

PLANNING COMMITTEE ***Agenda***

Date Wednesday 13 March 2019

Time 6.00 pm

Venue Council Chamber, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

- Notes
1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Sian Walter-Browne in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Sian Walter-Browne Tel. 0161 770 5151 or email sian.walter-browne@oldham.gov.uk
 3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Friday, 8 March 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.

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

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



Item No

- 1 Apologies For Absence
- 2 Urgent Business
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meetings (Pages 1 - 12)
The Minutes of the meetings of the Planning Committee held on 13th and 28th February 2019 are attached for Members' approval.
- 6 PA/341416/18 - Land to the east of Hebron Street and Brownlow Avenue, Royton, Oldham (Pages 13 - 28)
Erection of 77 dwellings, open space, associated works and infrastructure.
- 7 PA/342222/18 - Land to the rear of 29 -51 Shaw Hall Bank Road, Greenfield, OL3 7LD (Pages 29 - 50)
Erection of 20 no residential dwellings with amended road access and associated car parking.
- 8 PA/342341/18 - Linney Lane, Shaw, OL2 8HD (Pages 51 - 58)
Demolition of existing building and construction of 17 no. industrial units
- 9 PA/342449/18 - Land off Haven Lane, Moorside, Oldham OL4 2QH (Pages 59 - 68)
Reserved matters application (for appearance, landscaping, layout and scale) pursuant to PA/338917/16 for 23 three and four-bedroom detached dwellings.
- 10 PA/342693/18 - 2 Grove Avenue, Failsworth, M35 0JU (Pages 69 - 78)
Conversion and extension of the existing single storey dwelling into 2no. two storey dwellings
- 11 Appeals (Pages 79 - 94)
Appeals



PLANNING COMMITTEE
13/02/2019 at 6.00 pm

Present: Councillor S Bashforth (Chair)
Councillors Akhtar, Ali, Brownridge, Davis, H. Gloster, Haque,
Hewitt (Vice-Chair), Hudson, Leach and Phythian

Also in Attendance:

Richard Byrne	Planning Officer
Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Transport Officer
Stephen Irvine	Head of Planning and Development Management
Graham Dickman	Development Management Team Leader
Kaidy McCann	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

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

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Planning Committee held on 16th January 2019 be approved as a correct record.

6 **PLANNING APPLICATION/PA/341132/17 26 SELKIRK AVENUE, OLDHAM, OL8 4DQ**

APPLICATION NUMBER: PA/341132/17

APPLICANT: Ms Wilkinson

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

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

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



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

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PLANNING APPLICATION/PA/341467/18 LAND TO THE REAR OF THE DOG AND PARTRIDGE PH, MEDLOCK ROAD, FAILSWORTH, OLDHAM, M35 9NP

APPLICATION NUMBER: PA/341467/18

APPLICANT: Mr Sheridan

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

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

On being put to the vote 9 VOTES were cast IN FAVOUR OF REFUSAL and 2 VOTES were cast AGAINST with 0 ABSTENTIONS.

DECISION: that the application be REFUSED contrary to officer's recommendation for the following reason:

The proposed access to the site would fail to achieve adequate visibility for drivers leaving the site and for users of the adjacent footway on Medlock Road, to the detriment of the safe movement of all road users. As such, the proposal is contrary to Policies 5 'Promoting Accessibility and Sustainable Transport Choices' and 9 'Local Environment' of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document, since the scheme's access would not ensure appropriate highway safety and the safety of pedestrians and road users.

NOTES:

1. That a Ward Councillor and the Applicant attended the meeting and addressed the Committee on this application.
2. In the event of an appeal against the decision, Cllr Hewitt agreed to represent the Council at any hearing.

8

PLANNING APPLICATION/PA/342004/18 LAND BOUNDED BY HUDSON STREET, OLDHAM ROAD (A62) AND HOLLINWOOD METROLINK PARK AND RIDE, CHADDERTON.

APPLICATION NUMBER: PA/342004/18

APPLICANT: Portcullis Oldham LTD

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.

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

It was MOVED by Councillor Hudson and SECONDED by Councillor Hewitt 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:

1. The applicant entering into a section 106 agreement to cover the following matter – 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, and the Head of Planning & Development Management be authorised to issue the decision notice upon satisfactory completion of the legal agreement.
2. Subject to the conditions as set out in the Late List.

NOTES:

1. That the Applicant attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 15.

9

PLANNING APPLICATION/PA/342222/18 LAND TO THE REAR OF 29 -51 SHAW HALL BANK ROAD, GREENFIELD, OL3 7LD

APPLICATION NUMBER: PA/342222/18

APPLICANT: Wiggett Construction

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

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

On being put to the vote, it was UNANIMOUSLY cast IN FAVOUR OF DEFERRAL. **Page 3**

DECISION: That the application be DEFERRED pending clarification of the reasons for the Section 106 contributions being used at Churchill Playing Fields, rather than for affordable housing or on-site public open space.

NOTES:

In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 15.

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PLANNING APPLICATION/PA342503/18 FORMER ROYTON YOUTH CENTRE, CHAPEL STREET, ROYTON, OL2 5QL

APPLICATION NUMBER: PA/342503/18

APPLICANT: Royton Medical Centre

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

It was MOVED by Councillor S. Bashforth 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: That the application be GRANTED subject to the conditions as outlined in the report.

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PLANNING APPLICATION/PA/342585/18 FORMER BREEZE HILL SCHOOL, ROXBURY AVENUE, OLDHAM, OL4 5JE

APPLICATION NUMBER: PA/342585/18

APPLICANT: Galliford Try Partnerships North West

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

It was MOVED by Councillor S. Bashforth and SECONDED by Councillor Hewitt 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, and to the following additional/ amended conditions:

CONDITION 10:

The development hereby approved shall be carried out in strict accordance with the tree protection measures detailed in the Arboricultural Implications Assessment and Method Statement by DEP Landscape Architecture (Job no. 3986 Rev C submitted 30 January 2019). The identified tree protection measures shall be implemented before any development takes place and maintained as such thereafter for 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.

CONDITION 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. The approved scheme shall be implemented in accordance with the approved details and a timetable for implementation that shall also have been submitted to and approved in writing as part of the scheme. The detailed school safety zone scheme should as a minimum include for the following provisions:

- 1. Keep Clear road markings on Breeze Hill Road;*
- 2. The signalisation of the Lees Road/Breeze Hill Road/Wellyhole Street junction with all associated radius improvements and crossing facilities;*
- 3. Additional modelling of the Lees Road/Breeze Hill Road/Wellyhole Street junction using TRANSYT15;*
- 4. Inclusion of the Lees Road/Breeze Hill Road/ Wellyhole Street signalised junction into the SCOOT region;*
- 5. All associated signs and road markings on the approach to the school;*
- 6. 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

CONDITION 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.

NOTES:

1. That an Objector and the Applicant attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 15.

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PLANNING APPLICATION/PA/342606/18 EXPRESS DAIRIES MILK, RIDGEFIELD STREET, FAILSWORTH, M35 0HJ

APPLICATION NUMBER: PA/342606/18

APPLICANT: Material Studio (Part of Chrome (Services) Ltd)

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

It was MOVED by Councillor Davis 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: That the application be GRANTED subject to the conditions as outlined in the report.

NOTES:

In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 15.

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PLANNING APPLICATION/PA/342624/18 LAND WEST OF SPRINGFIELD FARM, FRIEZLAND LANE, GREENFIELD, OL3 7EU

APPLICATION NUMBER: PA/342624/18

APPLICANT: Bright Futures School

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

It was **MOVED** by Councillor Hudson 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: That the application be **GRANTED** subject to the conditions as outlined in the report.

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APPEALS

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

15

LATE LIST

RESOLVED that the information relating to the submitted planning applications as at 13th February 2019, as contained in the Late List, be noted.

The meeting started at 6.00 pm and ended at 7.27 pm

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PLANNING COMMITTEE
28/02/2019 at 6.00 pm



Oldham
Council

Present: Councillor S Bashforth (Chair)
Councillors Akhtar, Ball, Brownridge, Davis, H. Gloster, Haque, Hudson,
Leach, Qumer, F Hussain (Substitute), Phythian and Cosgrove (Substitute)

Also in Attendance:

Stephen Irvine	Head of Planning and Infrastructure
Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Transport Officer
Sian Walter-Browne	Principal Constitutional Services Officer

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Ali, Harkness and 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 **PROPOSED NEW SADDLEWORTH SCHOOL**

LOCATION: FORMER WH SHAW PALLET WORKS, HUDDERSFIELD ROAD, DIGGLE OL3 5NX

WARD: SADDLEWORTH NORTH

Application A (PA/337931/15)

PROPOSAL: A full planning application submitted by WRT Developments Ltd to demolish the existing buildings on the WH Shaw site within the red line boundary. It does not include the grade II listed office building and clock tower or link bridge.

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

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

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

NOTES:

1. The Applicant and a Ward Councillor attended the meeting and addressed the Committee on this application.
2. In reaching its decision the Committee took into consideration the information as set out in the Late List included in Item 6.

Application B (LB/337929/15)

PROPOSAL: A listed building consent application submitted by WRT Developments Ltd to demolish the link bridge attached to the Grade II listed office building and clock tower.

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

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

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

NOTES:

1. The Applicant and a Ward Councillor attended the meeting and addressed the Committee on this application.
2. In reaching its decision the Committee took into consideration the information as set out in the Late List included in Item 6.

Application C (PA/337301/15)

PROPOSAL: A full planning application submitted by Interserve Construction Ltd on behalf of the Secretary of State for Education to build a new secondary school and associated facilities.

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

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

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

NOTES:

1. The Applicant and a Ward Councillor attended the meeting and addressed the Committee on this application.
2. In reaching its decision the Committee took into consideration the information as set out in the Late List included in Item 6.

Application D (PA/337930/15)

PROPOSAL: A full planning application submitted by Oldham Council to provide a parental drop off facility plus residential car parking as part of the wider highways scheme on land off Huddersfield Road.

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

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

DECISION: That the application be **GRANTED** subject to the conditions as set out in the report and further consideration being given to the detail of the highways scheme proposals.

NOTES:

1. An Objector and a Ward Councillor attended the meeting and addressed the Committee on this application.
2. In reaching its decision the Committee took into consideration the information as set out in the Late List included in Item 6.

6

LATE LIST

RESOLVED that the information related to the submitted planning applications as at 28th February 2019, as outlined in the Late List, be noted.

The meeting started at 7.00 pm and ended at 7.50 pm

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APPLICATION REPORT - PA/341416/18

Planning Committee, 13 March, 2019

Registration Date: 15/02/2018
Ward: Royton South

Application Reference: PA/341416/18
Type of Application: Full Planning Permission

Proposal: Erection of 77 dwellings, open space, associated works and infrastructure.

Location: Land to the east of Hebron Street and Brownlow Avenue, Royton, Oldham

Case Officer: Matthew Taylor

Applicant: Grasscroft Homes and Property Limited, Annice Dransfield
Douglas & Matthew Drans

Agent : Hourigan Connolly

THE SITE

The application site is 1.93 hectares of greenfield land that is irregular in shape and generally flat.

The site is bounded by both Heyside Park and other protected open land to the north.

The eastern boundary of the site is open fields, whilst to the west is a public right of way. Existing residential dwellings both on Hebron Street and Brownlow Avenue adjoin the site.

To the south of the site is an existing employment area that is occupied by commercial premises and is generally enclosed by palisade fencing.

The site is located within:

- land reserved for future development (LRFD); and,
- other protected open land (OPOL)

on the Local Plan Proposals Map.

The site also forms part of a wider proposed site allocation, named '*Broadbent Moss*' within the Greater Manchester Plan for Homes, Jobs, and the Environment, Greater Manchester Spatial Framework (GMSF), Revised Draft, January 2019. This draft plan is currently out for public consultation.

THE PROPOSAL

This application proposes the erection of 77 two-storey houses of ten different house types. 15 Affordable Houses and 0.4 hectares of public open space are also proposed on site.

Access to the site will be via Hebron Street.

Each dwelling will be accessed from a private driveway and garden to the front. Each has a private garden to the rear.

Each dwelling would benefit from two car parking spaces.

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 Land Reserved for Future Development and Other Protected Open Land 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 - Protecting Natural Environmental Assets; and,
Policy 23 - Open space and sports.

CONSULTATIONS

Environmental Health - Recommended conditions and informative notes.

LLFA and Drainage - No objection.

Environment Agency - No objection.

Greater Manchester Ecology Unit - No objection.

Greater Manchester Police Architectural Liaison Unit - Raised no objection, but recommended some amendments to the scheme to deal with potential graffiti and security issues.

The Ramblers Association - Originally raised concerns about footpath 48 not being shown on the plan. The amended site layout has addressed this concern with the retention of the Public Right of Way.

REPRESENTATIONS

This application was publicised by way of a site notice, press notice and neighbour notification letters.

A total of 54 letters of objection were received (43 to the original scheme and a further 11 to the amended plans consultation).

The objections are summarised as follows:

- Development should not take place on this greenfield site when brownfield land is available;
- Proposed development would result in the loss of an OPOL; and,
- Proposed development would have an adverse impact on local infrastructure, such as schools and doctors.

Amenity

- Proposed development would cause unacceptable noise and disturbance to local residents; and,
- Proposed development would result in a loss of outlook.

Highways

- Exiting and entering Hebron Street for residents is dangerous due to two blind bends on Heyside;
- Hebron Street is not capable for dealing with the additional volume of traffic; and,
- Hebron Street is double parked currently, as such the traffic flow would not be safe.

Other

- Proposed development would exacerbate localised surface water flooding; and,
- Proposed development would be harmful to local wildlife.

PLANNING CONSIDERATIONS

The main issues to consider are:

- Land use;
- Loss of open space;
- Design;
- Residential amenity;
- Highway safety and amenity;
- Ecology; and
- Contamination and Landfill Gas.

Land Use

Policy Background

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. Explaining 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. 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.

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

With respect to the criteria in Policy 3, it is apparent, from the type and density of housing shown in the proposed layout, that the development would deliver an acceptable mix of new homes that would be a mixed and sustainable development. It would help meet the

Council's five-year housing land supply target and deliver affordable housing as well as the economic and social benefits that typically come with new housing development, including investment in the locality, an increase in spending in shops and services and construction jobs. As such, these factors must be given significant weight in the determination of this application.

Land Use Consideration

The case for new housing

It is recognised that a scheme for new housing has significant economic and social benefits and a failure to deliver new housing development in Oldham will contribute to and exacerbate the economic and social problems that stem from the under-supply of housing (e.g. lack of housing supply and choice, affordability, less labour movement and overcrowding amongst other things).

Given the significant economic and social benefits new housing brings, the benefit of providing much needed housing weighs 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 the GMSF housing targets are still in draft / consultation form, the evidence supporting the GMSF consultation indicates it is likely that a housing requirement for Oldham of between 685 and 752dpa will need to be considered in the assessment of applications. Consequently, the Council is unlikely to be meeting its housing needs in the immediate future as it ramps up its housing delivery and, subsequently, there is a strong presumption in favour of granting housing schemes that are sustainable development that help meet the Boroughs housing needs.

To be clear, 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 as housing policies are out-of-date. Members therefore should give weight to this in their assessment of the application.

Whilst the GMSF is an emerging plan, it provides the most up-to-date evidence with respect to Objectively Assessed Need (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.

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. Consequently, 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.

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.

The proposed scheme includes the provision of 15 on-site affordable units (19.5%) made up of 6 two-bed semi-detached units, 3 detached three-bed units and 6 semi-detached three-bed units. This level and mix of affordable units is considered acceptable and weighs heavily in favour of this scheme.

Is the site within a sustainable location?

DPD Policies 3, 5 and 11 are 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 Blackshaw Lane Primary School, Royton and Crompton School, Duke of York and Bulls Head public houses and Heyside Cricket Club, whilst also being located on a main bus route operating along Shaw Road for purposes of compliance with DPD Policy 5. The site is also located adjacent to established residential areas.

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 the land is suitable for housing, if the loss of

OPOL and LRFD does not outweigh the benefit of new housing.

Loss of Land Reserved for Future Development (LRFD) and Other Protected Open Land (OPOL)

Loss of LRFD

DPD Policy 22 states that the development of LRFD will only be permitted where it would not prejudice the later development and would be acceptable in the green belt. However, in reference to the Bullcote Lane LRFD it goes on to outline that in future reviews of the LDF, this land will be considered for development if other allocated land and brownfield is insufficient to meet the future development needs.

Having regards to the available evidence it is fair to consider that the current LDF allocated land and brownfield sites are insufficient to meet the need for future development of homes within the borough. Therefore, the development of the whole LRFD is in accordance with DPD Policy 22.

Loss of OPOL

OPOL land is open land which, while not Green Belt, is locally important because it helps preserve the distinctiveness of an area.

DPD Policy 22 states that development on OPOL will be permitted:

"where it is appropriate, small-scale or ancillary development located close to existing buildings within the OPOL, which does not affect the openness, local distinctiveness or visual amenity of the OPOL, taking into account its cumulative impact."

The development would result in the loss of 0.65 hectares of OPOL land that the applicant notes is in private ownership with no public access.

In regards to the loss, the applicant states it is small in size when considered in the wider context of the Borough. Furthermore they consider the publically accessible open space provision on site (0.4 hectares) would offset the loss of the private OPOL land. Moreover, the OPOL land at Bullcote Lane, as a whole, is proposed to be lost as part of the draft GMSF land allocation. As such, they consider that the weight applied to the loss of OPOL is less than substantial and not sufficient to outweigh the substantial benefits this housing scheme delivers. Moreover, it should be noted that this OPOL land is not designated with any form of landscape protection. Nevertheless, these mitigating factors are not exemptions outlined by the policy. Therefore, the loss of OPOL is contrary to the DPD Policy 22 and considered a negative impact of the proposal.

Open Space and Sports

DPD 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.

The proposed scheme includes the provision of 0.4 hectares of on-site open space and is considered to be in accordance with the Policy 23.

Land Use Conclusion

In this instance, negative weight is attached to the proposal resulting in a loss of OPOL land. However, the harm associated with its loss is considered to be outweighed by the positive economic and social impacts brought about by new housing within the area and the scheme delivering much needed market and affordable housing. Significant weight is also given to the new housing in view of the presumption in favour of development given if the Council is not delivering the numbers required to meet its housing needs. This view is reinforced given

the application site is suitable for residential development, in terms of its location within a sustainable area, on land capable of being developed for housing, and in an area with identified housing need.

The release of this LRFD is considered acceptable, given the borough does not have sufficient land to meet the need for future development.

Overall, on balance, the housing use of the site is considered acceptable in principle on this site.

Design

DPD Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment. DPD Policy 9 requires that development does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape, nor should it cause significant harm to the amenity of neighbouring occupants. DPD Policy 20 is also relevant, as it seeks to promote high quality design.

The amended 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.

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. 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 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 on adjoining dwellings

Relationship with 19 to 25 Hebron Street and 6 to 12 Brownlow Avenue:

It is considered that the 10m separation distance between the rear elevations of proposed units 66 to 72 and the rear private gardens of these neighbouring dwellings is adequate. Moreover, across this distance is the public right of way that runs along the site west boundary. As such, the Council are satisfied that the development would not result in a significant loss of privacy.

In regards to the rear elevation to rear elevation separation, it is noted that these neighbouring dwellings are all orientated at oblique angles to the proposed units, resulting in limited direct visibility between windows. As such, the development would not appear overly oppressive to the occupiers of these dwellings.

Relationship with 58 Hebron Street:

The site is orientated favourably and a separation distance exceeding 18m would exist between the offset front elevation of Unit 1 and this neighbouring property. As such, the development would not appear overly oppressive and would not result in a significant loss of

light to the habitable rooms of this neighbouring property.

Relationship with 15 Brownlow Avenue:

It is noted that this neighbouring dwelling has a number of east facing side elevation windows that will overlook the rear private garden and side elevation of Unit 65 of the proposed development.

However, given that this neighbouring dwellings side elevation windows are directly visible from the public right of way that runs along the side common boundary of the property, and the proposed unit is orientated at an angle to this neighbouring property, the development would not appear overly oppressive to the occupiers of this dwelling or result in an additional loss of privacy.

As such, it is considered the impact on residential amenity would not be significant enough to warrant a refusal.

Impact of the adjoining employment site on future occupiers

The south boundary of the site adjoins both a Business Employment Area and a Business and Industry Allocation. This is noted within the applicant's submission and an objection to the development has been received from Dronsfield, a vehicle maintenance and breakers firm (which directly adjoin the site).

National Planning Policy Framework (NPPF) paragraph 123 states that planning decisions should aim to:

'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development'

Given that the uses within this area have potential effects of noise and disturbance to the future occupiers of the dwellings, the applicant has provided a noise impact assessment in support of the application, undertaken in accordance with BS4142:2014.

The assessment notes the activities associated with the service yards of the Dronsfield site and the adjacent engineering works. A small vehicle crusher is located approximately 120 m from the nearest proposed dwelling and this activity was also found to occur infrequently and for short duration.

It is noted that the noise impact assessment does not make reference to Howarth Brother LTD haulage yard, and they were not directly notified by a neighbour consultation letter. However, it is clear that Howarth Brother LTD closest neighbouring dwellings to this neighbour are 48 to 58 Hebron Street and the proposed open space will provide a separation buffer from the proposed dwellings.

The results of the noise assessment indicate that, during both daytime and night-time periods, the site is predominately of low to negligible noise risk. In addition, the applicant has had a detailed Acoustic Design Statement (ADS) prepared. This details mitigation measures to reduce the effects of noise.

The following mitigation measures are proposed:

- a) Minimum 2.5 m acoustic barrier to the south-eastern site boundary with the Dronsfield site, located as close as practicable to the boundary.
- b) 2.1 m high barrier to the southern site boundary near to the skip storage area.
- c) Minimum 1.8 m close boarded fencing provided to all other gardens.
- d) Glazing to be minimum 29 dB Rw + Ctr (e.g. 4-16-4); and
- e) Ventilation to be provided via an EnviroVent PIV (positive input ventilation) system to each dwelling.

Subject to these mitigation measures being implemented, the applicant is of the opinion that

suitable internal sound level levels can be achieved in all plots across the site. Officers concur with this view.

With regards to outdoor amenity, the assessment indicates that all external amenity spaces would be below the lower guideline value of 50 dB LAeq,16h.

Having regards to this submitted supporting information; the Council's Environmental Health Department has raised no objection to the scheme.

As the applicant has demonstrated that the adjoining commercial uses would not have a significantly detrimental impact on the amenity of the future occupiers and taking into account the absence of an objection from Environmental Health, on balance, it is considered that, with appropriate mitigation, the proposed site is suitable for residential development. As such, the scheme is in accordance with DPD Policy 9.

Amenity of the future occupiers

Policy 9 of the Oldham LDF states that the Council will ensure development does not cause significant harm to the amenity of the occupants and future occupants of the development.

Having considered the amended layout of the development, it is considered that the relationship between the buildings within the site are acceptable since none of the windows proposed within the site would result in detrimental overlooking or loss of privacy to the occupiers of each of the proposed dwellings. Moreover, given each of the proposed units will benefit from both a front and rear garden area, it is considered the development would provide adequate amenity space for the future occupiers.

In regards the internal living space provided by the house types, the development has been assessed against the 'Technical housing standard- nationally described space standards', March 2015 (NDSS) and concerns have been raised with the applicant that every house type proposed originally did not meet the overall floor space required by the NDSS.

In reply, the applicant notes that DPD Policy 9 does not require developments to conform with NDSS, given it was adopted in advance of the standards being first published. As such, given the Planning Practice Guidance makes it clear that, where LPA's want to apply them, they should only do so by specific reference to the standards within the Local Plan. As such, they in principle consider the request unreasonable. To reinforce the point they make reference to the approved scheme at Rose Mill (Ref: PA/338634/16); development which includes similar house types.

Notwithstanding this position, the applicant has amended the layout to show that all fifteen affordable units meet the NDSS. In order to accommodate this request, the layout has been amended and three units have been lost across the site.

Whilst the Council understand that the Written Ministerial Statement of 25 March 2015 makes it clear that NDSS can only be applied where there is a relevant current local plan policy, a core planning principle of the National Planning Policy Framework (NPPF) is to ensure a good standard of living conditions for all existing and future occupants. Therefore, whilst non-compliance with the NDSS is not decisive, the scale and configuration of internal living space provided remains an important factor in determining whether a good standard of accommodation is achieved.

To this end, negative weight is given to the fact that some of the units on site, which are proposed to be for private rental, fall short of what has nationally been set as minimum internal space standards. Accordingly, the some of the units proposed would be conflict with Policy 9.

Overall, whilst the affordable units meeting the national size standards is a net improvement, Officers consider it disappointing that some of the units are not built to national house size standards and consequently consider that this weighs against the scheme.

Highways

The proposed development is situated within a well established residential area with access to a range of local amenities, access to public transport and opportunities for walking and cycling.

TfGM have been consulted, and they are satisfied that the proposed development will not have a significant or severe impact on traffic generation or flow in the area.

Concern has been raised that the intensification of the use of the Hebron Street junction will result in an increase in the risk of accidents as vehicles wait on Oldham Road to enter Hebron Street or emerge from Hebron Street. However, the junction has operated relatively safely for a number of years. However, a cluster of accidents have occurred at the Perth Street junction on the approach to the Hebron Street junction, a little distance away. In these circumstances, the applicant has offered highway improvement works in the form of additional advance warning signs, roadmarkings, waiting restrictions and pedestrian crossing facilities at the Oldham Road / Hebron Street junction to address this concern. A Section 106 contribution of £15,000 is required for these works to be undertaken. Subject to these works being undertaken, no concerns are raised in relation to this matter.

Officers have worked with the applicant to ensure that the access to the development is acceptable to the Local Highway Authority. The main access to the site will now be taken from Hebron Street and not Brownlow Avenue. There is an existing turning area on Hebron Street which allowed vehicles to be turned in what is currently a cul-de-sac. This will not be required once the development is built and Officers have therefore requested that this area of highway is stopped up and reinstated as footway.

Officers are satisfied that the internal layout of the site accords with the Local Highway Authority standards for adoption and that there is adequate parking provision provided on the site. The amount of traffic generated by this development will not have a significant effect on the local highway network or be detrimental to highways safety. As such, the scheme is acceptable in highways grounds.

Ecology

DPD Policies 6 and 21 are concerned with protecting, conserving and enhancing our local natural environments.

The Greater Manchester Ecology Unit has been consulted and notes that no significant ecological constraints were identified by the developers consultants. Measures will be required during construction to ensure the developer complies with statutory required to protect birds and other species.

Other protected species

No evidence of any other protected species was found on the site (badger, water vole, brown hare etc).

Invasive Species

Japanese knotweed was recorded approximately 10m, outside the proposed development area. Himalayan balsam was recorded along the river in the area that the surface drain outfall is proposed. To this end, it is recommended a management plan for invasive species is submitted for approval.

Contamination and Landfill Gas

It is considered appropriate to impose conditions requiring intrusive site investigations and the submission of a remediation strategy before any development takes place. The needs for such conditions are also identified by the Council's Environmental Health Department. Appropriate conditions have been recommended in this regard in order to ensure that the

development does not conflict with the requirements of the NPPF.

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'.

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 the 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 77 dwellings. It would bring about additional housing choice and competition in the housing market. Additionally, the proposal would lead to the provision of 15 affordable units and an area of on-site open space measuring 0.4 hectares in area. As such, these benefits are given substantial weight in the planning balance.

Additionally, 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, with a range of the shops, services, schools and the other facilities in Royton and Shaw available. There are bus and rail services available in the locality. A range of employment opportunities exist nearby. 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 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 loss of OPOL land and size of the market units.

However, 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, the fact that the site is part allocated for future development, it has no significant design, ecology, amenity, flood risk, drainage, highways or other impact that would sustain a reason for refusal, conditional planning permission is recommended to be granted, since the benefits of new housing and presumption in favour of it outweigh the limited harm caused in this case.

RECOMMENDATION

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

i) A Section 106 agreement for highways improvement works at the Oldham Road / Hebron Street junction in the form of additional advance warning signs, roadmarkings, waiting restrictions and pedestrian crossing facilities.

ii) 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 amended plans and specifications, which are referenced as follows:

SK534-PL-01, Rev. N, received 27/02/2019.
SK534-BP-01, Rev. B, received 31/01/2019.
1661-F03, received 15/02/2019.
NSD 9102, received 15/02/2018.
NSD 9001, received 15/02/2018.
WEAV-01, received 15/02/2018.
DEE-01, received 15/02/2018.
ELUP-01, received 15/02/2018.
IRWE-01, received 15/02/2018.
ELLE- 01, received 15/02/2018.
DEE SA-01, received 15/02/2018.
WEUP-01, received 15/02/2018.
GRAN-01, received 15/02/2018.
ARUN - 6.0- SEMI, Rev A, received 07/01/2019.
BRNE-6.0-SEMI, Rev A, received 07/01/2019.

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

3. 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 to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located.

4. Prior to any walls being constructed of the development hereby approved, full details of both soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved (such scheme to include any subsequent amendments as required by the 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 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.

5. Prior no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority:

- a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land;
- b) details of any to be retained, together with measures for their protection in the course of development;
- c) a schedule of proposed plant species, size and density and planting locations;
- and,
- d) an implementation programme.

All planting, seeding or turfing comprised in the approved landscaping details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless, the Local Planning Authority gives written consent to any variation.

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

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 works to trees or shrubs shall occur between the 1st March and 31st 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 Local Planning Authority.

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

9. Prior to commencement of any phase development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved shall be adhered to throughout the construction of that phase. The construction management plan shall provide for (i) The means of highway access and parking for construction vehicles, plant and construction workers' vehicles and

sustainable travel methods for construction workers, (ii) loading and unloading of plant and materials, (iii) wheel cleaning facilities.

Reason - In the interests of highway safety.

10. No above ground works shall take place until a scheme for the provision of affordable housing on the site has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework (or any future, equivalent guidance that replaces it) and shall include details of:

- (i) the type, tenure and location of the affordable housing provision, which shall consist of not less than 15 housing units;
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) the arrangements for the transfer of the affordable housing to a registered affordable housing provider or the management of the affordable housing (if no registered provider is involved);
- (iv) the arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy shall be enforced.

The affordable housing shall thereafter be provided in full accordance with the details, phasing and timetable contained within the duly approved scheme.

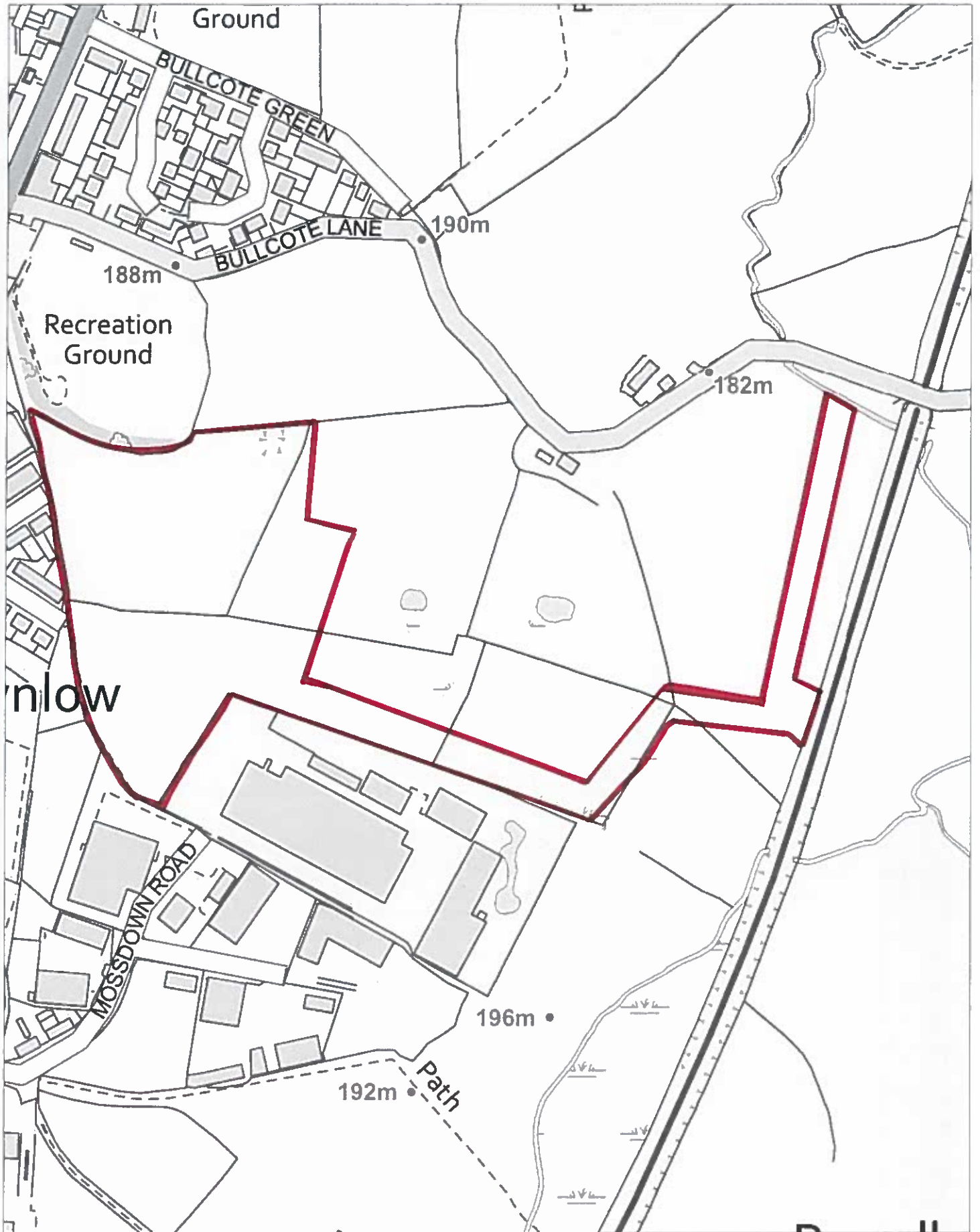
This condition shall not be binding on a mortgagee or chargee (or any receiver including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver.

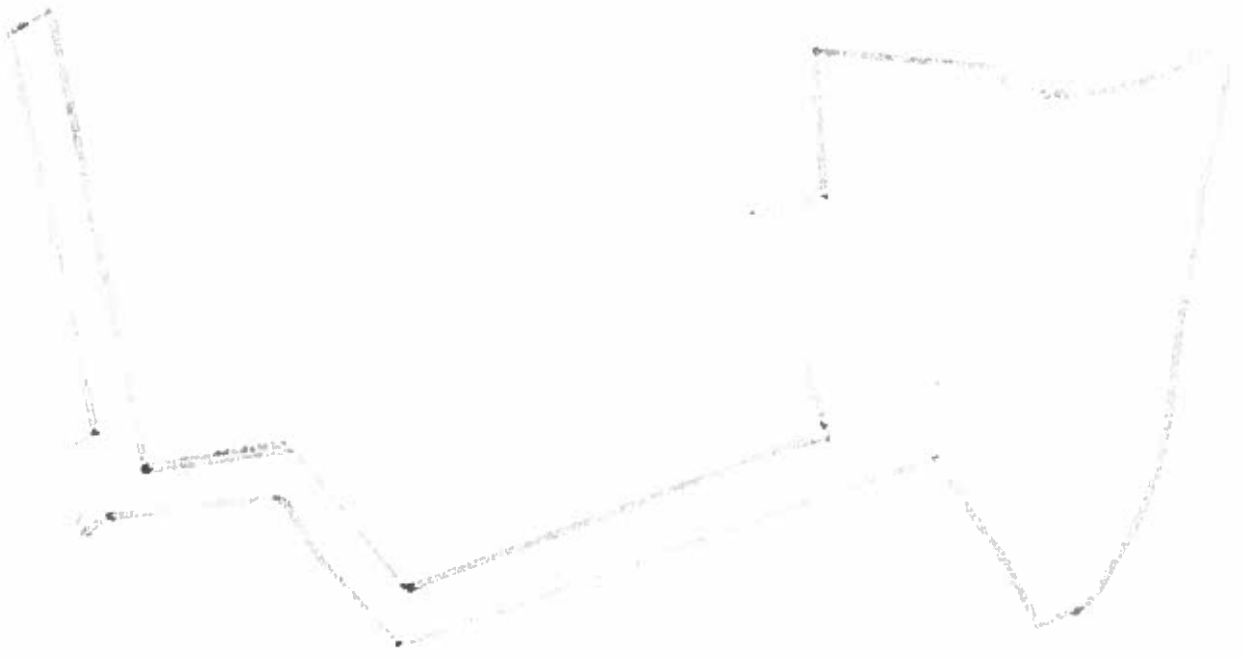
Reason: To ensure that the contribution towards affordable housing put forward by the applicant is delivered on the site in an appropriate manner which meets local need and to ensure that any affordable housing remains affordable in perpetuity in accordance with the requirements of Joint Core Strategy and Development Management Policies Development Plan Document policy 10 and the National Planning Policy Framework.

11. No dwelling shall be brought into use unless and until the access road and car parking space for that dwelling has been provided in accordance with the approved plan received on 1st March 2019 (Ref: Dwg No.SK534-PL-01 Rev P).

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 works to the access road or parking spaces. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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





APPLICATION REPORT - PA/342222/18

Planning Committee, 13 March, 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

Members will recall that this application was deferred at Planning Committee on 13th February 2019 so that clarification can be sought for the reasons for the Section 106 contributions being used at Churchill Playing Fields, rather than for affordable housing or on-site public open space.

As explained in the Officer report, ordinarily an element of affordable housing would be required on site. However, in this instance, the number of dwellings that could reasonably be provided would be nominal and unlikely to be picked up by an RSL since it would be an isolated affordable housing dwelling(s) located away from their housing stock and consequently more difficult to maintain and manage. Therefore, in this instance, the lack of affordable housing is considered acceptable, given the economic and social benefits associated with the provision of new sustainable dwellings on site that meet acknowledged housing need in the Borough and this ward specifically.

Turning to the subject of public open space, it is considered that the lack of public open space is acceptable, given the contribution of £150,000 towards trim trail exercise equipment and surface improvements at the Churchill Playing Fields. The contribution made is sufficient to mitigate against the lack of public open space on site.

Furthermore, should public opens space be provided on site, the density of the dwellings on site would not be maximised, as required in current planning guidance that requires the efficient use of land and maximising development potential where reasonable.

Churchill Playing Fields has been designated by the Head of Environmental Services as the area of public open space likely to be used by future occupants of the proposed development, which would most benefit from improvements.

The application is therefore again recommended for approval, subject to conditions and a S106 agreement.

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 damp 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 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 will be 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 the 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 occupies 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 undoubtably 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 L received 5th February 2019
1119-002 revision C received 5th February 2019
1119-003 revision C received 5th February 2019
1119-005 revision B received 5th February 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 L received 5th February 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 L received 5th February 2019 and 1119 - 004 revision D received 4th 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

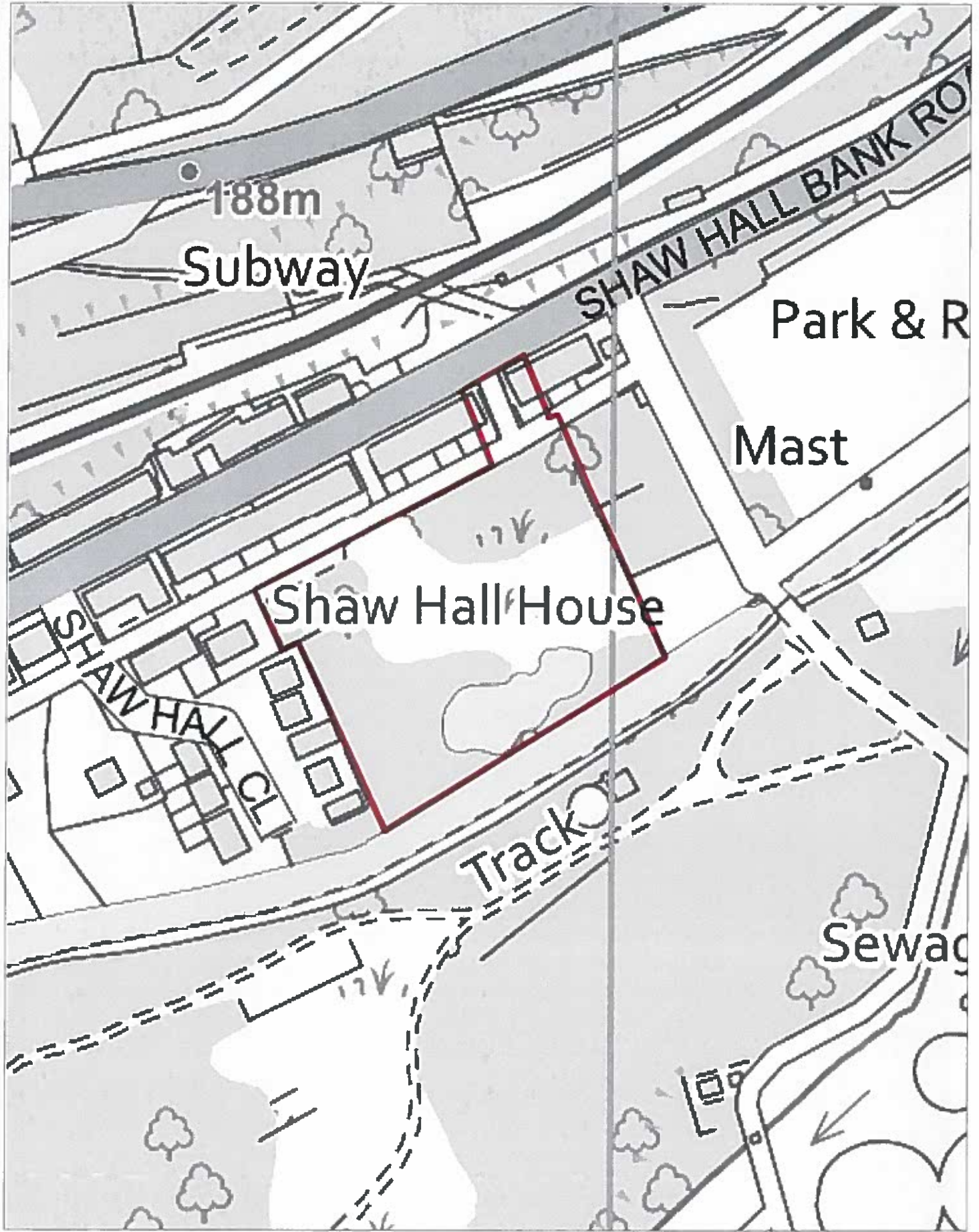
The scheme should be implemented in accordance with the approved details and

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.





APPLICATION REPORT - PA/342341/18

Planning Committee, 13 March, 2019

Registration Date: 16/10/2018
Ward: Shaw

Application Reference: PA/342341/18
Type of Application: Full Planning Permission

Proposal: Demolition of existing building and construction of 17 no. industrial units

Location: Linney Lane, Shaw, OL2 8HD

Case Officer: Graeme Moore

Applicant Agent : Safe and Sound (M/CR) Ltd
Mr McGilray

THE SITE

The site is located at the junction of Linney Lane and Rutland Way, Shaw. Currently the site is occupied by a large, brick built industrial unit that was previously occupied by W Shuttleworth & Son, but who have now ceased trading and the building is currently empty.

The site itself is relatively flat with a small change in level at the exit to Rutland Way. The surrounding area is predominately industrial in nature, although residential dwellings are located approximately 100m away to the west (over the Metrolink line) and east along Linney Lane.

THE PROPOSAL

A full planning application has been submitted for the demolition of the existing buildings on the site and the construction of 17 small industrial units. The units are all the same size with 74 sq m at ground floor and 26 sq m at first floor and are arranged in four blocks.

- Block A-E measures 32m x 13m x 6.6m (4.5m to the eaves);
- Block F-K measures 32m x 13m x 6.6m (4.5m to the eaves);
- Block R-S measures 13m x 13m x 6.6m (4.5m to the eaves);
- Block L-Q measures 32m x 13m x 6.6m (4.5m to the eaves).

In addition, the proposal will provide 26 car parking spaces. Access to the site will be via a modified existing access on Linney Lane, with egress provided on Rutland Way. This will be enforced through a sliding access gate and one way 'dog tooth' elevated road plates.

PLANNING HISTORY

None relevant to the determination of the proposal

ALLOCATION AND PLANNING GUIDANCE / POLICY

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

In this case the 'Development Plan' is the **Page 51** Development Plan Document (DPD) which

forms part of the Local Development Framework for Oldham. The application site is allocated as a Business Employment Area by the Proposals Map associated with this document.

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

Core Strategy

Policy 3 An Address of Choice

Policy 5 Promoting Accessibility and Sustainable Transport Choices

Development Management Policies

Policy 9 Local Environment

Policy 13 Employment Areas

Policy 14 Supporting Oldham's Economy

Policy 20 Design

National planning guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

PUBLICITY AND REPRESENTATIONS

The application has been publicised on the Council's web-site, by press advertisement and by site notice. No representations have been received.

CONSULTATIONS

Highways Officer - No objections, subject to conditions in relation to car parking, access and egress and cycle storage.

Transport for Greater Manchester - Request a condition in relation to site sections and protection of the Metrolink route

Drainage - No objections, subject to a condition in relation to the submission of a drainage plan.

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

Environment Agency - Awaiting response

DETERMINING ISSUES

1. Principle of the development
2. Design
3. Environmental impact
 - Flood risk and drainage
 - Land and groundwater conditions
4. Highways

ASSESSMENT

Principle of the development

The principle of the proposed development is considered to be acceptable at the scale proposed in this location. The application site forms part of an existing industrial area, and will make a positive and productive contribution to this existing use. The site includes a

currently vacant building, which is proposed to be demolished, in an existing site and therefore provides for the efficient use of land. There are active industrial uses all around the application site.

The application demonstrates that such a facility can be accommodated on the existing site, close to all existing facilities, and within a sustainable location.

The site is part of a Business Employment Area, DPD Policies 13 and 14, support proposals for development for employment generating uses within this existing industrial area.

Design

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

The site will be laid out so that the blocks are split into four, with three of the blocks on a north / south axis and the smallest unit (Block R-S) on an east / west axis and terminating the view through the site from the south. Blocks A-K lie on the western boundary alongside the existing Metrolink route to Rochdale, whilst block L-Q lies on the boundary with Rutland Way. Vehicles will enter via Linney Lane in a one way system and exit via Rutland Way. Given the industrial nature of the area it is considered that the overall site layout is acceptable.

The proposed design reflects the character and appearance of adjacent and surrounding buildings. It will be set back from Linney Lane, and viewed within the context of similar uses and buildings. In terms of its materials, height, bulk and massing and appearance, the proposed building will be in keeping with the existing commercial and industrial vernacular.

The proposed location, scale, massing and design of the building would have no impacts upon any surrounding building or properties in regard to issues such as overlooking, overshadowing or having an overbearing or oppressive impact.

Taking account of the context and character of the site and surrounding area, it is considered that the overall design concept, the layout of the site and the scale and design of the building and associated infrastructure are acceptable. Overall, it is considered that the visual and physical impact of the proposed development would be acceptable and in accordance with the aforementioned national planning guidance and local planning policy.

Environmental impact

Flood risk and drainage

The site is within Flood Zone 2 within the Environment Agency's Indicative Flood Maps. Section 10 of the NPPF Planning Practice Guidance, and DPD Policy 19 are relevant.

Given the scale of the application, and its siting within Flood Zone 2, a sequential test is required. Having consulted the technical guidance and table 3 of the NPPF, it is considered that the proposal is classed as 'less vulnerable' and using the table is an acceptable use in Flood Zone 2. There is therefore no requirement to carry out an exceptions test. The council's own drainage team have been consulted and have stated that subject to the submission of a drainage plan, there are no concerns with the application in principle.

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

Land and groundwater conditions

Policy 9 of the DPD is relevant, which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The Environmental Health team, having reviewed the application and its site history, have requested conditions in relation to landfill gas and contaminated land. Given the previous industrial use and the possibility of land contamination to have occurred over the years, the conditions are considered a reasonable request. It is considered the conditions as outlined should be imposed on any permission.

Highways

Guidance within Section 9 of the NPPF is relevant, together with DPD policies 5, 9, 13 and 20.

Access to the site will be via an existing access. It accommodates the necessary visibility splays and adequate space for manoeuvring vehicles within the site is achievable.

It is considered that the impact on the wider highway network will be negligible due to the low numbers of vehicle movements that are anticipated. The improved facility will, in a similar way to the existing site, not result in significant vehicle movements on and off site.

The application has been assessed by the Highways Officer who has stated that subject to the imposition of a condition in relation to provision of car parking, turning area and the access and egress arrangements, there is no objection to the proposal.

Consultation has also taken place with Transport for Greater Manchester stating that they have no objections to the proposal, subject to a condition in relation to site section drawings being provided to ensure that there is no land slippage onto the Metrolink network.

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

Conclusion

The proposal has been fully assessed against national and local planning policy guidance. On balance, it is considered that the proposal is acceptable in principle and is acceptable in terms of the appearance and impact upon the visual amenity of this site and surrounding area. The proposal will have no detrimental impacts upon the environmental quality of this locality, or pedestrian and highway safety. The site can be adequately drained and will not give rise to flooding problems. The proposed development will provide new jobs and investment in the district and will contribute towards developing this designated employment zone which in turn will assist in meeting the Council's wider objectives to regenerate areas and provide jobs and growth for the district.

The proposal, subject to the imposition of planning conditions, accords with the aforementioned policy guidance.

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

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

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

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications, received on 11/02/2019, which are referenced as follows 2690 01 01, 2690 01 02 Rev A, 2690 01 03, 2690 01 04, 2690 01 05 Rev A, 2690 01 06.

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, including any works of demolition, until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall include agreed safe methods of working adjacent to the Metrolink Hazard Zone and shall be adhered to throughout the construction period.

Reason - To ensure safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system.

4. The development hereby approved shall not be brought into use unless and until the access, car parking spaces and turning area have been provided in accordance with the approved plan received on 11th February 2019 (Ref: Dwg No. 2690 01 05 Rev A). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that satisfactory access/egress and 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.

5. The development hereby approved shall not be brought into use unless and until the access with Linney Lane has been marked 'in' and the access with Rutland Way marked 'out' with signs clearly visible to users of the accesses when entering and leaving the application site. Furthermore, the proposed development shall not be brought into use unless and until one way flaps have been installed at the access from Linney Lane which allow one way travel out of the site in the direction of Rutland Way.

Reason - To facilitate the safe manoeuvring of vehicles into and out of the site.

6. 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-tarmac 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.

7. No development, other than the demolition of the existing building, shall commence 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.

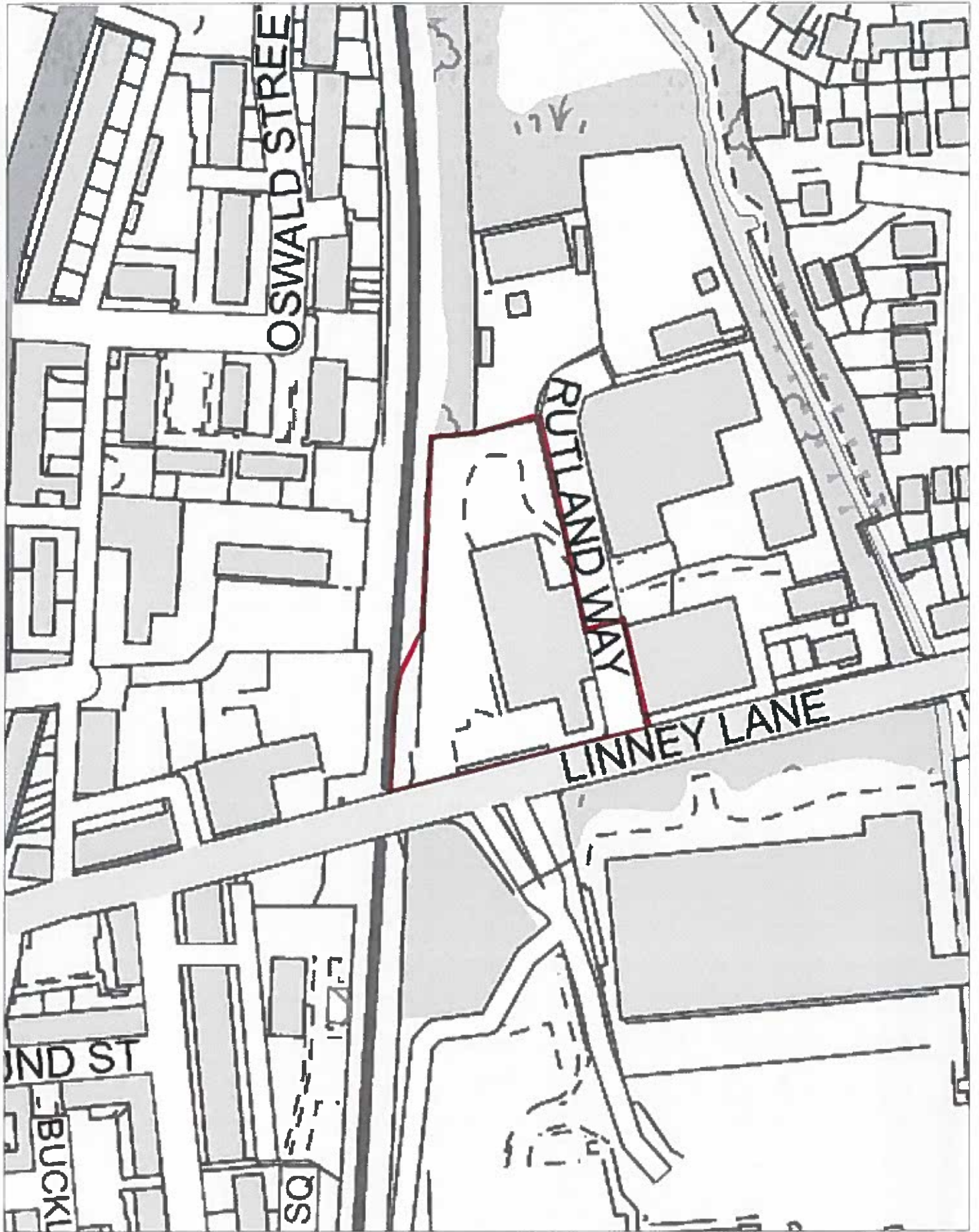
Reason - In order to protect public safety, because the site is located within 250m of a former landfill site.

8. No development, other than the demolition of the existing building, 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. No development, other than the demolition of the existing building, shall commence until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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





APPLICATION REPORT - PA/342449/18

Planning Committee, 13 March, 2019

Registration Date: 15/10/2018
Ward: Saint James'
Application Reference: PA/342449/18
Type of Application: Reserved matters

Proposal: Reserved matters application (for appearance, landscaping, layout and scale) pursuant to PA/338917/16 for 23 three and four-bedroom detached dwellings.

Location: Land off Haven Lane, Moorside, Oldham OL4 2QH

Case Officer: Graeme Moore

Applicant Cube Great Places Ltd
Agent : Euan Kellie Property Solutions

THE SITE

The application relates to an irregularly-shaped parcel of land measuring *circa* 0.91 hectares in area to the east side of Haven Lane. The site is characterised by rough grassland and extends in a north-easterly direction to the rear of semi-detached properties on Haugh Hill Road and in an easterly/south-easterly direction to the rear of detached houses on the cul-de-sac of Havenside Close. Ground level rises in a general easterly direction across the site where it abuts a wide expanse of open farmland to its eastern boundary. Adjoining land to the east falls within an area of Green Belt. The application site is, however, unallocated in the Local Plan.

The site boundaries are formed by a combination of dry stone walls to Haven Lane (west) and the rear of properties on Haugh Hill Road (north). A hedgerow runs along the boundary with the entrance to Havenside Close and continues in a fragmented form to the rear of nos. 1-5 Havenside Close backing onto the site. A row of mature trees are located on adjoining land flanking the southern boundary and screen the site from a single storey nursery building set on higher ground beyond. The eastern perimeter is marked by low post-and-wire fencing.

Surrounding uses are predominantly residential in character and include a mix of detached, semi-detached and terraced dwellings of various eras laid to different densities.

In addition, a development of 46 dwellings by Redrow is nearing completion on land to the east side of Haven Lane further to the south of the site close to the junction with Counthill Road. Whilst not on adjoining land, dwellings and garages to the eastern edge of this development are visible from the application site.

THE PROPOSAL

This is a reserved matters application pursuant to PA/338917/16 for the layout, appearance, scale and landscaping for 23 dwellings. The scheme was granted outline planning permission on appeal in November 2017. Costs were awarded against the council for unreasonable behaviour in refusing this application.

The type and number of the dwellings are:

- 1 x Type A, 3 bed, 6 person dormer bungalow;
- 3 x Type B, 3 bed, 5 person detached, two storey dwelling;

- 3 x Type C, 3 bed, 6 person detached, two storey dwelling;
- 9 x Type D, 4 bed, 7 person detached, two storey dwelling;
- 1 x Type E, 4 bed, 7 person detached, two storey dwelling; and
- 6 x Type F, 4 bed, 7 person detached, two storey dwelling.

The site is accessed via Haven Lane in accordance with the access layout that was approved under the original outline permission set out on plan ref. 2044-001C. The access plan shows the access leading to the proposed development and the proposed traffic calming measures which include both a raised table at the entrance to the development and speed cushions.

PLANNING HISTORY

- PA/338917/16 - Outline application for residential development of up to 23 dwellings (Use Class C3) with all matters reserved except access.

Following refusal of the application at Planning Committee, an appeal was submitted (APP/W4223/W/17/3175644) and an informal hearing was held on the 14th November 2017. Upon conclusion of the informal hearing the Inspector upheld the appeal and granted outline permission for 23 dwellings on the site in question. Costs were also awarded against the Council.

- PA/336309/14 – Outline application for the erection of 30 dwellings with access and layout to be considered. Appearance, landscaping and scale to be reserved – Refused 12th February 2015 for the following reasons:
 - *The proposed development would fail to secure a satisfactory level of affordable housing and public open space to adequately mitigate the impact of the development on the wider area, contrary to the NPPF and policies 10 'Affordable Housing' and 23 'Public Open Space' of the Oldham LDF Joint Development Plan Document.*
 - *The layout and density of the proposed development represent an overdevelopment of the site, which would result in an unacceptable impact on the street scene and the character of the surrounding area. As such, the development fails to promote high quality design and is thereby contrary to policy 9 'Local Environment' and 20 'Design' of the Oldham LDF Joint Development Plan Document, and the National Planning Policy Framework.*
- PA/336723/15 – Outline application for 29 no. dwellings. Access to be considered. All other matters reserved (Re-submission of PA/336309/14) – Refused 13th July 2015 for the following reasons:
 - *The density of the proposed development, having regard to the number of dwellings proposed, represents an overdevelopment of the site, which would result in an unacceptable impact on the street scene and the character of the surrounding area. As such, the development fails to promote high quality design and is thereby contrary to policy 9 'Local Environment' and 20 'Design' of the Oldham LDF Joint Development Plan Document, and the National Planning Policy Framework.*
 - *The development of this unallocated greenfield site does not satisfy the criteria for managing the release of housing land. As such the proposal is contrary to the requirements of Policy 3 in the Joint Development Plan Document which forms part of the Local Development Framework for Oldham.*

Appeals were submitted against the refusal of both applications (references APP/W4223/W/15/3130698 and APP/W4223/W/15/3134326). The Inspector dismissed both appeals in a combined decision letter dated 8 December 2015.

RELEVANT PLANNING POLICIES & GUIDANCE

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

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

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

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

Core Strategy

Policy 1 Climate Change and Sustainable Development

Development Management Policies

Policy 9 Local Environment

Policy 19 Water and Flooding

Policy 20 Design

Supplementary Planning Guidance

Oldham and Rochdale Residential Design Guide

REPRESENTATIONS

The application has been publicised on the Council's web-site, by press advertisement and by site notice. A total of 22 letters of objection have been received objecting on the following grounds:

- Impact of the properties on existing dwellings in relation to overlooking and loss of privacy;
- Impact of the scheme in relation to highway safety;
- Increased parking problems;
- Lack of infrastructure and facilities to accommodate the development;
- Lack of school places;
- Drainage problems to surrounding properties;
- Impact on wildlife; and
- Loss of rural image of Moorside.

Other, non-material objections were also raised, such as the impact on house prices and the loss of views of the open countryside.

CONSULTATIONS

Highways Officer - No objections to the scheme provided that it is carried out in accordance with the approved plans.

United Utilities - No objections.

Environmental Health - Request conditions in relation to landfill gas and contaminated land. However, these were established at the outline stage.

LLFA/Drainage - No objection.

PLANNING CONSIDERATIONS

1. Principle of the development
2. Design and Layout
3. Residential Amenity
4. Flood risk and drainage
5. Highways and Traffic

ASSESSMENT

Principle of the development

The principle of the development has already been established under outline approval PA/338917/16 following the outcome of the aforementioned appeal. The access to the site formed part of that approval and is therefore not open for re-assessment as part of this application. Therefore the only matters to be determined under this application are the layout, appearance, scale and landscaping for the 23 dwellings.

It is noted that a number of the objections reference the suitability of the site, including the access and availability of infrastructure and services. It must be reiterated that these are not issues open for further consideration at this reserved matters stage.

Design and Layout

Guidance within Section 12 of the NPPF is relevant, together with DPD policies 1, 9 and 20, which provide guidance on the design of new development. Further guidance is also given in the Oldham & Rochdale Residential Design Guide.

A group of eight detached dwellings are located on Havenside Close to the south. Five of these (nos. 1-5) back onto the site. Dwellings flanking the northern boundary include a pair of semi-detached houses (nos. 162-164 Haven Lane) to the north-west corner orientated at an angle to the northern boundary and a row of semi-detached dwellings on Haugh Hill Road (nos. 2-20) back onto the site.

The submitted scheme shows six different dwelling types are to be utilised within the development. All are two storeys high, apart from plot 1 which takes the form of a dormer bungalow.

Generally speaking the dwellings are all relatively modest in terms of their proportions. Plots 2-10 are 6m wide and 10m deep with a ridge height of approximately 7.8m, this is followed through to plots 11 – 16. As can be seen from the plans, plots 17 through to 23 are the larger dwellings in the development being approximately 7m wide and 11m deep, with the ridge height of approximately 7.8m.

The nearby developments all have the same 2 storey mass and dual pitched roofs, with the following features also prevalent:

- Street frontage eaves line broken periodically by feature gables or 'eyebrow' dormer windows;
- Variation in building line in response to site access and boundary constraints where necessary;
- A mixed palette of external wall finishes including red brick, render and cladding; and
- Appropriately positioned feature bay windows in order to add character to the property and optimise natural surveillance.

A different style was adopted on the recent Redrow development located further up Haven Lane, which has imposed the corporate 'Arts and Craft' architectural style on the area, rather than following the existing relatively simple architectural approach that is prevalent in the area.

Taking these factors into account, it is considered that the approach taken by the proposed development is appropriate, with 2 storey heights maintained, traditional dual pitched roofs,

with strong gables and the materials being red brick, with render utilised to accentuate key buildings. Dry stone walling is also proposed in key locations, which is typical feature of the nearby area and encloses the proposed public open space fronting onto Haven Lane.

Consequently, it is considered that the appearance of the proposed properties will not cause harm to the character and amenity of the area.

Turning to the landscaping proposed, two areas of Public Open Space (POS) are proposed, one of which is located at the site entrance and will be utilised as part of the sustainable drainage (SUDS) strategy for the development. A further area is proposed at the eastern edge of the site at the top of the development. The boundary of the site to the east will be grassed and enclosed by a timber post and rail fence. As noted previously, dry stone walling provides a feature entrance to the site.

Turning to the dwellings themselves, all of the properties will have high quality block paving installed to the driveways. Properties on the northern boundary (plots 1-10) will have a 2.1m high fence inside the existing dry stone wall between themselves and the existing properties on Haugh Hill Road. Plots 17-23 will have additional trees planted, in addition to the existing trees that are to be retained coupled with a 2.1m high fence.

Additionally, the applicants have submitted an Arboricultural Impact Assessment and Method Statement in order to ensure that the existing trees are protected during the construction phase of the development.

Taking account of the context and character of the site and surrounding area, it is considered that the overall design concept, the layout of the site and the scale and design of the buildings and associated infrastructure are acceptable. Furthermore, the proposed location, scale and massing of the dwellings would have no impacts upon any surrounding building or properties in regard to issues such as overlooking, overshadowing or having an overbearing or oppressive impact.

Overall, it is considered that the visual and physical impact of the proposed development would be acceptable and in accordance with the aforementioned national planning guidance and local planning policy.

Residential Amenity

In relation to the layout and its impact on the neighbouring properties which surround the edge of the development to the north and south-west, there will undoubtedly be some impact associated with the development. The addition of dwellings on the existing boundaries could give rise to overlooking if not properly designed. However, it is important to note the separation distances, with almost all of the properties achieving a distance of over 22m between habitable room windows of facing properties - an acceptable distance between properties.

Although the proportions of the proposed dwellings are considered modest, it is noted that in the submitted site sections, some of them sit at least 1m higher than the neighbouring properties on Haugh Hill Road, whilst plots 17-23 are approximately 3m higher than those on Havenside Close. However, given the separation distances involved – in the case of plots 17-23 this is 31m - there are no concerns with overlooking of the existing properties.

The one exception is a proposed dormer bungalow style property on the estate entrance. The proposed property abuts directly up to 162 Haven Lane at a 45 degree angle. It is considered that, due to the bungalow style adopted, the impact would be minimal. Furthermore, the positioning of the proposed dormer bungalow would be no different to that which currently exists at the junction with Haugh Hill Road and Haven Lane.

Flood risk and drainage

National guidance contained within Section 14 of the NPPF and policy 19 of the DPD are relevant.

The site is not within an area identified as being at risk from flooding within the Environment Agency's Indicative Flood Maps. Drainage is also not a reserved matter at this stage, with details required to be submitted in accordance with condition 9 of PA/338917/16. These details have, however, been submitted with the Reserved Matters application and have been commented on by the council's Drainage team and United Utilities. No issues have been raised in this regard.

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

Highways and Traffic

Guidance within Section 9 of the NPPF document is relevant, together with policies 5, 9 and 20 of the DPD, set out the standards and criteria against which the highway implications of the development are assessed.

As with the drainage submission, the principle of the highways aspect of the scheme was established with the outline consent and approved drawing 2044-001C details the traffic calming measures proposed as part of the development. Members will be aware that the highways arrangements were the subject of the appeal. The result of which was the Planning Inspector considered the scheme acceptable in highways terms, despite residents and members concerns. In relation to the internal layout of the scheme, there have been no objections raised by the Highways Officer in relation to the submitted scheme.

The layout provides for at least two off-street spaces per dwelling, some of the properties also benefit from an additional integral garage. Therefore, taking account of the scale and nature of the development and the technical advice given by the Council's Highways Officer, it is considered that there would be adequate access, servicing, circulation and car parking arrangements and that the proposal would not have any detrimental impacts upon pedestrian or highway safety. For these reasons the proposal is considered to be acceptable when assessed against the aforementioned policies.

Conclusion

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

For the reasons set out in this report the proposal is considered to be acceptable when assessed against national and local planning policy and approval of planning permission is recommended, subject to the following conditions:

1. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications schedule, received on 05/03/2019, which is referenced as ISS/18-053/17. The works shall be carried out in accordance with the details shown on the approved plans listed in the schedule and in any other approved documents forming part of the application.

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

2. Development shall be carried out in accordance with the submitted materials schedule (ref. 18-053 Haven Lane, External Materials, Rev B) dated 27th February 2019. Any changes to the materials schedule shall be submitted to and approved in writing to the Local Planning Authority.

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.

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

4. 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 25th February 2019(Ref: Dwg No.1002 Rev D). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

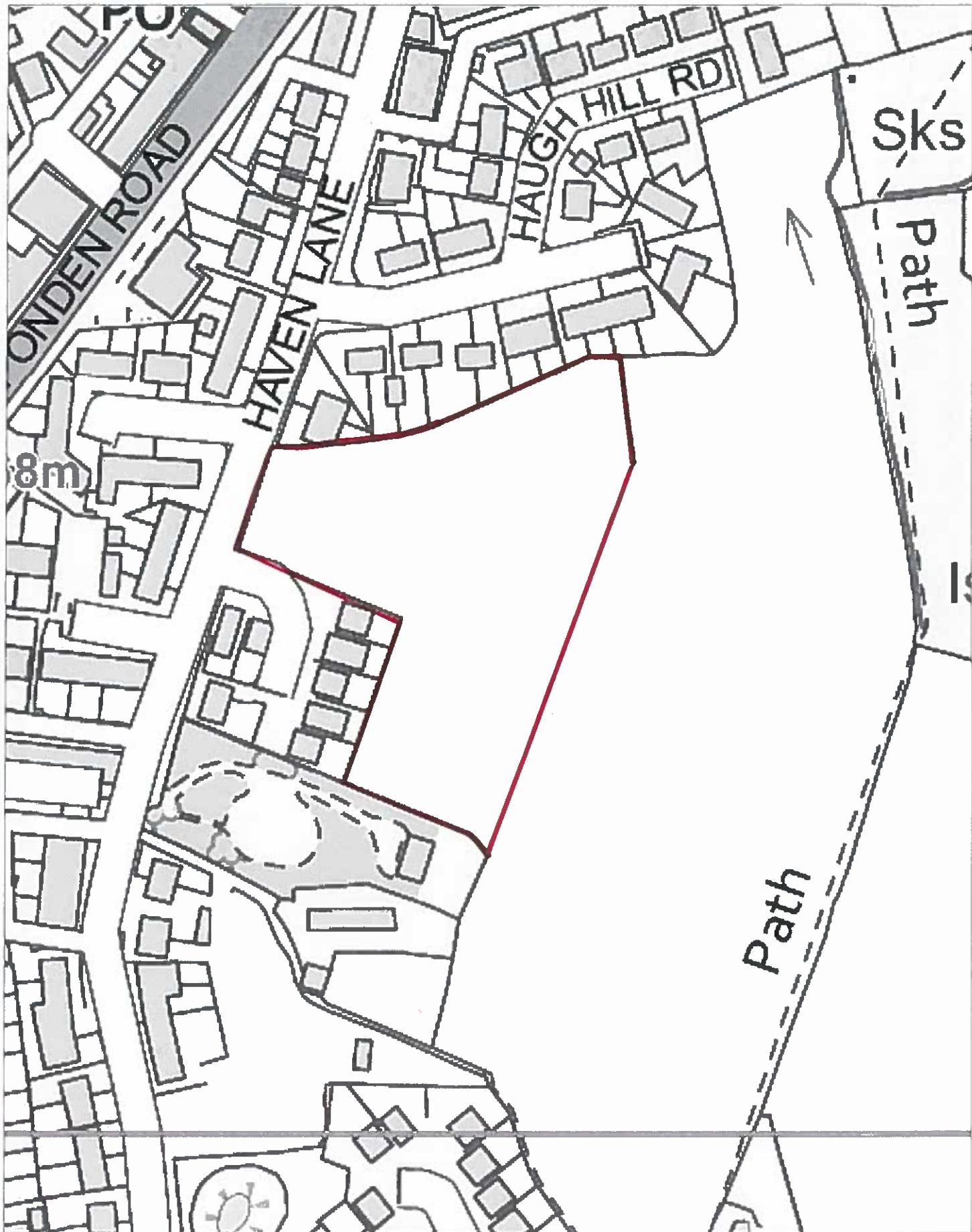
Reason - To ensure that adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety.

5. Visibility splays measuring 2.0 metres by 2.0 metres at the junction of the driveways with the access roads shall be provided and maintained free of all obstructions exceeding 0.6 metre in height to each side on land under the applicants control.

Reason - To facilitate the intervisibility of users of the driveways and the highway in the interests of highway safety.

6. The submitted drainage details submitted pursuant to condition 9 of PA/338917/16 shall be carried out in accordance with the submitted drainage plan (ref: 096511-CA-0-GF-DR-S-001-P06 - Drainage Layout) and shall be maintained thereafter for the lifetime of the development.

Reason - To ensure satisfactory drainage of the site and to ensure that the development can be adequately drained.





APPLICATION REPORT - PA/342693/18

Planning Committee, 13 March, 2019

Registration Date: 12/12/2018
Ward: Failsworth West

Application Reference: PA/342693/18
Type of Application: Full Planning Permission

Proposal: Conversion and extension of the existing single storey dwelling into 2no. two storey dwellings
Location: 2 Grove Avenue, Failsworth, M35 0JU
Case Officer: Matthew Taylor

Applicant Mr Wann
Agent : pha architects ltd

REASON FOR REPORTING TO COMMITTEE

Councillor Elaine Garry has requested this application be referred to the Planning Committee for determination given the parking concerns within the locality.

THE SITE

The application site is an existing detached bungalow set within a triangular shaped plot. The property fronts onto the junction of Cosgrove Road, Grove Avenue and Cosgrove Crescent. It also adjoins Brookdale Park to the south and No. 4 Grove Avenue to the east.

THE PROPOSAL

Planning consent is sought for the conversion and extension of the existing bungalow into 2no. two storey dwellings.

The works include the following:

- Demolition of the existing garage;
- Raising of the ridge height by approximately 2.9m;
- Raising of the eaves height by approximately 2.5m;
- Creation of a ridge and gable roof design;
- Creation of 2 front elevation doorways;
- Creation of both front and rear first floor window openings; and
- Creation of 2 off-street car parking spaces.

RELEVANT HISTORY OF THE SITE:

PA/342096/18 - 1) Conversion of the existing single storey dwelling into 2no. bungalows 2) Roof design alteration from hip to gable 3) Erection of a rear dormer 4) Alterations of the front elevation fenestration – Withdrawn 30/10/2018.

RELEVANT PLANNING POLICIES & GUIDANCE

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

(NPPF).

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.

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 20 – Design; and

Policy 23 - Open space and sports

Saved UDP policies:

D1.5 – Protection of Trees on Development Sites

CONSULTATIONS

Highway Engineer	No objection.
Environmental Health	No objection.
Manchester City Council	Raised concerns regarding the schemes impact on the tree root protection areas of the existing trees within Brookdale Park.

REPRESENTATIONS

This application was publicised by way of a site notice and neighbour notification letters. 7 individual letters of objection have been received, in which the concerns raised can be summarised as follows:

- The off-street car parking provision if not sufficient; and
- Proposed dwellings would increase on street car parking in the locality.

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of Development;
- Design;
- Residential Amenity;
- Highway safety;
- Trees; and
- Open space.

Principle of development

DPD Policy 1 seeks to ensure the effective and efficient use of land and buildings by promoting the reuse 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. Although a greenfield site, the site is nevertheless small scale and occupies a sustainable location. Therefore, it is considered that the requirements of this policy have been met.

DPD Policies 3, 5 and 11 are 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 two 'key services'. The site is positioned within the prescribed walking distance of South Failsworth Primary School and Morrison's Supermarket whilst also being located in close proximity to bus routes operating along Propps Hall Drive and Manchester Road for purposes of compliance with Policy 5. The site is also located adjacent to large areas of housing. Overall, it is considered that the site lies in a sustainable location.

Design

DPD Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment. DPD Policy 9 requires that development does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape, nor should it cause significant harm to the amenity of neighbouring occupants. DPD Policy 20 is also relevant, as it seeks to promote high quality design.

It is noted the property is located within a street scene that is characterised by pairs of semi-detached two storey dwelling houses. To this end, it is considered that the proposed raising of the roof and external alterations are appropriate in terms of scale, form and design and do not detract from the character and appearance of the street scene as a whole.

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.

Relationship with No. 25 Cosgrove Road and No. 1 Grove Avenue:

Given the proposed dwellings would face the junction of Cosgrove Road, Grove Avenue and Cosgrove Crescent, it is of note that these two neighbouring dwellings' front elevations would face the development at an off-set angle and of a minimum separation of distance of 22 metres. As such, the development would not appear overly oppressive and would not result in a significant privacy to the occupiers of these neighbouring properties.

Relationship with No. 4 Grove Avenue:

This neighbouring dwelling has been significantly extended/altered, including a two storey rear extension and insertion of a first floor side window in the north-west elevation. This window opening appears to have been installed as a result of the rear extension and is not an original feature. Although the proposed first floor will cause some overshadowing to this window, the orientation of the properties and continuing degree of separation should ensure this impact will not be severe. It is also noted that no objection to the development has been received from the occupiers of No.4 Grove Avenue on this ground.

Impact on the Future Occupiers

Policy 9 of the Oldham LDF states that the council will ensure development does not cause significant harm to the amenity of the occupants and future occupants of the development. To this end, the development has been assessed against the 'Technical housing standard-nationally described space standards', March 2015. Given the scheme complies with these Standards it is concluded that the development will provide appropriate living space for the future occupants of the development.

Each dwelling will benefit from both front and rear gardens. Whilst these are noted to be minimal in area it is clear they will provide the future occupiers sufficient space for both bin storage and an area of private amenity space.

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

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.

Whilst it is noted the development will result in additional comings and goings from the site, it is clear the scheme has provided the future occupiers of each proposed dwelling an off-street car parking space and Grove Avenue, Cosgrove Road and Cosgrove Crescent all allow for on-street car parking.

The Council's highway engineer has been consulted and has raised no objection to the scheme.

Overall, the Council 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 or detrimentally affect highway safety.

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 within the Brookdale Park to the rear of the application site.

To protect all the existing trees within the park 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.

Open Space

DPD Policy 23 states that all residential developments (regardless of their size) 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, or that this is neither practicable nor desirable.

However, the guidance in the NPPG provides the Government's most up-to-date policy position with respect to the collection of tariff-style planning contributions and supersedes the requirement for all residential developments to contribute towards the provision and/or enhancement of open space as set out in Policy 23. Accordingly, no contribution towards public open space is required in this case.

Conclusion

It is considered that the dwellings are acceptable in land use terms and would not have a harmful effect on neighbour amenity, nor have a detrimental impact on the character of the existing street scene. There are no adverse highways or other issues raised by this application. It therefore complies with DPD Policies 1, 3, 5, 9, 11, 20, 23 and Saved UDP policy D1.5 and consequently it is recommended that permission be granted subject to conditions.

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 plans and specifications, which are referenced as follows:

Drawing number: F01/MW/10, Rev. C, received 5th February 2019.

Drawing number: F01/MW/11, Rev. C, received 12th December 2018.

Drawing number: F01/MW/12, received 12th December 2018.

Drawing number: F01/MW/13, received 12th December 2018.

Drawing number: F01/MW/14, Rev. A, received 12th December 2018.

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

3. 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 to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located

4. No development shall commence 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 the adjacent trees within Brookdale Park.
- Details of the hardstandings and/or boundary treatments to be constructed within the root protection areas of all the adjacent trees in Brookdale Park

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.





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

March 2019

PLANNING APPEALS

WRITTEN REPRESENTATION

PA/341548/18	115-117 Yorkshire Street, Oldham, OL1 3SY
PA/341698/18	Nimble Nook Service Station, Chadderton, OL9 9QP

HEARINGS

HOUSE HOLDER

ADVERTISEMENTS

APPEAL DECISIONS

PA/341695/18	23-25 King Street, Oldham, OL8 1DP
Original Decision	Del
Appeal Decision	Allowed

PA/341390/18	Texaco Hollinwood Filling Station, 257 Manchester Road, Oldham Council
Original Decision	Del
Appeal decision	Allowed

RECOMMENDATION - That the report be noted.

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information as defined by that Act.

Files held in the Development Control Section

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



Appeal Decision

Site visit made on 12 November 2018

by **A Parkin BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2019

Appeal Ref: APP/W4223/W/18/3205613

Kings Hall Plaza, 23 - 25 King Street, Oldham OL8 1DP

- 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 Kashaf Liaqat against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/341695/18, dated 13 April 2018, was approved on 8 June 2018 and planning permission was granted subject to conditions.
 - The development permitted is change of use of part basement and part ground floor to restaurant (Use Class A3) and takeaway (Use Class A5).
 - The condition in dispute is No 5 which states that: *The hot food takeaway and restaurant premises shall not be open for trade or business (including food preparation and deliveries) except between the hours of 9am and 12am on any day.*
 - The reason given for the condition is: *To safeguard the amenity of occupiers of residential properties (including any upper floor flats).*
-

Decision

1. The appeal is allowed and the planning permission Ref PA/341695/18 for change of use of part basement and part ground floor to restaurant (Use Class A3) and takeaway (Use Class A5) at Kings Hall Plaza, 23 - 25 King Street, Oldham OL8 1DP granted on 8 June 2018 by Oldham Metropolitan Borough Council, is varied by deleting condition No 5 and substituting for it the following condition:
 - 5) The hot food takeaway and restaurant premises shall not be open for trade or business (including food preparation and deliveries) except between the hours of 11am and 2am.

Preliminary Matters

2. The address on the application form is different to that shown on the site edged red location plan, and also differs from the address on the appeal form, which does accord with the location plan. The appeal site is in the northern part of the Kings Hall Plaza building, which is No 23-25 King Street. I have therefore used the address on the appeal form in my formal decision above.
3. The Government published the revised National Planning Policy Framework (the Framework) on 24 July 2018. The appellant was notified of the publication and invited to make comments. No representations have been received in relation to this matter within the specified timescales.

Background and Main Issue

4. Condition 5 of the planning permission granted restricts the hours of operation for the restaurant / takeaway use at ground floor and basement level to between 9.00am and 12.00am. The condition seeks to safeguard the amenity of the occupiers of residential properties, including any upper floor flats. The Council considers the approved hours to be a reasonable balance between the needs of the applicant and the needs of existing and future residents of the town centre.
5. The appellant wishes to change the permitted hours of opening to between 11.00am and 2.00am the following day.
6. Therefore, the main issue is the effect of the proposed change to the opening hours of the approved development on the living conditions of nearby residents.

Reasons

7. The appeal site is at the corner of King Street and Barn Street and is a substantial 3-storey plus basement building, with some shop-type uses at ground floor level, accessed from King Street. Next door to the south is a licensed premises - *Whittles* (27 King Street), whilst to the north, across Barn Street, is a Bridal clothing shop. On the western side of King Street opposite the appeal site is a large bingo hall and car park.
8. I have had regard to the six tests for planning conditions set out in paragraph 206 of the Framework, and in Planning Practice Guidance (PPG).
9. The approved development is in the town centre, where a mix of uses, including restaurants and takeaways such as the appeal use, shops, bars, and nightclubs are likely to be found.
10. The Council has not identified any existing residents who would be affected by the approved development and during my visit to the area, I did not observe any dwellings in the vicinity of the appeal building. Nor is there any other information before me that suggests that there are any nearby residential uses, such that I see no reason why Condition 5 is necessary to protect the living conditions of existing residents.
11. In terms of future residents, the Council makes reference to a planning application¹ for the conversion of the upper floors of the appeal building to 12 residential units, which the evidence indicates is yet to be determined. No other proposed residential development schemes are referred to. As the development proposal for the upper floors of the appeal building has not been determined I have given it only limited weight in my considerations.
12. In any event, I note the appellant's uncontested evidence² that 27 King Street next door has a license dating from 2005 which allows opening beyond the currently permitted opening hours of the appeal use, including until 2.30am Thursday to Saturday, and that the performance of live music indoors and outdoors is permitted until 2am from Thursday to Saturday. The uncontested evidence also indicates that 19A Jackson Pit, which is located a short distance

¹ Ref. PA/341835/18

² The information was downloaded from the Council's website on 19 June 2018

to the south east of the appeal building, has a license dating from 2006 that allows for opening hours until 3am Thursday to Saturday.

13. The Council has not clearly identified what potential harm Condition 5 seeks to protect against, and how this harm might be generated by the appeal use. No substantive evidence has been presented to show how the appeal use remaining open until 2am instead of 12am would cause any harm. Condition 5's restriction of the hours of opening to between 9am and 12am is not therefore necessary or reasonable.
14. For the reasons set out above, changing the opening hours of the appeal use as proposed would not adversely affect the living conditions of nearby residents and would therefore accord with Policies 4 (sustainable regeneration and prosperity), 9 (local environment) and 15 (centres) contained in the Joint Core Strategy and Development Management Policies Development Plan Document 2011, and with the Framework, in this regard.

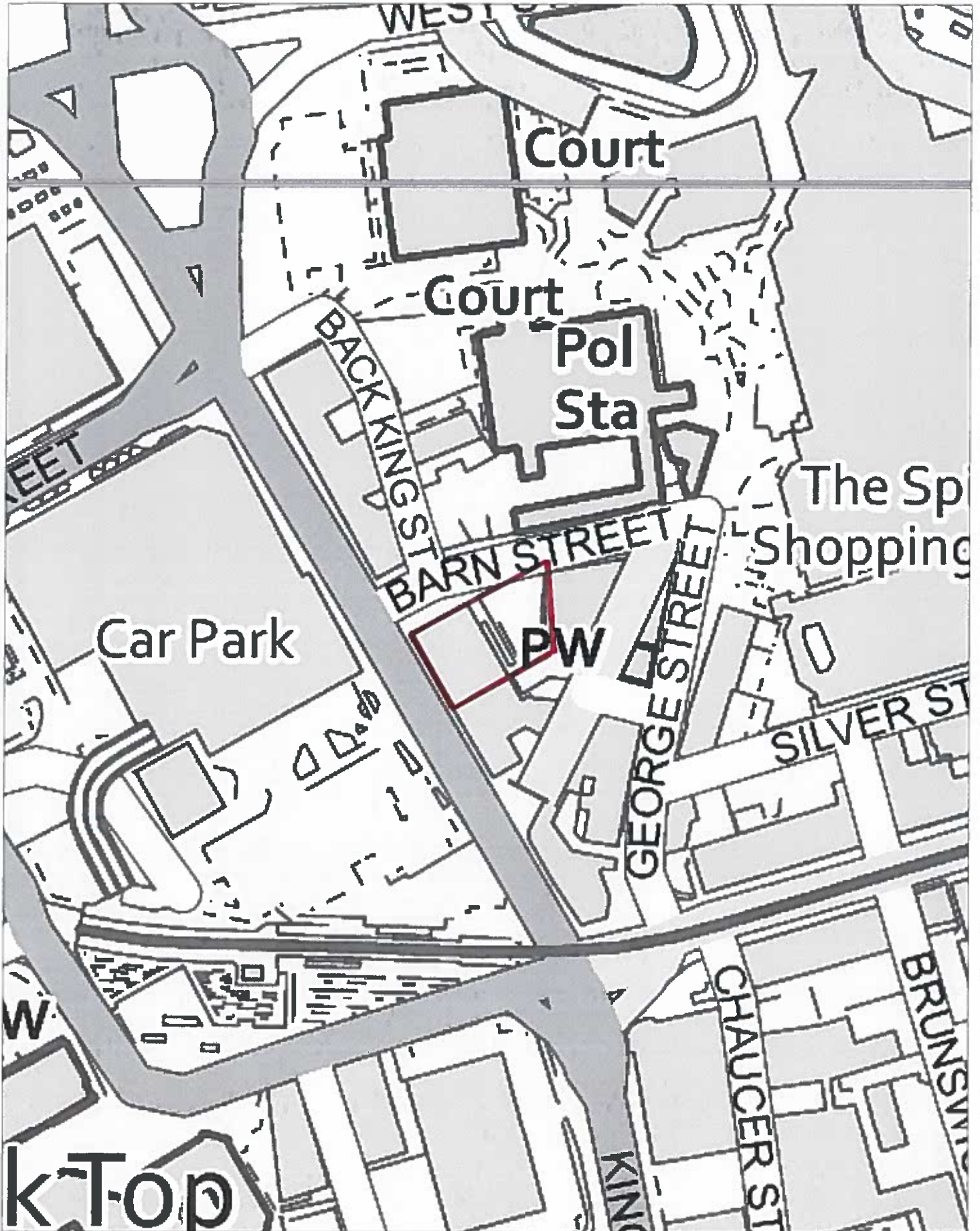
Condition and Conclusion

15. I have imposed a condition specifying the permitted opening hours, as sought by the appellant, as this provides certainty.
16. For the reasons set out above, I conclude that the appeal is allowed.

Andrew Parkin

INSPECTOR

341695



K-Top

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Metropolitan Borough 

Planning Services
Oldham MBC
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Date: 05.03.19

Scale 1:1500



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Ordnance Survey

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Appeal Decision

Site visit made on 12 November 2018

by **A Parkin BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2019

Appeal Ref: APP/W4223/W/18/3209288

Texaco Hollinwood Filling Station, 257 Manchester Road, Oldham OL8 4RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Junaid Anwar of Anwar & Company Ltd against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/341390/18, dated 9 February 2018, was refused by notice dated 26 June 2018.
 - The application sought planning permission for *Petrol Station, Car Wash and Shop* without complying with a condition attached to planning permission Ref 23286/88/0, dated 15 December 1988.
 - The condition in dispute is No 5 which states that: *The use of the premises shall be restricted to the hours of 07.00 until 22.00 on any day.*
 - The reason given for the condition is: *To protect the amenities of future occupiers of dwellings on the adjoining land which is designated for residential development.*
-

Decision

1. The appeal is allowed and planning permission is granted for Petrol Station, Car Wash and Shop at Texaco Hollinwood Filling Station, 257 Manchester Road, Oldham OL8 4RH in accordance with the application Ref PA/341390/18, dated 9 February 2018, without complying with condition No 5 set out in planning permission Ref 23286/88/0 granted on 15 December 1988 by Oldham Metropolitan Borough Council, but otherwise subject to the following conditions:
 - 1) Noise from operations conducted within the premises shall not exceed 50dB (A) CNL as measured at the site boundary between the hours of 08:00 and 18.00 Monday to Saturday and 40 dB (A) CNL at any other time.
 - 2) A sight line measuring 4.5 metres by 90 metres at the junction of the site egress with Manchester Road as improved shall be provided and maintained free of all obstruction exceeding 0.6 metre in height within the splay area so formed on land under the applicant's control.

Preliminary Matters

2. The site address on the application form refers to *Hollingwood* rather than *Hollinwood*, which from the wider information before me is evidently the correct address such that I have used it in my formal decision above.

3. The application number of the original planning permission is listed as 23286/88/0 on the Decision Notice provided by the appellant. Since the permission was granted it appears that the Council has altered the format of the numbers it uses to record planning applications. The Council has applied the current format to the original planning permission (PA/23286/88) and the appellant has also used this format. Regardless of current styles, the original planning permission is numbered 23286/88/0, and I have therefore referred to this number in relation to this appeal.
4. The decision notice of the original planning permission dates from 1988 and is only available as a scanned version of a paper copy. Condition 5 is not wholly legible on the scanned copy nor is the reason. The Council has paraphrased the wording of the condition in its officer report and appeal statement. However, the appellant has listed what appears to be an accurate description of what Condition 5 says, and the substance of the matter is not in dispute between the parties. I have therefore used the wording provided by the appellant on their Appeal Statement in relation to this appeal, as it appears to accord with what is legible on the original decision notice.

Application for Costs

5. An application for costs was made by Mr Junaid Anwar of Anwar & Company Ltd against Oldham Metropolitan Borough Council. This application is the subject of a separate Decision.

Background and Main Issue

6. Planning permission was granted for a petrol filling station at the appeal site in 1988. Condition 5 limited the hours of operation of the petrol station to between 07.00 and 22.00. Condition 5 was imposed to protect the living conditions of the future occupants of houses to be constructed on adjoining land, which was designated for housing development at the time planning permission was granted. The land to the south east of the petrol station does now contain a small housing estate, which is served by Moorfield Road and Chelbourne Drive.
7. The Council refused permission for the appeal proposal on the grounds that the additional noise, activity and disturbance caused by the extended opening hours at the premises would be significantly detrimental to the residential amenity of the occupiers of the nearby residential properties on Moorfield Road and Chelbourne Drive.
8. Therefore, the main issue is the effect of the removal of Condition 5 on the living conditions of nearby residents with regard to noise and disturbance.

Reasons

9. The appeal site is located adjacent to the A62 Manchester Road, which has two carriageways in both directions in this vicinity. There is a bus stop for a number of services outside the petrol station on Manchester Road. The boundary between the petrol filling station and the houses to the south east is marked by a solid timber fence around 2 metres high, supplemented by brick planters containing mature bushes of varying heights up to around 2.5 metres.

10. I have had regard to the six tests for planning conditions set out in paragraph 206 of the National Planning Policy Framework 2018 (the Framework), and in Planning Practice Guidance (PPG).
11. A letter was received by the Council objecting to the proposal on the grounds that 'increased opening hours would have a greater noise and smell impact, and the current opening hours are adequate.' The information before me also indicates that anecdotal evidence was presented to the Planning Committee meeting by a Ward Councillor, when the appeal application was reported for determination, in relation to existing noise from the petrol station experienced by residents, and the measures taken to address it. Notwithstanding this, there is no substantive evidence before me concerning this matter, including whether any such issues have led to any formal complaints to the Council.
12. A Noise Impact Assessment (NIA) was submitted as part of the supporting information for the application and used the British Standard (BS) 4142:2014 assessment process, modified so as to take the relatively high ambient noise levels from Manchester Road into account. The NIA concluded that noise from the petrol station operating throughout the night, including noise events, would have a low impact. No substantive evidence has been provided to cause me to question the methodology and conclusions of the NIA.
13. The extended hours would mean the petrol station could operate at a time when nearby residents would be likely to be at home and sleeping for some or all of the time. The Council's concern is not the overall noise level but the nature of the noise – such as cars revving, music playing, doors slamming, people talking - against relatively low ambient noise levels. According to the Council this would cause significant harm to sensitive noise receptors, and this type of noise is only a relatively small part of the NIA.
14. However, I note that the Council's Environmental Health service did not raise any concerns with the content or methodology of the NIA, which addresses overall noise levels and the impact of noise events, such as those referred to by the Council as outlined above.
15. Amongst other things, the Joint Core Strategy and Development Management Policies Development Plan Document¹ 2011 (JCSDMP) and the Framework² set out to avoid 'significant' harm or adverse impacts from development in terms of noise. However the NIA concludes that the level of impact that the extended hours of operation would be likely to have would not be significant in this regard.
16. Therefore, from the evidence before me, Condition 5 is not necessary in order to protect the living conditions of nearby residents with regard to noise and disturbance. Therefore, its removal would not conflict with Policy 9 (local environmental quality) of the JCSDMP, or with the Framework, in this regard.

Other Matters

17. Whilst the Council's Environmental Health service did not object to the proposed development, it did request that a temporary approval be granted for 12 months, in order to assess any potential effects on nearby residents.

¹ Policy 9 iii) (local environmental quality)

² Paragraph 180 a)

However, for the reasons outlined above, I have no good reason to believe that this would be necessary.

18. The Council refers to the statutory nuisance regime of the Environmental Protection Act 1990, which in their opinion is not the appropriate way for dealing with the impact of the development on nearby residents. However, as I have not found good reason to conclude that the removal of Condition 5 would significantly affect the living conditions of nearby residents, I have had only very limited and non-determinative regard to this.

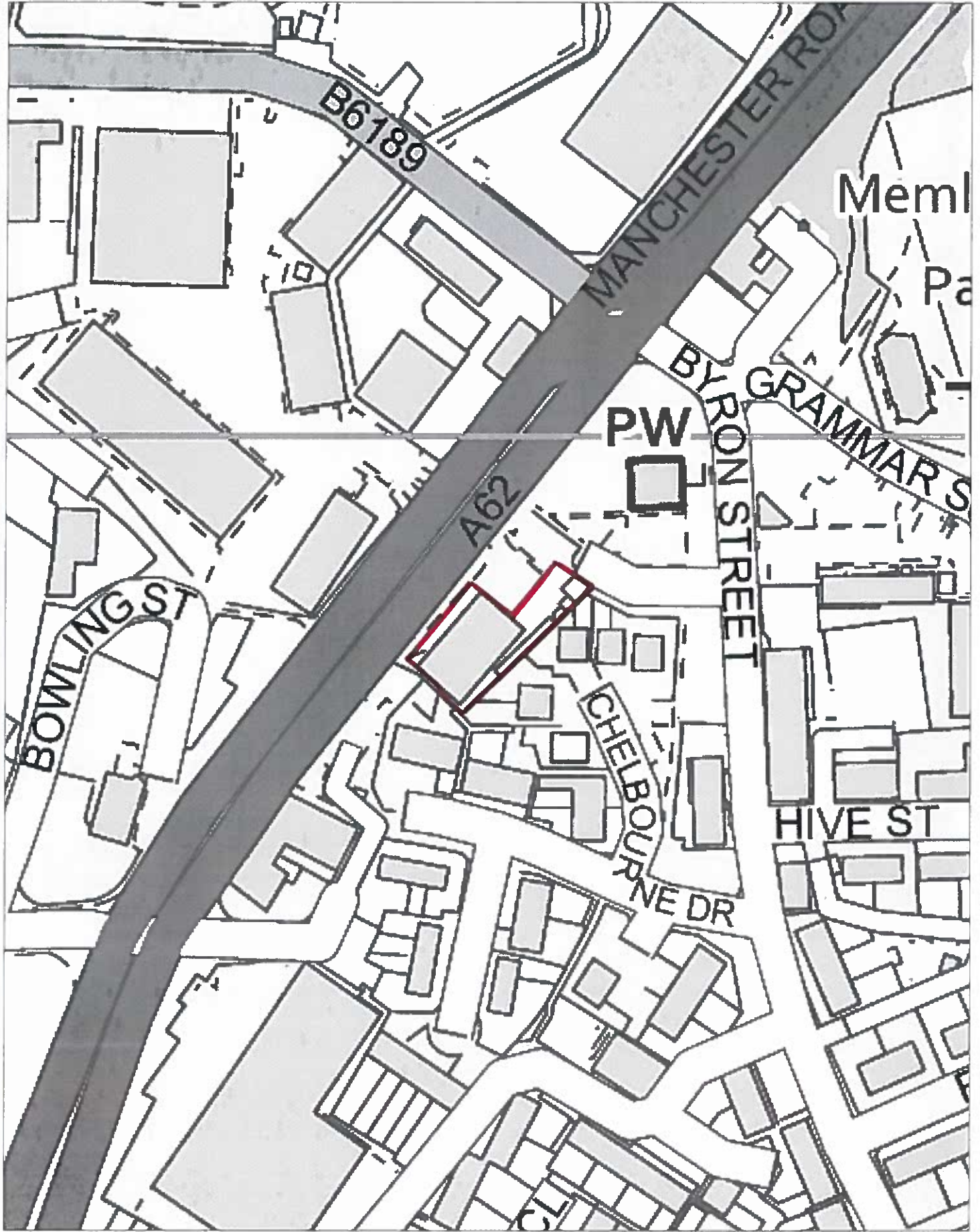
Conditions and Conclusion

19. The Council has suggested two of the conditions attached to the original planning permission are necessary, should the appeal be allowed. I have considered these conditions in the light of government guidance. A condition limiting noise from the appeal development is necessary to protect the living conditions of nearby residents. The retention of a sightline at the junction of the site with Manchester Road is necessary in terms of highway safety.
20. For the reasons set out above, I conclude that the appeal should be allowed.

Andrew Parkin

INSPECTOR

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