13 February, 2019

**Registration Date:** 14/11/2018  
**Ward:** Royton North

**Application Reference:** PA/342503/18  
**Type of Application:** Full Planning Permission

**Proposal:** Erection of detached two storey building for use as a medical centre (D2 Use Class), creation of 18no. car park spaces, erection of 2m high fencing to site perimeter and associated landscaping works.

**Location:** Former Royton Youth Centre, Chapel Street, Royton, OL2 5QL  
**Case Officer:** Matthew Taylor

**Applicant Agent :** Royton Medical Centre  
DGA Architects Ltd

---

### REASON FOR REPORTING TO COMMITTEE

Councillor Chauhan is one of the partners of the proposed medical centre. The Council's Scheme of Delegation requires applications made by (or on behalf of) Councillors to be referred to the Planning Committee for determination.

### THE SITE

The application relates to the site of the former Royton Youth Centre – a rectangular parcel of land measuring circa 0.21 hectares in area at the junction of Sandy Lane and Chapel Street, Royton.

The site was previously occupied by a single storey; flat-roofed building to the eastern end of the site and a Multi-Use Games Area (MUGA) enclosed by weldmesh fencing reaching approximately 4m in height located to the western end of the site alongside Thorp Road.

### THE PROPOSAL

The application seeks full planning permission for the erection of a two storey medical centre, creation of a 18 space car park and erection of a perimeter fence. Opening hours for the medical centre are proposed between 07:00 and 22:00 Monday to Sunday (including bank holidays).

The proposed building would occupy a rectangular footprint measuring 25.3m in length and 19.3m in width and would be two storeys in height reaching 3.1m to the eaves and 8.5m to the ridge. The front roof slope will have two pitch-roofed dormers set back 0.7m from the eaves line and 2.9m below the main ridgeline either side of a central, full-height two storey facing gable protruding 1.2m from the front (north facing) elevation of the building facing onto Chapel Street which would form the building's main entrance. The rear roof slope includes three pitch-roofed dormers set back 0.7m from the eaves line and 2.9m below the main ridgeline.

The development will include the laying out of an 18 space car park with vehicle access from Thorp Road on the footprint of the MUGA at the eastern end of the application site.

The proposed 2m high paladin fencing to the site perimeter would be colour treated 'light moss green' (RAL 6005) and will be staggered from the footways of flanking highways in order to avoid existing trees on Chapel Street and Thorp Road; and a 2m buffer provided with the site's frontage onto the junction of Sandy Lane/Chapel Street. A 1m wide strip of planting would be introduced in front of the fence where it extends around the junction in order to screen this from vantage points on Sandy Lane.

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

PA/338786/16 - Enlargement and extension of building to provide medical centre including: 1) addition of pitched roof, two storey front extension and erection of front and rear dormers to form first floor accommodation above existing building; 2) two storey side extension; 3) change of use of existing playground to form car park with access off Thorp Road; 4) Installation of roller shutters to openings on all elevations; and 5) erection of 2m high fencing to site perimeter – Approved 09/03/2017.

PA/335321/14 – Increase existing fence height – Approved 15/07/2014.

PA/333404/12 – Creation of multi-use games area and ramp overlaying existing surface with tarmacadam installation of fencing and games equipment (Resubmission of PA/332857/12) – Approved 08/02/2013.

PA/332857/12 – Creation of multi use games area (to be used 16:00 to 21:00 Tuesdays, Thursdays, Fridays, Sundays and 11:00 to 14:00 Saturdays) 2) Erection of ramp 3) Erection of fencing 4) Installation of games equipment 5) Erection of floodlights – Withdrawn 07/11/2012.

#### **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 by the Proposals Map associated with this document.

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

#### **DPD Policies:**

- Policy 1 – Climate Change and Sustainable Development
- Policy 2 – Communities
- Policy 5 – Promoting Accessibility and Sustainable Transport Choices
- Policy 9 – Local Environment
- Policy 19 – Water and Flooding
- Policy 20 – Design
- Policy 21 – Protecting Natural Environmental Assets
- Policy 23 – Protection of Open Spaces

#### **Saved UDP policies:**

- D1.5 – Protection of Trees on Development Sites

#### **CONSULTATIONS**

Highway Engineer

Recommends conditions to address the pedestrian access to the site across Sandy Lane, cycle storey on site and the provision of the car park and access prior to

Environmental Health	the occupation of the development. Recommends a condition to address the provision of a bin store within the site.
Drainage	No objection
Trees	Originally raised concerns over the impact of the proposed development on the root protection areas of T4-T7. However, the applicant has submitted further details to address this matter.
Greater Manchester Police Architectural Liaison Unit	No objection.

## REPRESENTATIONS

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

## PLANNING CONSIDERATIONS

Main issues to consider are:

- Principle of the development
- Character and appearance;
- Residential amenity;
- Highways; and
- Trees.

### Principle of development:

DPD Policy 1 states that, when determining planning applications, the Council will ensure the effective and efficient use of land and buildings by promoting the reuse and conversion of existing buildings and development on previously developed land prior to the use of greenfield sites.

The majority of the site was previously occupied by a building and hardstanding area. These are both features which fall within the definition of previously developed land in Annex 2 of the NPPF. Accordingly, the proposal would make efficient use of previously developed land in accordance with the objectives of DPD policy 1.

DPD Policy 2 states the council will support proposals for new and improved community facilities that meet an identified need, where appropriate, by working with partners and through the use of developer contributions. Moreover, the LPA will support improvements in the health and well-being of Oldham's residents by working with the NHS, PCT and other health partners and through the use of developer contributions to facilitate the development of new and improved health-related facilities.

It is clear from the approval of the previous application at Planning Committee that members considered a new medical practice on the edge of Royton centre would provide a new and improved community/health related facility that meets the local community's needs.

In addition, DPD Policy 5 indicates that minor developments of this type should, as a minimum, achieve 'low accessibility' with respect to their access to public transport. This is defined in the policy as sites "Within approximately 400 metres of a bus route with a service, or a combination of services, running less frequently than the medium accessibility [two per hour daytime Monday to Saturday]".

The site occupies a prominent location in an established setting on the edge of (but outside) the boundaries of Royton Centre as defined on the Proposals Map. The busy thoroughfares of Rochdale Road (to the east) and Middleton Road (to the south) are located approximately 150m and 180m walking distance from the site respectively. There are bus stops on both

these roads which are served by frequent public bus services. These stops are located within the 400m distance for 'low accessibility' specified in DPD policy 5 and the frequency of services are in excess of the requirements of the policy. Accordingly, the site meets exceeds the accessibility criteria set out in DPD Policy 5.

#### **Character and appearance:**

DPD Policy 9 requires that developments do not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape, whilst DPD 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 appearance of the building is similar to the design of the previously approved development (Ref: PA/338786/16).

The surrounding area is dominated by residential properties which vary in age, style, density and scale. Owing to its position to the eastern end of the site, the proposed building would be most closely related to the three-storey flats to the rear; the three-storey pub on the junction to the north-east and two storey dwellings on Chapel Street to the north. Moreover, the most prominent public vantage points are on Sandy Lane to the east.

The proposed two storey building would be of a substantial scale and massing in comparison to the flat-roofed building that previously occupied the site. Nevertheless, the building's eaves height would be lower and the pitch of the roof would not be particularly steep. As such, the ridge would be approximately similar in height to the eaves level of the three-storey block of flats on Sandy Walk to the south and would be only marginally higher than the ridgelines of two storey dwellings on the opposite side of Chapel Street.

As such, it is considered the proposed development would be compatible with the scale, height and massing of surrounding buildings, and would not appear as a dominant or overbearing feature in the street scene.

#### **Residential amenity:**

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

With the exception of the nearby Hope and Anchor public house and precinct car park, surrounding uses are principally residential in character. The adjacent pub will generate evening trade and has an outdoor seating area to the rear which has the potential to give rise to noise and disturbance, particularly late in the evening. Passing road traffic on Sandy Lane and comings and goings from the precinct car park represent other local noise sources. As such, it is not considered that the proposed medical centre would generate unacceptable levels of additional noise and disturbance which would adversely affect the amenity of surrounding occupiers.

Given the proposed two storey design has a similar massing to the previously approved scheme, it would appear prominent in the outlook from surrounding dwellings. The front and rear elevations of the building would achieve minimum separation distances of 18m and 8m with properties on Chapel Street and Sandy Walk respectively.

The three storey flats to the rear have windows at each level facing onto the site and are set at a slightly higher level. Dwellings on Chapel Street are set on lower lying ground and their front-facing windows overlook the site.

It is clear from the previous planning application's Committee decision that the Council considered the main outlook from these properties would be across a sloping roof rather than of a vertical wall. Whilst the dormers and two storey entrance would introduce some vertical bulk, they would be seen as modest features against the much larger backdrop of the roof space, with substantial spacing between them, and the dormer ridge heights would be set below the ridgeline of the main building. Therefore, it is not considered that the

development would appear as an oppressive or overbearing feature in the outlook of neighbouring dwellings and would not unduly affect their amenity through overshadowing or loss of outlook.

In regards the dormer windows, it is clear they would afford views towards neighbouring dwellings from first floor level. Whilst the 18m separation with houses on Chapel Street is considered to be sufficient to avoid any undue effects due to a loss of privacy, additional controls are necessary to the rear dormer windows to restrict any opportunities for overlooking towards the front-facing windows of these neighbours properties. Therefore, a condition is recommended for the rear dormer windows to be fitted with obscured glazing.

### **Highways:**

DPD Policy 5 requires that developments do not compromise pedestrian or highway safety and DPD Policy 9 states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users.

The Highway Officer considers that the proposed access arrangements to the car park would be suitable for the volume and characteristics of traffic using the site and acknowledges that the applicant has maximised the level of parking provision that can be provided on site.

The Highways Officer has raised concerns regarding the lack of a pedestrian crossing to the site over the highway of Sandy Lane when the site is approached from routes to the eastern side of Sandy Lane, including from the nearby precinct car park.

The precinct car park includes two footpaths to the north-west corner which create desire lines directing pedestrians towards the junction with Sandy Lane, Radcliffe Street and Chapel Street. Whilst there is a signalised pedestrian crossing with roadside barriers to the southern end of Sandy Lane, this is on an uphill stretch travelling away from the site and located approximately 100m away from the junction.

Given the nature of a medical practice it is clear the scheme will result in an increase in the number and frequency of vulnerable users visiting the site. Accordingly, it is considered that there is a need to provide improved pedestrian crossing facilities over Sandy Lane in the vicinity of its junction with Radcliffe Street and Chapel Street, and that these works are fairly and reasonably related in scale and kind to the development and use being applied for.

Given these works have costs attached it is considered appropriate, as on the previous application, to impose an appropriately worded condition to secure the delivery of the off-site highway works. The physical works will be implemented through a Section 278 agreement under the Highways Act.

Conditions have also been recommended requiring the vehicle parking and manoeuvring areas shown on the plans to be marked out prior to first occupation, and for the provision of secure cycle parking facilities within the site.

Subject to the implementation of the off-site highway improvement works, the proposed development would provide a safe and suitable means of access to the site for all users. The scheme would also make adequate provision for off-street parking and the level of traffic generated by the use would not have an adverse impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site.

### **Trees:**

Saved UDP policy D1.5 encourages, where possible, the retention of existing trees on development sites. Where losses are permitted, these should be compensated for by replacement planting.

The features with the greatest value in terms of biodiversity are the trees and shrubs to the

site perimeter. A tree survey has been submitted as part of the application which assesses the health, condition and amenity value of each specimen on the site, and provides details of their root protection areas.

In regards the impact on the existing trees on site, the Council's Arboriculturist has been consulted, and originally raised concerns regarding the development's impact on trees T4 and T5, given that the site layout would have resulted in the creation of the car park entrance and two car parking spaces within the root protection areas these mature trees. Any construction activity here will negatively affect the trees.

However, the revised site plan shows that the proposed car park access is to be gained off Thorp Road, which would have a minimal impact on the root protection areas of existing mature trees on site. As such, the proposed car park entrance is considered acceptable and in accordance with UDP policy D1.5.

In addition, it has been confirmed that part of the new hardstanding proposed to be created (i.e. parking space No's 7 and 8) will be constructed using cellular confinement and no dig methods within root protection areas of T4 and T5. This will be controlled by way of an appropriately worded condition. This results in the proposed car parking layout having an acceptable impact the root protection areas of existing trees on site. As such, the proposed car parking spaces are considered to be in accordance with UDP policy D1.5.

To protect all the existing trees on site during the construction works, it is considered appropriate to attach an appropriately worded condition for the submission of a scheme for tree protection measures, to be implemented during the construction period.

## **CONCLUSION**

With the above in mind, it is considered that the proposed scheme would not have a harmful effect on neighbour amenity, nor have a detrimental impact on the character of the existing street scene. It therefore complies with the Oldham LDF Joint Core Strategy and Development Management Policies DPD and it is recommended that permission be granted subject to conditions.

## **RECOMMENDATION**

Approve the scheme subject to the following conditions:

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

Reason - To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans:

- Project Number 18.007, Drawing Number 01 – Location plan.
- Project Number 18.007, Drawing Number 03 – Proposed Site plan.
- Project Number 18.007, Drawing Number 04 – Proposed Ground Floor Plan.
- Project Number 18.007, Drawing Number 05 - First Floor Plan
- Project Number 18.007, Drawing Number 06 – Proposed Elevations Sheet 1 of 2.
- Project Number 18.007, Drawing Number 07 – Proposed Elevations Sheet 2 of 2.
- Project Number 18.007, Drawing Number 08 – Proposed roof plan.

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

development.

3. The medical centre hereby approved shall only be open to patients and for any other trade or business (including deliveries) between the hours of 07:00 and 22:00 Monday to Sunday (including Bank Holidays).

Reason - To safeguard the amenity of neighbouring occupiers and to minimise the potential for noise and disturbance at unsocial hours.

4. Unless alternative details have been submitted to and approved in writing by the Local Planning Authority, the 2 metre high perimeter fencing hereby approved shall: (i) be installed in the positions shown on Drawing Number 03; (ii) be of a weldmesh (paladin) design; and (iii) be colour treated 'Light Moss Green' (RAL 6005). The perimeter fencing shall be maintained as such thereafter.

Reason - To ensure use of appropriate materials which minimise the visual impact of the fencing in the interests of visual.

5. 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), all windows to the dormers on the south facing (rear) elevation of the building hereby approved shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed prior to first occupation of the building. The duly installed windows shall be retained as such thereafter.

Reason - To safeguard the privacy of occupiers of neighbouring dwellings on Sandy Walk.

6. No development shall take place until a scheme for tree protection measures (both above and below ground) to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of all the trees shown to be retained on Drawing Number 03, received 24th October 2018
- Details of any excavation to take place within the root protection areas of those trees shown to be retained on Drawing Number 03, received 24th October 2018
- Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees shown to be retained on drawing Drawing Number 03, received 24th October 2018.

The development shall thereafter be carried out in strict accordance with the protection measures contained within the duly approved scheme throughout the entirety of the construction period.

Reason - To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence.

7. The development hereby approved shall not be brought into use unless and until the

access and car parking spaces have been provided in accordance with the approved plan received on 24th October 2018 (Ref: Dwg No. 18.007 03). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

8. The development hereby approved shall not be first occupation until the works below have been fully implemented to the written satisfaction of the Local Planning Authority:

(i) The provision of dropped kerbs with tactile paving to provide a pedestrian crossing point over Sandy Lane in the vicinity of the Sandy Lane/Radcliffe Street/Chapel Street junction.

(ii) The installation of pedestrian guardrails on Sandy Lane.

(iii) The widening of the footways of Sandy Lane to the rear of the pedestrian crossing and pedestrian guardrails by a minimum of 1 metre.

Reason - To secure improvements to the highway network in order to ensure safe and convenient access to the medical centre for pedestrians in the interests of highway safety and to promote modal shift and increased use of sustainable methods of travel.

9. The development hereby approved shall not be brought into use until a bin store has been provided in accordance with a scheme which has been previously submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure the provision of satisfactory facilities for the storage of refuse and to ensure that the design of the bin store is compatible with the character of the area in the interests of visual amenity.

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

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

11. Notwithstanding any details contained within the application and the requirements of condition 2 of this permission, a scheme for the installation of any external lighting on the building and the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before any external lighting is installed. The scheme shall include details of the lighting: (i) position and height on the building and/or site; (ii) spillage, luminance and angle of installation; (iii) timing of operation; and (iv) any hoods to be fixed to the lights. Any external lighting shall thereafter only be installed in accordance with the duly approved scheme.

Reason - To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or detract from visual amenity in the surrounding area as a result of light pollution.

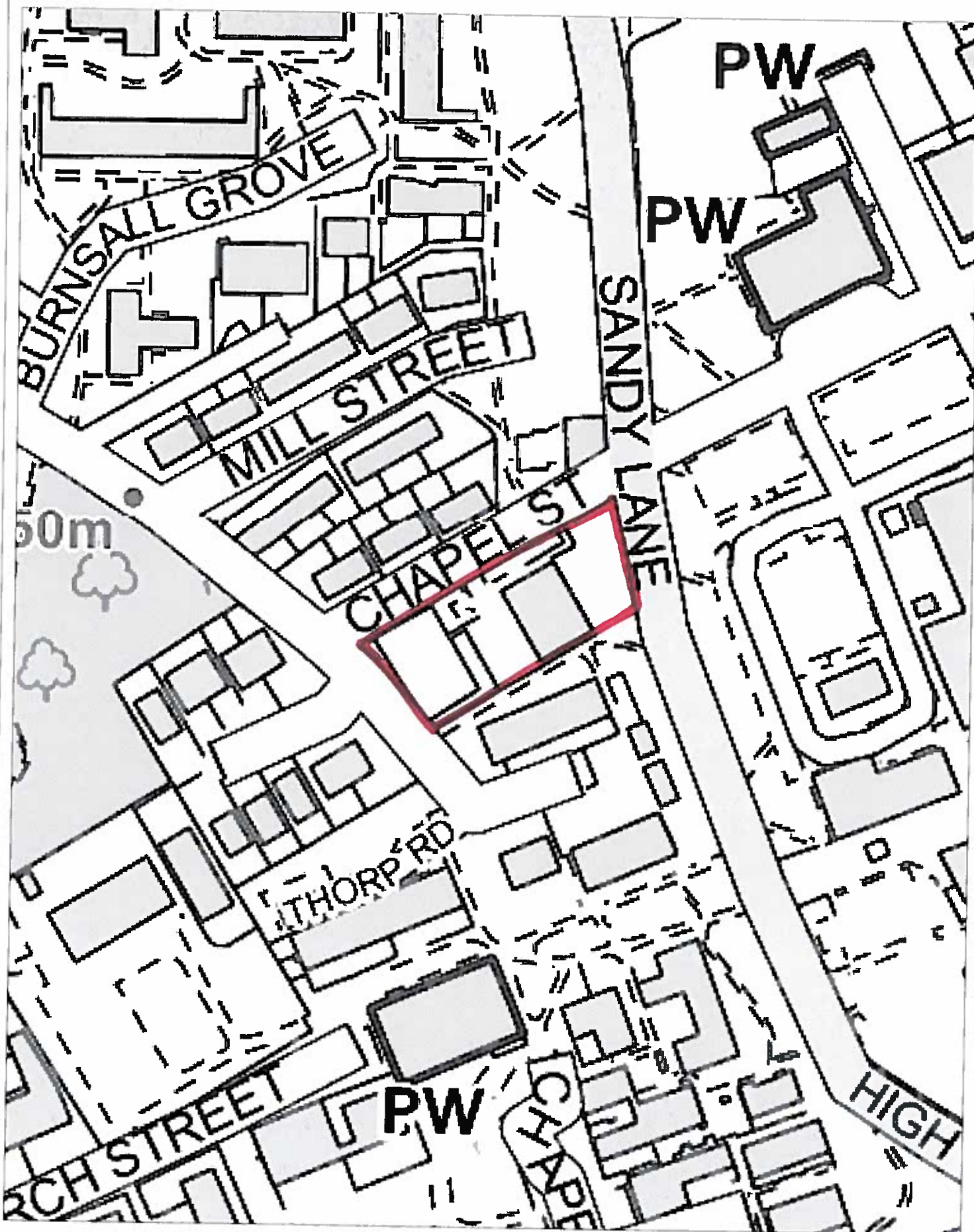
12. Prior to the commencement of any development, a surface water drainage scheme,



based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG



342503

**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

Contact Us -  
Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Page 70

  Ordnance Survey

Date: 04.02.19

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Oldham MBC Licence No. 0100019886 2006

## APPLICATION REPORT - PA/342585/18

Planning Committee, 13 February, 2019

**Registration Date:** 16/11/2018  
**Ward:** Saint Mary's

**Application Reference:** PA/342585/18  
**Type of Application:** Full Planning Permission

**Proposal:** Erection of a two and four storey secondary school and associated access, car parking, sport facilities, landscaping and substation.

**Location:** Former Breeze Hill School, Roxbury Avenue, Oldham, OL4 5JE  
**Case Officer:** Richard Byrne

**Applicant Agent :** Galliford Try Partnerships North West  
GVA

---

### THE SITE

The application site is an open parcel of land measuring approximately 7.64 hectares located on the southern side of Lydgate Drive and Roxbury Avenue.

The westerly boundary runs along the rear of Beaufont Drive and then returns along the perimeter with Roundthorn Community Primary School. To the south west is open land and the easterly boundary runs along a public right of way connecting Roxbury Avenue and Roundthorn Road with Leesbrook Park beyond.

The site was formerly occupied by Breeze Hill School and associated playing fields. The school was subsequently demolished in 2013.

### BACKGROUND AND THE PROPOSAL

In 2010 Breeze Hill School and Counthill School merged to become Waterhead Academy as part of the Building Schools for the Future initiative. Whilst the Academy operated from the 'Roxbury Campus' in the short-term, in November 2012, the school closed and all operations were transferred to a new building on Huddersfield Road, Waterhead.

As a result of the increase in primary numbers from 2011 onwards, there is a significant shortfall of secondary school places across the borough of Oldham from September 2019 and continuing in to future years.

This application is for a new school to meet the projected shortfall. In 2017 Oasis Community Learning Trust made an application to the Department for Education for a new secondary school in Oldham. The application was successful and the new school was named Oasis Academy Leesbrook.

Oasis Academy Leesbrook is an all-inclusive mixed secondary school currently situated in temporary accommodation on Middleton Road adjacent to Oldham College. The proposed school would provide a new educational facility as part of the Free Schools Programme and would serve East Oldham, primarily Clarksfield, Lees, Holt and Alt.

The application therefore seeks planning permission for the erection of a two and four storey secondary school with associated access, car parking, sport facilities, landscaping and substation.

At full occupancy the school would provide places for 1,500 pupils between the ages of 11 to 16. The uptake of places would however be staged over a period of five years where pupils would be decanted from the existing school site and joining into the newly formed year groups. The proposed school places will be awarded on a distance based approach, however, the catchment area is envisaged to be approximately 2 km in radius.

The school would be staffed by 100 full time posts which gradually increase to approximately 180 posts. The teaching day would be between 8 am – 3 pm with a breakfast and after school club which inevitably increases the length of use.

Parts of the school and outdoor spaces/ pitches would be available for community club use and operating outside of the normal school day.

The proposed building is positioned in the easterly area of the site. The proposed building is in an 'L' shaped footprint where the main teaching block projects to four storeys and the sports hall section two storeys.

The side of the teaching block faces Roxbury Avenue and is constructed with facing brick and a flat roof. In terms of size, the teaching block measures 16.6m in height, 39.7m in width (north side) and has a length of 72.7m along the westerly side.

The sports hall, in contrast, is constructed with green metal cladding and measures 9.5m in height. The building projects towards the easterly boundary and is adjacent to the staff car park and multi-games pitches to the south.

The vehicle drop off area is immediately adjacent to the side of the sports hall and leads towards the point of access at the junction of Roxbury Avenue and Breeze Hill Road.

In terms of parking provision, the car park will cater for staff, visitors, drop-off/pickup, buses and community use. There are 116 marked car parking spaces (with an additional 50 spaces for an overflow on the hardstanding to the rear of the teaching block when not in educational use), 20 pick-up/ drop-off spaces, 5 motorcycle spaces and 5 bus lay by spaces will be provided on site.

Cycle parking will also be provided on site with 63 cycle stands for pupils, accommodating cycle parking space for 126 bicycles located to the east and south of the proposed building. A further five cycle parking stands for staff, accommodating cycle parking space for ten bicycles, will be located to the north of the building. All cycle spaces will be covered and secure.

## **ENVIRONMENTAL IMPACT ASSESSMENT SCREENING OPINION**

In accordance with The Environmental Impact Assessment Regulations 2017, the Council has conducted a Screening Opinion in order to establish whether the proposed development was likely to have significant effects on the environment to warrant the carrying out an Environmental Impact Assessment and the submission of an Environmental Statement by the developer. The LPA considered the following:

- The development would not be likely to have significant effects on the environment by virtue of factors such as nature, size and location;
- The full impact and traffic generation associated with the development is likely to be local in its extent and absorbed into the existing road network;
- Noise and vibration as a result of construction will be adequately controlled with tried and tested methods;
- There may be a potential for an increase in car and coach travel associated with the educational use which would contribute to the level of air pollution in the area. However, the application has been supported by a full transport statement which identifies the likely amount of car travel to and from the site and by a full Travel Plan which sets out objectives to encourage sustainable travel and how they will be achieved and monitored;

- Through a detailed design the buildings can be accommodated without placing a significant pressure on the existing drainage system or indeed give rise to a high level of surface water flooding;
- The proposed building is located in the easterly side of the site where the previous building was sited. The footprint of the proposed building would still allow the passage of wildlife along the Green Corridor and is positioned sufficiently from the OPOL allocation to mitigate a significant impact;
- It is therefore considered the impact on ecology is not significant and any effect can be resolved through planning condition which will be sufficient in providing adequate control under the provisions of the Wildlife and Countryside Act;
- Through best practice any necessary risks from ground contamination can be mitigated;
- The proposals do not raise any significant issues in relation to crime prevention.

Accordingly the Local Planning Authority has adopted the opinion that the development does not warrant the submission of an EIA as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## **RELEVANT HISTORY OF THE SITE**

DM/334071/13 - Demolition of former school buildings of Waterhead Academy Roxbury Campus (formerly Breeze Hill School). Prior Approval Granted on 5 July 2013.

## **RELEVANT PLANNING POLICIES AND GUIDANCE**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 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 southern area of the application site is included in an area of Other Protected Open Land (OPOL) and a Green Corridor and Link shown on the Proposals Map associated with this document. The area occupied by the former school i.e. the northern side adjacent to Roxbury Avenue is unallocated.

The following DPD Policies are relevant to the determination of this application.

- Policy 1 - Climate Change and Sustainable Development
- Policy 2 - Communities
- Policy 5 - Promoting Accessibility and Sustainable Transport Choices
- Policy 6 - Green Infrastructure
- Policy 9 - Local Environment
- 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

Saved 1996 Unitary Development Plan:

Policy D1.5 – Protection of Trees on Development Sites

## **CONSULTATIONS**

*The Ramblers Association*

- No objection.

*Environment Agency*

- Whilst remediation and ground improvements have been submitted the actual effects and benefits of this activity would be limited and prone to be reversed. As such, there is no objection in principle to the development subject to the attachment of planning conditions to remediate any contamination not previously identified to reduce the risk to the environment.

#### *Natural England*

- No comment on the application and has provided standard advice referring the assessment on protected species to the Authority's ecology services for advice.

#### *Greater Manchester Ecology Unit*

- No significant ecological issues were identified by the applicant's ecological consultant and issues relating to badgers, bats, nesting birds, invasive species and landscaping can be resolved by planning condition.

#### *Sport England*

- No objection has been raised in principle to the proposal. Recommend planning conditions to:
  - 1) Require further details for the sports pitches to ensure that the ground conditions enable adequate quality playing surfaces;
  - 2) Submit a Community Use Agreement;

#### *The Coal Authority*

- The Coal Authority concurs with the recommendations of the Remediation and Enabling Works Strategy; that coal mining legacy potentially poses a risk to the proposed development and that remedial and mitigatory measures are necessary to ensure the safety and stability of the proposed development.
- The Coal Authority recommends a condition to require the following prior to the commencement of development:
  - The submission of a scheme of proposed remedial works for shallow mine workings for approval; and
  - The submission of a scheme of proposed measures to mitigate the instability risk posed by mine shafts 394404-010 and 394404-016 for approval
  - The condition should also require the implementation of the approved remedial and mitigatory measures prior to or during development, as appropriate.
- The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition to secure the above.

#### *Greater Manchester Police Architectural Liaison Unit*

- Support the application subject to securing the physical security measures set out in section four of the Crime Impact Statement

#### *United Utilities*

- Recommend that foul and surface water is drained on separate systems and for the submission of surface water scheme based on the hierarchy of drainage options in the NPPF;
- Draws attention to the fact there is a public sewer that crosses the site.

#### *OMBC Education*

- No objection in principle;
- The planning statement is in line with what is understood to be the rationale for the school. Furthermore the Local Authority were supportive of the bid to central Government as there is a need for additional secondary school places going forward, with the demand increasing throughout the 2020s.

#### *OMBC Highway Engineer*

- No objection in principle, recommend conditions to secure the following:
  - Parking and laybys and turning areas provided in accordance with approved plan prior to site being brought into use;
  - Submission of a school Travel Plan for prior approval;
  - Scheme for secure cycle parking facilities to be submitted and approved before site

is brought into use;

- Submission and approval of a parking management plan;
- Details of a school safety zone submitted and approved before site is brought into use;
- Securement of construction management plan to minimise disruption to the highway.

#### *OMBC Local Lead Flood Authority (LLFA)*

- No objection to the submitted Flood Risk Assessment and means of drainage

#### *OMBC Tree Officer*

- There is no tree replacement plans/details for the mitigation of the 35 trees/groups (plus numerous smaller trees which are too small to be included in the tree survey) which have been listed to be removed prior to development.
- To comply with the saved Policy D1.5 there would be a requirement to plant in excess of 115 standard trees as mitigation.

#### *OMBC Environmental Health*

- Consider the ground condition reports are acceptable;
- recommend a condition for a charging of plug-in and other ultra-low emission vehicles scheme for staff and visitors in safe, accessible and convenient locations;
- The use of the sports pitches/MUGA hereby permitted for sporting activities shall be restricted to the hours of 08.00 to 21.00 hours Monday to Friday and 9.00 to 18.00 hours Saturday, Sunday and Bank holidays;
- Request noise reduction scheme for MUGA fencing;
- Require details of storage and removal of refuse and waste materials

## **REPRESENTATIONS**

The proposed development has been advertised as a major development by means of individual consultation letters sent to the occupiers of the neighbouring properties, a press notice and a site notice erected adjacent to the site in accordance with the Regulations. As a result of the publicity, twelve representations have been received raising the following issues:

#### **Highway matters**

- It is considered the local infrastructure would not be able to accommodate the proposed school. It is noted the previous school was approximately half the size and at times traffic was intolerable on the surrounding streets;
- The notion that parents will confine picking up/dropping off children on Breeze Hill Road is wrong, people will still find the most convenient route possible;
- Suggest a one way highway system to alleviate traffic bottlenecking;
- Increase in concerns over road safety and congestion;
- Problems crossing Lees Road;
- Problem with traffic turning onto Breeze Hill Road from Lees Road (from Lees direction);
- Proposed access should be from Roundthorn Road.

#### **Effect on amenity**

- No assessment undertaken for level of noise, air pollution, litter increase and congestion in the surrounding streets;
- Anti-social behaviour incidents have been cited by pupils of the former school and there are concerns this will occur again with the proposed school;
- Possible intensification given the increase in pupil number;
- Concerns over the sport pitches being floodlit and any times of operation;
- Will the sports pitches be used by the community as well as the school?; and,
- Noise report is on the basis of one pitch, should it not be on the basis of two pitches.

#### **Ground conditions**

- Raise concerns over future pupil safety given the historic land condition and escape of methane;

Other

- Restriction of access to the rear of Lydgate Drive, suggestion of access being created from the end of Gibraltar Street and New Earth Street;
- Understanding the Waterhead Academy was the replacement school facility; and,
- Adversely affect house prices in the area.

## **PLANNING CONSIDERATIONS**

The main issues for consideration comprise the following:

- Principle of land use;
- Effect on Open Space;
- Appearance, Design and Layout;
- Effect on amenity;
- Highway safety;
- Effect on ecology and trees;
- Ground conditions;
- Flooding and drainage;
- Effect on air quality; and,
- Other matters.

### **Principle of land use;**

In terms of the land use, the application site has a legacy of previous educational use, and the proposed school buildings will occupy the unallocated area in the north-east of the wider site on which school buildings previously existed.

DPD Policy 2 states that the Council will support improvements to the education and skills of the borough's population to facilitate the development of new and improved education facilities.

The applicant has identified there will be a requirement in the Borough by September 2019 for an additional 110 places in year 7 and subsequently across all other year groups. By 2022 there will be 150 places needed in year 7 and subsequently across all other year groups. In total this means another 5 forms of entry is needed in the secondary sector by 2022. This takes into account Waterhead Academy but does not include any surplus places (government recommends 3-5% surplus places).

It is considered the proposed school would contribute in providing an improved education offering to the borough and in particular east Oldham. As such it is considered the proposal would meet a shortfall in school places in the Borough and in land use terms is acceptable against DPD Policy 2.

### **Effect on the OPOL (Other Protected Open Land)**

The southern area of the school site falls within an area allocated as Other Protected Open Land (OPOL 11, Greenacres.) and is open land which, while not serving the purposes of the Green Belt is locally important because it helps preserve the distinctiveness of an area. As well as providing attractive settings, they provide other benefits, such as informal recreation and habitats for biodiversity, therefore helping to provide sustainable communities and help mitigate climate change.

DPD Policy 22 sets out the Council's approach to protecting open land. It states that development on OPOL will be permitted where it is appropriate, small-scale or ancillary development located close to existing buildings. This is on the provision that it does not affect the openness, local distinctiveness or visual amenity of the OPOL, taking into account its cumulative impact.

Given the proposal does not introduce built development into the part of the site designated as OPOL it is considered the application is acceptable against DPD Policy 22. Although the immediate effect relates to fencing it is considered this is ancillary development to the main building. The proposed paladin fencing allows a certain amount of intervisibility through the



material and when viewed from longer distances would not appear as obtrusive as other forms of enclosures, such as palisade security fencing. As such it is considered the development would not significantly impact on the openness of the OPOL.

### **Effect on open space**

There are two areas of outdoor sports facilities within the application site which is identified in the Open Space Study (2012) and were considered as good quality. DPD Policy 23 states that 'the Council will protect, promote and enhance existing open space in the borough, and will seek to secure new and improved well-designed open spaces where appropriate.

Playing fields fall under the typology of outdoor sports facilities in the Open Space Study. DPD Policy 23 will allow development of a site that was most recently used as open space for sport and recreation provided it can be demonstrated the development brings substantial benefits to the community that would outweigh the harm resulting from the loss of open space; and:

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

Paragraph 97 of the NPPF sets out criteria where the loss of open space might be appropriate.

In respect of the former 2G outdoor sports pitch in the south-east corner of the site it is noted it will be replaced with a grass pitch rather than an all-weather pitch. In this instance the proposal will need to satisfy the criteria listed above under DPD Policy 23.

The proposed development will utilise the land already covered by the existing playing pitches, including two pitches, a cricket pitch and a running track on the western open space site and also one grass pitch area in the south eastern area of the site. There are also additional sports facilities proposed as part of the development, including another grass pitch area and a hard surfaced Multi-use Games Area (MUGA).

It is considered the proposed development will improve the quality of these facilities significantly bringing them back to a useable standard as playing fields and expanding the offer of the facilities. There is also an additional 8,087sqm of outdoor sports facilities proposed on-site as part of the development, which along with the improvements to the existing open spaces, will significantly add to the offer at the site.

There are significant community benefits associated with the proposed school, primarily by meeting a demand for additional school places which weighs heavily in favour of DPD Policy 23. Given the proposed facilities will be made available for community use outside of school hours they will further contribute to providing opportunities for the improvement of health and wellbeing for the wider community and meet the objectives of DPD Policy 23.

In respect of the playing fields the proposed pitches would help in addressing the established playing pitch deficiencies in the area. The development meets Sport England's Objectives and it is considered the scheme is acceptable in regard to open space provision.

### **Appearance, design and layout**

Paragraph 130 of the NPPF advocates that where a development is a poor design that fails to take the opportunities available to improve the character and quality of an area and the way it functions planning permission should **Page 77**

DPD Policy 9 stipulates that development should not have a detrimental impact on the visual appearance of an area. DPD Policy 20 further advocates that development must meet design principles relating to local character, good streets and well-designed buildings.

It is considered that the proposal has been well designed given its functional nature. The footprint of the building has created an attractive plaza between the front of the school and the drop off area. Through a combination of appropriate hard surfaces and soft landscaping this will further enhance the appearance of the building by defining its main entrance and responding to the height and massing of the proposed school.

The proposed school is a modern and well designed development that has taken its design principles from the local vernacular. The main four storey teaching block will use modern building materials and take reference from local warehouse vernacular where the window rhythm and proportion are characteristic features. The teaching block's appearance from long distance views across the playing fields (mainly from the east and west) would be akin to typical mills that populate the Oldham area. Although the four storey teaching block would be close to Roxbury Avenue, the 20 metre set back and presence of landscaping will ensure the relationship with the street would not be untoward to the appearance of the area.

In respect of the wider area the paths, fencing and landscaping would be synonymous with an educational use and given the spaciousness around the building would not be untoward to the character and appearance of the area.

#### Site security and surveillance

The site benefits from large areas of open spaces which are interspersed by appropriate fencing which maintains a high level of natural surveillance. The main doors to the building are visible from the public areas and the site has a high level of legibility.

The application has been supported by a Crime Impact Statement which has assessed the scheme in order to reduce opportunities for crime and the fear of crime. Although a number of measures are proposed these relate to the security of the building such as locking unit and alarm systems which would be difficult to enforce through planning condition. However, it is considered expedient that the illuminance of the external areas can be assessed in more detail through an appropriately worded condition.

As such it is considered the proposed school is a modern and well-designed development. It is considered expedient that a planning condition for submission of a material schedule and external areas of illuminance would address the outstanding matters. The development therefore accords with the NPPF and design related DPD policies.

#### **Effect on amenity**

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

Taking into account the position of the proposed school building the impact of significance would be on the immediate properties on Roxbury Avenue and Breeze Hill Road.

In respect of the properties on Lydgate Drive, Beaufont Drive and Roundthorn Primary School they face onto the playing fields and this is similar to the established relationship that existed with the previous education use of the site.

#### Effect on Roxbury Avenue

In a similar situation to the previous school building that has been demolished, the proposed teaching block would be sited towards the north of the site and in the vicinity of the

boundary with Roxbury Avenue.

The proposed teaching block is situated south of Roxbury Avenue and has a height of 16.6 metres. However, it is noted that given the slight topography difference it would result in the building being 13 metres above the road level of Roxbury Avenue.

The proposed building would inevitably have some implications to the level of sunlight, daylight and outlook from the chalet bungalows that face onto Roxbury Avenue, particularly in the winter months when the sun is low in the sky. However, in respect of a reduction in daylight taking into account the relative height and the distance from the front of the bungalows on Roxbury Avenue, it is considered there would not be a significant loss to recommend refusal of the application.

Similarly, although the north side of the teaching block has windows on all the levels that serve classrooms which face Roxbury Avenue, taking into account the separation distance and the intervening established trees it is considered there are sufficient mitigating factors which balance against a loss of privacy and outlook for the properties on Roxbury Avenue.

#### Effect on Breeze Hill Road

Given the separation distance of approximately 75 metres and the off-set position it is considered the proposed teaching block would not significantly harm the level of privacy currently enjoyed by the semi-detached properties on Breeze Hill Road. Although some loss of sunlight may occur during the later parts of the day this would be read in conjunction with the existing effect of the trees that face Roxbury Avenue and is considered to not have a harmful effect.

#### Effect on 56-58 Gibraltar Street

These properties were formerly occupied by the school's care taker and face the westerly side of the teaching block. There is a 36 metre separation at its nearest point which gradually increases in distance to the south.

Taking into account the previous education use of the site and the presence of building windows which would have faced in a westerly direction it is considered there would not be a significant loss of privacy afforded to the properties to sustain a refusal of the application.

It is noted the previous school building was lower than the proposed teaching block. Although the proposed school building would have an effect to the level of sunlight this would not be over the whole course of the day and would be limited during the morning. As such it is considered the effect would not be significant to warrant a refusal of the application.

In respect of the anticipated noise levels, a noise impact statement has been submitted. Based on the average noise levels expected from a single sports area, the anticipated level of noise from the external MUGA is within the recommended guidance for resting during daylight hours.

The MUGA is located 10 metres from the boundary with 58 Gibraltar Street. It is noted this would attract external activity which would be mainly during the day and naturally limited to daylight hours as there is no floodlighting to prolong its use into the evening. However, in respect of any future community use of the MUGA a condition to restrict the hours of use until 21.00 Hours on weekdays and 18.00 Hours on weekends would assist in maintaining an acceptable level of enjoyment to the neighbouring properties.

It is considered expedient to attach a condition to require a noise mitigating scheme to be submitted to minimise a disruption from rebounding balls hitting the fence.

There is an acceptable distance between the outdoor pitches to the south of the building from residential properties to minimise an immediate disruption. The car park which would be available for community use is also set **Page 79** the properties on Roxbury Avenue and

Breeze Hill Road.

The main teaching block will be provided with façade mounted Monodraught 'Hybrid Thermal Mixing' units which would provide sufficient air flow to meet the overheating criteria in the winter and mid-season periods without relying on opening windows. The level of noise attenuation provided to the teaching block will be designed to be achieve the minimum required facade sound reduction to an acceptable level. In the sports hall, suitably attenuated roof mounted stack ventilators will be used to provide natural ventilation to the rooms. Ventilation to all other areas will be provided by air handling plant located at roof level.

During the summertime period, when windows may need to be opened, internal noise levels are likely to be below the normal daytime noise expectation.

The proposed design of the building envelope and ventilation systems should maintain, appropriate internal ambient noise levels and it is unlikely that any significant adverse effects as a result of noise will occur.

On this basis, the Environmental Health team has raised no objections to the proposals.

### **Highway safety**

The application site is located within an established residential area with access taken from Breeze Hill Road.

The re-introduction of a school in this location will inevitably result in an increase in the amount of vehicular and pedestrian traffic in the immediate area. There is a high demand for on-street parking in the immediate area given the number of terraced properties with no dedicated off-street parking.

A Transport Assessment has been submitted with the application which examines the existing conditions and the resultant effects on the local highway network.

Traffic assessments were carried out which considered the impacts on a number of nearby junctions. It was found that they all continued to operate within capacity and without any significant effect except the Lees Road/Breeze Hill Road/ Wellyhole Street priority junction.

Following modelling it has been concluded that the signalisation of this junction will mitigate against the impact of the effect of the development on the local highway network. This will also improve pedestrian safety in the area and provide a valuable link for pedestrians and cyclists towards Wellyhole Street. These works will be facilitated through Section 278 of the Highways Act.

The ability of pupils to walk safely to the site will reduce the need for children to be driven to the school. The footway along Breeze Hill Road will be a minimum of 2.0 metres wide to facilitate pupils travelling safely on foot. It is considered expedient to attach a planning condition to ensure a school safety zone and associated measures are provided on the approach and directly outside of the school.

Turning to parking provision, there will be 116 car parking spaces for staff and visitors and 50 spaces available in an overflow car parking area which is intended for use during events. It is expected that there will be 163 staff members at the school in a typical day with the total number of 180 FTE across the full school day including out of hours.

It is acknowledged that the number of car parking spaces is lower than the expected number of teachers. However, there is space within the car park for cars to be stacked so that additional parking can take place if required.

It is considered expedient to attach a planning condition to ensure that a car parking management plan is produced which outlines the measures that will be taken to ensure that this takes place.

A parent drop off area will also be provided, providing 20 spaces for parents to wait or drop their children off and bus laybys which will accommodate 5 buses. Additionally, there are 125 cycle parking spaces for pupil use and 10 for staff.

It is noted that more sustainable modes of transport to the school should be encouraged. Therefore it is considered that the submission and implementation of a Travel Plan should be secured by planning condition. In addition, given the site is located with links to public transport and there are opportunities for cycling or walking within the school's catchment area the safety to the site will be improved by the provision of the signalised junction and improved pedestrian facilities to the site.

The proposed school, whilst increasing traffic levels in the area, has measures incorporated into the development to ensure the route to the site is as safe as possible for users. The requirement of a Parking Management Plan and Travel Plan will assist in reducing the need for travel by car and that the influx of vehicles at events is managed in an appropriate manner.

The introduction of the signalised junction and improved pedestrian facilities in the area will also provide an improvement for local residents. As such it is considered the proposed development would not significantly harm the level of highway safety.

### **Effect on ecology and trees**

Paragraph 170 of the NPPF indicates that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is further reiterated through DPD Policies 1, 6, 9 and primarily dealt with under the provisions laid out in DPD Policy 21 where new development proposals, where appropriate, should seek to protect, conserve and enhance biodiversity, legally protected species and their habitats.

### **Ecology Impact**

The western and southern area of the application site is allocated as a Green Corridor and Link. DPD Policy 6 references Green Corridors and states that 'development proposals, where appropriate, must promote and enhance the borough's Green Infrastructure network.

It is considered the development proposal overall would have a minor effect on the Green Corridor and is limited to the effect of the car park. The works associated with the playing pitches are considered to not have an adverse effect. In respect of the car park the works would have an effect, however, given they are modest in nature it would amount to a minor effect. In addition, the car park and surroundings can be enhanced through an appropriate landscaping scheme which can be secured by planning condition. It is therefore considered the impact can be minimised to an acceptable tolerance.

In respect of protected species, the ecology report found no evidence of active setts and that the only features for roosting bats are a number of bat boxes attached to the mature trees within the site. Similarly the mature trees provided nesting habitats for birds.

Given there are no significant impacts on protected species it is recommended taking a precautionary approach through planning conditions to avoid any loss of habitats and or species through the development. It is recommended the planning condition would secure a scheme for replacement bat boxes, a further badger sett survey (before any earthworks commence) and for any loss of trees to outside of the main bird nesting season.

It has been identified that there is the presence of *wall cotoneaster* within the application site which is an invasive species listed under Schedule 9 Part 2 of the Wildlife and Countryside Act 1981 (as amended). It is considered necessary to require the removal of the invasive species by planning condition through the submission of a method statement setting out how it will be removed from site prior to any earthworks commencing.

### Tree impact

Saved Policy D1.5 within the Unitary Development Plan for Oldham is concerned with the protection of trees on development sites. Where trees are lost to a development a replacement scheme of three trees for each tree lost should be achieved as mitigation.

It is proposed to remove 35 trees as a result of the development and 8 trees due to their poor condition. In respect of the 35 trees, two trees are considered grade A, ten are considered grade B, with the remainder falling into a grade C category.

It is always regrettable that trees are lost to facilitate a development, especially mature trees which have an ecological value and / or a high visual amenity value. However, notwithstanding the public benefits associated with the proposed school, the site is capable of accommodating a replacement tree scheme which would mitigate the overall loss within the site. It is noted the trees adjacent to Roxbury Avenue will be retained although some loss is necessary. Given the replacement trees can be incorporated into a comprehensive landscaping scheme it is considered there are mitigating factors which outweigh the overall loss of the trees within the site. In this instance, through the attachment of a planning condition, the loss and replacement of trees is considered acceptable.

Therefore, having regard to the location of the site, the nature and scale of the proposed development, the findings of the ecological assessment and arboricultural impact assessment, it is considered that the proposal would not have any detrimental impacts upon local ecology, biodiversity or legally protected species. The protection of the retained trees and replacement tree scheme can be secured by planning condition.

Taking into account the minor effect on the green corridor and the loss of trees it would be appropriate for the applicant to uplift the biodiversity offering on the site. This can be achieved by an informative note advising of what enhanced biodiversity would be appropriate to incorporate into the landscaping and replacement tree scheme to accord with Paragraph 170 of the NPPF.

As such it is considered the proposal is acceptable when assessed against the provision of the NPPF and the DPD Policies in respect of the impact on ecology and effect on trees.

### **Ground conditions**

Paragraph 178 of the NPPF indicates that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. DPD Policy 9(a) states that the development will be permitted where it is not located in areas where an identified source of potential hazard exists.

### Landfill gas and ground contamination

The applicant's Remediation and Enabling Works Strategy identifies the risk associated with the ground conditions. It has been identified that there is the presence of elevated concentrations of inorganic heavy metals and PAH compounds within Made Ground deposits. Localised, as yet unidentified contaminant impact cannot be discounted, therefore the site remediation and enabling works will be completed under the supervision of an independent Geo-Environmental Engineer. There has been no asbestos encountered within any samples submitted for testing.

In respect of controlled waters the applicant identifies the localised presence of TPH Hydrocarbon compounds at the site. However, the risks to groundwater resources are reported to be somewhat mitigated and are deemed to be low and the applicant considers no remediation is therefore required.

Based on the ground gas monitoring assessment, ground gas mitigation measures are required to be installed within all of the structures. Furthermore, following multiple

investigations into the existing gas ventilation trench, the trench should be repaired and fully inspected to confirm it is suitable for use. The applicant reports the site is in a Radon Affected Area, and as such basic radon protective measures are necessary.

The Environmental Health team has assessed the Remediation and Enabling Works Strategy and background documents. It is considered the findings are acceptable and supports the mitigation strategy. Similarly, the Environment Agency in principle agrees with the strategy, but recommends taking a precautionary approach by requiring an amendment to the remediation should contamination be found during the development.

It is therefore considered expedient to attach planning conditions to secure the mitigation measures and any subsequent remediation works (such as the repair of the existing gas ventilation trench) should unknown contaminants be found during the development to ensure the safe development of the site. This approach would satisfy the provisions of the NPPF and to ensure public safety.

### Coal mining legacy

The application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in the determination of this planning application.

There is a mine entry (shaft, CA ref.394404-010) within the eastern corner of the application site and a mine entry (shaft, CA ref. 394404-016) present immediately adjacent to the south western corner of the site. In addition there is a number of thick coal seams outcrop across the site which may have been worked historically at shallow depth.

The applicant has submitted a Remediation and Enabling Works Strategy which concludes that previous phases of intrusive site investigations have established the potential for mine workings within shallow coal seams and, as such, a programme of remedial works (drilling and grouting) is required to stabilise any unrecorded shallow workings beneath the proposed development area.

It is noted the proposed school building would be sited away from the mine shafts and their associated zones of influence. The applicant's Remediation and Enabling Works Strategy acknowledges that past investigatory drilling works to locate the shaft in the eastern corner 394404-010 were unsuccessful. However, a mitigatory strategy is to be prepared to address instability risks associated with this shaft.

The Remediation and Enabling Works Strategy makes no reference to mine shaft 394404-016 which could potentially lie within the very western corner of the application site. Nevertheless, it is acknowledged that the mine shaft would be distant from the proposed school building. In the interests of public safety it is considered that the mine shaft mitigatory strategy should also include measures to mitigate the potential risk to users of the new school from the presence of this mine entry within/immediately adjacent to the site.

It is therefore considered expedient in attaching a planning condition to secure further investigation and risk mitigation which would satisfy the provisions of the NPPF and DPD Policy in regard to addressing a public risk from the coal mining legacy.

In conclusion, it is considered the applicant's approach is acceptable, with appropriate measures in place to mitigate the risk to public safety. As such the development is in general accord with DPD Policy 9 and the provisions of the NPPF with regard to public safety.

### **Flooding and drainage**

DPD Policy 19 aims to ensure that development does not result in unacceptable flood risk. The site is located within Flood Zone 1 suggesting there is a low flood risk. The site is susceptible to a risk of surface water flooding, albeit at a low risk.

The cohesive nature of the underlying strata, the presence of shallow groundwater and the potential contamination issues associated with the ground conditions, mean infiltration is not a viable means of discharging surface water. The culverted River Medlock is approximately 130m to the east of the site. Therefore, the new school will discharge into this watercourse at greenfield run-off rates. Any attenuation required will be contained within geocellular storage.

There is no residual flood risk from the development site due to the restriction in storm water flow rates to the culverted River Medlock. The development does not therefore increase the risk of flooding. Flood water from any exceedance flows will be dissipated from the building to external roads, parking areas and landscaped areas.

Foul water generated by the development will be discharged to the United Utilities Combined Water Sewer within the site demise.

It is considered the development would not pose an unacceptable flood risk and through an appropriately worded planning conditions will ensure the surface and foul water is treated in the most suitable way. No objections in principle have been received from relevant statutory undertakers.

### **Effect on air quality and energy**

DPD Policy 9 seeks to ensure that development does not result in unacceptable level of pollutants or exposure of people in the locality or in the wider area.

In establishing the effect on air quality, the proposed development would result in an increase of traffic from the existing situation. However, it is considered that the resultant school would not significantly increase the amount of vehicular activity to such an extent that it would have an adverse effect on the existing level of air quality. In reaching this view it has to be considered that a large proportion of children would arrive by foot and by bicycle from a 2 km catchment area. The absence of an objection from the Environment Health team would support such a view.

Overall, taking a proportional approach, it is considered that the proposed development would not represent a significant material increase in the number of vehicle trips to the site which would adversely affect air quality in the surrounding area. As such, it would be difficult to maintain that the development would adversely affect air quality.

The proposed development provides additional floor space exceeding 1000 square metres. As such, the Council through DPD Policy 18, must have regard to measures that reduce energy consumption, increase energy conservation through construction techniques, technologies and low carbon energy, unless it can be clearly demonstrated by the developer that it is not financially viable and would prejudice the proposed development.

The applicant has submitted an energy statement which advocates the design of the proposed school would meet the requirements of Building Regulations, particularly Part 2a. In the absence of renewable energy technologies the development proposes a "fabric first" approach. The proposed development would fall slightly short of the target advocated by DPD Policy 18. However, it is considered the shortfall, albeit relatively minor, is sufficiently outweighed by the public benefit of providing new school places to meet an identified need.

### **Other matters**

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

The applicant has amended the perimeter fence to allow the requested separation space to be maintained serving the rear gardens along Lydgate Drive.

The land to the south (between Round **Page 84** and the southern boundary of the



application site) falls outside of the application site and is a preventive factor in an access being created from Roundthorn Road. It should also be noted the extent of works that would be necessary to create an access road (between Beaufont Drive and Roundthorn School would involve substantial engineering operations and would be a significant factor that may prejudice the construction of a new school which is needed to meet the identified shortfall in pupil places.

A proposed access road between Roundthorn Primary school and Coverham Avenue would intersect the land allocated as OPOL which serves as a green wedge and would result in a substantial loss of established trees which would also have severe implications to the ecology in the area. For all these reasons it is considered it would not be appropriate for an access and road to be created from Roundthorn Road.

## **Conclusion**

The proposed school is an acceptable land use which would meet an identified shortfall in pupil places for east Oldham. The building has been designed in an appropriate manner which will not severely harm the level of ecology on the site.

It is considered the proposed development would not adversely impact the OPOL which occupies the southern area of the site. Through a high quality landscaping scheme the proposal can be enhanced to uplift the biodiversity offer within the site and to mitigate a loss in the number of trees. The landscaping scheme will also ensure the appearance of the external areas respect the wider setting and the land allocation.

The proposal through appropriate remediation measures will ensure that public safety is maintained for the future use of the site in respect of the coal mining legacy and historic landfill gas conditions.

The highway implications have been carefully considered, and through highway improvements and signalisation to the Lees Road / Breeze Hill Road junction, this will ensure effective traffic management and that pupils and pedestrians can travel to the school by foot. The site will be accessed by an improved arrangement at the junction of Roxbury Avenue and Breeze Hill Road and provide parking and drop off facilities.

There is a low risk to flooding and given the underlying ground conditions the proposed means of drainage is considered acceptable.

The effect on the amenity of the existing residents has been assessed. There would not be a significant loss of daylight, sunlight and outlook to make the development unacceptable.

It is therefore considered the proposed development is acceptable.

## **RECOMMENDATION**

Approve, subject to the following conditions:

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

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

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

- FS0768-DEP-SO-DR-L-08 – received 16 November 2018
- FS0768-DEP-SO-DR-L-11 Rev. P03 – received 29 January 2019
- FS0768-DEP-SO-DR-L-12 Rev. P03 – received 29 January 2019
- FS0768-DEP-SO-DR-L-13 Rev. P01 – received 21 December 2018
- FS0768-DEP-SO-DR-L-14 Rev. P01 – received 21 December 2018

- FS0768-DEP-SO-DR-L-15 Rev. P01 – received 21 December 2018
- FS0768-POZ-B1-GF-DR-A-1200 Rev. P07 – received 16 November 2018
- FS0768-POZ-B1-01-DR-A-1201 Rev. P07 – received 16 November 2018
- FS0768-POZ-B1-02-DR-A-1202 Rev. P08 – received 16 November 2018
- FS0768-POZ-B1-03-DR-A-1203 Rev. P07 – received 16 November 2018
- FS0768-POZ-B1-RF-DR-A-1204 Rev. P04 – received 16 November 2018
- FS0768-POZ-B1-XX-DR-A-1300 Rev. P07 – received 17 January 2019
- FS0768-POZ-B1-XX-DR-A-1301 Rev. P07 – received 17 January 2019
- FS0768-POZ-B1-ZZ-DR-A-1400 Rev. P03 – received 16 November 2018
- FS0768-TAC-B1-ZZ-DR-EXT-101 Rev. P02 – received 16 November 2018
- FS0768-TAC-B1-ZZ-DR-EXT-102 Rev. P02 – received 16 November 2018
- FS0768-TAC-B1-ZZ-DR-EXT-104 Rev. P02 – received 16 November 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 details contained within the application, prior to the commencement of earthworks a survey of the site and within 30m of the boundaries to the south and east for badger setts shall be carried out and the findings shall be submitted to and approved in writing by the Local Planning Authority. Should any mitigation measures be required these shall be fully undertaken before any development commences.

Should a badger sett be uncovered during construction, then work should temporarily cease and advice sought from a suitably qualified person about how best to proceed. Development shall not proceed until an agreed approach has been approved by the Local Planning Authority.

Reason - To ensure the protection of any badgers found on the site.

4. Prior to the commencement of any earthworks a method statement for the removal/control of wall cotoneaster which falls within the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include:
  - (i) measures to prevent the spread of wall cotoneaster during any operations (e.g. strimming, soil movement or land remodelling works) and to ensure that any soils brought to the site are free of the seeds, root or stem of any invasive plant (as defined by the Wildlife and Countryside Act 1981, as amended).
  - (ii) a timetable for implementation (including any phasing for removal/control on different parts of the site);

The development shall thereafter be carried out in accordance with the details, timetable and phasing contained within the duly approved method statement.

Reason - To ensure the satisfactory treatment and disposal of invasive plant species and site preparation works before any development commences on affected areas of the site

5. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (1 March to 31 August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason - In order to prevent any habitat disturbance to nesting birds.

6. No development shall take place until a report containing the following details in relation to previous coal mining activities on the site has been submitted to and approved in writing by the Local Planning Authority:
- (i) The submission of a scheme of proposed remedial works for shallow mine workings; and
  - (ii) The submission of a scheme of proposed measures to mitigate the instability risk posed by mine shafts 394404-010 and 394404-016.

The development shall be carried out in full accordance with the details set out in the duly approved report and a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm that any necessary remedial works have been implemented before the development is first brought into use.

Reason - In order that appropriate measures are put in place to ensure that the development is not at an unacceptable risk as a result of previous coal mining activities.

7. Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

The landscaping works shall then be carried out in accordance with the approved scheme for timing / phasing of implementation.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason - To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development.

8. Prior to development of the sports pitches the following documents shall be submitted to and approved in writing by the Local Planning Authority:
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
  - (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation.

The land shall thereafter be maintained in accordance with the scheme and made

available for playing field use in accordance with the scheme.

Reason - To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field.

9. Prior to first use of the sports facilities a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall apply to indoor and outdoor sports facilities and shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities, a mechanism for review and a programme for implementation.

The approved agreement shall be implemented upon the commencement of use of the development hereby permitted and shall be adhered to in perpetuity.

Reason - To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport.

10. No development shall take place until a scheme for tree protection measures (both above and below ground) to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees to be retained;
- (ii) Details of any excavation to take place within the root protection areas of those trees to be retained;
- (iii) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained within the duly approved scheme throughout the entirety of the construction period.

Reason - To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence.

11. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of the works and the effectiveness of the development strategy has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved development plan to demonstrate that the site development criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - For the future protection of the Water Environment from risks arising from land contamination.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the

local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and has obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason - For the ongoing protection of the Water Environment from risks arising from land contamination.

13. No infiltration of surface water drainage into the ground where adverse concentrations of contamination are known or suspected to be present is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - For the future protection of the Water Environment from risks arising from land contamination.

14. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason - For the future protection of the Water Environment from risks arising from land contamination.

15. The development hereby permitted shall be carried out in full accordance with the Remediation & Enabling Works Strategy (Author: e3p, Report Ref: 12-680-r2) dated November 2018.

A verification report shall then be submitted to and approved in writing by the Local Planning Authority before the building is first occupied.

Reason - To ensure the safe development of the site given the historic ground conditions.

16. The noise mitigation measures contained in the Cundall Environmental Noise Report dated 15 November 2018 (Doc Ref: 1018538-RPT-AS-001 Rev D) shall be fully incorporated into the development and completed prior to the first occupation of the building.

Reason - To protect the surrounding properties from an unacceptable level of noise.

17. The development hereby permitted shall not be brought into use unless and until the car parking spaces, parent drop off facility, bus layby and turning areas have been provided in accordance with the approved plan received on 29th January 2019 (Ref: Dwg No. FS0768-DEP-SO-DR-L-11 Rev P03) and thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

18. Prior to the occupation of the development, details of a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall

show measures to reduce the need to travel to and from the site by private transport and the timing of such measures. Within six months of the occupation of the development the plan shall be implemented in accordance with the details as approved.

Reason - To ensure the development accords with sustainable transport policies

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

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

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

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

21. The development hereby approved shall not be brought into use unless and until details of a school safety zone, located on the approach to the site along Lees Road and Breeze Hill Road has been submitted to and approved in writing by the Local Planning Authority, and the approved scheme has been implemented in accordance with the approved details. The detailed school safety zone scheme should as a minimum include for the following provisions:

- Keep Clear road markings on Breeze Hill Road
- The signalisation of the Lees Road/Breeze Hill Road/ Wellyhole Street junction with all associated radius improvements and crossing facilities.
- All associated signs and road markings on the approach to the school
- The provision of a footway, minimum width 2.0 metres along the length of Breeze Hill Road on the approach to the school from Lees Road

Reasons – To facilitate the safe movement of pedestrians, cyclists and other highway users in the vicinity of the development.

22. The development shall be undertaken in accordance with the Oasis Academy Leesbrook 'Construction, Environmental Management Plan' received 16 November 2018.

Reason - In the interests of highway safety.

23. No above ground works shall take place until a schedule of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason - To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual

amenity.

24. Prior to the occupation of the building details for the storage of waste and refuse shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the siting, size, design and materials of the bin store. The bin store shall then be constructed in accordance with the duly approved scheme and made available for use before the building hereby approved is brought into use and retained as such thereafter.

Reason - To ensure the provision of satisfactory facilities for the storage of refuse in the interests of accommodating the future use of the site and to ensure the appropriate siting and design of any refuse storage facilities within the site.

25. The development hereby permitted shall be carried out in full accordance with the surface water drainage strategy outlined in the Flood Risk Assessment and Drainage Strategy [author: Scott Hughes (document reference 3373-SHD-00-ZZ-RP-C-0001 Rev 3) dated December 2018]. The measures contained within the Flood Risk Assessment shall be implemented before the development is first brought into use and shall be retained as such thereafter.

Reason - To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that there adequate measures are put in place for the disposal of surface water.

26. Notwithstanding any details contained within the application, a scheme for the installation of any external lighting on the building and the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed. The scheme shall include details of the lighting's:
- (i) position and height on the building(s) and/or site;
  - (ii) spillage, luminance and angle of installation; and
  - (iii) any hoods to be fixed to the lights.

Any external lighting shall only be installed in accordance with the duly approved scheme.

Reason - To ensure that any external lighting to be installed at the site maintains a good level of surveillance outside of daylight hours.

27. The use of the MUGA shall be restricted to the following hours:

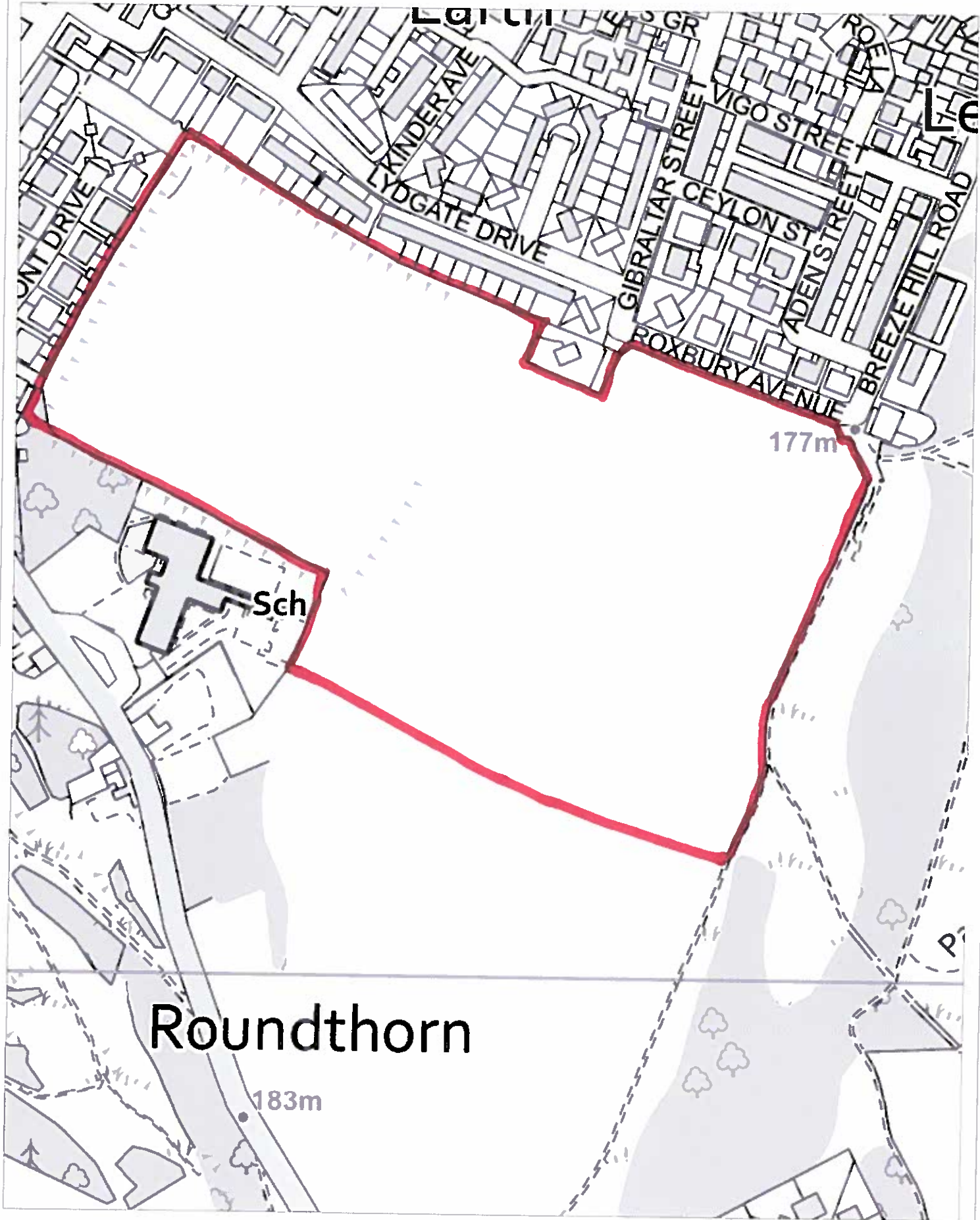
08.00 hours to 21.00 hours Monday to Friday

09.00 hours to 18.00 hours Saturday, Sunday and Bank/ public holidays.

Reason - To protect the amenity of occupiers of nearby residential properties from late night noise.

28. Prior to the MUGA first being brought into use a boundary/fence treatment scheme designed to reduce the noise from the ball impact at the MUGA shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme will then be implemented before the MUGA is first brought into use.

Reason - To protect the amenity of occupants of nearby premises.



342585

**OLDHAM**   
Metropolitan Borough 

**Planning Services**  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

Contact Us -  
Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Page 92

 Ordnance Survey

Date: 05/02/19

Scale 1:2500



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Oldham MBC Licence No 0100019868 2005



## APPLICATION REPORT - PA/342606/18

Planning Committee, 13 February, 2019

**Registration Date:** 22/11/2018  
**Ward:** Failsworth West

**Application Reference:** PA/342606/18  
**Type of Application:** Removal/Variation of Conditions

**Proposal:** Variation of condition number 2 relating to PA/338035/16 to make changes to approved proposed site plan  
**Location:** Express Dairies Milk, Ridgefield Street, Failsworth, M35 0HJ  
**Case Officer:** Hannah Lucitt

**Applicant** Material Studio (Part of Chrome (Services) Ltd)  
**Agent :** Material Studio (Part of Chrome (Services) Ltd)

---

### THE SITE

This application relates to a vacant industrial site, 0.91 hectares in size, located within the built up area of Failsworth. The existing single storey former industrial buildings on site total an approximate 1,400 square metres in size.

The application site lies adjacent to the Rochdale Canal which is designated as both a Site of Special Scientific Interest (SSSI) and a European designated Special Area of Conservation (SAC).

### THE PROPOSAL

This application seeks approval for a minor-material amendment relating to application no. PA/338035/16 to make changes to the approved proposed site plan.

Approved application PA/338035/16 proposed the demolition of existing buildings and the construction of a residential development comprising 157 new dwellings, including the erection of 19 three bedroom dwellings and an apartment development of between 4 and 6 storeys (42 one bed apartments and 96 two bed apartments) associated means of access, car parking, hard and soft landscaping and associated works along with 63 car parking spaces, and 30 cycle spaces.

The approved apartment accommodation will be provided in a part 4, part 5, part 6 storey building facing Rochdale Canal, with a broadly 'T' shaped footprint.

This application proposes the following changes to the previously approved development:

- Housing Block B is moved 2m north and 400mm to the west;
- Housing Block C is moved 750mm to the west;
- The apartment Block is moved 1m to the north;
- A 1 metre gated access strip is proposed along the boundary with the canal to allow the Canal and River Trust access to the Rochdale Canal;
- A sub-station is proposed and will be located to the west of the apartment block;
- The cycle storage for the apartments will now be partly provided internally (20 spaces) with a cycle store outside (11 spaces). The houses have external storage within their private amenity space;
- The proposed apartment bin stores have been relocated and a waste collection point identified within the car park.

The proposals above are considered necessary by the applicant through negotiations with the Canal & River Trust, the applicant's structural engineer, and the necessity for a sub-station to be included within the application site to serve the development.

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

PA/338035/16 'Demolition of existing buildings and the erection of an apartment development of between 4 and 6 storeys (Use Class C3 Residential) and townhouses (Use Class C3 Residential) including 157 new dwellings, associated means of access, car parking, hard and soft landscaping and associated works' was granted conditional planning permission on 23rd December 2016.

## **CONSULTATIONS**

Highway Engineer	No objection, subject to the inclusion of conditions addressing the provision and retention of car parking spaces, and cycle storage.
------------------	---------------------------------------------------------------------------------------------------------------------------------------

## **REPRESENTATIONS**

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

## **PLANNING CONSIDERATIONS**

Section 17a of the national Planning Practice Guidance (NPPG) relates to "flexible options for planning permissions", including applications for minor material amendments (MMAs) made under Section 73 of the Town and Country Planning Act. Paragraph 15 of the NPPG makes clear that a grant of a MMA application is, in effect, the issue of a new planning permission which sits alongside the original permission. With respect to what may be considered to constitute a MMA to an existing permission, paragraph 17 indicates that:

*"...There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved..."*

Following the grant of planning permission PA/338035/16, the development which the current application seeks to amend has already been judged to be acceptable in principle. Given the existence of an extant planning approval, attention should be focussed on national or local policies or other material considerations which have changed significantly since the original grant of permission, as well as the effects of the changes sought.

The planning application PA/338035/16 was granted 23rd December 2016. There have been no significant relevant changes in local or national planning policy since the issuing of the previous permission to indicate that an alternative approach should be taken with respect to the principle of development.

Whilst approval of this application would, in effect, result in the issuing of a new permission, consideration only needs to be given to those elements of the scheme which differ from the previous approval. The implications of the proposed amendments are addressed below.

### **Impact on Amenity and Design**

DPD 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 amenities of the occupants of the development or to existing and future neighbouring occupants or users.

DPD Policies 9 and 20 recognise the contribution that high quality design can make to

regeneration and sustainable development.

The proposed development would have a similar appearance to that which was approved under application PA/338035/16, and the proposed buildings would be no greater in height or scale than the previously approved development.

The 1 metre gated access strip proposed along the boundary with the canal is not considered to have any significant impact on design or amenity, and will assist with future maintenance of the canal.

The proposed sub-station is not considered to have any significant impact on design or amenity when considering the benefits of the scheme as a whole.

The proposed relocated waste storage facilities are acceptable in principle.

Given the above, it is considered that the proposed amendments would not result in a loss of residential amenity for the current surrounding properties or indeed future occupiers given the degree of separation and character of the surrounding area.

The proposed development is therefore considered to be in accordance with DPD Policies 9 and 20.

### **Highway safety**

The Highway Engineer has been consulted as part of this application and has raised no objection to the proposed scheme.

However, further precise details of the proposed cycle storage, including a detailed scheme as to the number, type, location of cycle stores, and elevations related to the proposal will be required by way of condition.

### **Conclusion**

The proposal represents a minor change to the approved development, whilst securing an improved relationship with the canal, and therefore, conforms to relevant national and local planning policies.

### **RECOMMENDATION**

Approve, subject to the following conditions:

1. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications;
  - Drawing no. LP047-P-001 revision A received 21st January 2019
  - Drawing no. 2315-P-100 revision 4 received 6th April 2016
  - Drawing no. 2315-P-101 revision 4 received 6th April 2016
  - Drawing no. 2315-P-102 revision 4 received 6th April 2016
  - Drawing no. 2315-P-103 revision 4 received 6th April 2016
  - Drawing no. 2315-P-104 revision 1 received 6th April 2016
  - Drawing no. 2315-P-105 revision 1 received 6th April 2016
  - Drawing no. 2315-P-200 revision 5 received 6th April 2016
  - Drawing no. 2315-P-201 revision 4 received 6th April 2016
  - Drawing no. 2315-P-202 revision 3 received 6th April 2016
  - Drawing no. 2315-P-203 revision 1 received 18th January 2016
  - Drawing no. 2315-P-204 revision 1 received 6th April 2016
  - Drawing no. 2315-P-301 revision 1 received 6th April 2016
  - Drawing no. 2315-P-400 revision 2 received 18th January 2016

out in accordance with the approved plans and specifications.

2. No development shall take place unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall be designed to have regard to any loss of ecological interest. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

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

3. All hard and soft landscape works for the site to comply with condition 2 shall be carried out in accordance with the approved details prior to the occupation of any part of the development. Thereafter, any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan.

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

4. The materials to be used on all external elevations (LP047\_3\_002 DRAFT CONDITIONS OF MATERIALS LIST' received 08th November 2018) shall be consistent in terms of colour, size and texture with the approved schedule, and shall be implemented in accordance with the approved details.

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

5. The recommendations within the site investigation report (C2752 - One Boulevard) should be undertaken in full. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, the receipt of a satisfactory completion report, in order to discharge the condition.

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

6. No development shall take place unless and until a scheme for protecting the housing units from noise from nearby industrial 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 housing to which it relates is occupied.

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

7. The residential units hereby approved shall not be occupied unless and until details of facilities for the storage and removal of refuse and waste materials for those units have been submitted to and approved in writing by the Local Planning Authority and the agreed scheme has been fully implemented. Thereafter, the approved facilities shall at all times remain available for use.

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

8. No dwelling shall be brought into use unless and until the access and car parking space for that dwelling has been provided in accordance with the approved plan (drawing no. LP047-P-001 revision A received 21st January 2019). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

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

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

10. The development shall be implemented in accordance with the Construction Environment Management Plan (CEMP) containing details of mitigation measures to avoid any adverse impact on the SSSI/SAC during both the demolition and construction phases of the development (Construction Environmental Management Plan & Method Statement - Chrome Services Ltd., Austin Wilkinson Demolition and the details approved within application no. CD/342455/18.

Reason - In order to protect local wildlife

11. The recommendations within the WSI as provided by Nexus Heritage on 13th June 2018 should be implemented in accordance with the approved details. Prior to the occupation of the proposed development, a further WSI covering the fieldwork shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To record and advance understanding of heritage assets impacted on by the development and to make information about the archaeological heritage interest publicly accessible.

12. The streetlighting scheme (drawing named 'Failsworth Ridgefield Street - Lighting Design') shall be implemented prior to occupation of the proposed development and in accordance with the approved details.

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

13. Prior to operation a 'lighting design strategy' for any external lighting that will impact on the Rochdale Canal shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be carried out in accordance with the guidance contained in the Additional Ecological Information Report, PAA reference 160061 dated March 2016 Sections 3.26 to 3.43.

All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.

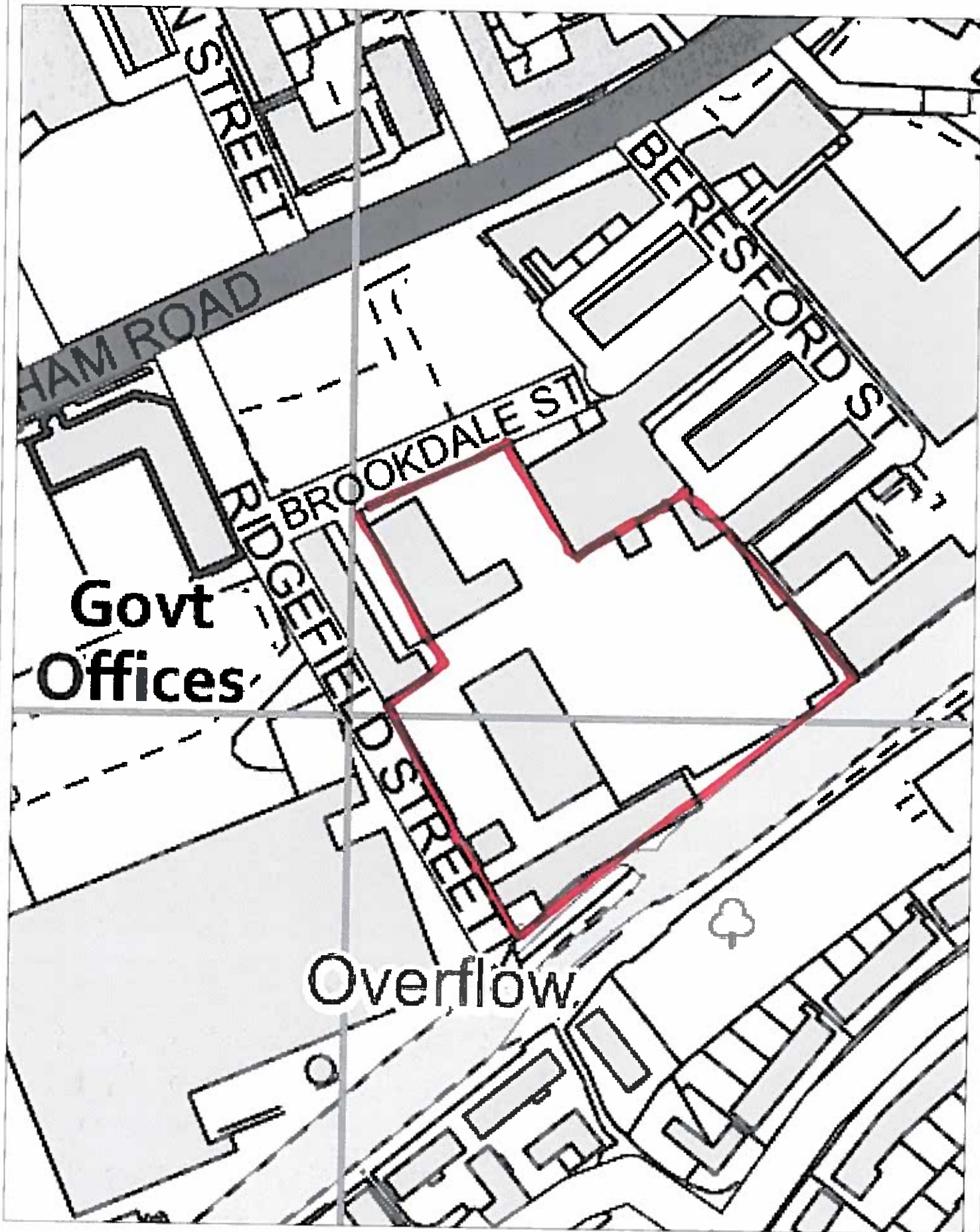
Reason - To protect local wildlife.

14. The proposed development should be designed and constructed in accordance with the recommendations contained within section 3.3 of the Crime Impact Statement dated (06/01/2016 - URN: 2015/0717/CIS/01 Version B).

Reason - In order to protect public safety

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or replacing that Order with or without modification) no extensions, dormers, garages, outbuildings, sheds, greenhouses, or porches shall be erected within the curtilage of the dwellinghouse, other than those expressly authorised by this permission, if any, without the further approval of the Local Planning Authority.

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



**Govt  
Offices**

**Overflow**

3 4 2 6 0 6

**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

Contact Us -  
Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Date 04 02 19

Scale 1:1250



Page 9

 Ordnance Survey

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Oldham MBC Licence No. 0100019898 2006

This page is intentionally left blank



## APPLICATION REPORT - PA/342624/18

Planning Committee, 13 February, 2019

**Registration Date:** 23/11/2018  
**Ward:** Saddleworth South

**Application Reference:** PA/342624/18  
**Type of Application:** Full Planning Permission

**Proposal:** Demolition of shippon / stables and erection of school for children with autism (Use Class D1), associated car parking and landscaping.

**Location:** Land west of Springfield Farm, Friezland Lane, Greenfield, OL3 7EU

**Case Officer:** Hannah Lucitt

**Applicant** Bright Futures School  
**Agent :** Whittaker Design

---

### THE SITE

The application site is located at land to the west of Springfield Farm, within the allocated Green Belt of Greenfield.

The application site is located on the eastern side of Friezland Lane and comprises a disused farmyard associated with Springfield Farm. The application site lies to the west of the Grade II listed Springfield Farmhouse and adjoining barn.

The original farmhouse and barn to Springfield Farm have been converted to form three self contained dwellings. However, the application site itself is occupied by a brick stable block and much of the site is hard surfaced in concrete.

The application site is accessed from Friezland Lane.

### THE PROPOSAL

This application proposes the demolition of the existing dilapidated stables, and the erection of a single storey 'U' shaped school building for children with autism, with associated car parking and landscaping.

The proposed school building will measure 27m in width, 18.7m in depth and 4.7m to the pitched roof ridge. The building will be externally clad in reclaimed stone and timber cladding with a standing seam metal roof.

The building would be accessed from the existing entrance on Friezland Lane, and parking for 24 cars is proposed on the site, with three disabled persons' bays.

### RELEVANT HISTORY OF THE SITE:

LB/050984/06 'Subdivision of existing farmhouse into 2 no. dwellings and conversion of barn into dwelling house' granted listed building consent on 28th April 2006.

PA/050985/06 'Sub-division of existing farmhouse into 2no. dwellings and conversion of barn into dwellinghouse' granted planning permission on 28th April 2006.

Environmental Health	No objection, subject to the inclusion of a condition addressing waste storage.
Highway Engineer	No objection, subject to the inclusion of conditions addressing the provision and retention of car parking spaces, the provision of a School Travel Plan, and the provision of wheel cleaning equipment during construction.
Greater Manchester Ecology Unit	No objection, subject to the inclusion of a condition in regard to the protection of bats.
Education Team	No objection.

## REPRESENTATIONS

This application was publicised by way of a site notice and neighbour notification letters. One letter of support was received by virtue of this publication process, which commented that the proposed development was a great use of a dilapidated plot.

Saddleworth Parish Council recommend approval, and have made the following comments:

*"We recognise that this site is in the Green Belt and consider this application to be an exceptional case. We hope that this will be respected should future applications be made for the development of this site".*

## PLANNING CONSIDERATIONS

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

In this case the 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham. It contains the Core Strategies and Development Management policies used to assess and determine planning applications. The application site is located within the Green Belt as allocated by the Proposals Map associated with the Joint Development Plan Document. Therefore, the following policies are considered relevant:

Policy 2 - Communities;  
 Policy 9 - Local Environment;  
 Policy 20 – Design;  
 Policy 21 - Protecting Natural Environmental Assets; and,  
 Policy 22 - Protecting Open Land.

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

- 1) Land Use
- 2) Green Belt;
- 3) Design and Impact on the Grade II listed building;
- 4) Residential Amenity;
- 5) Highway Safety;
- 2) Impact on Ecology.

### Land Use

The site occupies a sustainable location on the edge of the built up area of Greenfield, and although not comprising previously developed land, it will nevertheless make practical use of a site containing existing buildings which are in a poor visual condition.

DPD Policy 2 states that the Council will support improvements to the education and skills of

the borough's population by working with education partners to facilitate the development of new and improved education facilities. The proposed new school will provide additional and improved learning accommodation, capacity, and upgraded learning facilities and disabled access for students, and will address the needs of the Saddleworth area through provision of a new specialist education facility.

The development therefore complies with Paragraph 94 of the NPPF, which states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of communities, and goes on to state that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement. No objections have been raised by the Council's Education team.

It is considered that the proposed school will contribute towards sustainable development by providing a school which is fit for purpose and will provide facilities which will help to enable students to reach their full potential. The proposed building is energy efficient, highly insulated, maximises the use of daylight, and makes use of natural ventilation.

### **Impact on the Green Belt**

Paragraph 133 of the NPPF clarifies that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

DPD Policy 1, in the context of this application, seeks to ensure the effective use of land, which maintains the borough's green belt, and which ensures that development respects Oldham's natural, built and historic environment, and their settings. DPD Policy 22 is also relevant in determining whether the principle is acceptable due to the location of the site in the Green Belt. Paragraph 145 within the NPPF explains that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

The application site does not comprise 'previously developed land' because agricultural buildings are specifically excluded from the definition within the National Planning Policy Framework (NPPF). Consequently, the development would not fall within any of the exceptions listed in paragraph 145 of the NPPF.

Therefore, the proposed development would amount to 'inappropriate development' within the Green Belt. Paragraph 143 of the NPPF explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF goes on to state that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The following 'very special circumstances' have been submitted by the applicant:

- *Providing a specialist school of this nature in the area where it is needed and was originally established;*
- *Maintaining jobs for local people;*
- *Providing schooling for local children who may have to travel out of the area for this level of specialist education and therefore increasing travel distance / time and of course the environmental impact that has;*
- *The proposal improves the setting of the site for the environment and the Grade II Listed Building to the east of the site;*
- *Benefit the local environment improving the use and building that is on the site. The proposed building is to be built using local stone and timber to reflect the rural setting of the site;*
- *A new purpose built facility allows for the design to meet the needs to provide level access to the site from parking areas with full internal access for pupils with mobility difficulties and wheel chair users;*
- *The site has good access to local transport links;*
- *The rural site with the correct landscaping scheme will encourage wildlife that will be great*

*for the education of the pupils and to the surrounding area;*

*- This site allows the school to be operated within the boundaries, including the dropping off /collecting of pupils and car parking which should not have an impact on the local highways; and,*

*- The project ethos is to use local companies for the delivery of this development, using local companies during the design process and building of the school and that will also continue when the school is operating using local suppliers for the food etc. Therefore employing local people and the economic benefits that brings during the build and for the future of the school and all who are involved with it.*

These factors weigh heavily in support of the proposal. In particular, the specialist nature of the facility and specific benefits of the site and location provide strong support as 'very special circumstances'.

### **Effect on the openness of the Green Belt**

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

The proposed development would include the demolition of the existing stable building and the erection of a building with a larger footprint, but of a similar height. The proposed development, comparatively, would have a greater impact on the openness of the Green Belt in regard to volume of built development within the application site. However, it is noted that larger buildings which existed on the site have been demolished within the last 10 years.

### **Effect on the visual amenity of the Green Belt**

In respect of the impact on visual amenity, the proposed development is sited within an elevated vantage point from Friezland Lane, but with a robust landscaping buffer to the periphery of the public highway, which would block much of the proposed building from view.

There are limited views available of the proposed development towards the backdrop of the Green Belt behind it, which rises beyond the site. From any views to the south, the building would be viewed in the context of neighbouring buildings and would not be a notable feature on the landscape.

It is therefore not considered that the proposed development would detract from the visual amenity of the Green Belt.

### **Green Belt Conclusion**

It is considered that the proposed development would be seen from restricted views from public vantage points, and the proposed height and scale would limit the impact on the openness and visual amenity of the Green Belt. It occupies a site with a history of built development and will not result in urban sprawl or unacceptable encroachment into the countryside.

In this context, the 'very special circumstances' submitted by the applicant are considered to outweigh the harm to the Green Belt.

Therefore, the principle of development is considered acceptable against the provisions of DPD policies 1, 2 and 22 and Paragraph 94 and Section 13 of the NPPF.

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

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

NPPF 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.

The proposed development would have an impact on the setting of the Grade II listed building, which is 15 metres from the site, as it will be visible in views from the west of the listed building.

The applicant has clearly tried to limit the harm on the heritage asset by reflecting the external facing materials of a building more closely linked with agriculture, comprising stone, timber cladding, and standing seam roofing material.

In this instance, it is considered that the inclusion of these visually appropriate facing materials, and the loss of an existing building in this position which itself detracts from the setting of the listed building, combined with the limited height of the proposed development would avoid any harmful impact caused by virtue of the increase in floorspace over and above the existing building on site.

In this instance, on balance, the proposal is considered to cause 'less than substantial' harm to the setting of the heritage asset.

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

In this case, the applicant has clearly set out the public benefits associated with providing a specialist education facility, and re-developing a dilapidated site, to provide such a facility.

In this instance, it is considered that the public benefits would outweigh the limited harm.

In conclusion, it is considered the proposed development will broadly preserve, i.e. not harm, the special interest and setting of the Grade II listed Springfield Farmhouse and adjoining barn. Therefore, the proposed development is considered to comply with the provisions of Policies 9, 20 and 24 of the Council's Local Development Framework, and Chapter 16 of the NPPF.

### **Residential Amenity**

Policy 9 states that it is necessary to consider how the proposal impacts on the amenity of the occupants of adjoining residential properties and the visual appearance of an area. The closest neighbouring properties to the proposed new school are the dwellings at 1, 2 and 3 Springfield Farm.

The proposed development would be sited approximately 15m from the dwellings at Springfield Farm.

However, the proposed development has been specifically designed to limit the impact on residential amenity. The high level windows facing the dwellings would be obscure glazed to prevent any overlooking to the dwellings. Any overlooking from users of the car park towards the upper floors of the dwellings would be at such a distance from the windows as to prevent any significant loss of privacy.

The proposed development would not overshadow the dwellings or have any overbearing impact.

The dwellings at 20-34 Friezland Lane face the application site, but would be sited a minimum of 21m from the proposed building and are unlikely to be impacted by way of overlooking or overbearing impact. The site entrance has not been relocated by virtue of the proposed development, and it is considered that the coming and going of vehicles entering the school during peak periods would not have any significant impact on amenity by virtue of light spill from headlights or other impact.

Other dwellings are further from the application site and would not be affected.

Given the above, it is considered that, on balance, the proposed development would be in compliance with DPD Policy 9 in regards to the impact on residential amenity.

### **Highway Safety**

The proposed development has been assessed by the Council's Highway Engineer, who has raised no objection.

Proposed access to the site is taken from Friezland Lane. There is currently a high demand for on-street parking from the nearby businesses. There is no dedicated footway provision along part of Friezland Lane.

In this instance, the Highway Engineer considers that there is adequate provision within the site for staff parking to be accommodated and for children to be dropped off safely either by private car or taxi.

It is not considered likely that a high number of children will walk or cycle to school, therefore a condition has not been included for any improvements to pedestrian or cycling facilities in the area.

Given the above, it is considered that the proposed development is in accordance with DPD Policy 9 in regard to highway safety and amenity.

### **Impact on Ecology**

Ordinarily, it would be expected that a Bat Survey would be submitted with the planning application. However, Greater Manchester Ecology Unit has assessed the building and considers that as the existing building (to be demolished) has a low risk of supporting roosting bats, on this occasion, it is recommended that the bat survey is conditioned.

Subject to the inclusion of the above condition, it is not considered that the proposed development would be harmful to local wildlife and therefore accords with DPD Policy 21.

### **Conclusion**

The proposed development would serve to satisfy the requirements of specialist school places in this part of the borough, to the benefit of the local community. This benefit is further reinforced by the Department for Communities and Local Government (DCLG) Policy Statement 'Planning for School Development' (August 2011), which gives strong policy support for improving state education, and that a refusal is unreasonable unless it is supported by clear and cogent evidence.

The proposed development would not have such a negative impact on residential amenity to warrant refusal on this basis alone.

On balance, the impact on the setting of the Grade II listed building is acceptable, given the clear public benefits associated with the scheme.

There would be no significant additional impact on the highway, and it is considered that the

impact on highway safety and amenity is not severe.

## 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:

- Drawing no. 3715.2 received 23rd November 2018
- Drawing no. 3715.3 received 23rd November 2018
- Drawing no. 3715.4 received 23rd November 2018

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

3. Prior to any walls or roofs being constructed of the development hereby approved, samples of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

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

4. The development hereby approved shall not be brought into use unless and until a detailed design for the bin storage enclosure, and to screen the 'external dining' area from neighbouring dwellings, has been submitted to and approved in writing by the Local Planning Authority, and the approved scheme has been fully implemented. Thereafter approved waste storage facilities and screening shall remain at all times.

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

5. No site clearance or development shall take place until a report concerning the use of the site by bats, prepared by a suitably qualified person, has been submitted to and approved in writing by the Local Planning Authority. If such a use is established, any protection or mitigation measures or other recommendations of the report shall be undertaken in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Reason - To ensure the protection of bat habitats, which are protected species under the Wildlife and Countryside Act 1981.

6. The development hereby approved shall not be occupied before details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and

grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme. The scheme should be designed to secure improvement to the visual appearance of the site and to protect the amenity of neighbouring properties.

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

7. All hard and soft landscape works for the site to comply with condition 6 shall be carried out in accordance with the approved details prior to the occupation of any part of the development. Thereafter, any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

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

8. The development hereby approved shall not be brought into use unless and until the car parking spaces have been provided in accordance with the approved plan received on 23rd November 2018 (Ref: Dwg No. 3715.2) and details of drainage and construction shall first of all have been submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be retained thereafter.

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

9. Prior to the occupation of the development, details of a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show measures to reduce the need to travel to and from the site by private transport and the timing of such measures. Within 6 months of the occupation of the development the plan shall be implemented in accordance with the details as approved.

Reason - To ensure the development accords with sustainable transport policies

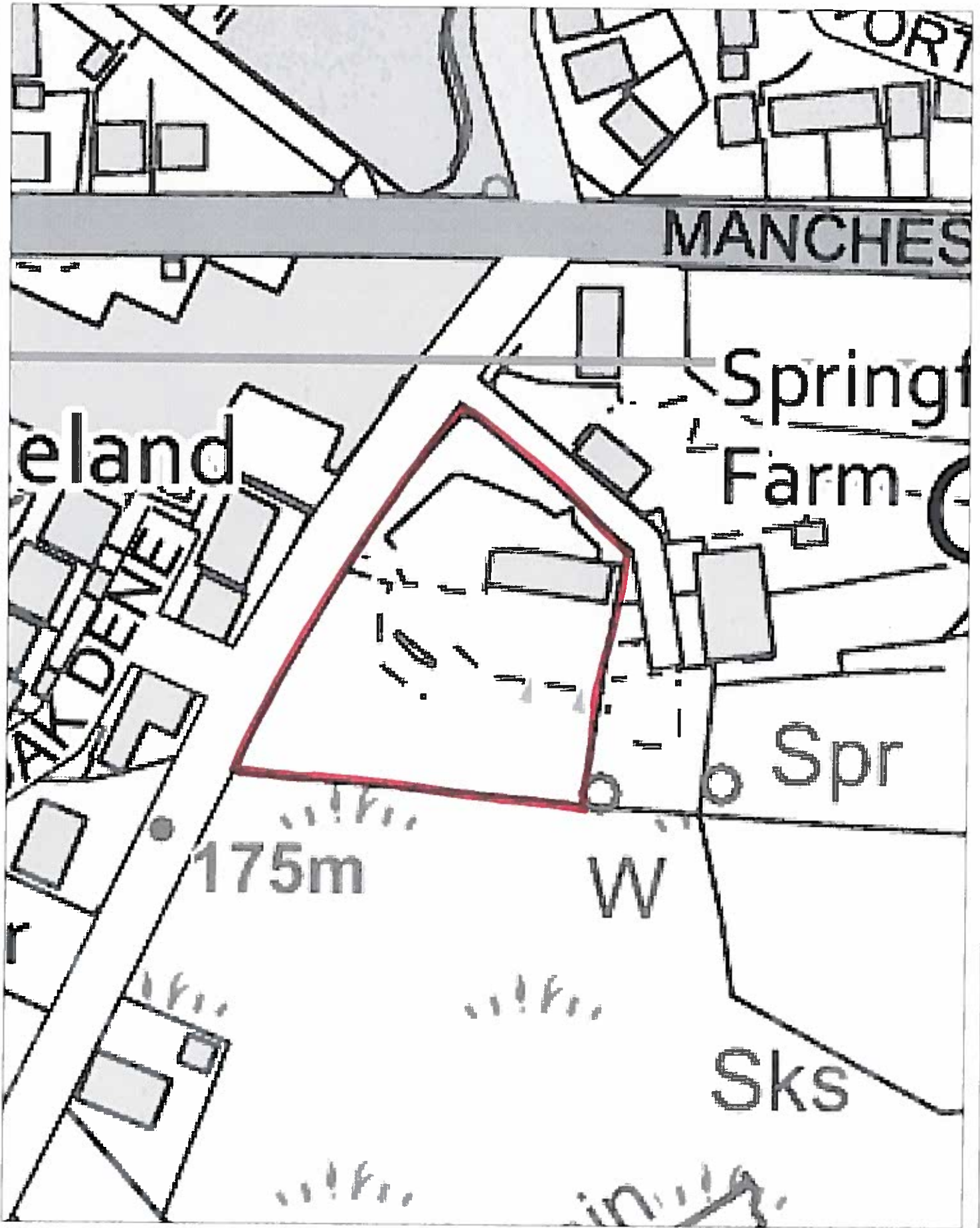
10. During the construction period adequate wheel cleaning equipment, the details of which shall be submitted to and approved in writing by the Local Planning Authority, shall be installed on the site. Prior to leaving the site all vehicles, which have travelled over a non-hard surface, shall use the wheel cleaning equipment provided, such that they are in such a state of cleanliness that they do not foul the highway with mud or other material. The equipment shall, for the duration of the construction works, be maintained in good working order and shall not be removed unless agreed by the Local Planning Authority.

Reason - In the interests of highway safety.

11. Notwithstanding the provisions of Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order with or without modification, no additional buildings or extensions shall be erected on the site other than with the prior written approval of the Local Planning Authority.

Reason - In order to preserve the openness of the Green Belt and in the interests of the amenity of the occupiers of neighbouring properties.





342624

**OLDHAM**   
Metropolitan Borough 

**Planning Services**  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

**Contact Us**  
Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Date: 04 02 19

Scale 1:1000



# **PLANNING COMMITTEE - BACKGROUND PAPERS**

## **REPORT OF THE HEAD OF PLANNING AND INFRASTRUCTURE**

### **PLANNING AND ADVERTISEMENT APPLICATIONS**

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

### **THE BACKGROUND PAPERS**

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

### **ADDITIONAL BACKGROUND PAPERS**

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

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

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



## Planning Appeals Update

---

### **Planning Committee**

Report of Head of Planning and Infrastructure

#### **DATE OF COMMITTEE**

**February 2019**

#### **PLANNING APPEALS**

##### **WRITTEN REPRESENTATION**

PA/341373/18      Land to the rear of Rochdale Road, Royton, Oldham, OL2 5UT

##### **HEARINGS**

##### **HOUSE HOLDER**

HH/342033/18      146 Green Lane, Oldham, OL8 3BB

##### **ADVERTISEMENTS**

##### **APPEAL DECISIONS**

PA/341435/18      922 Middleton Road, Chadderton, Oldham, OL9 9SB  
Original Decision      Del  
Appeal Decision      Dismissed

PA/341206/17      Land adj 6 Owen Fold, Lees, OL4 3DT  
Original Decision      Del  
Appeal Decision      Dismissed

HH/341537/18      25 Lovers Lane, Grasscroft, OL4 4DT  
Original Decision      Del  
Appeal Decision      Dismissed

PA/341272/18      36 Haigh Lane, Chadderton, Oldham, OL1 2TJ  
Original Decision      Del  
Appeal Decision      Dismissed

PA/339852/17	Asda Supermarket, Greenfield Lane, Shaw, OL2 8QP
Original Decision	Del
Appeal Decision	Allowed
PA/341619/18	Land adjacent to 83 Coppice Street, Oldham, OL8 1TP
Original Decision	Del
Appeal Decision	Dismissed
PA/340929/17	318 Oldham Road, Royton, Oldham, OL2 5AS
Original Decision	Del
Appeal Decision	Dismissed
PA/340691/17	The Old Stables, Lee Cross, Diggle, Oldham, OL3 5JX
Original Decision	Del
Appeal Decision	Dismissed
PA/339752/17	Land at Arncliffe Rise, Oldham, OL4 2LZ
Original Decision	Del
Appeal Decision	Dismissed
PA/341496/18	16 Pole Lane, Failsworth, M35 9PB
Original Decision	Del
Appeal Decision	Allowed

**RECOMMENDATION -** That the report be noted.

---

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

Files held in the Development Control Section

Item number: 00



**Oldham**  
Council

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



---

## Appeal Decision

Site visit made on 20 December 2018

by **Felicity Thompson BA(Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9<sup>th</sup> January 2019

---

**Appeal Ref: APP/W4223/D/18/3207343**

**922 Middleton Road, Chadderton, Oldham, OL9 9SB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Arif Mohid against the decision of Oldham Metropolitan Borough Council.
  - The application Ref PA/341435/18, dated 10 February 2018, was refused by notice dated 8 June 2018.
  - The development proposed is described as 'to drop the kerbs in front of the house to allow cars to be parked in the front driveway. A new driveway will be created on a hard surface once we have planning permission.'
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on highway safety with particular regard to the safety of pedestrians.

### Reasons

3. The appeal property is located in a predominantly residential area, adjacent to and fronting a relatively busy road. The appeal site is located to the front of the house and the proposal would enable cars to be parked off the road. Given the absence of turning space within the site, the proposal would result in vehicles either reversing out into or manoeuvring in the highway to reverse onto the site.
4. The site is located in close proximity to a pedestrian crossing which consists of dropped kerbs on either side of the road and a refuge area in the centre of the road. Whilst the appellant contends that pedestrians have to pass dropped kerbs regardless of how far away a crossing is, in this case the pedestrian crossing would be in the direct path of any vehicles reversing out of the site into the road.
5. Based on my observations I consider that pedestrians crossing the road, from the same side as the appeal site, would be looking to the right for approaching vehicles and would not necessarily be aware of vehicles reversing out of the appeal site. I find that this would pose an unacceptable risk to the safety of pedestrians.

6. The appellant also contends that the proposal would create safer driving conditions, as it would take cars off the busy road and allow for the safe offloading of children from car seats. At my site visit I noted that on-street parking occurs along the road. Nevertheless, this does not interfere with the free flow of traffic along the road. Whilst there may be some limited benefit in respect of the offloading of children, as they can be offloaded onto the pavement, this does not outweigh the identified harm to pedestrian safety.
7. I have sympathy with the appellant's circumstances as they have been a victim of car crime. However, there is little evidence that the proposal would significantly reduce the risk from such crime, particularly as cars would be parked in close proximity to the pavement. As such this is a matter of limited weight which does not outweigh my earlier findings.
8. For the reasons given above, I conclude that the proposed development would have an unacceptable impact on highway safety contrary to Policies 9 and 20 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies which require that development provides for the safety and security of all sections of the community and meet design principles relating to safety and inclusion. It would also conflict with the National Planning Policy Framework which requires development to create places that are safe, secure and attractive – which minimise the scope for conflict between pedestrians and vehicles.

#### **Other Matters**

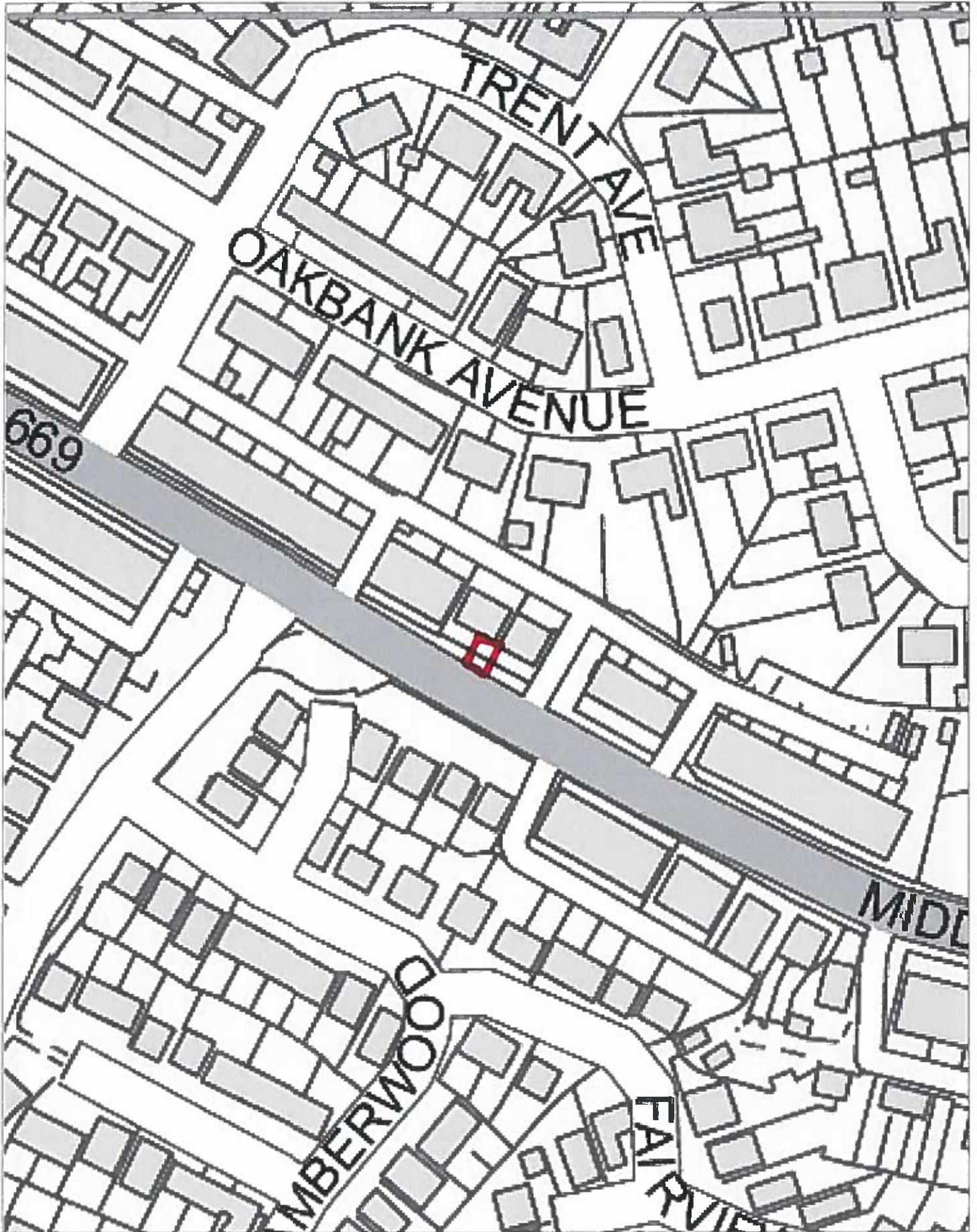
9. I noted no other similar developments in the immediate vicinity of the appeal site however; the appellant has provided photographs of other dwellings elsewhere in the Borough with driveways close to pedestrian crossings. I do not know the circumstances of those developments being permitted and therefore I give this limited weight. In any event I have considered the appeal scheme on its own merits. The existence of other off road parking areas does not justify the harm I have identified above.

#### **Conclusion**

10. For the reasons given above, having regard to all other matters raised, the appeal is dismissed.

*Felicity Thompson*

INSPECTOR



341435

**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

Contact Us  
Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Date: 04.02.19

Scale 1:1250





## Appeal Decision

Site visit made on 20 December 2018

by **Felicity Thompson BA(Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16<sup>th</sup> January 2019

---

**Appeal Ref: APP/W4223/W/18/3209880**

**Land adjacent 6 Owen Fold, Lees, OL4 3DT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr I McMahon against the decision of Oldham Metropolitan Borough Council.
  - The application Ref PA/341206/17, dated 16 December 2017, was refused by notice dated 24 April 2018.
  - The development proposed is erection of one pair of semi-detached dwellings.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of 6 Owen Fold with particular regard to outlook.

### Reasons

#### *Background*

3. The appeal site has a planning history which includes a number of planning applications for dwellings including one which was dismissed on appeal. The most recent being application PA/337939/16 which was refused on the basis of design and siting, which the Council considered would fail to preserve or enhance the character or appearance of the Hey Conservation Area. The current proposal is for a pair of semi-detached dwellings in more or less the same position as those previously proposed.

#### *Living conditions*

4. The appeal site is an elevated parcel of land which is overgrown with vegetation, located between dwellings in a residential area. The proposal would introduce a pair of semi-detached two storey dwellings which would be located parallel with and close to the side boundary of 6 Owen Fold.
5. The site is elevated above the garden of no.6 and therefore the ground level of the proposed dwellings would be about 2.3m higher than that of no.6. Whilst the dwellings would be sited to the other side of the garage at no.6, because of their elevated siting and proposed height, around 8.4m to ridge, they would project significantly above the garage.

6. I acknowledge that the proposed site plan does not accurately show the position of no.6. Nevertheless, whilst the proposed dwellings would not unacceptably impact on the privacy of the occupants of no.6, because of their overall height, depth and positioning close to the boundary with no.6, they would create an imposing built form which would have a dominant and overbearing effect upon the outlook from no.6 and their garden. I consider the effect would be that the living conditions of the occupants of no.6 would be harmed and the amenity value of the garden would be significantly compromised. The absence of objection from the neighbour does not alter my judgement.
7. Given the proposed siting to the east of no.6, whilst there may be some overshadowing of the garden earlier in the day, I consider the result would not be so unacceptable as to justify refusing the appeal for this reason.
8. For the reasons set out above, I conclude that the proposed development would cause unacceptable harm to the living conditions of the occupants of 6 Owen Fold in respect of outlook, contrary to the overall amenity protection aims of Policy 9 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies. It would also conflict with national policy in the National Planning Policy Framework which seeks to ensure a high standard of amenity for existing and future occupiers of buildings.

#### **Other Matters**

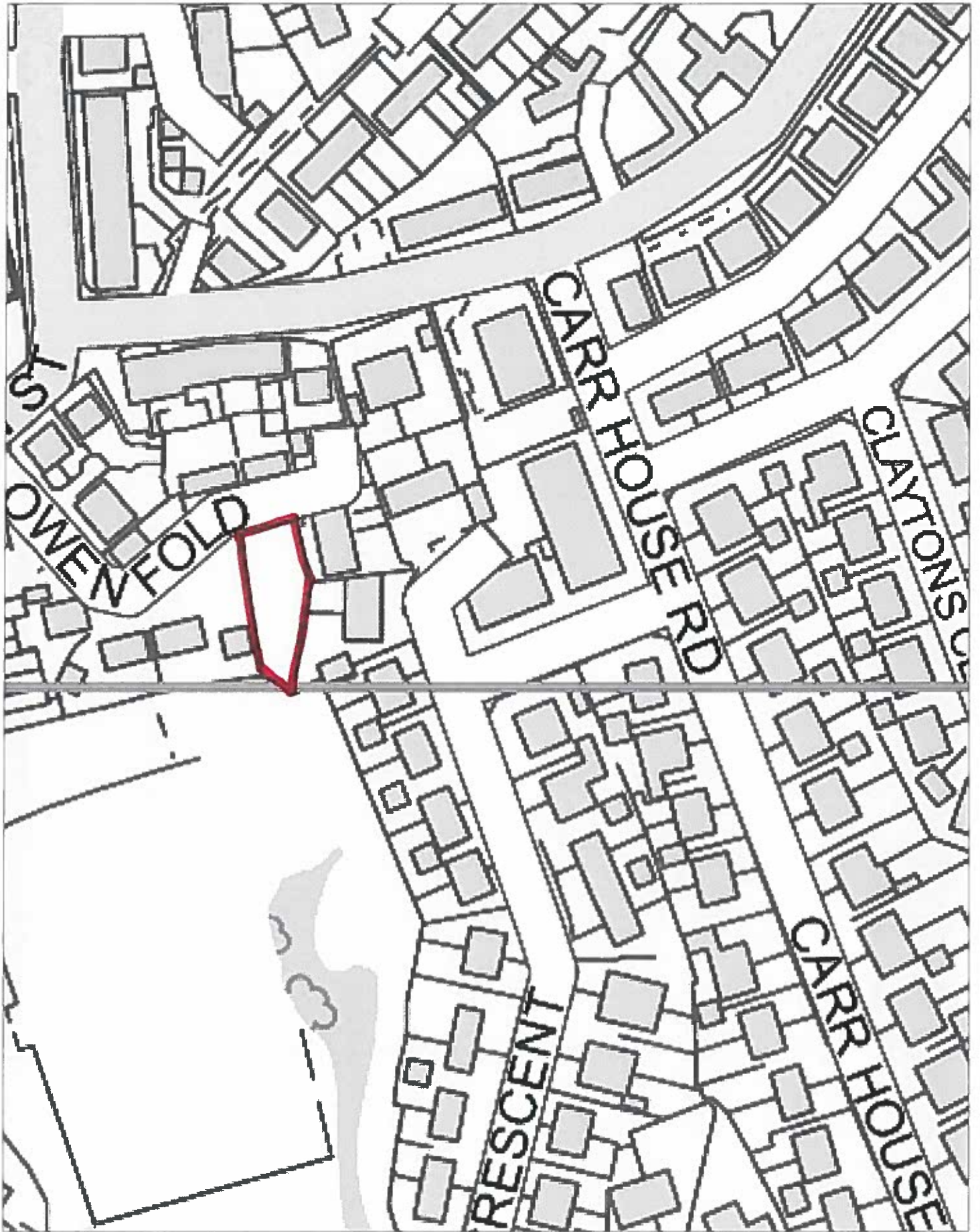
9. The appellant has referred to the previously approved application pointing out that this did not include harm to living conditions as a reason for refusal. However, whilst the siting may be similar I have little information to be certain that the proposals are sufficiently comparable in terms of their design; therefore I give this limited weight. In any event I have considered the appeal scheme on its own merits.
10. I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The proposed dwellings would have a straightforward appearance and would be located between dwellings of varying design. Overall, I consider that they would preserve the character and appearance of the Conservation Area. However, this is a neutral matter which cannot therefore outweigh my earlier findings.

#### **Conclusion**

11. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

*Felicity Thompson*

INSPECTOR



341206

**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

Contact Us -  
Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Date: 04.02.19

Scale 1:1250





---

## Appeal Decision

Site visit made on 7 January 2019

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

an Inspector appointed by the Secretary of State

Decision date: 16 January 2019

---

**Appeal Ref: APP/W4223/W/18/3211216**

**25 Lovers Lane, Grasscroft OL4 4DT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr & Mrs D Windle against the decision of Oldham Metropolitan Borough Council.
  - The application Ref HH/341537/18, dated 12 March 2018, was approved on 20 July 2018 and planning permission was granted subject to conditions.
  - The development permitted is the erection of a single storey rear extension, a rear dormer and a detached garage.
  - The condition in dispute is No 3 which states that:  
*"3. Detailed drawings showing the following alteration to the scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of the construction of the single storey extension hereby approved:  
- No part of the flat roof section of the approved single storey extension shall be used at any time as a sitting out area or for any similar recreational or amenity purposes.  
The development shall be implemented in full accordance with the approved details to ensure no use of the flat roof as a sitting out area or for any similar recreational or amenity purposes takes place at any time."*
  - The reason given for the condition is:  
*"In order to prevent overlooking and protect the amenity of the occupiers of neighbouring properties."*
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Planning permission has been granted for a single storey rear extension, a rear dormer and a detached garage. The appeal seeks removal of condition 3 which requires submission of a scheme prior to the commencement of the construction of the single storey extension to prevent use of its flat roof as a sitting out area or for amenity purposes. At the time of my visit, the rear dormer had been part completed, but commencement of works to construct the single storey extension had not started. I determine the appeal on that basis.
3. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties have had an opportunity to comment on the revised Framework during the appeal process.

### **Main Issue**

4. The main issue is whether the disputed condition is reasonable and necessary in terms of the effect on the living conditions of occupiers of neighbouring properties, with particular regard to matters of privacy.

### **Reasons**

5. The appeal property is a detached bungalow in a generous plot that lies within a residential area of mixed character. There are significant differences in land levels within the site and relative to those surrounding due to the progressive slope of the land downwards in a southern and eastern direction. The rear elevation of the property is south facing and is at a lower level than No 27 Lovers Lane (No 27) a bungalow to the western side. However, the bungalow is in an elevated position relative to No 23 Lovers Lane (No 23), a two storey dwelling at the other side, and Nos. 2 and 4 Beech Hill Road which are bungalows that are located beyond the rear boundary.
6. The Council has not expressed any specific concerns that the single storey rear extension, rear dormer and the detached garage would be unacceptable in terms of the character and appearance of the host building and the area. Based upon the evidence before me and my observations, I have no reason to take a different view on those particular matters, as the extensions would be subordinate additions to the property with limited prominence from public vantage points due to their siting relative to the bungalow.
7. The rear dormer would have no direct views towards Nos. 23 and 27 which would avoid it overlooking those properties, whilst the rear extension and its facing side window toward No 23 would be sufficiently distant with an intervening boundary treatment that would ensure no loss of privacy or outlook. The detached garage would be closer to No 27 but its siting on reduced land levels would prevent any unacceptable impact on the outlook from that property. Furthermore, even when taking account of differences in land levels, on balance, the separation distance and orientation of windows in the rear dormer, rear extension and detached garage relative to Nos 2 and 4 Beech Hill Road would be sufficient to prevent unacceptable overlooking or loss of outlook relating to those features. In reaching those findings, I have taken account of the views above boundary treatments that are already available in closer proximity from the rear garden of the appeal property and those from the upper floor windows of No 23 albeit at a more oblique angle.
8. Notwithstanding the above, the proposal within the submitted plan (drawing no. 09/17/161 Rev B) also includes a sitting out area identified on part of the flat roof of the extension that would be located behind a roof lantern and parapet walls, and accessed from the rear dormer. The sitting out area, although a relatively small section of the flat roof located close to rooflights and the rear dormer, would provide opportunities for users to sit and linger in an elevated position with a much wider field of vision that would offer direct views of the rear elevations and rear gardens of Nos. 2 and 4 Beech Hill Road.
9. In that context, the use of the sitting out area in an elevated position above the rear extension would occur in circumstances where land levels at No 25 are already considerably higher. Consequently, based on my observations, its relationship with Nos. 2 and 4 Beech Hill Road would significantly increase the perception and awareness of the occupiers being directly overlooked. The

sitting out area, therefore, would introduce an unacceptable relationship with Nos. 2 and 4 Beech Hill Road and their rear gardens with a resultant loss of privacy that would significantly harm the living conditions of occupiers.

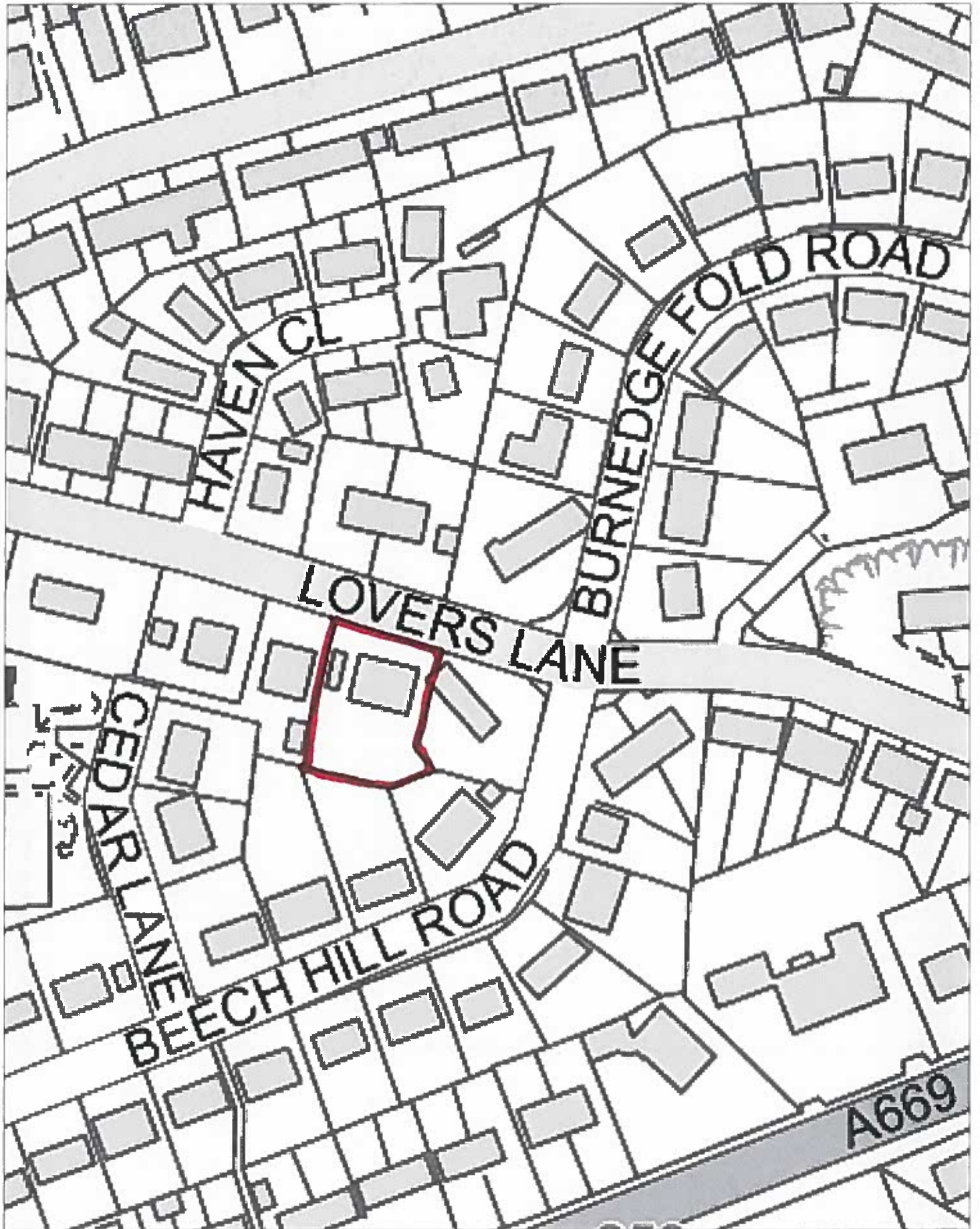
10. In reaching the above findings, I have taken into account that the sitting out area could also introduce an opportunity for increased overlooking of the rear gardens of Nos. 23 and 27 to each side above existing boundary treatments. However, the potential loss of privacy in those respects could be mitigated by a condition to ensure that the sitting out area is restricted to the location indicated on the submitted plan and that obscure panels of not less than 1.6m high are installed to the western and eastern side of the area. The obscure panels would be sufficiently distant from neighbours to ensure no overbearing effect or loss of outlook for Nos. 23 and 27.
11. I have considered whether a similar condition would overcome the harm identified with respect to the relationship of the sitting out area with Nos. 2 and 4 Beech Hill Road. However, to my mind, it would not be reasonable to require installation of obscure panels to enclose the southern edge of the sitting out area due to the effect upon the outlook from the rear dormer and the resultant impact upon the living environment of the bedroom that it would serve.
12. It follows from the above, that I find that the disputed condition in seeking to prevent the use of the flat roof of the rear extension is necessary to make the development acceptable, whilst relevant to planning and to the development permitted. I also consider that the wording of the condition is enforceable, precise and reasonable in all other respects in seeking the submission and approval of that scheme before commencement of work on the single storey extension, and therefore, it complies with paragraph 55 of the Framework.
13. The appellant has drawn to my attention that planning permission has been granted in the surrounding area at properties in Burnedge Lane and Haven Close for sitting out areas, some of which were indicated as in elevated positions relative to neighbouring properties. However, I do not have the full details of the circumstances which led to those proposals being accepted and so cannot be certain that the circumstances are the same. In any case, I have considered the proposal before me on its own merits.
14. I conclude that the disputed condition is reasonable and necessary in terms of the effect of the development on the living conditions of occupiers of neighbouring properties, with particular regard to matters of privacy, and to ensure compliance with Policies 9 and 20 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document, adopted November 2011. When taken together, the policies seek that development is of a high quality design including not causing significant harm to the amenity of existing and future neighbouring occupants through impacts such as upon privacy. The policies are consistent with the Framework in so far as it seeks a high standard of amenity for existing and future users of developments. The removal of the disputed condition, therefore, would be unacceptable.

## **Conclusion**

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

*Gareth Wildgoose*

INSPECTOR



341537

**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

Contact Us

Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Date: 04.02.19

Scale 1:1250



Page 126 of 126  
 Ordnance Survey

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Oldham MBC Licence No. 0100018988 2008



---

## Appeal Decision

Site visit made on 7 January 2019

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

an Inspector appointed by the Secretary of State

Decision date: **15 January 2019**

---

**Appeal Ref: APP/W4223/D/18/3213276**

**36 Haigh Lane, Chadderton OL1 2TJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
  - The appeal is made by Mr I Hall against the decision of Oldham Metropolitan Borough Council.
  - The application Ref PA/341272/18, dated 11 January 2018, was refused by notice dated 4 July 2018.
  - The development proposed is '*formation of a vehicular access to a classified road to create an off street parking area*'.
- 

### Decision

1. The appeal is allowed and planning permission is granted for formation of a vehicular access to a classified road to create an off street parking area at 36 Haigh Lane, Chadderton OL1 2TJ in accordance with the terms of the application, Ref PA/341272/18, dated 11 January 2018, subject to the following 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: 3538.1; 3538.2 Revision B & 3538.3.
  - 3) The materials to be used in the construction of the retaining walls hereby permitted shall match those used in the existing building.
  - 4) No shrubs, trees or other vegetation shall be allowed to grow above 1 metre in height within the visibility splay in an eastern direction, as identified in drawing no. 3538.2 Revision B, when measured from the land levels at the access hereby permitted.
  - 5) Only one car or other vehicle shall be parked or stored at any time within the parking and turning area hereby permitted.

### Procedural Matter

2. The description of development provided by the application form has been amended in subsequent documents. I have adopted the description of development provided by the appeal form accordingly as it is precise and provides certainty in terms of the proposal before me.

### Main Issue

3. The main issue of the appeal is the effect on highway and pedestrian safety.



## Reasons

4. The appeal site consists of an end-terrace property within a wedge shaped plot between Haigh Lane and Melling Avenue. Haigh Lane (B6195) has a 30mph speed limit in the vicinity of the appeal site which lies on its southern side on a section of the road between the junctions with Middleton Road (A669) and Kenilworth Avenue. The latter road is a one-way street providing access from Haigh Lane to Middleton Road, together with other residential streets which include Melling Avenue.
5. The appeal property faces Haigh Lane in an elevated position and is partly screened by a hedge which is set back from the road. The dwelling and hedge sit above a grass embankment that slopes steeply upward from the road edge where there is no pedestrian footway. The pedestrian footway and street lighting along this section of Haigh Lane are located on the opposite side of the road. There are pedestrian pathways that provide crossing points to the footway opposite, but no existing driveways or vehicular accesses serving the terraced row from Haigh Lane. There are also no road markings to indicate parking restrictions. Nonetheless, on-street parking is not an evident feature presumably due to the risk of damage from passing vehicles.
6. The proposal would involve the formation of a new access with a car parking and turning area adjacent to the road edge of Haigh Lane at the front of the property and to the side of an existing pedestrian access with steps that also serves the adjacent No 34 Haigh Lane. The submitted plans demonstrate that a car could either be parked parallel to the road edge or perpendicular to the road, with space within the parking area to enable drivers to enter and leave in forward gear so as to prevent reversing manoeuvres onto the classified road.
7. With regard to the above, the proposal includes removal of a section of the existing embankment and associated hedging as indicated on the submitted plans. As a result, there would be sufficient space for a vehicle to drive into the parking area and conveniently turn within it to ensure an exit in forward gear as illustrated within the plans. Furthermore, it is reasonable that the space would be used on a regular basis by the same drivers and that they would quickly become familiar with the optimal positioning of the vehicle when entering the site to enable an efficient turning manoeuvre in the parking area. Consequently, provided that the use of the parking and turning area is limited to one vehicle, I am satisfied that it would not be necessary for vehicles using the off street space to reverse into or out of the site on to Haigh Lane.
8. Based on the submitted plans and my observations, vehicles leaving the access in forward gear would have adequate visibility in each direction both of and for vehicles and other road users travelling on the nearside and far side carriageways, together with any pedestrians crossing to and from the footway on the opposite side of Haigh Lane. This would include available views above the height of the remaining sections of the grassed embankment up to a distance of 2.4m from the road edge within the visibility splay toward the nearside carriageway. However, to ensure suitable visibility is maintained in the future, a condition would be required to prevent shrubs, trees or other vegetation growing above the typical eye level of drivers at the access (i.e. 1 metre in height) on the section of grass embankment within the visibility splay that lies within the site.

9. During my visit in the afternoon of a weekday, I observed regular gaps in traffic on Haigh Lane that would provide adequate opportunity for a vehicle to leave the parking area in forward gear in either direction. Furthermore, it is reasonable that a vehicle when entering the parking area in forward gear would be capable of signalling appropriately and in a timely manner to ensure other vehicles and pedestrians are aware of any subsequent manoeuvre. I, therefore, consider that the use of the access by vehicles to enter and exit in forward gear would not result in an unacceptable risk of accidents for vehicles and pedestrians.
10. It is common ground that the removal of part of the landscaped embankment and replacement with grass pavers, tarmac and retaining walls would not harm the character and appearance of the area or have a detrimental impact upon the living conditions of occupiers of neighbouring properties. I have no reason to take a different view, as the grass pavers would assist the assimilation with surrounding landscaping adjacent to the road edge. Furthermore, the set back position of the permeable tarmac finish and retaining walls would ensure a discreet parking area of limited prominence, provided that the brick walls are built from materials that match the dwelling.
11. Having regard to all of the above, I conclude that the development would not have a harmful effect upon highway and pedestrian safety. The proposal, therefore, would not conflict with Policy 9 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document, adopted November 2011. The policy, amongst other things, seeks that development does not harm the safety of road users. The policy is consistent with the objectives of the National Planning Policy Framework in that respect.

### **Conditions**

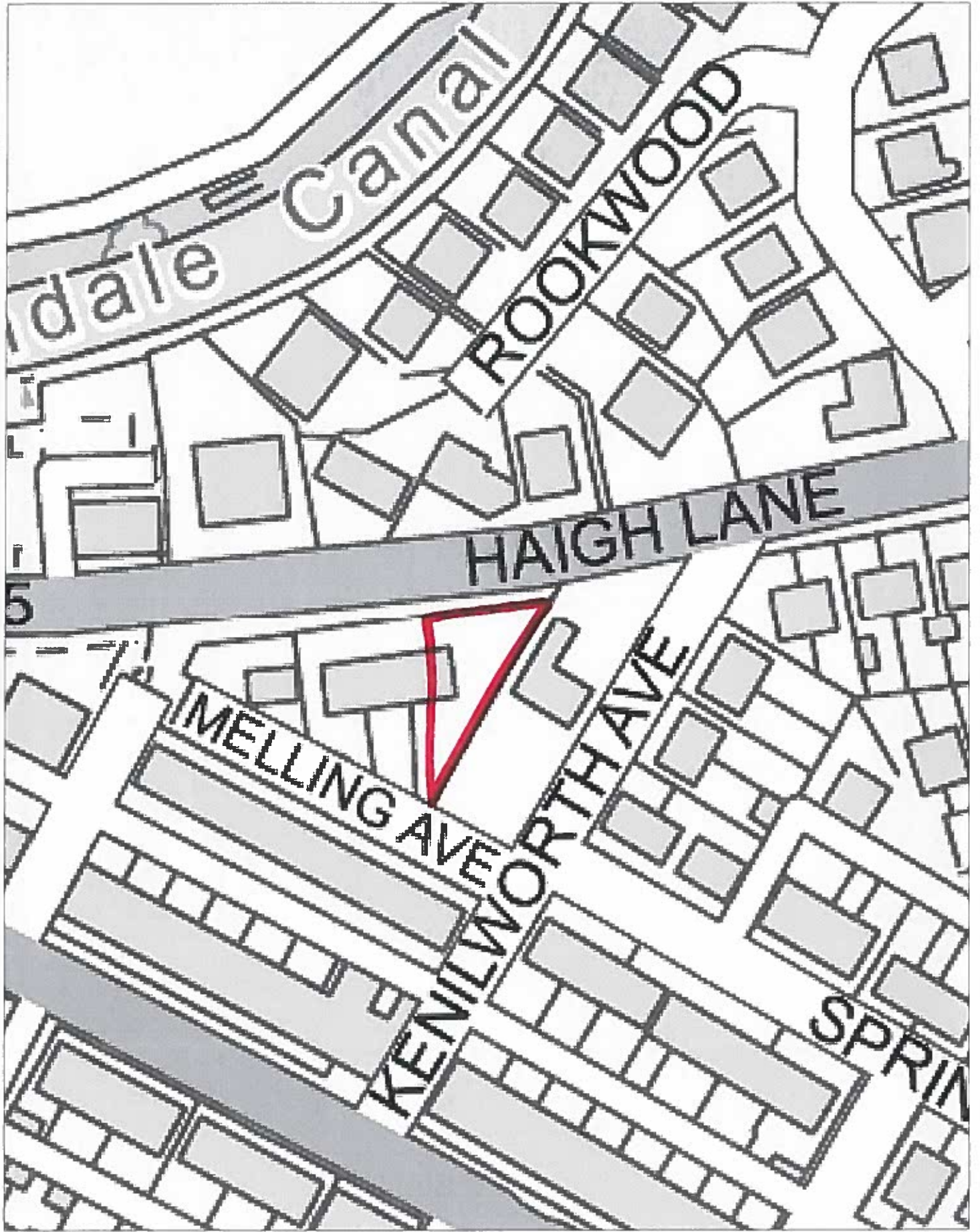
12. I have had regard to the conditions suggested by the Council. Conditions relating to the time limit for the permission and plans compliance are imposed in the interest of certainty as to the development hereby permitted. A condition is also imposed to ensure that the construction of the retaining walls have materials that match the existing building to ensure no detrimental impact on the character and appearance of the area.
13. As previously mentioned, conditions are also necessary to prevent shrubs, trees or other vegetation being grown above 1 metre in height, relative to the land levels at the existing access, on the remaining grass embankment located within the visibility splay to the east and also that only one car or other vehicle shall be parked or stored at any time within the parking and turning area permitted. The conditions are necessary in the interests of highway safety to ensure adequate visibility for road users at the access and along the nearside carriageway, and that sufficient space is retained at all times within the parking area to enable a vehicle to safely enter and exit in forward gear.

### **Conclusion**

14. For the reasons given above, I consider that the proposal is consistent with the development plan and therefore, conclude that the appeal should be allowed.

*Gareth Wildgoose*

INSPECTOR



341272  
**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

Contact Us -  
Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Date: 04.02.19

Scale 1:1000





## Appeal Decision

Hearing Held on 24 October 2018

Site visit made on 24 October 2018

**by Mike Worden BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17<sup>th</sup> January 2019

---

**Appeal Ref: APP/W4223/W/18/3195812**

**Asda Supermarket, Greenfield Lane, Shaw, OL2 8QP**

- 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 Asda Stores Ltd against the decision of Oldham Metropolitan Borough Council.
  - The application Ref PA/339852/17, dated 1 March 2017, was refused by notice dated 26 September 2017.
  - The development proposed is a petrol filling station.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a petrol filling station at Asda Supermarket, Greenfield Lane, Shaw OL2 8QP in accordance with the terms of the application, Ref PA/339852, dated 1 March 2017, subject to the conditions on the attached schedule.

### Procedural Matter

2. The appellant has asked me to consider four amended plans which are revisions to the plans before the Council when it made its decision. The revised plans are all dated 19 January 2018, which is after the date when the Council issued its decision notice. Two of those plans show a proposed site for the relocated recycling facility, and one other shows more detail in relation to the proposed layout of that facility. The other plan shows some minor alterations to the proposed petrol filling station layout. After hearing from the parties, including some of the local residents present, and having regard to the *Wheatcroft* principles, I have decided not to accept them. I have therefore considered the appeal on the basis of the plans before the Council's Planning Committee when it made its decision.

### Main Issues

3. The main issues are the effect of the proposed development on:
  - highway safety;
  - the living conditions of neighbouring residents with particular regard to noise; and,
  - the provision of recycling facilities within the supermarket site.

## Reasons

### *Highway Safety*

4. The appeal site is an area of an existing car park of the Asda supermarket in Shaw. It is occupied by around 36 car parking spaces, and a recycling facility.
5. The car park is accessed from Greenfield Lane via a give way junction at a point at which Greenfield Lane makes a sharp bend into Moss Hey Street. The access road bends round to the left and then to the right into the main part of the Asda car park. The appeal site is a smaller and separate part of the car park and lies between the access road and Greenfield Lane, and is the part of the wider car park furthest away from the entrance to the supermarket.
6. The surrounding area is in mixed use with residential and commercial uses nearby. The supermarket lies close to Market Street, the main shopping street in the district centre, and close to the Metrolink station. There is another supermarket just off Greenfield Lane close to the appeal site. There is an engineering business on the sharp bend of Greenfield Lane adjacent to the car park entrance, and a short terrace of two storey houses on Greenfield Lane immediately opposite the appeal site.
7. The proposed development is to construct a petrol filling station. This would involve the loss of the existing car parking spaces and would require the relocation of the recycling facilities. The petrol filling station would have a one way system, with an entrance off the access road and an exit, onto the access road, beyond it. The petrol filling station would have eight filling points.
8. The proposal would reduce the total number of car parking spaces on the car park from around 316 to around 280. There would be a further very slight reduction if, as is proposed, the recycling facility was located on existing spaces. The Council does not consider that the reduction in car parking spaces would in itself lead to harm to highway safety but is concerned that there would be insufficient space for the stacking of vehicles within the car park which would cause queuing which in turn could be detrimental to highway safety. Some of the local residents consider that the reduction would have a significant impact on queuing as shoppers would be waiting and looking for car parking spaces in the car park.
9. The appellant submitted a car parking survey which shows that the surplus of available spaces at peak times would reduce from around 62 to around 26. This would increase the maximum rate of demand during peak periods from 80% to 91%. Although some residents express concern with the period of the observed survey, it was undertaken over a six week period and I have no reason to doubt its findings.
10. The petrol filling station would lead to an increase in the number of trips, although a proportion of users of the facility would be customers of the store who would buy fuel on the way to or from the supermarket. The appellant has provided trip rates based upon both a 70/30 and a 50/50 split of fuel customers visiting the store/fuel customers only. The Council does not dispute the trip generation figures. A local resident considers that in his experience of managing a petrol station, the figures significantly underestimate likely demand. He considers that the rates should have been calculated on litres of fuel to be sold per week basis. He also considers that the hourly trips could be

as high as 108 vehicles at certain times. I consider that such a high hourly rate is not supported by evidence. I have no other alternative figures before me however, and given that the trip rates are not disputed by the Council, I have given them significant weight in my consideration.

11. The peak trip generation hours would be early morning and late afternoon on a weekday and late morning on a weekend. In accordance with the submitted evidence, the highest hourly rate would 39 vehicles and as the petrol filling station could accommodate 16 vehicles, I consider that the proposed development would be unlikely to, lead to vehicles queuing on the access road to get in even at peak times. The entrance to the petrol filling station would be only a short distance from the junction of the access road and Greenfield Lane, but for the reasons above I consider that the forecourt area would have sufficient capacity to accommodate vehicles so as to avoid the likelihood of queues on the access road which would block access to the car park. I therefore consider that the proposal would be unlikely to lead to harm to highway safety as a result of queuing.
12. The local business immediately adjacent to the appeal site is concerned that the proposal could lead to queuing on Greenfield Lane which would hold up deliveries of materials to that business, and another local business is concerned about the potential impact of queuing on Greenfield Lane on the operation of the business. For the reasons above however, I consider that the proposal would be unlikely to lead to queueing on Greenfield Lane.
13. The proposal includes some alterations of the layout of the junction of the access road and Greenfield Lane. I consider that this alteration will assist with the movement of tankers through the junction and around the immediate left hand bend. I have taken into account the concerns of residents in relation to tanker deliveries, but on the basis of the evidence before me, including the submitted swept path analysis, I consider that this would not cause harm to highway safety.
14. I have also taken into account that the petrol filling station would be designed for non- commercial vehicles in terms of pump type and payment facilities, and so it is unlikely that large commercial vehicles, other than deliveries, would be attempting to get onto the forecourt. I was referred to a proposal for a housing scheme nearby but on the basis of the evidence before me, I am not persuaded that its development would alter my conclusions.
15. Paragraph 109 of the National Planning Policy Framework (the Framework) indicates that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. I consider that the proposal would not lead to either, on the evidence before me.
16. For the reasons set out above, I conclude that the proposed development would not cause harm to highway safety and would accord with Policy 9 of the Council's *Joint Core Strategy and Development Management Policies Development Plan Document 2011* (the DM DPD) which seeks to ensure that development protects local environmental quality and amenity.

*Living conditions with regard to noise*

17. Four properties lie immediately opposite the appeal site on Greenfield Lane and face towards it. The properties are two storey houses within a short row. They are separated from the appeal site by the carriageway and pavements either side. The appellant has calculated that these properties would be around 25m away from the petrol filling station. This was disputed by residents at the hearing and a figure closer to around 18m separation distance was put forward as being a more realistic estimate of the separation distance between the houses and the location of the proposed pumps.
18. The appellant accepts that it is likely that some of the pumps could be around 18m away and some around 30m away. However, the appellant contends that this would not result in an unacceptable increase in noise levels experienced by the occupants of the houses as that in the worst case scenario of refuelling at night, the noise levels would still not reach more than +5dB over the existing background noise levels. +5dB is the appropriate British Standard BS4142:2014 at which point there would be an adverse impact.
19. I have no technical evidence to the contrary and it would appear to me that given the findings in the report and the evidence presented that the figure would be +3dB at night, it would be unlikely that there would be an increase of more than +2dB as a result of the revised distance estimate. Conditions are imposed to control hours of operation and delivery, and to ensure that noise generating activity would be prevented from taking place at unreasonable hours.
20. For the reasons set out above, I conclude that the proposed development would not cause harm to the living conditions of the occupants of neighbouring properties with particular regard to noise, and would accord with Policy 9 of the DM DPD.

*Recycling facility*

21. The proposed development would remove the existing recycling facility. This facility is considered to be an important community asset by local residents and by the Council. The submitted plans included an alternative site for the facility on the car park, but a revised plan without it shown was submitted prior to the determination of the application by the Council. Although I have not accepted the appellant's further amended plan once again showing a location of the replacement recycling facility, I am of the view that a suitable location could be found.
22. Therefore I consider that a condition could be imposed to require the appellant to submit details of such facility and that these details would have to be agreed by the Council and the facility provided in accordance with those approved details to ensure compliance with Policy 7 of the DM DPD which seeks to secure appropriate waste management facilities in the borough. At the hearing one of the Councillors present suggested that these details could be subject to consultation with local residents before being agreed by the Council and I have no reason to believe that could not happen.

*Other matters*

23. Residents have expressed concerns about the safety of the facility and its operation. I have no evidence to indicate that the proposal would present an

unacceptable risk to health and safety or would lead to unsocial behaviour. I have taken into account the measures which the appellant intends to undertake, including CCTV monitoring, and which are set out in the Council's Committee Report. I have also imposed conditions relating to hours of operation. Residents have also expressed concerns about light spillage and I have imposed an appropriate condition to control the design and operation of the floodlights.

24. The existence of recently erected signs on the car park has been brought to my attention. The signs relate to hours of stay. I do not consider that the signage concerned, which the appellant indicated would be removed in any case, is a matter which is particularly relevant to the planning issues before me.

### **Conditions**

25. I have considered the conditions suggested by the Council having regard to the Framework and the Planning Practice Guidance. I have made some minor amendments to some of the conditions for conciseness and clarity. In addition to the standard condition relating to the time period for implementation, there is a need for a condition specifying the relevant plans as this provides certainty.
26. There is a condition needed to ensure that the details of the floodlighting are agreed by the Council and implemented accordingly, in the interests of the amenity of the occupants of nearby residential properties.
27. Conditions are required to control the hours of operation of the proposed petrol filling station and the hours of when fuel can be delivered to the site, both in the interests of residential amenity. I have taken into account the comments of the Council made at the hearing, but consider that the hours of operation in both cases should be as set out in the Council's Committee Report. There is also a need for a condition to control the hours of operation of non-fuel services on the site, in the interests of residential amenity.
28. There is a need to ensure that the proposed development cannot become operational until the junction with Greenfield Lane has been widened in accordance with the approved plans, in the interests of highway safety. There is a condition required to ensure the protection of retained trees on the site and a condition requiring the approval of landscaping details in the interests of the character and appearance of the area. I have however not referred to the specific landscaping plan highlighted in the suggested condition, as it is not before me and is not listed as one on which the Council made its decision.
29. A condition needs to be imposed to secure the relocation of the recycling facility, in the interests of appropriate waste management. I have made a minor change to the condition agreed by the parties, primarily to make it clear that the facility shall be implemented in accordance with agreed details.

### **Conclusion**

30. For the reasons given above I conclude that the appeal should be allowed.

*Mike Worden*

INSPECTOR



## **APPEARANCES**

### **FOR THE APPELLANT:**

Keith McGillivray	Systra
Rebecca Dennis	Pegasus Group
John Stamp	Noise Solutions Ltd
Adam Meakins	Noise Solutions Ltd

### **FOR THE LOCAL PLANNING AUTHORITY:**

Hannah Lucitt	Oldham Council
Wendy Moorhouse	Oldham Council
Councillor Steven Bashforth	Chair, Planning Committee, Oldham Council

### **INTERESTED PERSONS:**

Councillor Howard Sykes	Ward member, Oldham Council, & Parish Council member
William Bowes	Local resident
Wendy Bowes	Local resident
Muaaz Munshi	Local resident
Julie Hughes	Data Precision Components
Anne Pickersgill	Local resident
M. Leach	Shaw Tyre and Exhaust Ltd
Mr P. Dutton	Local resident

### **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Final Statement of Common Ground
- 2 Tree Constraints Plan Drawing number 02

## SCHEDULE OF CONDITIONS

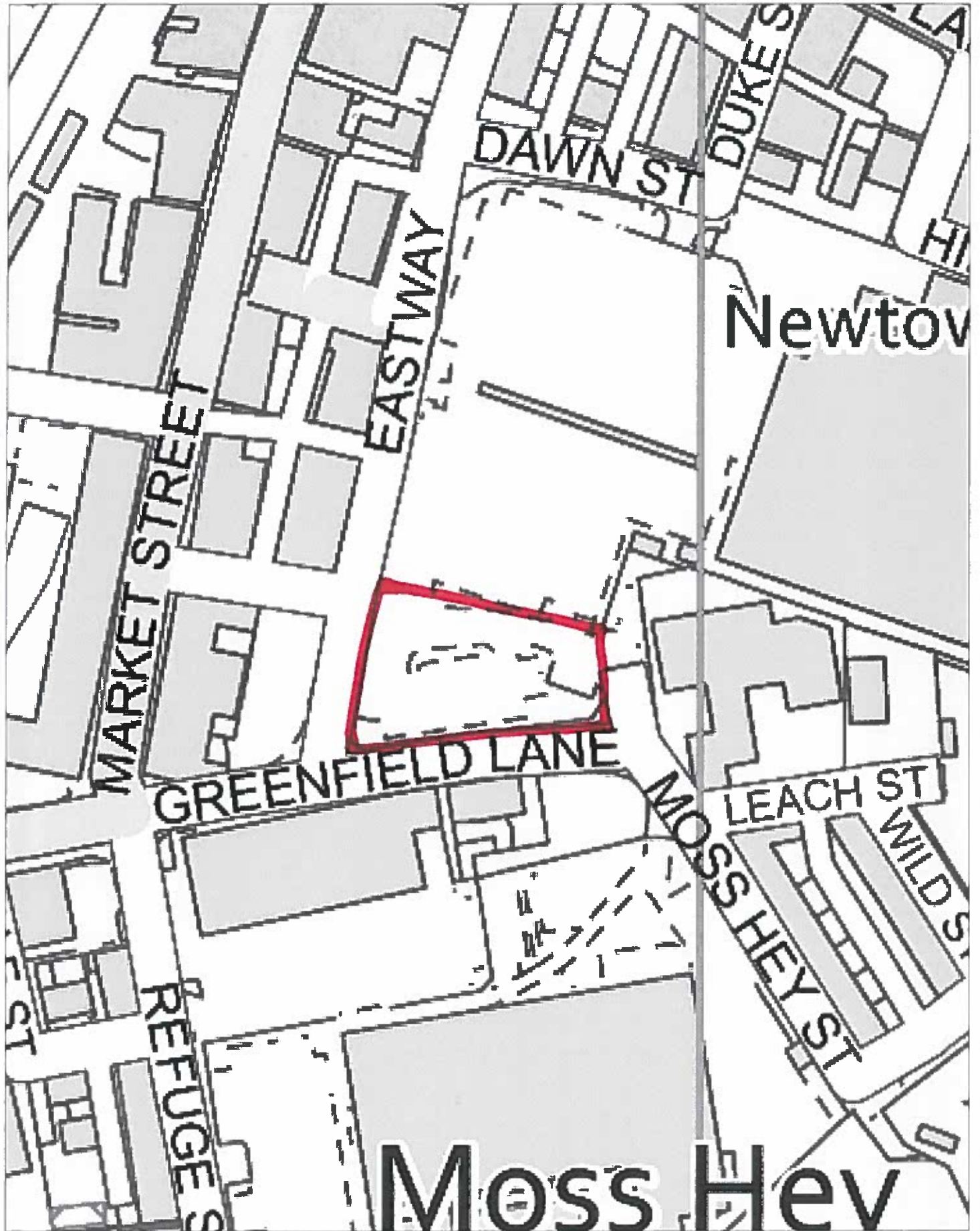
- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number (PA) 01 Rev A – Site Location Plan; Drawing number 02 Tree Constraints Plan; Drawing number (PA) 03 (Rev B) Proposed Store Plan; Drawing number (PA) 04 (Rev B) PFS Scope of works; Drawing number (PA) 05 Rev B PFS Elevations; Drawing number (PA) 06 (Rev A) Forecourt Sections, Drawing number (PA) 07 Proposed Kiosk Elevations; Drawing number (PA) 08 Proposed Kiosk and Roof Plan; Drawing number (PA) 09 Lighting Column and CCTV details.
- 3) Notwithstanding the plans hereby approved, the floodlights shall not be erected unless and until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority providing the following information: i) a specification of the lighting unit, ii) details of light spillage, iii) operational times.  

The floodlights shall be installed and operated in full accordance with the approved scheme in the positions identified on Drawing number (PA) 04 Rev B PFS Scope of works.
- 4) No fuel delivery vehicles shall enter, leave, be loaded or unloaded within the site outside of the hours of 07:00 to 22:00 Monday to Saturday and 09:00 to 17:00 on Sundays and Bank/Public holidays.
- 5) The proposed air and water unit identified on Drawing number (PA) 04 (Rev B) shall only be allowed to operate during the hours of 07:00 to 23:00 Monday to Saturday and 09:00 to 20:00 on Sundays and Bank/Public holidays.
- 6) No development shall commence until the Root Protection Areas of all trees to be retained on the site (identified on drawing number 02) have been protected by fencing in accordance with the specifications set out in section 17.4 of Appendix C supplementing the Tree Survey Report (ref. A3197) by Encon Associates. Thereafter, no equipment, plant, machinery, or materials shall be operated or stored within the Root Protection Areas at any time. The protective fencing shall only be removed once the development has been substantially completed in accordance with the approved plans and specifications but must be removed prior to the petrol filling station first being brought into use.
- 7) The development shall not be brought into use until a scheme of hard and soft landscaping has been carried out in accordance with the details and a programme submitted to and agreed in writing with the local planning authority. Any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next planting season with others of a similar size, number and species.
- 8) The petrol filling station hereby approved shall not be brought into use until the existing vehicular entrance to the car park has been widened

and all new directional markings on the access road have been provided in full accordance with drawing number PA (04) Rev B.

- 9) The petrol filling station hereby approved shall only be open to customers between the following hours: 07:00 to 23:00 on Monday to Saturday, and 10:00 to 18:00 on Sundays and Bank/Public holidays.
- 10) The details of the proposed replacement recycling facility shall be submitted to and approved in writing by the Local Planning Authority before any works commence on the part of the site where the facility currently exists. The recycling facility shall be implemented in accordance with the approved details and shall remain available to the public at all times and in perpetuity.

END OF CONDITIONS



339852

**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

**Contact Us**

Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Date: 04.02.19

Scale 1:1250





---

## Appeal Decision

Site visit made on 7 January 2019

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

an Inspector appointed by the Secretary of State

Decision date: 18 January 2019

---

**Appeal Ref: APP/W4223/W/18/3213334**

**Land adjacent to 83 Coppice Street, Oldham OL8 1TP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr Mohammed Yaseen against the decision of Oldham Metropolitan Borough Council.
  - The application Ref PA/341619/18, dated 9 April 2018, was approved on 19 July 2018 and planning permission was granted subject to conditions.
  - The development permitted is the erection of 3no. dwellings.
  - The condition in dispute is No 5 which states that:  
*"5. No development shall commence until details of the arrangements for preventing on-site vehicle parking have been submitted to and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be implemented before the development is brought into use and shall be retained thereafter."*
  - The reason given for the condition is:  
*"In the interest of highway safety."*
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Planning permission has been granted for the erection of 3no. dwellings within the site. The appeal seeks removal of condition 5 of the planning permission which requires the submission of details to prevent on-site vehicle parking prior to the commencement of development.
3. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties have had an opportunity to comment on the revised Framework during the appeal process.

### Main Issue

4. The main issue is whether the disputed condition is reasonable and necessary in terms of the effect of the development upon highway and pedestrian safety.

### Reasons

5. The appeal site consists of land on the eastern side of Coppice Street that lies between existing terraced rows of properties at each side. At the rear, there is

an alleyway serving rear yards of a terraced row of properties that face Penn Street and are located at a significantly higher land level.

6. Coppice Street is a residential setting with on-street parking restrictions denoted by double yellow lines along the site frontage which extend beyond the junctions with Napier Street East and Werneth Hall Road. The site frontage, beyond the pedestrian footway and road edge, includes traffic calming measures which slow traffic and restrict two way flows by limiting the space between on-street parking bays that are marked on the opposite side of the road. A bus stop is located further to the north beyond those marked bays where parking restrictions are also denoted by double yellow lines. Street lighting is present at regular intervals.
7. The three dwellings would have front building lines that would align with those of the adjacent terraced rows which are approximately 1 metre from the footway edge. The submitted plan identifies space at the side of each dwelling which would be accessed from Coppice Street and could accommodate up to two off-street parking spaces for vehicles without overhanging the footway. However, there would be insufficient space to turn within the curtilage of each property to enable an access to and exit from the parking areas in forward gear. As a consequence, reversing manoeuvres onto or from Coppice Street would be required.
8. When there are gaps in traffic on Coppice Street, the cumulative space on the footway and on the road between the parked cars opposite would allow a vehicle to manoeuvre in and out of the spaces at the side of each dwelling in forward gear or when reversing. Those manoeuvres would be feasible despite the available turning area being more constrained when close to the traffic calming measures. Furthermore, once a vehicle has emerged from the site onto the footway, there would be suitable visibility of vehicles and cyclists travelling along the road in either direction due to the relatively straight alignment of the road and the absence of on-street parking on the eastern side of Coppice Street.
9. Notwithstanding the above, a vehicle when leaving each driveway would have restricted visibility along the footway due to the limited set back of the building lines of the dwellings and the adjoining terraced row to the south. In such circumstances, either the front or rear of a vehicle would have to emerge for a considerable distance onto the footway before its driver could obtain suitable visibility of any pedestrians. Whilst some pedestrians may be able to react to and avoid an emerging vehicle, it may not be the case that all users of the footway would be able to do so. Furthermore, those situations could encourage pedestrians to step out onto the carriageway where space is already limited for cars and buses to pass in both directions between parked cars along the opposite side of the road. As a result, the use of the spaces at the side of the three dwellings as an access and driveway would increase the risk of accidents between pedestrians and vehicles. The removal of the disputed condition would, therefore, have a harmful effect upon highway and pedestrian safety.
10. In reaching the above findings, I have taken into account that there are existing accesses between the terraced rows along Coppice Street, including closer to the junctions with Napier Street East and Werneth Hall Road. I observed that some of those accesses require either reversing manoeuvres when entering or exiting in locations where visibility along the footway is

constrained. There is no evidence before me in terms of the use of those accesses and parking areas as to whether they have resulted in any previous accidents between vehicles or with pedestrians. Nonetheless, the presence of existing accesses with sub-standard visibility along the footway should not be seen as a precedent for the introduction of new accesses onto Coppice Street that would increase the risk of accidents between vehicles and pedestrians.

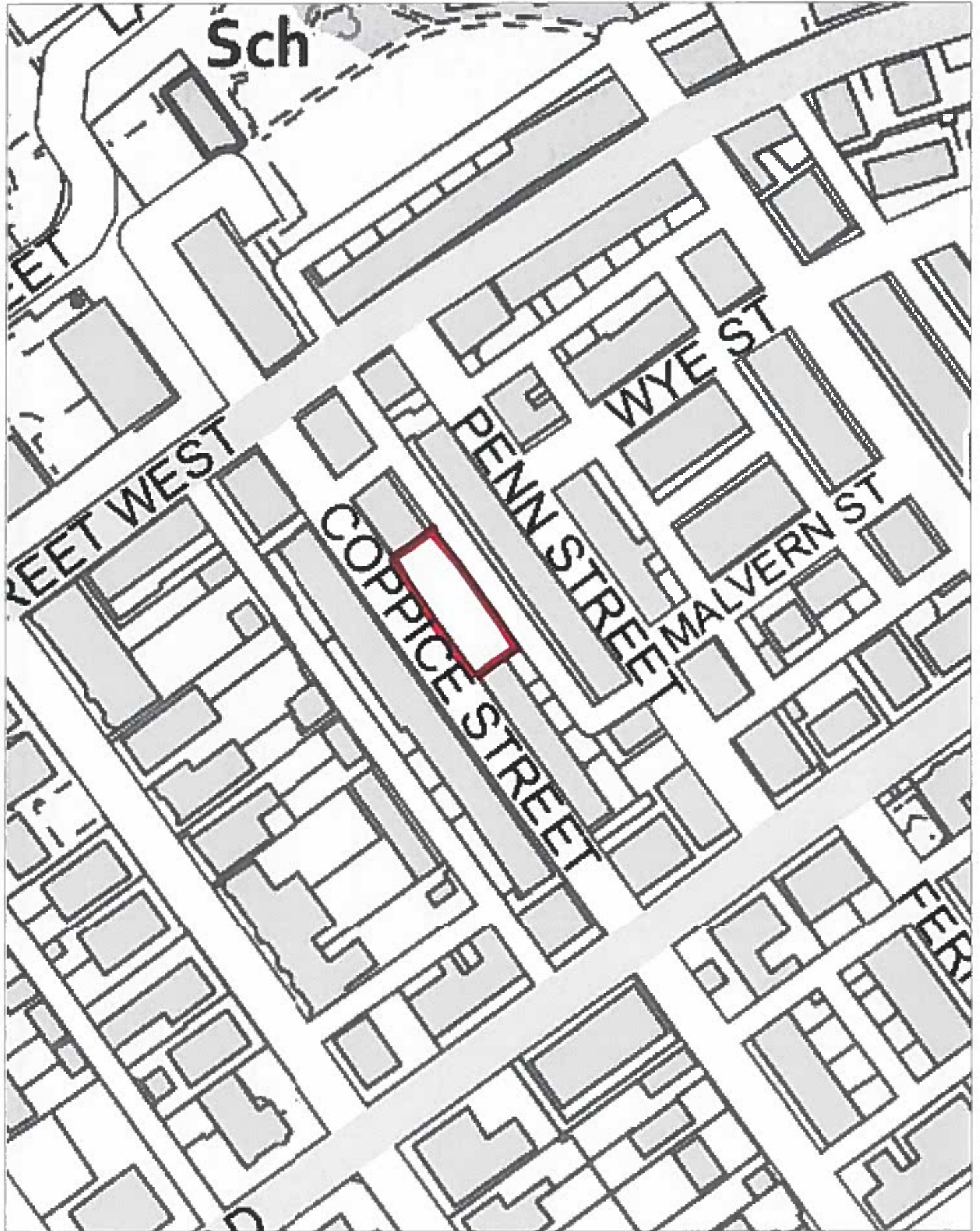
11. The appellant has stated that the provision of off-street parking to serve the development would prevent an increase in demand for the limited on-street parking provision that is available along Coppice Street. That may be the case, but there is no evidence that the increase in parking demand would have a detrimental impact upon highway safety on Coppice Street when taking account of the parking restrictions that are in place. Furthermore, based upon my observations and the limited evidence in terms of local parking conditions, I have no reason to consider that on-street parking availability in surrounding streets could not safely accommodate any parking demand that exceeds the capacity available in Coppice Street. Whilst an inability of existing residents of Coppice Street and future residents of the development to park close to their properties would be inconvenient, such matters do not justify the provision of new accesses on Coppice Street that would unacceptably increase the risk of accidents between vehicles and pedestrians.
12. I conclude that the disputed condition, when taking account of paragraph 55 of the Framework and Planning Practice Guidance, is reasonable and necessary with regard to the effect of the development upon highway and pedestrian safety and to ensure no conflict with Policy 9 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document, adopted November 2011. The policy, amongst other things, seeks that development does not harm the safety of road users. The policy is consistent with the Framework that seeks to ensure that safe and suitable access to the site can be achieved for all users and indicates that development should only be prevented or refused on highway grounds if there would be, amongst other things, an unacceptable impact upon highway safety. The removal of the disputed condition would, therefore, be unacceptable as it is necessary to make the development acceptable given the harm upon highway safety that would otherwise result.
13. I have considered the other conditions attached to the planning permission. However, there is no evidence before me relating to their status or that would lead me to conclude that it is necessary to vary them.

### **Conclusion**

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

*Gareth Wildgoose*

INSPECTOR



341619

**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

**Contact Us -**

Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Date: 04/02/19

Scale 1:1250



Page 440



Ordnance Survey

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Oldham MBC Licence No. 0100019566 2008





---

## Appeal Decision

Site visit made on 7 January 2019

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

an Inspector appointed by the Secretary of State

Decision date: 21 January 2019

---

**Appeal Ref: APP/W4223/W/18/3212543**

**318 Oldham Road, Royton OL2 5AS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Ashik Hussain against Oldham Metropolitan Borough Council.
  - The application Ref PA/340929/17, is dated 13 October 2017.
  - The development proposed is change of use from office to 9 bed HMO (*sui generis*), including minor elevational changes.
- 

### Decision

1. The appeal is dismissed and planning permission is refused.

### Preliminary Matter

2. If the application had proceeded to determination, the Council advises that planning permission would have been refused due to the loss of an office use and the failure to demonstrate that it is no longer appropriate or viable to continue the premises being used for business use.

### Main Issue

3. In light of the above, the main issue is the effect of the development on employment provision and the local economy.

### Reasons

#### *Employment provision and the local economy*

4. The appeal property consists of an end terraced building located at the corner of Oldham Road and Arlington Close which is currently in use as offices. The front elevation of the building which faces Oldham Road is two storey in height with a bay window at the front. However, land levels in Arlington Close reduce at the side toward the rear of the building. From those perspectives, the rear section of the building and a rear outrigger have three storeys, including basement accommodation that is part visible at street level and an integral rear garage accessed from Arlington Close at the side.
5. The proposed house in multiple occupation (HMO) would consist of nine bedrooms with associated shower rooms / en-suite bathrooms which would occupy the ground and first floor of the building, together with a shared living room and kitchen in the existing basement that would be served by two windows inserted in the side elevation facing Arlington Close.

6. Policy 14 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document (CS&DMP), adopted November 2011, seeks to support Oldham's Economy. In doing so, the policy requires that development proposals which would result in the loss of a site currently or most recently used for employment purposes to other uses should include measures to outweigh the loss of the site and support Oldham's economy and the regeneration plans of the borough.
7. The above policy includes a list of business and employment uses which reflect key economic sectors, with the existing office use falling under B1 - Business. The change of use to a HMO as proposed would mean that the use of the premises would no longer fall within a business and employment use and would fall outside of the list of uses in Policy 14 of the CS&DMP. However, Policy 14 includes an exception that uses other than those listed will be permitted on sites currently or most recently use for employment purposes, provided that the applicant can clearly demonstrate that it is no longer appropriate or viable to continue the existing use. In that regard, the policy includes specific requirements to demonstrate unsuccessful marketing of the site, or a lack of viability for continued use for employment purposes, or that alternative uses would benefit regeneration areas or the community of the area.
8. With regard to the above, at the time of my visit, the offices within the property were fully occupied by an existing business. Furthermore, there is no evidence before me in terms of a lack of viability for the continued use of the premises as offices or that any marketing has taken place to demonstrate unsuitability for its occupation for those purposes or the other business and employment uses listed in Policy 14 of the CS&DMP. In that context, the supporting text of the policy sets out that evidence in 2009 indicated that the borough may require an additional 30,000 sq.m of office floorspace by 2026.
9. There is no evidence before me that Oldham would no longer require additional office floorspace to meet its employment needs. The size of the existing office floorspace is approaching 120 sq.m and therefore, reflects a relatively small scale premises. Nonetheless, the proposal would result in a loss of employment premises and even jobs, should the existing business be unable to relocate to suitable alternative premises. In that regard, there is no evidence before me that the existing business intends to vacate the premises if this appeal were dismissed or that the proposal would assist its relocation or expansion if displaced from the site. Furthermore, there is no indication that the proposal would alternatively support other employment uses or opportunities so as to meet any of the other criteria listed in Policy 14 of the CS&DMP. I, therefore, find that the development proposal resulting in the loss of an employment premises to other uses does not include sufficient measures to support for Oldham's economy, so as to outweigh the loss of the existing employment premises within the site.
10. In reaching the above findings, I have taken into account that there would be some benefits arising from the proposal in terms of the contribution to housing choice in Oldham through the provision of a HMO. Furthermore, the other properties within the terraced row are currently in residential use and the evidence before me indicates that the site was previously converted from a dwellinghouse into the current office use. However, based on my observations and the totality of evidence, I do not consider that the relationship of the existing use with surrounding residential properties results in unacceptable

living conditions for occupiers of neighbouring properties in a location where other commercial uses are also present nearby. It appears that occupiers of neighbouring properties can currently live, if not happily, at least tolerably with the established employment use. I, therefore, find that there would be no significant benefits to the community of the area arising from the removal of the office use as part of the proposal or the provision of the HMO that would outweigh the loss of the employment provision.

11. When having regard to all of the above, I conclude that the proposal has failed to demonstrate that the development would not result in a harmful loss of employment provision and a detrimental impact upon the local economy. The proposal, therefore, fails to meet the requirements of Policy 14 of the CS&DMP and conflicts with it. The policy is consistent with the National Planning Policy Framework (the Framework) in so far as it seeks that planning policies and decisions help create the conditions in which businesses can invest, expand and adapt, together with the significant weight placed on the need to support productivity taking into account both local business needs and wider opportunities for development, and its approach relating to alternative uses of land which is currently developed.

### **Other Matters**

#### *Living conditions - occupiers of neighbouring properties and future residents*

12. The appeal property adjoins an existing dwelling at No 320. In that respect, there would be potential for an increase in internal noise associated with the occupation of the property as a HMO when compared with office uses that are generally closed during the evening and overnight. However, I am satisfied that a condition could secure a scheme with adequate noise mitigation measures to be implemented prior to the first occupation of the HMO which would ensure no unacceptable impact upon the living conditions of occupiers of No 320. The separation distance to the existing NHS premises at Nos. 314/316 Oldham Road and the public house opposite would be sufficient to avoid an adverse effect on those properties.
13. The existing clear glazed rear windows at ground floor and first floor level of the property already have a close relationship with the front windows of Nos. 2 and 4 Arlington Close that is below normal privacy standards. The occupation of the HMO would extend the periods of each day where occupiers of those neighbouring properties could have a perception of being overlooked. However, a condition could be imposed to permanently obscure those rear windows with gradual line window film as indicated on the submitted plans. To my mind, as the existing situation is less than ideal, such an approach would reflect an appropriate balance between reducing the perception of the neighbouring properties being directly overlooked and ensuring a satisfactory living environment for future occupiers of those bedrooms by providing some outlook and light.
14. The proposed HMO would also likely result in an increase in activity and comings and goings close to the appeal property, particularly later in evenings. However, the location is close to the heavily trafficked Oldham Road and there are non-residential uses close by, including some that would be open during late evenings. In that context, the activity associated with the HMO would not have an unacceptable impact in terms of noise and disturbance for occupiers of neighbouring properties when compared with the prevailing noise environment.

15. The submitted plans indicate two domestic cookers within the kitchen with extraction of fumes provided by a mechanical system that would be taken through an outside wall above ceiling level to a recessed area which faces onto Arlington Close and away from neighbouring residential properties. Those arrangements would be suitable to avoid any detrimental impact upon existing occupiers of neighbouring properties or future occupiers of the proposed development.
16. The living environment for future residents would otherwise be suitable in terms of individual bedroom sizes, provision of bathrooms and other living space and kitchen facilities. A condition could be imposed to provide an occupancy limit for the HMO to reflect the size of the accommodation, whilst the licensing regime for HMOs under the Housing Act 2004 would provide appropriate controls over management and maintenance arrangements. In addition, issues relating to means of escape for bedrooms in the event of a fire and ventilation for the kitchen and bathrooms without windows are matters that can be suitably addressed through Building Regulations. I am, therefore, satisfied that the development would provide for a satisfactory living environment for future residents.

*Character and appearance*

17. A residential use consisting of a HMO would not appear out of place in its surrounding context of a mix of residential and commercial uses along Oldham Road. The proposal includes only minor external alterations, including the two windows serving the basement and the replacement of a door with a window on the side elevation facing Arlington Close, which would not harm the character and appearance of the area.

*Highway safety and parking arrangements*

18. The site is in an accessible location close to a range of local services and facilities and with good public transport and pedestrian links. The frontage of the property onto Oldham Road has parking restrictions marked by double yellow lines up to the junction with Arlington Close. In addition, Arlington Close at the side and rear of the site and an adjoining car park are located within a residents parking scheme that covers a number of surrounding streets with those restrictions imposed between 0800-2000 hours on Mondays to Saturdays.
19. With regard to the above, the use of the existing garage for storage and cycle parking as proposed would involve the loss of the only off-street parking space within the site. However, based upon the evidence before me, the existing office use of the property also has eight permits which have been issued for the residents parking scheme and would be cancelled if the office use ceases and they are no longer required. In that context and based on my observations, I am satisfied that there would be sufficient capacity within the streets and car park covered by the residents parking scheme to safely accommodate any parking demand arising from the development should future residents of the HMO apply for and be issued with a permit. I, therefore, find that the proposal would not have a harmful effect on local parking arrangements or highway safety.

*Waste storage and collection arrangements*

20. The submitted plans include a basement floor layout with an internal door which would link to the existing internal garage with sufficient space for an internal bin store. Those arrangements would be adequate to serve the waste storage requirements of the future occupiers of the building. The door onto Arlington Close would include an external keypad to allow independent access into the garage when occupiers are not present with the lowered kerb providing a safe route for the bins to be brought to the street. In that respect, a condition could be imposed to secure full details of suitable collection arrangements by either the Council or a private waste management contractor to ensure that the footway on Arlington Close would not be unacceptably obstructed by bins. I am, therefore, satisfied that the development could be served by suitable waste storage and collection arrangements.

*Other issues*

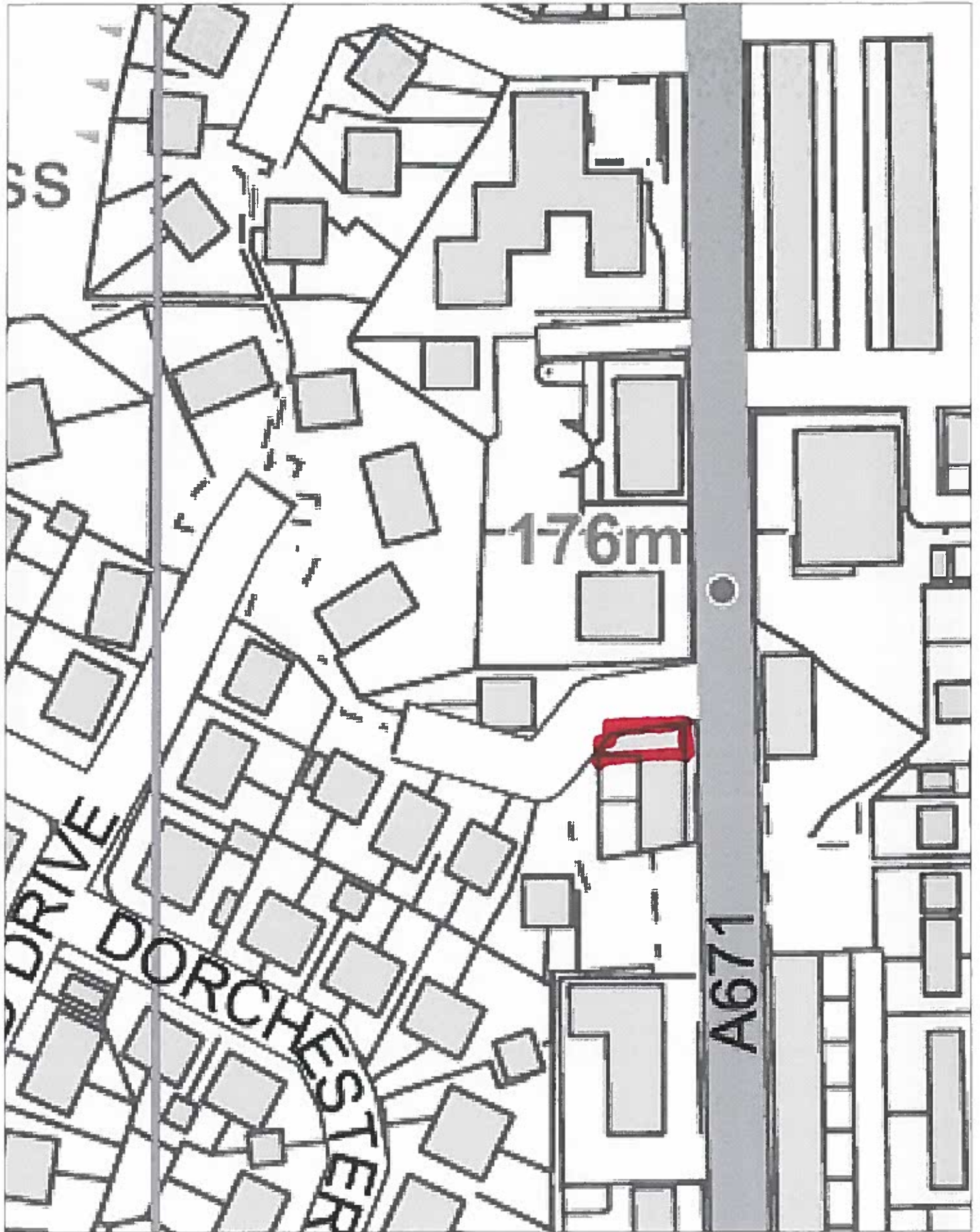
21. There is no substantiated evidence before me that the development would have an adverse impact in terms of anti-social behaviour and as previously mentioned, appropriate management arrangements for HMOs would be separately controlled through the licensing regime. Whilst the issue of impact on property values has been raised, it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land and property.
22. The appellant has referred to the Council's approach when dealing with the application, but such matters are not an influential factor upon my assessment of the proposal and determination of the appeal which is necessarily undertaken on its merits.

**Conclusion**

23. I have taken account of the benefits of the provision of a HMO, including the contribution to housing choice in an accessible location close to local services and facilities. I have also found no harm in terms of the effect on the living conditions of occupiers of neighbouring properties, the living environment for future residents, the character and appearance of the area, highway safety and local parking arrangements and waste storage and collection arrangements for the reasons previously given. However, the absence of concern in those respects is a neutral factor.
24. Notwithstanding the above, I have found that the proposal has failed to demonstrate that the development would not result in a harmful loss of employment provision and a detrimental impact upon the local economy. That matter is a decisive factor upon the outcome of this appeal as it reflects conflict with the development plan that is significant and overriding, and which is not outweighed by the other material considerations in this case.
25. For the reasons given above, I conclude that this appeal should be dismissed and planning permission should be refused.

*Gareth Wildgoose*

INSPECTOR



340929

**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

Contact Us -  
Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Date: 04.02.19

Scale 1:1000





## Appeal Decision

Site visit made on 2 October 2018

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

an Inspector appointed by the Secretary of State

Decision date: 25 January 2019

---

**Appeal Ref: APP/W4223/W/18/3206019**

**The Old Stables, Lee Cross, Diggle, Oldham OL3 5JX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr N Green against the decision of Oldham Metropolitan Borough Council.
  - The application Ref PA/340691/17, dated 24 August 2017, was refused by notice dated 19 January 2018.
  - The development proposed is a new access.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Revised National Planning Policy Framework (the Framework) was published in July 2018, after the appeal was lodged. I have had regard to the Revised Framework in reaching my decision.

### Main Issues

3. The main issues in this case are:
  - Whether or not the proposal is inappropriate development in the Green Belt;
  - The effect of the proposal on the openness of the Green Belt and Green Belt purposes; and
  - If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

### Reasons

*Whether or not the proposal is inappropriate development in the Green Belt*

4. The Old Stables is situated within the Greater Manchester Green Belt. The appeal site is a thin wedge of land that is sited off Lee Side between the Public Right of Way (PROW) and the open fields. The scheme involves the creation of a 3 metre wide access track, the removal of approximately 2 metres of the stone wall facing Lee Side to provide this access, which will then be lowered to improve visibility. The access will be surfaced in 'grasscrete' or a similar base.

It is proposed to change the use of a parcel of agricultural land to residential land associated with the host property.

5. By virtue of paragraph 145 of the Framework, the construction of new buildings in the Green Belt is inappropriate subject to a number of specified exceptions. Under the previous version of the National Planning Policy Framework (2012), a garden extension fell outside the exceptions to inappropriate development. However, paragraph 146 of the revised Framework provides that other forms of development including material changes of use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
6. Consequently, the change of use would not be inappropriate development unless it would have a greater impact on Green Belt openness and purposes. My conclusions on the next issue will, therefore, determine whether or not the development is inappropriate.

#### *Openness of the Green Belt and Green Belt Purposes*

7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The development involves the material change of use of land that forms part of the open countryside, which is used for grazing. The appellant acknowledges at 5.10 in their statement that 'encroachment on the countryside will be minimal'. Currently the area of land is open, where a section of long grass separates the site from the raised access to the adjacent detached garage. A timber post and rail fence/gate form the entrance to the PROW, then 2 lines of post and wire fencing separate the PROW from the residential garden/field to the stile, where the PROW continues across open fields.
8. The area behind the stone wall is rough grass, with a maintained grassed area between the gate and the stile on the PROW, which is noticeable when compared to the agricultural appearance of the adjacent field. To facilitate the proposal, the existing entrance to the PROW from Lee Side would be re-located away from the road, but still on the line of the PROW, where the stile would be repositioned. Additionally, the section of the post and wire fencing that separates the PROW from the adjacent field would then be removed.
9. The scheme would introduce a man-made feature where one does not exist and openness would be reduced. The hard standing would be clearly visible from Lee Side and the PROW and would constitute a suburban feature that contrasts unfavourably with the greenery that generally fringes the road and the surrounding land. The appellant points out that hard surfacing could be installed under permitted development rights within the original curtilage of the property. Whilst this may be the case, a new area of extended hard surfacing would not extend beyond the curtilage of the property into open land, as in the case before me.
10. The physical extent of the access is not fully known, as it is not clear on the submitted drawings whether the access track will end at the new gate or will continue in to the formal garden. Regardless of this matter, even if the access track was only up to the new gate it would still form an extension of the residential garden. As a consequence, although not currently proposed, the access track could potentially be used for the parking of motor vehicles and/or



the storage of domestic paraphernalia, which would impact on openness and increase the sense of encroachment of residential development into the Green Belt, and could not reasonably be controlled by condition. This encroachment into the countryside would result in the extension of a domestic garden into previously open Green Belt land.

11. Whilst the appeal site is only small, even small incursions into the Green Belt can erode it, meaning that it's lost forever. There is no definition of "openness" in the Framework, but it is commonly taken to mean the absence of built or otherwise urbanising development rather than being primarily about visual effects. I conclude that the proposal would have a harmful effect on the openness of the Green Belt and would, therefore, represent inappropriate development.

*Whether other considerations amount to the very special conditions necessary to justify the development*

12. I have concluded that the proposal harms the openness of the Green Belt and that consequently the proposal represents inappropriate development in the Green Belt. Substantial weight should be given to this harm. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I now turn to consider whether there are any factors in support of development such that very special circumstances arise.
13. The appellant is suggesting as part of this proposal the removal of the post and wire fencing, which separates the PROW with the open field, as well as the side gate from the garden. The appellants states that the PROW is within the curtilage of the host dwelling, which differs from the Council's observations in the Officer Report, where it considers the PROW separated from the residential curtilage. Regardless of this matter, I noted on my site visit that the area of PROW enclosed by the post and wire fencing is physically separated from the garden of the host dwelling. This will remain unaltered as part of the proposal, apart from the removal of the fencing with the adjacent field.
14. In this respect I noted that the when walking along this section of the PROW, due to the height and the lightweight nature of the post and wire fencing that the adjacent fields were readily visible and that there was no feeling of enclosure. I note the appellant considers the current fencing to restrict views in this location, but I do not consider that the removal of the post and wire fencing separating the field from the PROW would significantly improve the experience of walkers using this section of the PROW from Lee Side. Consequently, I can only attach very limited weight to these matters.
15. Taking all of the above findings into consideration, I conclude that the above factors do not clearly outweigh the harm to the Green Belt which I have identified both in terms of inappropriateness and the harm to openness. Accordingly, very special circumstances do not arise.

### **Conclusion**

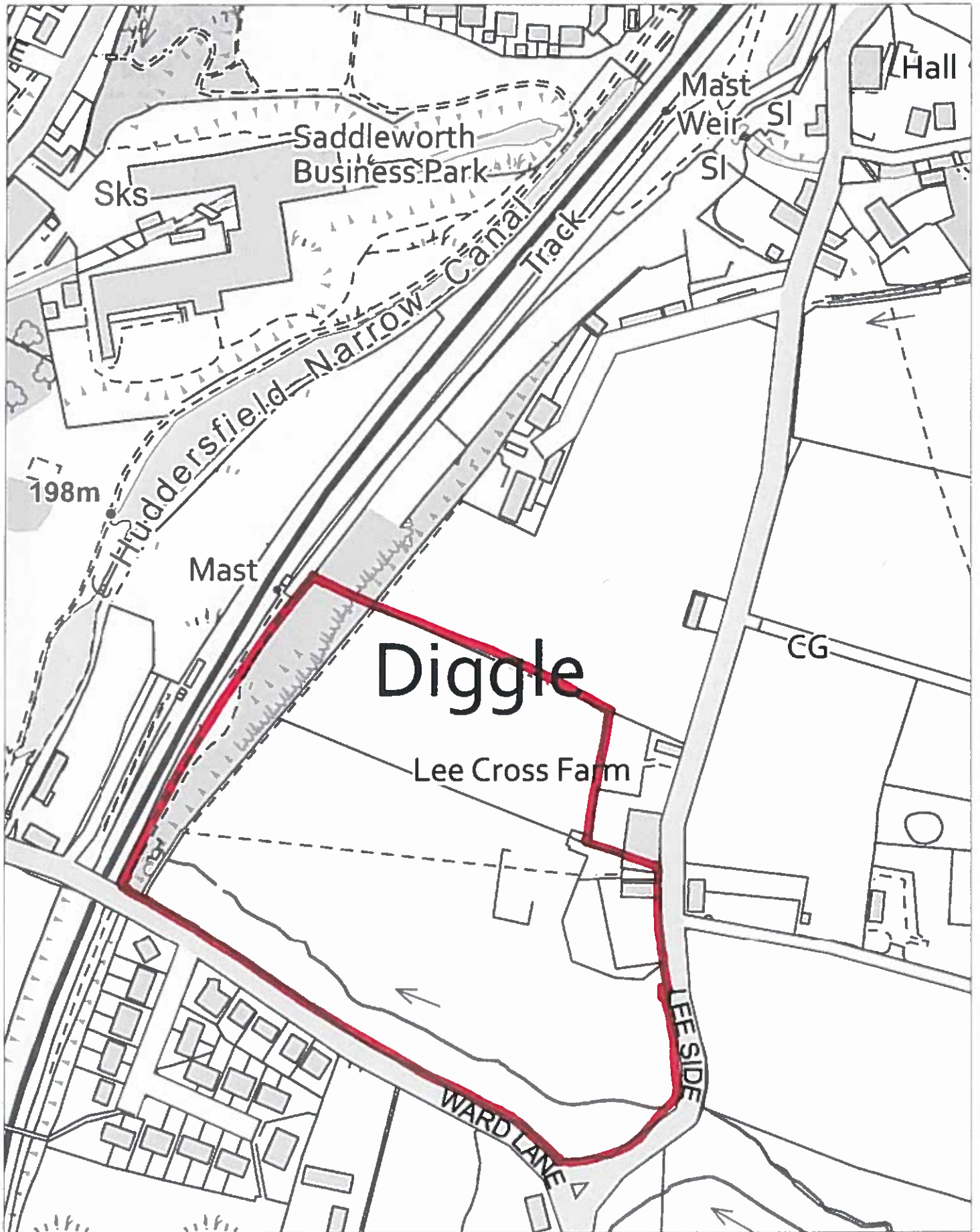
16. I must attach significant weight to the harm to the Green Belt by way of inappropriateness and the harm to openness. All other considerations, taken either individually or cumulatively, do not outweigh the significant harm which I have identified. Therefore, very special circumstances do not arise and

permission should not be granted. The proposal is contrary to the Framework as outlined above.

17. Conflict also arises with Policy 1 and 22 of the Oldham Local Development Framework, Development Plan Document – Joint Strategy and Development Management Policies 2011 (DPD), which requires planning applications to maintain the borough’s Green Belt; and protect open land in line with national policies on Green Belt. I note that these policies were drafted under previous Government guidance, which has since been superseded. However, I consider the policies relevant to this appeal in DPD to be broadly consistent with the Framework.

*W Johnson*

INSPECTOR



340691

**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

Contact Us -  
Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Date: 04:02:19

Scale 1:2500





---

## Appeal Decision

Hearing Held on 8 January 2019

Site visit made on 8 January 2019

**by Mike Worden BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1<sup>st</sup> February 2019

---

**Appeal Ref: APP/W4223/W/18/3197577**

**Land at Arncliffe Rise, Oldham OL4 2LZ**

- 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 Paterbridge Limited against the decision of Oldham Metropolitan Borough Council.
  - The application Ref PA/339752/17, dated 9 February 2017, was refused by notice dated 10 January 2018.
  - The development proposed is described as: 'residential development comprising nine two-storey dwellings'.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Following submission of the application, the appellant submitted amended plans and reduced the proposal from nine to six two storey dwellings. I have based my decision on the amended plans which were those on which the Council made its decision.

### Main Issues

3. The main issues are:
  - the effect of the proposed development on the character and appearance of the area;
  - the effect of the proposed development on the living conditions of the occupants of neighbouring properties; and,
  - the overall planning balance having regard to the Council's five year housing land supply position.

### Reasons

#### *Character and appearance*

4. The appeal site is a rectangular shaped strip of grassland in the centre of Arncliffe Rise. Arncliffe Rise is a road which loops around the appeal site and the houses either side of the road look out onto it. The land slopes down from west to east and from north to south. Arncliffe Rise lies on the edge of the

settlement. To the west is housing whilst to the east behind the houses on Arncliffe Rise, there is farmland and moorland. On its northern side there is a former school site. The school buildings have been demolished and houses are currently being constructed on the site. To the south beyond Turf Pit Lane is open countryside and extensive views out into the distance.

5. The proposed development is to construct six detached two storey houses, which would be located in a row along the strip. The proposal would also provide a small amenity area at the Turf Pit Lane end of the site.
6. There are no trees, landscaping or any furniture on the grassland area. The appeal site is in private ownership and although there is a footpath across it, there is no right of public access. Nevertheless, the grassed area has existed for many years and has become part of the character of the immediate area as was noted by the Inspector who determined an appeal<sup>1</sup> on the site in 1990. Houses around Arncliffe Rise all face onto it and it has the appearance of being part of the initial design of the layout of the houses. At the hearing it was unclear what its original purpose may have been but it seems to me that it has visual amenity value and contributes significantly to the current character of Arncliffe Rise. In my view, it provides a focus for the houses around the loop, and maintains the sense of openness and connection to the nearby hills and countryside. It also acts as a type of informal green area clearly valued by local residents. I consider that it is a vitally important part of the character and appearance of the area and one which forms a long established and integral element of Arncliffe Rise.
7. The scheme would provide for gaps between the proposed dwellings and I accept that this increases the merits of the amended scheme compared to the original proposal. This would enable the maintenance of some views through the site. However the proposed development would fundamentally alter the appearance of the appeal site by placing built development and enclosed private gardens on most of it.
8. The Council considers that the appeal site would be classed as amenity greenspace, in terms of Policy 23 of the *Oldham Joint Core Strategy and Development Management Policies Development Plan 2011* (the JCS&DM Plan). This policy seeks to protect open spaces. The policy requires each such space to achieve a score of at least 70% on a quality assessment and that such spaces should be provided at a standard of 0.46 hectares per 1000 population.
9. The *Oldham Local Development Framework Open Space Study 2006-2010* (the Open Space Study) gives the appeal site a quality score of 61.7%. This would put it in the 'average' rather than 'good' category. The Open Space Study also identifies St James ward, in which the appeal site is located, as having amenity greenspace provision of 0.86ha per 1000 population. In my view the score of the site at below the 70% threshold would not necessarily reduce its value as amenity greenspace, and as the Council points out, would be a reflection of the absence of landscaping, furniture etc.
10. Policy 23 of the JCS&DM Plan sets out criteria where the loss of open space would be permitted. The appellant considers that the proposal would meet criterion (c) which applies where the proposal would relate to a masterplan, policy, programme or strategy approved by the Council, since the site would

---

<sup>1</sup> T/APP/P4220/A/89/137358/P5

contribute to meeting housing need and provide family accommodation which the Council has indicated the borough requires more of. However I have not been provided with any evidence that the appeal site is part of any programme approved by the Council or partnership. I do not consider that it would meet any of the other criteria of Policy 23 of the JCS&DM Plan. Consequently I consider that the proposed development would not accord with that policy.

11. Paragraph 97 of the National Planning Policy Framework (the Framework) indicates that existing open space, sports and recreational buildings and land should not be built on unless one of three exceptions is met. I consider that it would not meet criterion a) as it is not been shown to be surplus to requirements. I consider that the Open Space Study does not identify it as surplus to requirements. Although there is a higher than minimum standard of provision of amenity greenspace per 1000 population overall in St James ward, I do not consider that this would mean that the site would be surplus to requirements.
12. It would also not meet criterion c) as it does not relate to replacement provision. Criterion c) relates to circumstances where equivalent or better provision in terms of quantity and quality would replace it. I consider that this criterion would not be met as in my view the proposed area of amenity land is extremely small compared to the existing appeal site and would not constitute improved provision overall, notwithstanding that it would be landscaped and have public access. I therefore consider that the proposed development would not accord with paragraph 97 of the Framework.
13. I have had regard to the examples of open space referred to me, where development has been allowed. I do not full have details of the proposals or what led to the Council decisions on each of them but consider that they differ significantly to the proposals before me. The Stott Street site is a very small area of land on a corner plot. The Keb Lane scheme was for affordable housing and provided significant improvements to other open spaces in the area. The main issue in the Haven Lane appeal<sup>2</sup> was highway safety, not character and appearance. The Moordale Avenue site is at the end of a cul-de-sac, was used for the grazing of horses and the Inspector<sup>3</sup> concluded that it made little contribution to the character and appearance of the area.
14. In any event, I have considered this site on its merits and on the basis of the evidence before me. I have also had regard to the existence of the Whitehall Lane playing field which I visited, but consider that it does not alter my views on the value of the appeal site or my overall conclusions.
15. For the reasons set out above, I consider that the proposed development would result in the loss of amenity greenspace and would be significantly harmful to the character and appearance of the area, contrary to Policy 23 of the JCS&DM Plan. It would also be contrary to Paragraph 97 of the Framework.

#### *Living conditions*

16. The proposed houses would sit at an angle to the houses on the eastern side of Arncliffe Rise. In each case a corner of the proposed houses would be closest to the existing houses and so the view from the existing houses would partly of the side of each house and partly the rear. Four of the houses would be angled

---

<sup>2</sup> APP/W4223/W/17/3175644

<sup>3</sup> APP/W4223/W/16/3157045

one way, two the other way. Locating the proposed houses at angles would help to avoid direct overlooking between the habitable room windows of the proposed houses and the existing houses. I agree with the views of the main parties that the proposal would not cause harm to living conditions with regard to privacy.

17. The proposed houses would be located higher than the road level on the eastern side of Arncliffe Rise and would be separated from the road by a row of off road parking spaces, a landscaped bank and boundary treatment. The proposed houses would present a dominant form of development when seen from the existing houses on the eastern side of Arncliffe Rise.
18. The slope of the land towards the houses on the eastern side of Arncliffe Rise is steeper at the Turf Pit Lane end of the site than at the Hill Top end. The distance between the existing houses and the proposed houses is narrowest at the Hill Top end, which means that the proposed houses which would be at the highest elevation compared to the existing houses would those which would be furthest away from them. I have not been provided with any standards in force which the Council would use to assess acceptable distances between residential properties. The existing houses on the eastern side of Arncliffe Rise all have front gardens behind brick walls.
19. Whilst the proposed development would inevitably significantly alter the outlook considerably from all of the houses, I consider that there would be still be a sufficient gap between them and the proposed houses to ensure that the proposed development would not lead to an unacceptable sense of overbearing outlook overall. Furthermore the orientation of the proposed houses would mean that the closest point of the proposed houses to the existing houses would be the eaves of the property rather than gable end. Plot 5 would have the highest floor level compared to the closest existing house and I consider that the orientation of the proposed house would make this relationship just acceptable.
20. For these reasons, I consider that the proposed development would not lead to an unacceptable impact on living conditions of the occupants of the existing houses on the eastern side of Arncliffe Rise with regard to outlook. The proposed development would therefore accord with Policy 9 of the JCS &DM Plan which seeks to protect the local environment including amongst other things, the amenity of the existing neighbouring occupants.

### **Planning Balance and Conclusion**

21. The parties have agreed that there is a 3.1 years supply of housing land and in the statement of common ground have agreed how this has been calculated. In accordance with paragraph 11 of the Framework, the policies which are the most important for determining the application are therefore to be considered as out of date as the Council cannot demonstrate a five year supply. Planning permission should therefore be granted unless, in this case, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole.
22. The proposed development would provide six new dwellings in an accessible location and would assist addressing the housing land supply shortage in the borough, albeit in a limited way given the low numbers proposed. Furthermore the proposed dwellings would be family accommodation, which the Council

considers is needed in Oldham. I have placed considerable weight on these benefits. Given the small size of the proposed amenity area, I have placed only limited weight to that provision as a benefit to the local community. I have placed some weight on the provision of new off road car parking spaces for existing residents.

23. I have found a neutral impact on the living conditions of the occupants of the existing properties. However, I have found significant harm to the character and appearance of the area as a result of the proposal which would be contrary to Policy 23 of the JCS&DM Plan, and to paragraph 97 of the Framework. I consider that this adverse harm significantly and demonstrably outweighs the benefits of the proposal.

24. I therefore conclude that the appeal should be dismissed.

*Mike Worden*

INSPECTOR





33 97 52

**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

Contact Us -  
Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Date: 04.02.19

Scale 1:1250





---

## Appeal Decision

Site Visit made on 23 January 2019

by **Elizabeth Pleasant DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 February 2019

---

**Appeal Ref: APP/W4223/W/18/3210581**

**16 Pole Lane, Failsworth M35 9PB**

- 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 Mosaic Holdings Ltd against the decision of Oldham Metropolitan Borough Council.
  - The application Ref PA/341496/18, dated 28 February 2018, was refused by a notice dated 19 July 2018.
  - The development proposed is change of use from C3 to Sui Generis 7 bedroom HMO with infill extension on the rear ground floor.
- 

### Decision

1. The appeal is allowed and planning permission is granted for change of use from C3 to Sui Generis 7 bedroom HMO with infill extension on the rear ground floor at 16 Pole Lane, Failsworth M35 9PB in accordance with the terms of the application, Ref PA/341496/18, dated 28 February 2018, subject to the following 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: Location Plan, P03; Site Plan, P05 Rev A; Existing Plans and Elevations, P01; Proposed Plans and Elevations P02 Rev B.
  - 3) All roof lights shown on drawing no. P02 Rev B shall be of a 'conservation style' to sit flush with the roof surface and shall not protrude from the roof plane.
  - 4) Before the development hereby permitted is first occupied secure cycle parking facilities shall be provided in accordance with details that shall first have been submitted to and agreed in writing with the local planning authority. The approved facilities shall be retained and available for use thereafter.
  - 5) Before the development hereby permitted is first occupied facilities for the storage and removal of refuse and waste materials shall be provided in accordance with details that shall first have been submitted to and agreed in writing with the local planning authority. The approved facilities shall be retained and available for use thereafter.

### **Procedural Matter**

2. It is clear from the decision notice and officer report that the Council's concern relates solely to the proposed change of use and no objections are raised to the proposed infill extension to the rear of the property. I shall therefore confine my considerations to the proposed change of use.

### **Main Issues**

3. The main issues in this case are the effect of the proposed development on the:
  - Balance of housing mix having regard to local and national planning policy; and
  - Character of Failsworth Pole Conservation Area.

### **Reasons**

#### *Housing Mix*

4. The appeal property is a substantial two-storey Victorian terraced property with rooms in the roofspace. It is situated on a residential street and in an accessible location close to Failsworth town centre and public transport routes. There is a mixture of house types on Pole Lane, including Victorian terraced and semi-detached dwellings, together with more recent detached and semi-detached properties.
5. Policy 3 of Oldham's Joint Core Strategy and Development Management Policies Development Plan Document, 2011 (DPD) seeks to ensure that Oldham, as part of Greater Manchester North East Housing Market Area, provides a balanced and sustainable housing market to meet the needs and demands of both the urban and rural communities.
6. Policy 11 of the DPD advises that residential development must deliver a mix of appropriate housing types, sizes and tenures and that the mix of houses will be secured based on local evidence. Policy 11 further advises that all residential development must be appropriate to the area, accessible to public transport and key services and have regard to the Council's plans for the area. Based on current local evidence this includes: family housing; a mix of housing within Oldham Town Centre and the centres of Chadderton, Failsworth, Hill Stores, Lees, Royton, Shaw and Uppermill as appropriate to encourage people to live within these areas; and high value housing to retain and attract residents throughout the borough. Furthermore, Policy 11 advises that houses in multiple occupation (HMO) will not be permitted unless it can be demonstrated that the proposal does not adversely affect: the local character; the residential and workplace amenity of current, future and neighbouring occupiers; and traffic levels and the safety of road users.
7. The Council's decision notice advises that there is a shortage of five-bedroom or more house types in Failsworth East (2.1%) of the housing makeup) compared with the Oldham average of 2.9% and national average of 6.3% of five-bedroom or more housing. That said, I have not been provided with any further information or evidence on other housing sector needs for the housing market area. Policy 11 does not preclude the change of use of family houses to

other forms of residential accommodation and actively encourages a mix of housing within Failsworth centre to encourage people to live within the area.

8. At the time of my visit to the appeal property was vacant and the adjoining property was undergoing conversion works to provide HMO accommodation. From my own observations on site, the remaining properties in the terrace appeared to be in use as single dwellings which also appeared to be the predominant house type within the street. The appeal property has five bedrooms and although it would clearly accommodate a family, there is no off-street parking space available to it and parking restrictions on Pole Lane also preclude on street parking in this location. Moreover, the property has only a small back yard area and therefore limited external amenity space for outside play and storage. The existing dwelling may therefore have limited appeal as family accommodation.
9. The proposed HMO would provide accommodation for a different housing sector and would support a housing mix in this street and close to Failsworth centre. It is not situated in a street where there is a large proportion of HMO use and would therefore would help to create a sustainable and inclusive community. Future occupants would also benefit from the property's sustainable location and add to the vibrancy of this local centre. Despite third party concerns, I have not been provided with any substantive evidence that would lead me to conclude that future occupants would not be interested in the use of community facilities and community engagement.
10. I conclude that the proposed development would not have a harmful effect on the balance of housing mix in the area. There would be no conflict with the development plan and in particular with Policies 3 or 11 of the DPD or Section 5 of the National Planning Policy Framework (the Framework) which seeks to ensure that a sufficient supply of homes is provided, in the right place and to meet specific housing needs.

#### *Failsworth Pole Conservation Area*

11. The appeal site is within Failsworth Pole Conservation Area (CA) and I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. This is reflected in Policy 24 of the DPD and the Framework.
12. The heritage significance of the CA is in my opinion derived from its Victorian heritage, based around the industrial mills, town centre and the Pole. The proposed development would include a small extension to the ground floor rear elevation which would be designed and constructed in materials and form to reflect the character and appearance of the existing dwelling. Given the enclosure of the rear yard it would not be visible to wider public views. Similarly, the new roof lights are only small, simple in design and well-spaced. They would not therefore detract from the buildings traditional vernacular form or appearance. Furthermore, the proposed use as an HMO would retain a residential use and consequently the character of the CA would be preserved.
13. I conclude that the appeal proposal would preserve the character of Failsworth Pole Conservation Area. There would therefore be no conflict with the development plan and in particular with Policy 24 of the DPD or the Framework the aims of which are set out above.

### **Other Matters**

14. I have taken into consideration third party concerns regarding the potential for an increase in litter, vermin, privacy, noise and disturbance and anti-social behaviour. However, I have no substantive evidence before me that this would be the case. There is sufficient space within the site for refuse bin storage and recycling facilities, and occupants of a five-bedroom family home would also result in many comings and goings throughout the day and evening period. I appreciate concerns from local residents that this proposal may lead to further applications for similar accommodation in the area. However, each case must be considered on its own merits and it is on that basis that I have made my decision.
15. Based on the evidence before me, including the property's existing use rights and the walkable distance of services and public transport, I would concur with the Council that the proposal would not have a harmful impact on highway safety or vehicular car parking capacity. The rights of individuals to access their property from the lane to the rear of the property is a private right and not a matter for me in my consideration of this appeal.

### **Conditions**

16. The Council have suggested a number of conditions which I have considered against the Framework and Planning Practice Guide. I have amended some of their wording to provide clarity.
17. I have imposed a condition to specify the approved plans as this provides certainty.
18. Specification of the details of the proposed rooflights is necessary to preserve the character and appearance of the CA.
19. I have imposed a condition to require details of cycle parking facilities to provide sustainable transport options and details of facilities for the disposal of refuse are required to protect the living conditions of future occupiers and neighbouring residents.

### **Conclusion**

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

*Elizabeth Pleasant*

INSPECTOR

