

PLANNING COMMITTEE

Agenda

Date Wednesday 18 September 2019

Time 6.00 pm

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

Notes 1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or 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, 13 September 2019.

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

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

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

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

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:
Councillors Akhtar, Brownridge, Davis, H. Gloster, Harkness, Hewitt, Hudson, Phythian, Hulme, Ibrahim, Iqbal, Jacques, Malik and Dean (Chair)

Item No

- 1 Election of Vice Chair
The Panel is asked to elect a Vice Chair for the duration of the meeting.
- 2 Apologies For Absence
- 3 Urgent Business
Urgent business, if any, introduced by the Chair
- 4 Declarations of Interest
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 5 Public Question Time
To receive Questions from the Public, in accordance with the Council's Constitution.
- 6 Minutes of Previous Meeting (Pages 1 - 6)
The Minutes of the meeting of the Planning Committee held on 28th August 2019 are attached for Members' approval.
- 7 PA/341835/18 - 23-25 King Street, Oldham, OL8 1DP (Pages 7 - 12)
Change of use of part of ground floor to create 2 no. Class A3 (Restaurants and cafes) units with preparation areas in the basement, and conversion of first and second floors to form 7 no. one-bedroom and 5 no. two-bedroom apartments, with formation of new window openings to rear.
- 8 PA/342004/18 - Land bounded by Hudson Street, Oldham Road (A62) and Hollinwood Metrolink Park and Ride, Chadderton. (Pages 13 - 24)
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.
- 9 PA/342986/19 - Morrisons Superstore, Poplar Street, Failsworth, M35 0HY (Pages 25 - 30)
Variation of condition no. 2 of PA/047250/04 to permanently allow extended delivery hours to between 05.30 and 23.00 hours on Monday to Saturday and between 08.00 and 18.00 hours on Sunday (temporary variation approved under application PA/341122/17).
- 10 PA/343071/19 - Land at Saint Johns Street, Porter Street and Edward Street, Oldham, OL9 7QS (Pages 31 - 44)
Erection of 68 no. dwellings



- 11 PA/343341/19 - Land to the east of Hebron Street and Brownlow Avenue, Royton, Oldham (Pages 45 - 60)
Erection of 77no. dwellings, open space and associated works. Amended application relating to PA/341416/18.
- 12 PA/343503/19 - 148-150 Chew Valley Road, Greenfield, OL3 7DD (Pages 61 - 68)
Erection of 10 no. dwellings, internal access road and landscaping throughout.
- 13 Appeals (Pages 69 - 84)
Appeals

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PLANNING COMMITTEE
28/08/2019 at 6.00 pm

Present: Councillor Brownridge (Chair) (Excluding Item 9)
Councillors Akhtar (Vice-Chair in the Chair for Item 9), Davis, H. Gloster,
Hewitt (for Items 1-6 Only), Hudson, Phythian, Garry (Substitute), Hulme,
Iqbal, Jacques and Williamson (Substitute) (Excluding Item 10)

Also in Attendance:

Sean Hannaby	Interim Head of Planning
Graham Dickman	Development Management Team Leader
Paul Dowd	Planning Officer
Wendy Moorhouse	Principal Transport Officer
Alan Evans	Group Solicitor
Sian Walter-Browne	Constitutional Services

1 **ELECTION OF CHAIR**

Councillor Brownridge was elected Chair for the duration of the meeting. Councillor Akhtar was elected Vice-Chair for the duration of the meeting

2 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Dean, Councillor Harkness, Councillor Ibrahim and Councillor Malik.

3 **URGENT BUSINESS**

There were no items of urgent business received.

4 **DECLARATIONS OF INTEREST**

Councillor Brownridge declared a personal interest in Item 9 - PA/343212/19 - Domalo Nurseries Ltd, Hillside Nursery, Sholver Lane, Oldham, OL1 4NT – by reason of being a member of the Board of First Choice Homes.

5 **PUBLIC QUESTION TIME**

There were no public questions received.

6 **MINUTES OF PREVIOUS MEETING**

RESOLVED that:-

1. The minutes of the meeting held on 1st July 2019 be corrected to read:

Item 6 – Hodge Clough

Recommendation to refuse permission – 3 in favour, 4 against, 3 abstentions.

Recommendation to grant permission – 5 in favour, 3 against, 2 abstentions
(Councillor Akhtar was unable to participate in the vote).

Item 10 – Knowls Lane

Recommendation to refuse permission – 3 in favour, 7 against, 1 abstention.

Recommendation to grant permission – 7 in favour, 3 against, 1 abstention.

2. The minutes of the Planning Committee held on 17th July 2019 be approved as a correct record.

7 **PA/343341/19 - LAND TO THE EAST OF HEBRON STREET AND BROWNLOW AVENUE, ROYTON, OLDHAM**

APPLICATION NUMBER: PA/343341/19

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

PROPOSAL: Erection of 77 dwellings, open space and associated works. Amended application relating to PA341416/18.

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

Councillor Hewitt left the meeting during this Item and took no part in the vote.

It was MOVED by Councillor H Gloster and SECONDED by Councillor Akhtar that the application be DEFERRED.

On being put to the vote 10 VOTES were cast IN FAVOUR OF DEFERRAL and 1 VOTE was cast AGAINST with 0 ABSTENTIONS.

DECISION: That the application be DEFERRED for further investigation of:

1. Alternative highway access to the site.
2. Alternative or additional junction works at Hebron Street/Heyside.

NOTES:

1. An Objector, the Applicant's agent 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 attached at Item 13.

8 **PA/343071/19 - LAND AT SAINT JOHNS STREET, PORTER STREET AND EDWARD STREET, OLDHAM, OL9 7QS**

APPLICATION NUMBER: PA/343071/19

APPLICANT: Keepmoat Homes

PROPOSAL: Erection of 68 no. dwellings.

LOCATION: Land at St Johns Street, Porter Street and Edward Street, Oldham OL9 7QS



It was MOVED by Councillor Akhtar and SECONDED by Councillor Iqbal that the application be DEFERRED.

On being put to the vote 6 VOTES were cast IN FAVOUR OF DEFERRAL and 5 VOTES were cast AGAINST with 0 ABSTENTIONS.

DECISION: That the application be DEFERRED for further consideration of:

1. Mixed tenure across phases 3 and 4 of the development.
2. The reinstatement of the amount of open space in accordance with the original Planning Condition.

NOTES:

1. The Applicant's agent 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 13.

9

PA/343212/19 - DOMALO NURSERIES LTD, HILLSIDE NURSERY, SHOLVER LANE, OLDHAM, OL1 4NT

APPLICATION NUMBER: PA/343212/19

APPLICANT: First Choice Homes, Casey Group

PROPOSAL: Application for approval of all Reserved Matters following outline approval PA/337690/15 for 23 no. dwellings and 6 no. apartments, with associated parking and access arrangements. Access, appearance, landscaping, layout and scale to be considered.

LOCATION: Domalo Nurseries Ltd, Hillside Nursery, Sholver Lane, Oldham, OL1 4NT

Councillor Brownridge declared a personal interest and took no part in the debate or vote. Councillor Akhtar, as Vice Chair, took the Chair for the duration of this Item.

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

On being put to the vote, members voted unanimously in IN FAVOUR OF APPROVAL.

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

NOTES:

1. The Applicant's agent attended the meeting and addressed the Committee on this application.

10

PA/343302/19 - LAND TO THE REAR OF THE DOG AND PARTRIDGE PH, MEDLOCK ROAD, FAILSWORTH, OLDHAM, M35 9NP

APPLICATION NUMBER: PA/343302/19

APPLICANT: Mr Sheridan

PROPOSAL: Erection of 17 houses with vehicular access from Medlock Road. Amended application relating to PA/341467/18

LOCATION: Land to the rear of the Dog and Partridge PH, Medlock Road, Failsworth, Oldham, M35 9NP

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

On being put to the vote 7 VOTES were cast IN FAVOUR OF APPROVAL and 3 VOTES were cast AGAINST with 0 ABSTENTIONS.

DECISION: That the application be GRANTED, subject to:-

1. The Applicant entering into a legal agreement for a £160,000 commuted sum for the improvement of the play equipment on the adjacent park and the provision of off-site affordable housing.
2. The conditions as set out in the report.
3. The following additional condition:-
No development hereby approved, including the entry of construction vehicles onto the site (other than to carry out the works specifically required by this condition), shall be commenced until the boundary wall to the front of 111 Medlock Road has been re-sited in accordance with the detail shown on plan ref: 005 Rev H and J930/access/Fig 1. Thereafter the area between the fence line and the access shall be permanently kept clear of all obstructions.

Reason – To ensure satisfactory visibility in the interests of highway safety.

NOTES:

1. A Ward Councillor attended the meeting and addressed the Committee on this application.

11

PA/343332/19 - FERNEC WORKS, STEPHENSON STREET, OLDHAM, OL4 2HH

APPLICATION NUMBER: PA/343332/19

APPLICANT: Multi Build UK

PROPOSAL: Proposed residential development of 12 no. 2 bedroom apartments

LOCATION: Fernec Works, Stephenson Street, Oldham, OL4 2HH

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

On being put to the vote, members voted unanimously in **IN FAVOUR OF APPROVAL**.

DECISION: That the application be **GRANTED**, subject to:-

1. The Applicant entering into a legal agreement for a £48,596.64 contribution towards improvements to Waterhead Park.
2. The conditions as set out in the report.

12 **APPEALS**

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

13 **LATE LIST**

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

The meeting started at 6.00 pm and ended at 9.05 pm

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APPLICATION REPORT - PA/341835/18

Planning Committee, 18 September, 2019

Registration Date: 18/05/2018
Ward: Coldhurst

Application Reference: PA/341835/18
Type of Application: Full Planning Permission

Proposal: Change of use of part of ground floor to create 2 no. Class A3 (Restaurants and cafes) units with preparation areas in the basement, and conversion of first and second floors to form 7 no. one-bedroom and 5 no. two-bedroom apartments, with formation of new window openings to rear.

Location: 23-25 King Street, Oldham, OL8 1DP
Case Officer: Graeme Moore

Applicant Agent : KKI Investments Ltd.
John Barnes - Architect

THE SITE

The application relates to the existing Kings Hall Plaza, located on the junction of King Street and Barn Street. The property is prominently sited and dates from the turn of the 20th Century.

THE PROPOSAL

This application seeks a change of use of part of the ground floor to create two restaurant/cafe units (Class A3), with preparation areas in the basement, and to convert the first and second floors to form 7 no. one-bedroom and 5 no. two-bedroom apartments.

PLANNING HISTORY

PA/341965/18 - Change of use of part of the basement and part of the ground floor to a restaurant/takeaway (Use Class A1 to Use Class A3/A5). Approved 08/06/2018

REPRESENTATIONS

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

CONSULTATIONS

Highways Engineer - No objections, subject to a condition requiring secure cycling storage facilities.

Environmental Health - No response received.

Greater Manchester Police Architectural Liaison Unit - No objections subject to security lighting at the rear entrance.

RELEVANT PLANNING POLICY

The 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of

the Local Development Framework for Oldham. The application site is allocated as part of the defined town centre for Oldham.

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

Policy 1 - Climate Change and Sustainable Development
Policy 4 - Promoting Sustainable Regeneration and Prosperity
Policy 9 - Local Environment
Policy 15 - Centres
Policy 20 - Design
Policy 23 - Open Spaces and Sports

PLANNING CONSIDERATIONS

The main material considerations are:

- Principle of the development
- Design and appearance
- Amenity issues
- Highways and Traffic

Principle of the development

The application seeks the re-use of an existing urban building, in accordance with the Development Plan which gives preference to residential development on previously developed land and states that residential development should be focused on sustainable and accessible locations, should be of high quality, and respect the local character.

As the site is located within Oldham town centre, it occupies a highly sustainable location which more than meets the required criteria.

As the proposal involves the re-use of a constrained existing building, no on-site open space, accessible and usable by the public, is proposed within this proposed development. Having regard to the potential viability of the scheme, the applicant has agreed to pay the sum of £5,000 towards the upkeep or upgrading of surrounding open spaces which, on balance, is considered acceptable.

Design and appearance

The application only proposes relatively minor changes to the rear elevation with the addition of three new windows. Otherwise, the building will remain the same from an external viewpoint. Given that the building displays some architectural quality, this is welcomed, and therefore, in taking account of the context and character of the site and surrounding area, it is considered that the limited proposed external changes are acceptable in accordance with DPD Policies 9 and 20.

Amenity issues

The internal layout of the apartments have been amended to ensure full compliance with the "Technical housing standards – nationally described space standard", and therefore ensure provision of a satisfactory standard of amenity for future residents.

The proposal will result in a close relationship with the ground floor commercial uses and the upper floor residential accommodation. In order to ensure any odours produced by food preparation (which will be at basement level), do not result in harm to the amenity of future residents, a condition is recommended.

Highways and Traffic

The proposed development is located in a highly sustainable location with excellent links to public transport and access to a wide range of amenities. The existing car park will be used

by both commercial and retail uses. It is not anticipated that any increase in traffic generation would result in a detrimental impact on highway safety. Therefore, the Council's Highways Engineer does not object.

Conclusion

On balance, it is considered that the proposal is acceptable and will have no detrimental impacts upon the environmental quality of this locality, or pedestrian and highway safety..

Recommendation:

It is recommended that Committee resolves to grant permission:

(1) subject to the conditions in the report, and the completion of a Section 106 legal agreement in respect of a contribution of £5,000 towards the upgrading of existing open spaces in the vicinity of the site

(2) to authorise the Director of Economy to issue the decision upon satisfactory completion of the legal agreement.

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

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

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications which are referenced as 05E, 06G, 13B, 14B, 15A and 16.

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

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

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

4. No apartments hereby approved shall be occupied until details of the specification for the secure cycle facilities as indicated on the approved plan 06G has been submitted to and approved in writing by the Local Planning Authority and the facilities have been made available for use. The facility shall thereafter always remain available for occupants of the apartments.

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

5. Prior to the commencement of the restaurant use, a scheme showing details of ventilation and fume extraction from the premises, the position and finish of any external flues and a programme of operation and equipment maintenance, in accordance with the manufacturer's recommendations, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed in its entirety before the restaurant use commences and thereafter it shall be operated and maintained in accordance with the manufacturer's recommendations.

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

6. Prior to the commencement of any uses hereby approved, the enclosed

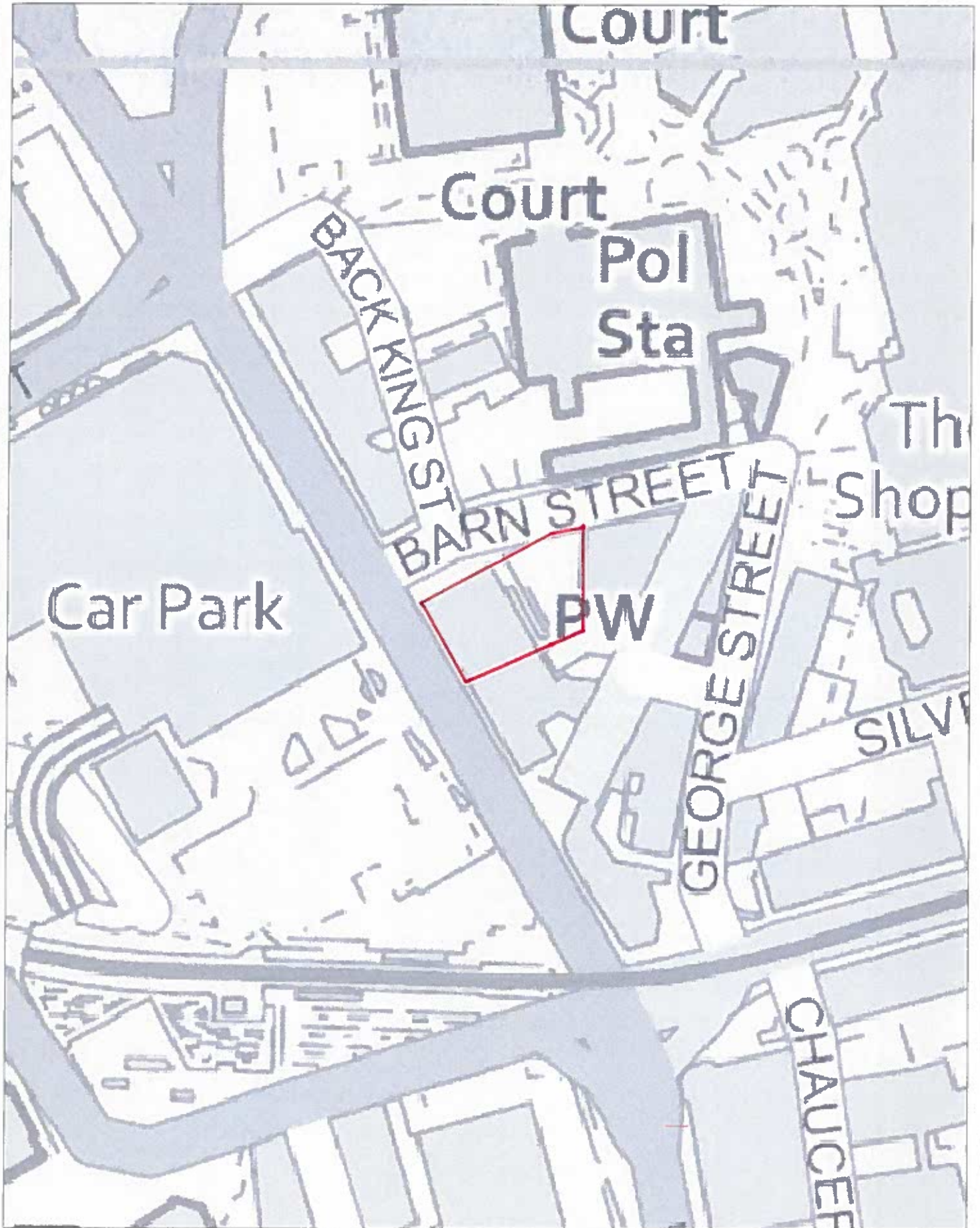
facilities for the storage of refuse and waste materials as indicated on the approved plan 06G shall be made available for and shall thereafter always remain for the occupants of the apartments and restaurant uses.

Reason - To ensure that the use is not harmful to the amenity of occupiers of nearby residential properties.

7. The apartments hereby approved shall not be occupied until a scheme of security lighting to the entrance and steps at the rear of the building, which shall be provided in accordance with the standards in BS 5489, has been implemented. The lighting shall be retained thereafter.

Reason - To ensure that the detailed design of the proposed development provides a safe and secure environment and reduces opportunities for crime.

341835



APPLICATION REPORT - PA/342004/18

Planning Committee, 18 September, 2019

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

Application Reference: PA/342004/18
Type of Application: Hybrid Planning Permission

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

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

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

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

Case Officer: Graham Dickman

Applicant Portcullis Oldham LTD
Agent : Roman Summer Associates Ltd

AMENDMENT TO REPORT AND RECOMMENDATION

Planning Committee resolved to approve this application at its meeting on 13 February 2019 subject to the conditions set out in the report, and to the applicant entering into a Section 106 agreement for land to be dedicated as highway.

Condition 11 attached to both the full (a detailed approval for a 3 storey office building of 1858 sq m) and outline (for a further 7432 sq m of office floorspace) elements of the application required that:

"No element of the development hereby approved shall be occupied unless and until the SCOOT loops on the M60 off-slip at its junction with Hollinwood Avenue/A62 have been relocated by approximately 100 metres, and the revalidation of SCOOT at this junction has been carried out".

Those works would be undertaken by means of a Section 278 agreement under the Highways Act 1980 at the preference of Highways England.

The applicant has request an amendment to the recommendation to remove the requirement for the off-site highway works to be undertaken prior to occupation of the first office building for which detailed approval has been obtained, as the traffic generation from this element of

the development would not trigger increased levels of traffic generation to necessitate those works.

The requirement would remain in place for the remainder of the development.

The Council's Highways Engineer and TfGM have confirmed that there are no objections to this amendment.

THE SITE

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

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

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

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

THE PROPOSAL

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

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

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

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

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

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

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

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

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

RELEVANT HISTORY OF THE SITE:

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

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

CONSULTATIONS

Highway Engineer	No objection, subject to the inclusion of conditions or Section 106 addressing the required changes to the SCOOT loops; the provision and retention of car parking spaces; the provision of a Green Travel Plan; and details of secure cycling facilities.
Environmental Health	No objection subject to the inclusion of conditions addressing landfill gas, contaminated land, and a scheme for electric vehicle charge points.
LLFA & Drainage	No objection, subject to the inclusion of a condition addressing the need for a Flood Risk Assessment and Drainage Scheme.
Greater Manchester Police Architectural Liaison Unit	No objection.
Transport for Greater Manchester and Highways England	No objection, subject to a Section 278 Agreement under the Highways Act 1980 in relation to the required changes to the SCOOT loops.

REPRESENTATIONS

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

PLANNING CONSIDERATIONS

The main issues to consider are:

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

Land Use

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

In this case the 'development plan' is the Joint Development Plan Document which forms

part of the Local Development Framework for Oldham. It contains the Core Strategies and Development Management policies used to assess and determine planning applications.

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

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

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

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

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

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

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

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

Parking and highway safety

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

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

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

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

effectiveness will have significant increases in delay.

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

These measures include:

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

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

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

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

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

Amenity and Design

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

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

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

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

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

Environmental impacts

DPD Policy 18 promotes sustainable development in the borough through supporting carbon-neutral developments following the principles of the zero carbon hierarchy. The

application site lies within an Air Quality Management Area (AQMA). Whilst the Environmental Health team has raised no objection, they have requested that electric vehicle charge points are incorporated into the scheme to reduce the impact on air quality.

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

Drainage

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

RECOMMENDATION

It is recommended that Committee resolves:

1. To approve the application subject to the following conditions, and to the applicant entering into a Section 106 agreement to cover the following 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.

2. To authorise the Director of Economy to issue the decision notice upon satisfactory completion of the legal agreement.

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

Conditions

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

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

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

SITE PLAN AND ACCESS

- Drawing no. 9993 PL03 revision C received 26th June 2018
- Drawing no. 7879 access fig 1 received 26th June 2018

BLOCK G

- Drawing no. 9993 PL04 revision B received 26th June 2018
- Drawing no. 9993 PL05 revision C received 26th June 2018
- Drawing no. 9993 PL06 revision B received 26th June 2018

- Drawing no. 9993 PL08 received 26th June 2018

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

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

Reason - To reduce the risk of flooding.

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

Reason - To protect public safety.

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

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

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

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

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

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

8. The development hereby approved shall not be brought into use unless and until the access and car parking spaces have been provided in accordance with the approved plan received on 26th June 2018 (Ref: Dwg No. 9993 PL03 Rev C). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction of the parking spaces and access. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided and

remain available for the development so that parking does not take place on the highway to the detriment of highway safety.

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

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

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

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

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

Conditions

1. Application for approval of Landscaping (hereinafter called "the reserved matter") shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or two years from the date of approval of the Reserved Matter.

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

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

- Drawing no. 9993 PL03 revision C received 26th June 2018
- Drawing no. 9993 PL07 revision A received 26th June 2018
- Drawing no. 9993 PL09 revision A received 26th June 2018
- Drawing no. 7879 access fig 1 received 26th June 2018

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

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

Reason - To reduce the risk of flooding.

4. The proposed development shall be constructed in accordance with the recommendations contained within section 3.3 of the submitted Crime Impact

Statement (URN: 2018/0154/CIS/01) and shall reflect the physical security specification listed within section 4 of the appendices within the submitted Crime Impact Statement.

Reason - To protect public safety.

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

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

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

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

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

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

8. The development hereby approved shall not be brought into use unless and until the access and car parking spaces have been provided in accordance with the approved plan received on 26th June 2018 (Ref: Dwg No. 9993 PL03 Rev C). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction of the parking spaces and access. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

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

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

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

Such facilities shall thereafter remain available for users of the development.

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

11. No element of the development hereby approved shall be occupied unless and until the SCOOT loops on the M60 off-slip at its junction with Hollinwood Avenue/A62 have been relocated by approximately 100 metres, and the revalidation of SCOOT at this junction has been carried out to the written satisfaction of the Local Planning Authority.

Reason - To ensure the safe and efficient operation of the strategic highway network in the interest of highway safety.

342004

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SITE SPECIFIC HAZARDS

IN ACCORDANCE WITH THE REQUIREMENTS OF THE CONSTRUCTION (OSHA) REGULATIONS 2005 THE FOLLOWING SIGNIFICANT RESIDUAL HAZARDS HAVE NOT BEEN IDENTIFIED BY THIS PROJECT AND MUST BE TAKEN INTO CONSIDERATION BY ALL CONTRACTORS INVOLVED IN UNDERTAKING THE WORKED INDICATED ON THIS DRAWING.



REV DATE NOTES

CLIENT PROJECT

MANCHESTER CABINS LTD
MANCHESTER ROAD, OLDHAM

DRAWING TITLE
ORDNANCE SURVEY PLAN

FOR INFORMATION

DATE 15.01.16 DRAWN DHB SCALE B3 A3
PROJECT MANDED UNIT / BLOCK CODE TYPE & NUMBER REVISION LETTERS
DRAWING NO 99993

THE RATCLIFFE GROVES PARTNERSHIP
MANCHESTER
100 MANCHESTER ROAD
TRAFFORD LANCASHIRE, M17 1ED
T: 0161 275 1000 E: manchester@rga.co.uk
www.rga.co.uk



APPLICATION REPORT - PA/342986/19

Planning Committee, 18 September, 2019

Registration Date: 28/02/2019
Ward: Failsworth West

Application Reference: PA/342986/19
Type of Application: Removal/Variation of Conditions

Proposal: Variation of condition no. 2 of PA/047250/04 to permanently allow extended delivery hours to between 05.30 and 23.00 hours on Monday to Saturday and between 08.00 and 18.00 hours on Sunday (temporary variation approved under application PA/341122/17).

Location: Morrisons Superstore, Poplar Street, Failsworth, M35 0HY
Case Officer: Graeme Moore

Applicant Agent : Wm Morrison Supermarkets PLC
Peacock and Smith

THE SITE

This application relates to the Morrisons Superstore on Poplar Street, Failsworth. The site adjoins residential properties on three sides, Jackson Street to the north, Poplar Street to the west, and Propps Hall Drive and Greystoke Lane across the Rochdale Canal to the south. To the east is Marlborough Mill.

THE PROPOSAL

The applicant seeks a permanent variation of condition to allow the permitted delivery hours to be extended from 07.00 to 21.00 hours on Monday to Saturday and 9:00 to 16:00 hours on Sunday, to 05:30 to 23:00 hours on Monday to Saturday, and between 08.00 and 18.00 hours on a Sunday.

A temporary variation was approved for the hours now sought in February 2018 for a period of one year in order to assess the impact of the amended operating hours.

PLANNING POLICY:

The 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is unallocated on the plan.

The following DPD policy is relevant to the determination of this application.

Policy 9 – Local Environment

RELEVANT HISTORY OF THE SITE:

PA/341122/17 - Variation of condition 2 of PA/047250/04 to allow extended delivery hours - Temporary permission granted 23/02/2018.

PA/338373/16 - Variation of condition 2 of PA/047250/04 to allow extended delivery hours - Refused 16/6/2016

PA/047250/04 - Variation of condition no. 5 of PA/42257/01 to allow extended delivery hours
– Granted 29/07/2004.

PA/042257/01 - Demolition of the existing 5 storey mill and the rebuild of the existing superstore to the same footprint and style and associated works to car park – Granted 04/04/2002.

CONSULTATIONS

Highways Engineer	No objections.
Environmental Health	No objections.

REPRESENTATIONS

Councillor Garry has requested that the application is determined by Planning Committee as the issues raised in the previous application are still relevant.

190 neighbouring residential properties have been notified of the present application, to which two letters of objection have been received objecting to the increased disturbance caused by delivery vehicles.

PLANNING CONSIDERATIONS

The main issues for consideration are:

- Residential Amenity
- Highway Safety

Residential amenity

The main issue is the likely increased activity, and associated potential source of noise, such as the banging of doors and talking/shouting that may be associated with the extended hours of operation of delivery vehicles. This has the potential to occur at times when the nearby residents would reasonably expect to be sleeping. It should be noted that in the previous application, the submitted Noise Impact Assessment indicated that deliveries would not exceed the current background noise levels and the temporary consent was to enable that to be assessed in the light of operational experience.

The revised opening hours have been operating for over a year, and a log of the delivery times has been submitted. The log shows that for the majority of days, deliveries have taken place within the temporary period between 5.30am and 7am. Despite this, only two representations have been received in opposition to the proposals, and Environment Health has not recorded any formal complaints being received.

It is noted that the objectors mention the fact that problems are caused by lorries waiting outside the delivery yard for a period of time, before entering at or after 05:30am.

Nevertheless, having considered the fact that there have been no complaints in relation to the operation of the site, it is considered that on balance, permission should be granted for the amended condition on a permanent basis. It should also be noted that if the operation results in a statutory nuisance in the future then action could still be taken under Environmental Health Legislation.

Highway safety;

There are no highways objections.

Conclusion

The application is made for a permanent amendment to the delivery hours. Having considered the evidence and its operation over the past 18 months, it is considered that the

amended condition, is acceptable in this instance.

RECOMMENDATION

Approve, subject to the following conditions:

1. No deliveries shall be taken or despatched from the loading bay or service yard outside the following hours:-

05:30 - 23:00 hours on Monday to Saturday.

08.00 - 18.00 hours on Sunday.

Reason - To protect the amenity of the surrounding residential properties.

2. The agreed scheme submitted by Belair Research Limited on 12th February 2002 (Appendix 3, sheets 1 -3b) for insulating any externally mounted plant and equipment shall be retained at all times.

Reason - To protect the amenity of occupiers of nearby residential properties.

3. The parking and servicing areas shall not be used for any purpose other than the parking, loading and unloading and manoeuvring of vehicles.

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

4. Sight lines measuring 2.5 metres by 33 metres at the junctions of :-

1) Jackson Street with Poplar Street;

2) Jackson Street with Mellor Street;

3) Access to the parking area with Poplar Street;

4) Access to the parking area with Mellor Street; and

5) Access to the servicing area with Poplar Street.

shall be maintained free of all obstruction exceeding 0.6 metres in height within the splay area so formed on land under the Applicant's control.

Reason - To facilitate the intervisibility of users of Jackson Street, Poplar Street, Mellor Street and the development in the interests of highway safety.

5. No materials shall be stored within 5 metres of the Rochdale Canal at any time.

Reason - In the interest of protecting the ecology and wildlife present within the adjoining Rochdale Canal.

6. No more than 15% of the total net retail floorspace of the retail store shall be used for the retail sale of non-convenience goods.

Reason - To protect the vitality and viability of Failsworth district centre.

342986



APPLICATION REPORT - PA/343071/19

Planning Committee, 18 September, 2019

Registration Date: 03/04/2019
Ward: Werneth

Application Reference: PA/343071/19
Type of Application: Full Planning Permission

Proposal: Erection of 68 no. dwellings
Location: Land at Saint Johns Street, Porter Street and Edward Street,
Oldham, OL9 7QS
Case Officer: Paul Dowd

Applicant Keepmoat Homes
Agent :

UPDATE TO REPORT

This application was deferred from the Planning Committee meeting on 28 August 2019 to allow further discussions and negotiation with the developers regarding the following:

1. Public open space.
2. Locating affordable housing throughout the site.

Public open space

Following negotiations with officers, the applicants have now submitted an additional plan showing an overlay of the proposed public open space (POS) and the area of POS approved on the previous Phase 3 masterplan. Whilst the applicant has previously stated that their proposals led to a smaller area than approved in the masterplan, the overlay exercise has in fact clarified that the area proposed as part of the current application is marginally larger than that previously approved (2,526sqm vs. 2,417sqm).

Set against the context that the Council has already approved plans for a smaller POS area, it is considered that the proposals for a larger area will be a positive benefit of the scheme.

In addition, the applicants have provided officers with their confidential 'Estate Service Charge Budget' document, which sets out in terms for the maintenance of the proposed POS. This has been reviewed by Council officers and it is clear that maintenance of POS will be paid for by new residents only. No existing residents will be required to contribute.

Turning to Phase 4, the proposed open space will be managed and maintained by First Choice Homes in accordance with their commitment to their customers and existing residents. They consider that the most practical way for this open space to be managed and maintained is if it is provided within a standalone development site, which is another benefit and reason for all the affordable homes being provided in Phase 4.

It is therefore considered that the concerns in relation to the impact on the previous approved area of open space have been satisfactorily addressed.

Locating affordable housing throughout the site

Following discussions between Council officers and the applicants, further information has been received, which deals with the reasoning and decision to locate the affordable housing

together, rather than being "pepper-potted" throughout the site, as follows:

The affordable homes at this site are to be provided on Phase 4 by First Choice Homes Oldham (FCHO). FCHO is a not-for-profit organisation committed to manage existing affordable housing and provide new much needed homes and further benefits across the Borough. There are currently 21,455 households on the housing register, of these approximately 4,600 are in 'Housing Need'. For those in Housing Need, 1,620 currently live in unsuitable accommodation for their family's needs i.e. in overcrowded accommodation.

FCHO is able to access government grant funding to develop affordable housing within the Oldham area. This funding is available to FCHO and other registered housing providers to facilitate and boost the local and national provision of affordable housing. This gap funding is made available by Homes England and is necessary due to the lack of provision of affordable housing through traditional house building and planning mechanisms and lack of viability in such development. Homes England has set aside an allocation of £1,404,000 grant funding towards the capital costs of delivering the 36 new affordable homes on Phase 4.

However, and in order to release the funding, Homes England expects the site to be in contract before the end of September 2019 to guarantee completed delivery of the 36 dwellings on Phase 4 before March 2021 (the end of the funding programme). Should FCHO be unable to deliver the 36 units before the end of the funding deadline, there is a high risk that the secured funding may be diverted to alternative projects which have greater certainty of deliverability before March 2021. Therefore, should the funding for this scheme be diverted to alternative projects, FCHO would be unable to deliver the units on Phase 4 and the development would not go ahead, resulting in the loss of 36 much needed affordable homes for the Borough.

From a management and delivery point of view, having all the affordable homes on one, contained site is essential to enabling the March 2021 deadline to be met.

Phase 4 should not be seen in isolation in any event, because it forms part of the wider regeneration of North Werneth. Within approximately 500m radius of the site, the housing offer available comprises a wide range of tenures including, home ownership, private rented and affordable housing managed by a range of Registered Providers. As a result, the provision of an affordable scheme on Phase 4 is appropriate within the wider context of this existing balanced and sustainable community, where affordable homes are dispersed throughout the wider area.

The applicants have submitted additional street-scene drawings, which demonstrate that the affordable and open-market homes are entirely tenure blind in terms of their materials, elevational treatment and layout. The same house-type is proposed to be used for both tenures. The market and affordable homes are indistinguishable and would achieve the same high-quality design.

There is significant benefit arising from the redevelopment of the site for residential purposes and that is to meet an identified need for affordable family housing in accordance with the requirements of the National Planning Policy Framework and Oldham's Local Plan. Furthermore, the proposals will support the continued vibrancy and vitality of services in the Werneth area and will support the creation of jobs both directly and indirectly through the local supply chain from the purchase of local goods and services.

Finally, FCHO will be active in managing the properties, where applicable, and will continue to have an involvement in the area long after the properties are completed.

Other matters

Revised layout - Plot 13

In response to concerns relating to loss of light/overshadowing of a property adjoining the site raised by the concerned neighbour, the applicants have submitted a revised Phase 3

layout (Rev. X). This shows that Plot 13 has been re-positioned forward by 2m towards the highway. This ensures that as a result, the new dwelling will have no impact on the neighbouring property.

Further representations

Since the previous Committee meeting, 18 additional letters of representation have been received from local residents, who are members of the local residents' association. These deal with matters already subject to objections and considered previously by both officers and members. The secretary of the residents' association has confirmed that the purpose of this was so that members would appreciate that the previous objection that was received from the association was on behalf of all its members and, therefore, should not count as just one objection.

Additional statement from the applicants

"The application presented is the cumulation of detailed discussions between the applicants, Keepmoat Homes, and officers of Oldham Council. Following the completion of phases 1 & 2 Economic circumstances have prevented the final phases being delivered until now. Keepmoat Homes are fully committed to completing the redevelopment of the North Werneth housing renewal to the highest standard, and this includes elements such as the open space that the local community wish to see delivered".

THE SITE

The application site edged red is separated into five separate parcels of development shared between two phases: 'Phase 3' and 'Phase 4'. Both of these comprise previously developed land that has been cleared and grassed over. They are surrounded by residential properties of varying ages and are in close proximity to the Grade II Listed Hartford Mill (now granted listed building consent for demolition) and are adjacent to the A62 Manchester Road which leads to Oldham Town Centre. The site is located approximately 1.5 kilometres (0.8 miles) to the south west of Oldham town centre.

Phase 3 is divided into four parcels of land, bounded by Porter Street, Dover Street, Featherstall Road South, St. John's Street, Edward Street and the dwellings at Alfred Court.

Phase 4 is bounded by Edward Street, Castleton Street and Suthers Street. The Metrolink line runs directly to the north of the application site.

The topography of the site is such that it slopes downhill from east to west.

THE PROPOSAL

This application proposes the erection of 68 no. dwellings. No new access roads are proposed. The form and arrangement of space, buildings and routes have been developed with a view to creating a mix of starter and family homes. The scheme has been designed to connect with the local vernacular and to protect the amenity of existing residential dwellings, located close to the site boundaries.

The present application is not an update of the previous 2010 approval as assumed. The earlier development has been largely completed.

The previous application related to phase 2 of the wider North Werneth development and consisted of 64 plots; 52 of which, have already been delivered. The remaining 12 properties did not come forward at that time due to technical constraints, the logistics of diverting infrastructure and the stopping up of highways.

The new application includes the area which was not completed. The applicant has revalued this area and aims to construct thirteen units, an increase of 1 unit, on this area. This forms part of a wider scheme within the present application incorporating three further parcels of land which will bring forward an additional 55 units overall on areas of brownfield land in a

highly sustainable area.

The proposed new dwellings are a mixture of two-storey and three-storey dwellings, reflecting the existing scale of the surrounding area. The various house types and heights will result in an interesting and varied streetscape. The proposed materials comprise red clay facing brickwork and concrete interlocking roof tiles

Vehicular access will be from the existing highways. The sites can be easily accessed by public transport, foot and cycle. They are also located in close proximity to a range of local services and facilities to meet basic needs

All these new homes will have individual level access, will be adaptable and be able to respond to changing social and economic conditions.

All of the proposed units will benefit from private car parking space, whether on a private driveway or allocated parking area. Two parking spaces will be provided per dwelling, with the exception of Plots 7 and 8 of Phase 3 which only have one parking space. However, this is sufficient since these are both 2-bedroom properties.

Full landscaping proposals are provided with the application, new trees and shrubs specified are generally native species of the size and nature appropriate to the setting. The specification of trees and shrubs with berries will encourage wildlife to visit the application site. All of the landscape features will be actively managed after the development is complete to ensure that the overall landscape structure remains viable in the long term.

In comparison to the earlier approved development, the present proposals result in a slight reduction in the area of open space from 2804m² to circa 2547m². This is partly a result of the enlargement of properties to ensure that they satisfy the 'Technical housing standards – nationally described space standard' and provide a higher standard of accommodation for future residents. In addition, a further area covering 1081m² will be provided on the enlarged development site.

Detailed planting plans and arrangements for the future management of the open space have been submitted. The central area of open space includes areas of new tree planting that respect the amenity of existing residents whilst complementing the new development proposals, taking into account and removing any opportunities for anti-social behaviour.

Each dwelling will have space to accommodate the necessary refuse, recycling and composting bins in accordance with Council guidelines. The bins will be within a defined enclosed area to the rear of each of the dwellings.

Phase 3

There are 32, two storey dwellings proposed within these parcels of land, containing a mix of terraced, semi-detached and detached dwellings. No affordable housing is proposed within Phase 3. Of the 32 dwellings, there are 9 two bed dwellings, 16 three bed dwellings, and 7 four bed dwellings.

This application also proposes an area of public open space, amounting to 0.3 hectares, located off Edward Street and St John Street, linking the application site with the earlier phases of development which have taken place to the north.

Phase 4

There are 36, two storey dwellings proposed within this parcel of land, containing a mix of 2, 3 and 4 bedroom terraced and semi-detached dwellings. Phase 4 proposes 100% affordable housing. Of the 36 dwellings, there are 3 two bed dwellings, 23 three bed dwellings, and 10 four bed dwellings.

RELEVANT HISTORY OF THE SITE:

PA/057228/09 'Redevelopment of 64 dwellings comprising of two, three, four and five bedroom dwellings. Associated roads, parking and landscaping to be considered'.

CONSULTATIONS

Highway Engineer	No objection subject to conditions addressing the provision and retention of car parking spaces.
Coal Authority	No objection, subject to the inclusion of a condition addressing works to be undertaken prior to the commencement of the development.
United Utilities	No objection subject to conditions addressing drainage.
LLFA/Drainage	No objection subject to the inclusion of a drainage scheme.
Greater Manchester Police	No comment.
Architectural Liaison Unit	
Transport for Greater Manchester	No objection subject to conditions addressing working safely near Metrolink, noise and vibration, earthworks stability, drainage, boundary treatment, and tree protection.
Environmental Health	No objection subject to conditions addressing landfill gas and contaminated land.
Greater Manchester Ecology Unit	No comment.
Street Lighting	No objection.
Arborist	No objection. Tree numbers and species will both be improved overall.

REPRESENTATIONS

This application was publicised by site notice, press notice and neighbour notification letters. Ten letters of objection have been received, which comment that the proposed development would exacerbate existing traffic congestion issues, cause overshadowing and result in a net loss of public open space.

RELEVANT PLANNING POLICY

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. The application site is unallocated by the Proposals Map associated with the Joint Development Plan Document. 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 9 - Local environment;
Policy 10 - Affordable Housing;
Policy 11 - Housing;
Policy 22 - Protecting Open Land; and,
Policy 23 - Open spaces and sports.

Saved UDP Policy D1.5 and the NPPF are also relevant.

PLANNING CONSIDERATIONS

The main issues for consideration comprise:

- Principle of Development;
- Affordable Housing ;
- Public Open Space;
- Design and residential amenity
- Impact on the setting of the Grade II listed Hartford Mill;
- Crime Impact;
- Access and Car Parking; and,
- Flood Risk Assessment.

Principle of Development

DPD Policy 1, in the context of this application, seeks the effective and efficient use of land, but prioritises development on previously developed land and aims to protect the borough's designated green belt. Furthermore, it states that residential development should be focused on land in sustainable and accessible locations and should be of high quality and respect the local character of the environment. Policies 3 and 11 also give preference to the use of previously developed sites for residential development.

The application site is previously developed, evident by historic mapping showing development on site up to 1989.

DPD Policy 3 states that new 'Major' residential developments should be located within 480m of at least three 'key services'. These are specifically defined as areas of employment, major retail centres, local shopping parades, health related facilities and services, schools, post offices and community uses.

The NHS Werneth Primary Care Centre, St. John's Church, and Jamia Mosque Noor-E-Islam are within approximately 50m from the application site. As these facilities are within a ten minute walk of the application site, it is considered that the site is located in a sustainable position in close proximity to at least three key services as required by Policy 3.

DPD Policy 5 requires all major developments to achieve 'High Accessibility' or 'Very High Accessibility' unless it can be demonstrated that this is neither practicable nor desirable or it provides exceptional benefits to the surrounding environment and community. 'High Accessibility' is defined as being within approximately 400 metres of a frequent bus route or approximately 800 metres of a rail station or future Metrolink stop. There are a number of bus stops both within and immediately adjacent to the application site. As such, it is considered reasonable to suggest that the site is well placed in terms of access to bus routes.

Overall it is considered that there is no objection to the principle of residential development in land use terms and the development is located in a sustainable location.

Affordable Housing

DPD Policy 10 'Affordable Housing' requires that all residential development of 15 dwellings and above 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 Councils satisfaction that this is not viable. The preference is for on-site provision but the policy also makes provision for off-site provision through a commuted sum payment.

Paragraph 64 of the National Planning Policy Framework states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

The proposal includes 36 units for affordable provision, which accounts for 53% of the total dwellings of the proposed development. As such, the development proposal would comply with the provisions of DPD Policy 10 and the NPPF.

Public Open Space

DPD Policy 23 states that all residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable.

There are areas of open space proposed that are accessible and usable by the public within this proposed development. It is considered that the proposed areas of public open space would provide an adequate contribution of amenity greenspace, although it is acknowledged that the proposed open space would not fulfil existing local deficiencies in outdoor sports facilities and natural/ semi-natural open space.

NPPF paragraph 118, encourages the effective use of brownfield land at sufficient density to meet local needs. It states that planning policies and decisions should *"promote and support the development of under-utilised land...especially if this would help to meet identified needs for housing where land supply is constrained"*. Paragraph 123 states that: *"it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site."* It encourages Authorities to be flexible and to seek a significant uplift in the average density of residential development.

Given that the proposal contains an adequate amount of open space with reference to national planning policy, and that this is a sustainable development on brownfield land, no objections are raised in this regard.

Design and impact on residential amenity

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

In this instance, it is not considered that the proposed development would have a significant impact on the amenity of neighbouring dwellings due to the separation distance of a minimum of 21m between the proposed rear windows serving the proposed dwellings on the application site, and a minimum of 15m from the flank windows of the proposed dwellings to the windows of nearby existing dwellings. Given the general layout, it is considered that overshadowing or overbearing effect is unlikely between the proposed development and existing nearby dwellings.

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

The layout of the proposed development would comply with the DCLG 'Technical Housing Standards – nationally described space standards'. The amount of amenity space proposed for the dwellings is considered to be acceptable. The proposed landscaping scheme is also considered acceptable and, therefore, the proposed residential use of the site would be appropriate to the character of the surrounding area.

The design of the dwellings compliments the design of the dwellings within the surrounding area, and is considered acceptable. It is considered that the proposed development would have a positive impact on the streetscene. In particular, the layout has been designed to take account of the existing surrounding residential development, including properties belonging to objectors. The resultant scheme complies with relevant national and local planning policies, including DPD Policies 9 and 20 regarding design and impact on residential amenity.

Impact on the setting of the Grade II listed Hartford Mill

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

The Grade II listed Hartford Mill currently stands 71m from the application site, at the pinch point. However, listed building consent has now been granted for the demolition of this mill.

Access and Car Parking

The site is located in an established residential area with excellent links to public transport and a range of local amenities. There are existing opportunities for walking and cycling in the area and these will be continued through the proposed development.

It is proposed that no vehicular traffic is permitted from Featherstall Road North into Porter Street. A highway improvement scheme will be required at the junction which will prevent vehicular traffic from using the junction. This will consist of a refuge being constructed allowing pedestrians and cyclists through whilst prohibiting the use by motorised vehicles, which will allow the safe use of this junction by cyclists and pedestrians. All amendments will be incorporated and secured via a Section 278 Agreement.

The existing Traffic Regulation Orders will require amendment to accommodate the proposed changes to the one way systems currently in place. A Section 106 Contribution of £5,000 for this purpose has been agreed with the applicant.

A number of amendments will be required to the existing highway layout which will ensure that the area continues to operate safely. These include the incorporation of the redundant, previously stopped up highway, into the area of public open space, extension to the existing footways and the realignment of the existing footways and carriageway on Edward Street.

The application was accompanied by two complementary Transport Statements that deal with both Phases 3 and 4 of the proposed development. The Phase 3 proposals were supported by the Transport Statement dated January 2019 and the Phase 4 site was supported by the Transport Statement dated March 2019. It is predicted that there will be an additional 44 two way trips and 40 two way trips during the morning and evening peak hour periods respectively. The highway layouts have been designed to ensure the safe use by all modes of transport and to accommodate any additional on street parking needs.

The conclusions of the Transport Statements consider both developments cumulatively, and on the basis of the submitted technical evidence, the Highways Engineer is satisfied that the development can be readily accommodated on this site.

As the Highways Engineer and TfGM raise no objection subject to conditions, it is not considered that the development will result in a significant or adverse impact on the local highway network to the detriment of highway safety.

Given the above, the proposed development is considered to comply with DPD Policy 9 in regard to highway safety and amenity.

Drainage

DPD Policy 19 states that the Council will ensure development does not result in unacceptable flood risk or drainage problems by directing development away from areas at risk of flooding, and protecting and improving existing flood defences, water resources and quality.

The LLFA and Environment Agency raise no objection, subject to the inclusion of a drainage

scheme condition.

Conclusion

The proposed use of the site for residential purposes is considered acceptable and in line with policy, and proposes the provision of 53% affordable housing on site.

The proposed development would comply with DPD Policies 9 and 20 in regard to amenity, design and community safety.

The scheme raises no highway safety or residential amenity issues.

Having regard to the benefits resulting from the development of brownfield land, it is considered that the development is acceptable.

Accordingly, the application has been recommended for approval.

RECOMMENDATION

It is recommended that Committee resolves to grant permission:

- (1) subject to the conditions in the report, and the completion of a Section 106 legal agreement in respect of a contribution of £5,000 towards amendments to Traffic Regulation Orders to accommodate the proposed changes to the one way systems currently in place.
- (2) to authorise the Director of Economy to issue the decision upon satisfactory completion of the legal agreement.

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

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

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

Drawing named 'North Werneth Phase 3 Layout - Rev X' received 06th September 2019

Drawing named 'North Werneth Phase 4 Layout - Rev Y' received 16th August 2019

Drawing named 'North Werneth Phase 3 - Materials & Boundary Treatment - Rev J' received 16th August 2019

Drawing named 'North Werneth Phase 4 - Materials & Boundary Treatment - Rev L' received 16th August 2019

Document named 'The Cambridge Working Drawing Pack' received 03rd April 2019

Document named 'The Carlton Working Drawing Pack' received 03rd April 2019

Document named 'The Dalton Working Drawing Pack' received 03rd April 2019

Document named 'The Dartmouth Working Drawing Pack' received 03rd April 2019

Document named 'The Eaton Working Drawing Pack' received 03rd April 2019

Document named 'The Henbury Working Drawing Pack' received 03rd April 2019

Document named 'The Hogarth Working Drawing Pack' received 03rd April 2019

Document named 'The Marlow Working Drawing Pack' received 03rd April 2019

Document named 'The Stratford Working Drawing Pack' received 03rd April 2019

Document named 'Plots 33-35 - Rev 3' received 22nd May 2019

Document named 'Plots 36-37, 59-60, 63-64 and 67-68 - Rev 2' received 22nd May 2019

Document named 'Plots 38-39 and 40-41 - Rev 2' received 22nd May 2019

Document named Plots 42-44 - Rev 3' received 22nd May 2019
Document named 'Plots 51-54 - Rev 3' received 22nd May 2019
Document named 'Plots 55-56 and 57-58 - Rev 2' received 22nd May 2019
Document named 'Plots 61-62 and 65-66 - Rev 2' received 22nd May 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development in Classes A, B, E 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.

4. The approved landscaping scheme shown on drawings P.1154.19.03C and P.1091.18.01F shall be implemented in accordance with the stated timescales. 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 the visual amenity and future appearance of the area.

5. The development hereby approved shall take place in accordance with the Construction Management Plans for Phase 3 (Rev H) and Phase 4 (Rev G) submitted to the Local Planning Authority on 13th August 2019.

Reason - To safeguard the amenity of the locality and to ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system.

6. No dwelling, hereby approved, shall be occupied until the relevant scheme (Acoustic Report Phase 3 or Acoustic Report Phase 4), dated March 2019, for acoustically insulating that dwelling against noise and vibration from the adjacent Metrolink line have been implemented.

Reason - To secure a reduction in noise from Metrolink in order to protect future residents from noise nuisance.

7. No development within Phase 4 shall take place until a geotechnical report to confirm that the works will not adversely affect the stability of the Metrolink embankment has been submitted to, and approved in writing by the Local Planning Authority.

Reason - To protect the integrity of Metrolink infrastructure.

8. No development within Phase 4 shall take place until full details of the protection to the trees located within the Metrolink boundary have been submitted to, and approved in writing by the Local Planning Authority. This tree protection scheme shall be fully implemented prior to commencement and permanently maintained thereafter.

Reason - To protect trees against root damage and to maintain the status quo with regards the stability of the embankment.

9. No development within Phase 4 shall take place until full details of the boundary treatment adjacent to the Metrolink tramway have been submitted to, and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the occupation of any dwelling within Phase 4 and shall be retained thereafter.

Reason - To ensure that a safe and secure boundary treatment is installed on the boundary of the Metrolink.

10. No development shall commence until a sustainable surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - (iii) A timetable for its implementation.

The approved scheme shall be restricted to a 30 litres per second forward flow rate of discharge to the combined sewer in St John's Street for Phase 3, and 7 litres per second for Phase 4, and shall also be in accordance with the other requirements of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

11. No dwelling shall be occupied until the access and car parking space (s) for that dwelling has been provided in accordance with the approved plan (drawings named North Werneth Phase 3 Layout - Rev V received on 16th August 2019, and North Werneth Phase 4 Layout - Rev Y received on 16th August 2019).

The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction of the access roads 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.

12. No dwelling shall be first occupied until secure cycle storage facilities have been provided for that dwelling in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. The facility shall thereafter remain available.

Reason - To ensure adequate cycle storage facilities are available for occupiers of the development

13. 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 in writing by the Local Planning Authority.

Reason - In the interests of highway safety

14. Prior to the first occupation of the development hereby approved, an interim green travel plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Following acceptance of the interim plan, the occupier shall submit their travel plan to the Local Planning Authority for approval and the approved plans shall thereafter be implemented within 3 months of occupation of the dwellings.

Reason: To ensure the development accords with sustainable transport policies

15. No development shall take place until a detailed scheme of traffic-calming measures for Edward Street in the vicinity of the proposed access has been submitted to and approved in writing by the Local Planning Authority. Thereafter, no dwellings shall be occupied until such time as the approved traffic-calming scheme has been fully implemented.

Reason - To ensure adequate measures have been provided to restrict the vehicular speeds of traffic generated by this development in the interests of highway safety.

16. No development shall take place until a detailed scheme for a highway improvement at Porter Street and Featherstall Road North has been submitted to and approved in writing by the Local Planning Authority. The scheme should include details of physical measures to prohibit motor vehicles using the junction whilst allowing pedestrian and cycle access. Such works that form part of the approved scheme shall be complete before the occupation of any dwelling and shall be retained thereafter.

Reason - To ensure the safe operation of the highway network in the interest of highway safety.

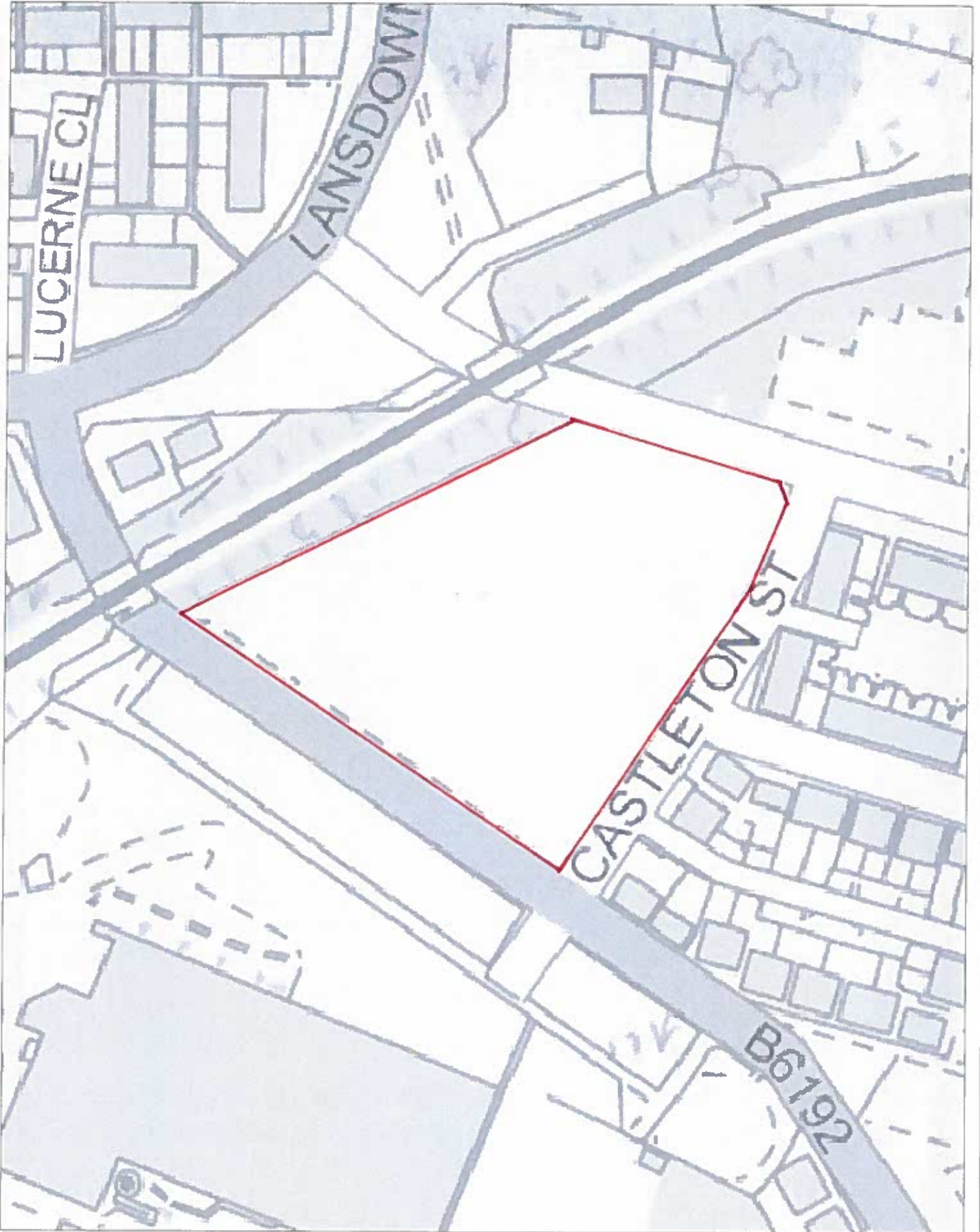
17. Prior to the commencement of the built development hereby approved, the following details should be submitted to and approved in writing by the Local Planning Authority:

- a) The undertaking of a scheme of intrusive site investigations for the mine entries;
- b) The submission of a report of findings arising from the intrusive site investigations for the mine entries;
- c) The submission of a scheme of treatment for the mine entries and any necessary mitigatory measures to be incorporated in the development to address movement derived from the shafts, for approval;
- d) The submission of a scheme of proposed remedial works for past shallow coal mining activity for approval.

The above works shall be undertaken in accordance with the approved details.

Reason - To mitigate against risks associated with coal mining.

343071



APPLICATION REPORT - PA/343341/19

Planning Committee, 18 September, 2019

Registration Date: 21/05/2019
Ward: Royton South

Application Reference: PA/343341/19
Type of Application: Full Planning Permission

Proposal: Erection of 77no. dwellings, open space and associated works.
Amended application relating to PA/341416/18.
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

UPDATE REPORT

This application was deferred from the Planning Committee meeting held on 28th August 2019 for further information regarding the following:

1. Alternative highway access.
2. Alternative or additional works to the Hebron Street/ Oldham Road junction.

Item 1

The applicant has confirmed that there is no prospect for a second access for this development for the following reasons:

1. There is no agreement in place with any land owner on Moss Lane Industrial Estate with regard to providing a permanent access. In addition, from a sales and marketing perspective it is undesirable for the applicant to mix industrial and residential traffic via a connection to Moss Lane.
2. There is land in the control of the applicant between the application site and Bullcote Lane, but a vehicular connection would necessitate the creation of a significant length of road through a large area of OPOL, resulting in additional loss. This would be a costly piece of infrastructure that would also impact the viability of the development and the proposed contributions in terms of affordable housing and open space.

Item 2

Officers are presently discussing options with the applicant for the off-site highway improvements and further details will be provided on the Late List.

Other Matters

At the 28th August 2019 Planning Committee Councillor Gloster asked whether the applicant had considered additional parking for residents of Hebron Street as part of the proposals. The applicant has taken this request on-board and has amended the lay-by parking arrangement to provide six car parking spaces to benefit existing residents and

visitors to the development.

THE SITE

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

The site is bounded by Heyside Park and other protected open land to the north, open fields to the east, residential development to the west (Hebron Street and Brownlow Avenue) and an existing industrial estate to the south.

There is a public right of way to the west of the site.

THE PROPOSAL

This application proposes the erection of 77 two-storey houses of 10 different house types, including 15 affordable houses and 0.4 hectares of public open space. Access to the site will be via Hebron Street.

The submission follows a previous application (PA/341416/18) which was refused following the decision of Planning Committee at its meeting on 13 March 2019 for the reasons set out below.

3. *The proposed development makes inadequate provision for accessing and exiting the site and Hebron Street. As such, the proposal will lead to congestion and obstruction on Hebron Street and beyond, to the detriment of residents' amenity, the free flow of traffic along the street and area, and pedestrian safety. As such, the proposal is unsustainable development and contrary to:*
 - *Policy 5 of Oldham's Local Plan which seeks to ensure highway safety by requiring appropriate highways safety measures and schemes are implemented as part of development proposals; and,*
 - *Policy 9 of Oldham's Local Plan which seeks to protect the amenity of existing and future residents.*
4. *The proposal would result in the loss of Other Protected Open Land (OPOL) land and subsequently would result in a loss of open landscape that would cause harm to the visual amenity of the area, as well as having a transformative effect on its openness and local distinctiveness. This harm significantly and demonstrably outweighs the benefits of the scheme when weighed against the Local Plan and NPPF policies taken as a whole. As such, the proposal is contrary to:*
 - *Policy 6 of Oldham's Local Plan which seeks to protect the borough's Green Infrastructure; and,*
 - *Policy 22 of Oldham's Local Plan which seeks to protect valued OPOL land.*
5. *The proposed development would result in the introduction of residential accommodation of poor design, in terms of unacceptable room sizes, that fails to take the opportunity available for improving the quality of accommodation in Oldham and create places that provide an acceptable degree of amenity for future residents. The proposal would therefore be contrary to:*
 - *Policy 9 of the Oldham's Local Plan and the objectives of the National Planning Policy Framework to secure a good standard of amenity for future occupants of land and buildings.*
6. *The nature of the noise, activity and disturbance created by the adjacent employment site would be detrimental to the residential amenity of the occupiers of the proposed residential properties. As such, the proposal would therefore be contrary to:*
 - *Policy 9 of Oldham's Local Plan which seeks to protect the amenity of future residents from noise, increased activity and disturbance*

These matters are addressed in turn in the report below.

RELEVANT PLANNING POLICY

The 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of

the Local Development Framework for Oldham. The application site is identified as Land Reserved for Future Development and Other Protected Open Land in the Local Plan.

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

Policy 1 - Climate change and sustainable development;
Policy 3 - An address of choice;
Policy 5 - Promoting Accessibility and 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.

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.

CONSULTATIONS

Highways Engineer - No objection subject to a condition to require highway improvements at the junction of Hebron Street and Oldham Road.

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 - No objection subject to a condition to reflect the physical security specifications set out in the Crime Impact Statement.

Ramblers Association – Concerns at the footpath width and traffic/parking.

REPRESENTATIONS

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

A total of 7 letters of objection were received on the following grounds:

- unacceptable noise and disturbance to local residents;
- the proposed development will be adversely impacted by the noise and disturbance generated by the adjacent employment sites;
- entering and leaving Hebron Street 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.

PLANNING CONSIDERATIONS

The main issues to consider are:

- Highways Issues
- Principle of development;
- Loss of open space
- Residential amenity;
- Design;
- Ecology; and

- Contamination and Landfill Gas.

Highway issues

The first reason for refusal indicated that the development included inadequate provision for entering and leaving the site from Hebron Street, and it would lead to congestion and obstruction on Hebron Street and beyond.

NPPF paragraph 109 states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe"*.

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.

The Highways Engineer and TfGM are satisfied that the proposed development will not have a significant or severe impact on traffic generation or flow in the area.

Concerns were originally raised in respect of the previous application that the intensification of the use of the Hebron Street junction would result in an increase in the risk of accidents as vehicles wait on Oldham Road to enter Hebron Street or emerge from Hebron Street.

In mitigation, the applicant has offered highway improvement works in the form of additional advance warning signs, road markings, waiting restrictions and pedestrian crossing facilities at the Oldham Road / Hebron Street junction which are considered acceptable by the Council's Highway Engineer. An appropriately worded planning condition has been attached. .

The main access to the site will 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 this area will be stopped up and reinstated as footway.

The internal layout of the site accords with the Local Highway Authority standards for adoption and there is adequate parking provision provided. 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.

As the applicant has agreed to the highway improvement works recommended by the Council's highway Engineer and taking into account the absence of an objection from TfGM, it is considered that, with appropriate mitigation, the proposed access is suitable for the development. As such, a reason for refusal on highway safety grounds could not therefore be pursued in this case, as no technical evidence of a harmful impact is available..

During the previous application, there were concerns about construction vehicles accessing the site via Hebron Street. As a consequence, the applicant has agreed with adjacent land owners to access the site in the construction phase via the Moss Lane industrial area to the south, thereby avoiding using Hebron Street.

Principle of Development:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. However, Paragraph 11 of the NPPF is clear that relevant policies for the supply of housing should not be considered up-to-date when an authority has substantially under-delivered and/or cannot demonstrate a five-year housing land supply.

At present the Authority is not able to demonstrate a 5 year housing land supply and the Housing Delivery Test indicates that the delivery of housing has been substantially below the housing requirement for the past 3 years.

Therefore the 'tilted balance' provided by paragraph 11 (c) (d) of the NPPF applies to the consideration of this application. Once the tilted balance is engaged, it means that the Authority cannot rely on giving its relevant adopted development plan policies full weight and planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the NPPF when taken as a whole or where specific policies in the NPPF indicate development should be restricted.

The case for new housing

It is recognised that for the provision of 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.

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 within the prescribed walking distance of Blackshaw Lane Primary School, and Crompton School, the 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.

The proposal therefore complies with the above criteria and is regarded to be in a sustainable location which, together with 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 a suitable location for housing.

This must be weighed against the loss of OPOL and LRFD.

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. LRFD land should only be considered for development if other allocated land and brownfield is insufficient to meet the future development needs.

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, although not Green Belt, is locally important because it helps preserve the distinctiveness of an area. The previous application was refused because the harm resulting from its loss was considered to outweigh the need for housing.

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 is in private ownership with no public access.

However, OPOL is not one of the designations listed in Footnote 6 to Paragraph 11 of the NPPF where the presumption in favour of sustainable development does not apply to. Therefore, the designation cannot be given full weight in the assessment of this application when weighed against the other material considerations.

The authority has identified the site for residential development in the emerging GMSF and, although the GMSF itself carries no weight, the fact that the site has been assessed by the authority indicates that housing need has been judged to outweigh the need to protect the land as OPOL.

Moreover, it should be noted that this OPOL land is not designated with any form of landscape protection. Therefore, whilst the loss of OPOL is contrary to the DPD Policy 22 and considered a negative impact of the proposal, it is considered that the weight applied to the impact is not sufficient to outweigh the substantial benefits this housing scheme delivers.

Open Space and Sports

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, which 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.

Land Use Conclusion

In this instance, negative weight is still attached to the proposal resulting in a loss of OPOL land. However, the harm associated with its loss is considered to be sufficiently 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 that 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.

The previous reason for refusal could not therefore be justified in the light of the 'tilted balance', and the housing use of the site is considered acceptable in principle.

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's western boundary. As such, 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 off-set 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 warrant a refusal.

Impact of the adjoining employment site on future occupiers

The southern boundary of the site adjoins an existing area of business and employment uses. 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 (Environmental Noise Report 646511/05 – 22nd November 2018), undertaken in accordance with BS4142:2014.

This 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 the 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's haulage yard,. However, it is clear that the closest neighbouring dwellings 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 nighttime, the site is predominately of low to negligible noise risk. In addition, the applicant has submitted a detailed Acoustic Design Statement (ADS). 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, it is considered that suitable internal sound level levels can be achieved in all plots across the site.

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 objections.

In the absence of any technical evidence to indicate that an adverse impact on amenity would result, it has been 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, it is considered that, with appropriate mitigation, the proposed site is suitable for residential development. As such, a reason for refusal on noise grounds cannot be substantiated.

Amenity of the future occupiers

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

The main amendment between the previous and present applications is that the internal living space provided by the house types of the current scheme have been designed to fully meet the 'Technical housing standard- nationally described space standards', March 2015 (NDSS). This is considered to fully address the previous application reason for refusal no.3.

Having considered the 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. However, given the proposed dwellings have been increased in internal floor area to meet the NDSS, it is clear the separation distances between the dwelling is not sufficient to allow permitted development extensions and alterations to be made to the properties. As such, an appropriately word planning condition has been included removing permitted development rights across the development, so that all future extension to the properties are considered by the Local Planning Authority and residential amenity across the site is maintained.

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.

Design

DPD Policies 1, 9 & 20 seek high quality design that is in keep in with the character of the natural and built environment.

The layout of the proposed development is largely the same as the previous application (Ref: PA/341416/18) and the dwellings are in keeping with the design of the dwellings within the surrounding area. in accordance with DPD Policy 20,

Moreover, the proposed hard and soft landscaping, that will form part of the development, is considered to be acceptable, incorporating areas of green space and landscaping. 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.

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.

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

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

The Contaminated Land Officer has confirmed that a condition should be attached requiring that the remediation strategy as outlined in the submitted site investigation report is undertaken on site.

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, the 'tilted balance' 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.

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.

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, although there are concerns in respect of the loss of OPOL land, 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, it is considered that the benefits of new housing and presumption in favour of it outweigh the limited harm caused in this case. Accordingly, on balance, it is recommended that planning permission be granted.

RECOMMENDATION

It is recommended that Committee resolves to grant permission 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 plans and specifications, which are referenced as follows:

Location Plan Drawing Number: SK534 LP 01, received 21/05/2019.

Planning Layout Re Plan Drawing Number: SK534-PL-02, Rev B, received 05/09/2019.

Boundary Plan Re Plan Drawing Number: SK534-BP-02, Rev B, received 05/09/2019.

Materials Schedule Drawing Number: SK534-MAT-02, received 21/05/2019.

Streetscenes Re-Plan Drawing Number: SK534-SS-02, received 21/05/2019.

Fence Types A to D Drawing Number: NSD-9102, received 21/05/2019.

Wall Types 1 to 4 Drawing Number: NSD-9001, received 21/05/2019.

Topographical Survey Drawing Number: S17-715-1 Rev A, received 21/05/2019.

Topographical Survey Drawing Number: S17-715-2 Rev A, received 21/05/2019.

Construction Detail For Indoor Sub Station Drawing Number: ES352 A2 006 02L, received 21/05/2019.

Typical Headwall Detail Drawing Number: STND/19/011 Rev A, received 21/05/2019.

The Arun (NDSS):

- Ground Floor Plans Drawing Number: ARUN-01, received 21/05/2019,
- First Floor Plans Drawing Number: ARUN-02 Rev B, received 21/05/2019; and
- Elevations Drawing Number: Arun-6.0-SEMI Rev A, received 21/05/2019.

The Bourne (NDSS):

- Ground Floor Plans Drawing Number: BRNE-01 Rev C, received 21/05/2019;
- First Floor Plans Drawing Number: BRNE-02 Rev C, received 21/05/2019; and
- Elevations Drawing Number: BRNE-6.0-SEMI Rev C, received 21/05/2019.

The Midford (NDSS):

- Ground Floor Plans Drawing Number: BMFRD-01 Rev A, received 21/05/2019;
- First Floor Plans Drawing Number: MFRD-02 Rev B, received 21/05/2019;
- Elevations Drawing Number: MFRD-6.0-SEMI(A), received 21/05/2019; and
- Elevations Drawing Number: MFRD-6.1-SEMI(A), received 21/05/2019.

The Southwick (NDSS):

- Ground Floor Plans Drawing Number: STHK-01, received 21/05/2019;
- First Floor Plans Drawing Number: STHK-02 Rev A, received 21/05/2019;
- Elevations Drawing Number: STHK-6.0-SEMI(A), received 21/05/2019; and
- Elevations Drawing Number: STHK-6.1-SEMI(A), received 21/05/2019.

The Southwick SA (NDSS):

- Ground Floor Plans Drawing Number: STHKSA-01, received 21/05/2019;
- First Floor Plans Drawing Number: STHKSA-02 Rev A, received 21/05/2019;
- Elevations Drawing Number: STHKSA-6.0-SEMI(A) Rev A, received 21/05/2019; and
- Elevations Drawing Number: STHKSA-6.1-SEMI(A), received 21/05/2019.

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, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping 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.

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 in accordance with an alternative timescale which has been agreed in writing by the Local Planning Authority.

Any trees or plants 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 similar size and species unless the Local Planning Authority gives written consent to any variation.

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.

4. The development shall only be carried out in full accordance with the approved remediation proposals outlined in the Phase I and Phase II Geo-Environmental Site Assessment by e3p (Report Ref:11-7-Page 53), dated January 2018.

Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.

Reason - To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use.

5. 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.

6. Prior to commencement of any phase of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan 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, including measures to prevent HGV construction vehicles or plant accessing the site via Hebron Street, (ii) loading and unloading of plant and materials, and (iii) wheel cleaning facilities.

Reason - In the interests of amenity and highway safety.

7. 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.

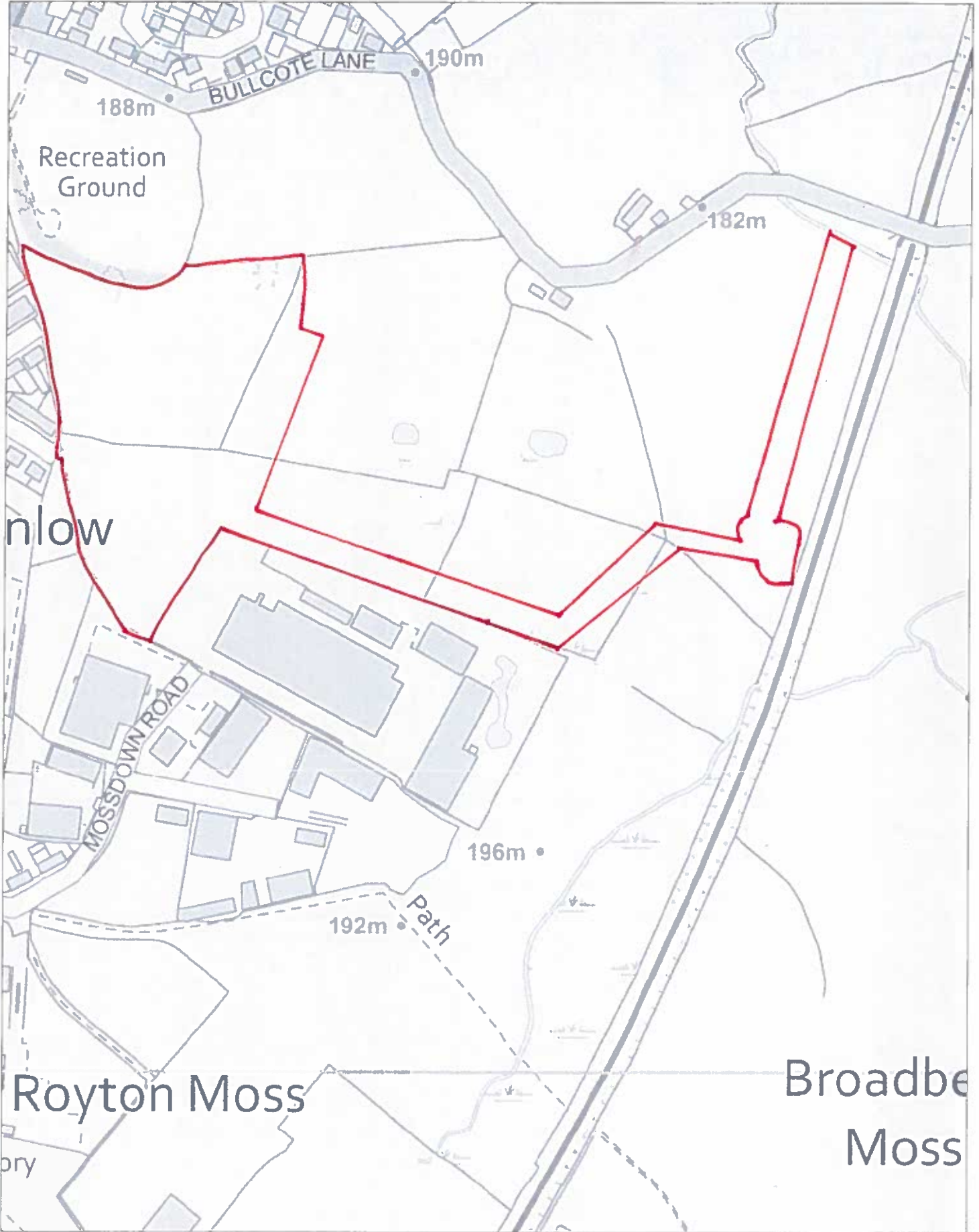
8. No dwelling shall be occupied until the access road and car parking space for that dwelling has been provided in accordance with the approved plan received on 21st May 2019 (Ref: Dwg No.SK534-PL-02). The details of construction, levels and drainage shall be submitted to and approved in writing by 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.

9. The development hereby approved shall not be commenced until a scheme detailing a highway improvement to the junction of Oldham Road and Hebron Street has been submitted to and approved in writing by the Local Planning Authority. As a minimum the scheme shall include additional road markings and road signs on Oldham Road on the approach to Hebron Street, pedestrian crossing facilities on Hebron Street and the introduction of waiting restrictions on Hebron Street in the vicinity of the Oldham Road junction. No dwelling shall be occupied until the approved scheme has been completed.

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

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nlow

Royton Moss

Broadbe Moss



APPLICATION REPORT - PA/343503/19

Planning Committee, 18 September, 2019

Registration Date: 12/07/2019
Ward: Saddleworth South

Application Reference: PA/343503/19
Type of Application: Full Planning Permission

Proposal: Erection of 10 no. dwellings, internal access road and landscaping throughout.

Location: 148-150 Chew Valley Road, Greenfield, OL3 7DD

Case Officer: Brian Smith

Applicant E&G Developments Ltd
Agent : Peacock and Smith

THE SITE

The application site comprises a 0.3 ha irregular area of previously developed land formerly occupied by manufacturing workshops. Vehicular access is currently between nos.152 & 154 Chew Valley Road which is also a public right of way (238).

The site is located in a primarily residential area and bounded to the north by a convenience store and car park. On the opposite side of Chew Valley Road is a public garden area and to the west is an area of undeveloped land featuring a number of mature trees subject of a Tree Preservation Order.

THE PROPOSAL

This application proposes 10 two and three storey stone dwellings under slate roofs. The access to the site was approved under PA/339374/16.

The northern perimeter of the site around the convenience store will be landscaped and three established trees will be retained to the front of the site.

PLANNING HISTORY

DM/342358/18 - Prior approval granted in respect of demolition of former industrial buildings 17th October 2018.

PA/339374/16 - Outline planning permission for residential development, access to be considered. All other matters reserved - Approved 27th October 2017

RELEVANT PLANNING POLICY

Development Plan Document - Joint Core Strategy and Development Management Policies

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 14 - Supporting Oldham's Economy

Policy 20 - Design; and,
Policy 23 - Open Spaces and Sports.

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

CONSULTATIONS

Highway Engineer Pollution Control	Comments awaited No objection subject to conditions regarding landfill gas, contaminated land and adequate waste storage facilities and an informative note in respect of the control of construction noise.
Coal Authority	No observations
Environment Agency	No comments
Greater Manchester Ecology Unit	No comments

REPRESENTATIONS

The application has been publicised by means of a site notice, press notice, and neighbour notification letters. No representations have been received.

Saddleworth Parish Council - No objections.

PLANNING CONSIDERATIONS

The main material considerations include:

1. Principle;
2. Relationship with the street scene;
3. Amenity;
4. Parking and highway safety;
5. Open Space.

Principle

The site benefits from an extant residential consent.

As such, the Council is again supportive of the principle of residential development on this site.

Relationship with the street scene

The proposed development is acceptable in terms of design, scale, massing and density and equally sensitive and compatible with the local character. The layout has been designed to reflect the largely smaller scale cottage type properties along the length of Chew Valley Road with the larger dwellings concentrated to the rear of the site.

Amenity

The layout is acceptable in terms of its scale, pattern and density, maintaining an appropriate relationship with the occupiers of surrounding properties to ensure that it has no adverse impact on the amenity and living conditions of existing residents and providing an acceptable layout for the proposed residents.

Insofar as the nationally described space standards are concerned, the development is compliant with the standards with the exception of plots 1 and 2, which marginally fail the minimum gross internal floor area. However, given the limited amount of the deficiency, this is not considered sufficient reason to warrant a refusal.

Additional information has been requested, and an update will be reported via the late list.

Open Space

A landscaped open area is provided that is proportionate to the size and scale of the proposed development. Accordingly, a financial contribution to the provision and enhancement of off-site open space is not required.

Conclusion

The proposed development is considered acceptable subject to the receipt of satisfactory additional highway plans.

RECOMMENDATION

Approve, subject to the following conditions:

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

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

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications received 14th June 2019, referenced 2404-HTA-01; 2404-HTB1-01; 2404-HTB1-02; 2404-HTB2-01; 2404-HTB2-02; 2404-HTB3-01; 2404-HTC-01; 2404-HTC-02; 2404-PL-700-01; 2404-PL-700-02; 2404-DGA-01; 2404-SGA-01 and the revised location plan received 12th July 2019, referenced 2404-PL-700-03.

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

3. Prior to the construction of the external surfaces of the development hereby approved, samples of the materials to be used shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter, 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 unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's written report and recommendation have been submitted to and approved by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

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

5. No development shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the

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

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

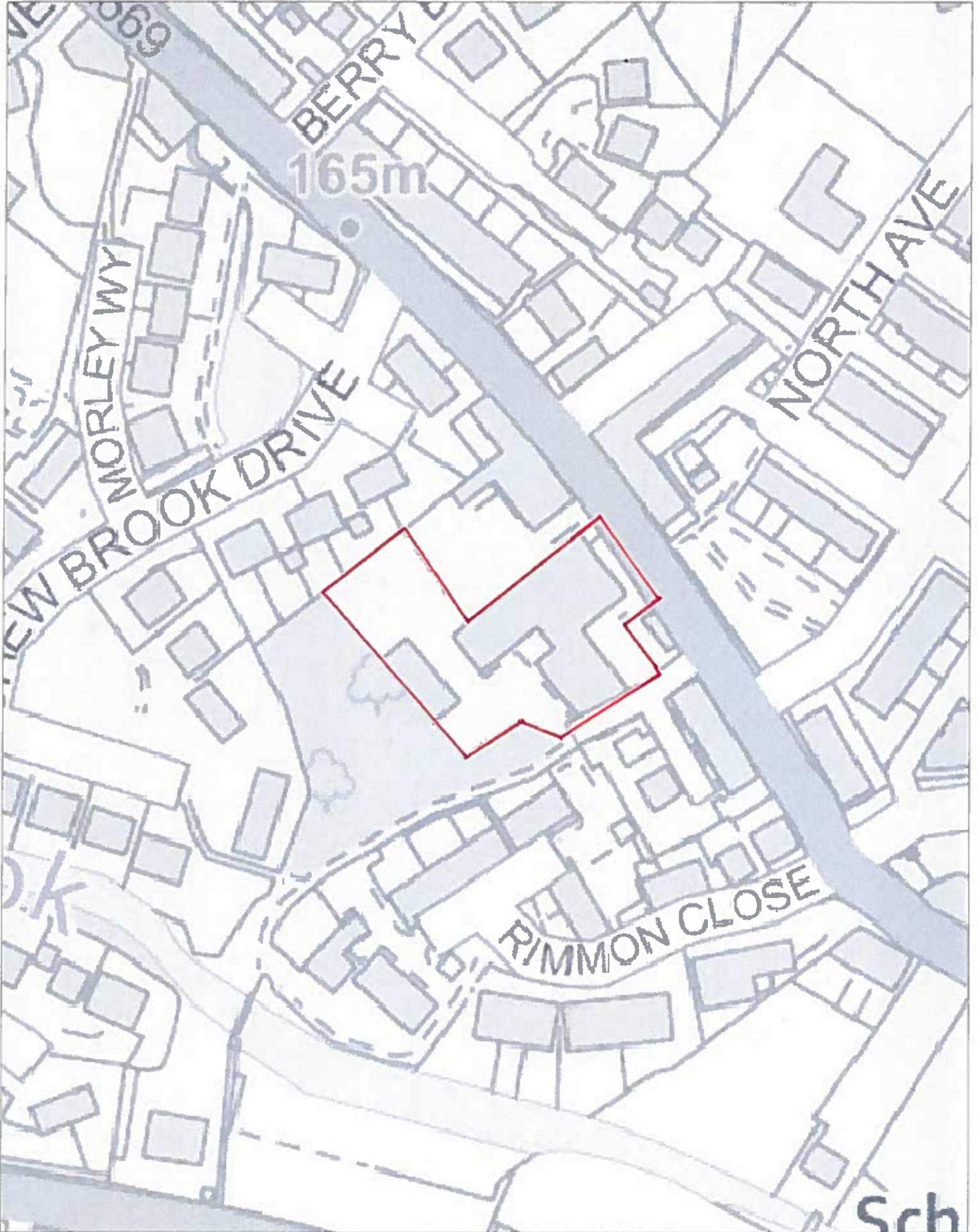
6. All hard and soft landscape works for the site shall be carried out in accordance with the approved plan and accompanying details referenced 2404-PL-700-01. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local 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.

7. No development shall take place unless and until all trees, shrubs and hedges within the site and/or trees whose root structure may extend within the site, which are to be retained as shown on the approved plan, referenced 2404-PL-700-01, have been fenced off in accordance with a detailed scheme to be approved in writing with the Local Planning Authority. Thereafter no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence and tree during the construction period.

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

343503



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

September 2019

PLANNING APPEALS

WRITTEN REPRESENTATION

HEARINGS

HOUSE HOLDER

HH/342954/19 3 Farmstead Close, Failsworth, Manchester, M35 9NU

ADVERTISEMENTS

APPEAL DECISIONS

PA/341852/18	Hawthorn Cottage, Lee Side, Kiln Green, Diggle, Oldham, OL3 5JY
Original Decision	Del
Appeal Decision	Dismissed

HH/340889/17	Land at High Street/Hill End Road, Delph, Oldham, OL3 5HW
Original Decision	Del
Appeal Decision	Dismissed

RECOMMENDATION - That the report be noted.

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

Files held in the Development Control Section

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



Appeal Decision

Site visit made on 15 July 2019

by **Laura Renaudon LLM LARTPI Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/W4223/W/19/3227776

Hawthorn Cottage, Lee Side, Kiln Green, Diggle, Oldham OL3 5JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Broadbent against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/341852/18, dated 17 May 2018, was refused by notice dated 1 November 2018.
 - The development proposed is described as a single storey extension to form bedroom and extension of small section of existing pitched roof to create porch.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal was amended by agreement during the course of the Council's determination of the application. The Council's refusal of permission was for 1) change of use of land to extend residential curtilage including alterations to land levels 2) part-subterranean extension 3) single storey front extension 4) associated boundary treatment.
3. The principal element of the proposal is to build a part-subterranean extension to the north eastern side of the existing dwelling known as Hawthorn Cottage. The existing curtilage to the dwelling appears to be tightly drawn to this side, with an existing field gate and entrance beyond it, facing the road. The proposal involves excavating the land to build the extension into the field, and then re-grassing the field above it, with a raised ground level of approximately 50cm, and re-hanging the existing gate with the land rising, rather than falling slightly as it does at present, from the roadside to meet it.
4. The area of the proposed extension is within the 'red line' of the application site but, although the amended description of the proposal was agreed during the course of the application, the parties are in disagreement about whether there would be any associated change of use to residential curtilage. A vertical section of the resulting development would reveal two different uses; the residential bedroom below and the field entryway above. There would be no further curtilage area associated with the dwelling. As suggested by the appellants, these changes could be controlled by the imposition of a planning condition, to restrict the use and development of the field area above, if necessary.

5. The Council do not object to the front porch element of the proposal, and so I have considered the proposal as a whole but with particular focus on the bedroom element.

Main Issues

6. The site lies within an area of Green Belt, and also within the Diglea Conservation Area. The main issues arising in the appeal are therefore:
 - (1) whether the proposal would amount to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies; and, if so, whether it would affect the openness of the Green Belt and whether there are any other considerations that might amount to very special circumstances to justify the harm to the Green Belt and any other harm that might arise; and
 - (2) the effect of the proposal on the character and appearance of the area, with particular regard to whether the proposal would preserve or enhance the Diglea Conservation Area.

Reasons

Whether inappropriate development

7. Policy 1 of the Oldham Local Development Framework Core Strategy and Development Management Policies document adopted in November 2011 ('the CS') records that the Green Belt will be maintained, and Policy 22 is permissive of development in the Green Belt where no conflict with national Green Belt policy arises. That national policy is presently expressed in the Framework, which exhorts local planning authorities to regard the construction of new buildings (which would include an extension, as proposed here) as inappropriate in the Green Belt. Exceptions include extensions to buildings, provided that no disproportionate additions to the size of the original building result, and limited infilling in villages.

Extensions

8. The existing dwelling on the site has the appearance of having been constructed relatively recently, although documents supplied in the appeal suggest that the current dwelling results from the change of use and extensions to the former railway station shop. The external floor area of the proposed extension is said by the appellants to be approximately 40 m². The floor area or volume of the existing dwelling is not given, but from the plans I concur with the Parish Council that the increase appears to be of the order of around 50%. Whilst this is not necessarily a disproportionate extension in itself, I have no information concerning the dimensions of the 'original building', which, if it is the former shop, the Council describe as having been disproportionately extended already to result in the existing dwelling house, 'very special circumstances' having then been demonstrated. Consequently, I cannot conclude that the proposed extension would not be a disproportionate addition to the original building. The fact that much of the development would not be visible does not bear on the objective question concerning the increase in size.

Limited infilling in villages

9. The Council do not dispute that the existing dwelling lies within a village. The principal settlement of Diggle lies across the railway line, with the dwelling forming part of a loose line of buildings that appear to be 2 historically separate but closely connected hamlets, Diglea and Kiln Green, the former containing The Diggle Hotel and the latter containing a church and church hall.
10. The appellants have supplied a copy of the Proposals Map showing that most of the village of Diggle is excluded from the Green Belt. This 'settlement boundary' appears relevant to establishing the extent of the village of Diggle, although parts of the settlement area, including the appeal site, appear to lie beyond it. The appeal site lies close to the railway line historically serving the village. Although lying to the other side of the railway tracks from the village centre, it appears closely connected to the centre and is within easy walking distance of the village's main facilities. It was described by the Council's officer on an earlier application as being '*located within an urbanised part of the green belt alongside other dwellings and opposite the Diggle Hotel*'. I consider that the site lies on the outskirts of, but nonetheless within, the village of Diggle.
11. As to whether the development proposed would amount to 'limited infilling', the Council consider this requirement is not met, because the proposal does not amount to the development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage. The appellants suggest that a wider interpretation, of buildings within the confines of a group of buildings, is appropriate.
12. There is no definition in the Framework of what constitutes 'limited infilling' and no definition that might be found in local planning policies has been suggested here. The appeal site is surrounded by buildings, albeit in a very loose arrangement, and, as described by the previous Council report, is in an urbanised area. Immediately to its north lies a field, separating it from the next house to the north east by around 30m. The Diggle Hotel lies further away, to the north. A pair of semi-detached dwellings lie to the south west, separated by a field from further dwellings in Kiln Green. Another dwelling lies opposite to the west.
13. Whereas 'infilling' suggests the development of land that is surrounded by existing development on at least 2 sides within reasonable proximity, the requirement for such infilling to be 'limited' requires consideration of both the development site and the scale and form of the proposed development. The proposed development would extend the house by a little more than 5m to its north eastern side, largely below ground level. On this issue I conclude that, although there is some distance across the field to the frontage of the next dwelling, 2 Diglea, to the north east, the spacious nature of this part of Diggle with its loose arrangement of buildings, combined with the small scale and the form of the development proposed, would amount to limited infilling within a village for the purposes of the Framework.
14. Accordingly I find that an exception to the Framework's requirement that new buildings should be considered as inappropriate in the Green Belt to have been established. The proposed development would not amount to inappropriate development in the Green Belt because it would constitute limited infilling within a village. It follows that no assessment of the effects on Green Belt openness or whether very special circumstances exist is necessary.

Character and appearance

15. The appeal site lies within the designated heritage asset that is Diglea Conservation Area, and accordingly special regard is to be had to the desirability of preserving or enhancing the Conservation Area when considering development proposals. The Framework advises that great weight should be given to the conservation of heritage assets, and this advice is largely reflected in CS Policy 24, requiring development proposals to have regard to national historic environment policy and to preserve or enhance the character or appearance of conservation areas.
16. The site lies at the south western edge of the Diglea Conservation Area, which consists of a small number of historic pre-Industrial stone buildings, together with buildings, such as the Diggle Hotel, and the appeal property in its original form, having had some association with the adjoining railway line. The site lies very close to the start of the Standedge railway and canal tunnels, which, although lying outside the Conservation Area, are significant examples of the achievements of the Industrial Revolution in the area. Some of the buildings, including the nearest dwelling to the appeal property within the Conservation Area, are listed. They lie on the rising land to the north and east of the appeal site, and are mostly abutted by open fields and the rising moorland beyond. Boundary treatments, in the Conservation Area and elsewhere in the vicinity of the appeal site, are mostly stone walls.
17. The appeal property lies at a prominent location at the junction of Station Road, crossing the railway line, with Lee Side which runs from Kiln Green towards the bottom of the hill up to Diglea which lies above it. The Pennine Bridleway crosses in front of the site, with a finger post sign opposite. Approaching the appeal property over the Station Road railway bridge, the adjoining field gate, marking the location of the proposed extension, lies ahead.
18. The appeal proposals involve raising the apparent land level behind the field gate by around 50cm. The extension would extend to the rear beyond the side of the existing south eastern elevation of the dwelling. The adjoining field slopes down with the road from the north. Insofar as the proposal involves raising the land level towards the front of the property and grassing over the roof of the proposed extension to appear as a continuing part of the field, I find that there would be no adverse impact on the character or appearance of the area, including the Conservation Area.
19. However, the proposal involves further elements that I consider would adversely affect the appearance of the area. The flat roof of the extension would extend into the field well above its existing land levels as they slope down towards the existing curtilage of the dwelling, and would protrude beyond these. Although the easternmost corner of the extension would appear to align with the field level at that point, the land continues to drop away and the development would increase in prominence towards the west, with a marked drop from its surface to the surrounding land level. The corollary of this is that the roof is to be surrounded on its southern sides by a timber fence, containing the area above it and replacing the existing aspect of the open field lying beyond the field gate.
20. The effect of these elements is that the existing views across the site to the countryside beyond would become considerably restricted by the incongruous timber fence, and evidence of the flat roofed extension protruding beyond the

adjoining land form would be readily apparent when viewed from its surroundings, particularly from the Conservation Area to the north east but also to users of the recreational Pennine Bridleway route passing in front of the site. Although the appellants consider that 'underground' or 'built in to the hillside' accommodation is part of the local Saddleworth vernacular, I saw no comparable examples of such development within the Conservation Area or within the vicinity of the appeal site.

21. As a result, the appearance of the area, and therefore the Conservation Area, would be harmed. In terms of the Framework this would amount to 'less than substantial' harm that should be weighed against the public benefits of the proposal.
22. The appellants consider the extension to be of a high architectural standard and an imaginative design. Putting the context aside, I do not dissent, but find the public benefits of this to be limited. Whilst some contribution to the local economy would be likely to result from the ability to house more occupants, this has not been quantified. The construction-related jobs would be a rather ephemeral benefit compared with the permanent harm to the Conservation Area. The ability of the appellants to house family members coming to stay constitutes a private rather than a public benefit.
23. Therefore on this issue I am unable to conclude that there are sufficient public benefits deriving from the proposal to outweigh the harm to the Conservation Area that I have identified. The proposal would thus conflict with heritage policies in the Framework and with CS Policy 24.

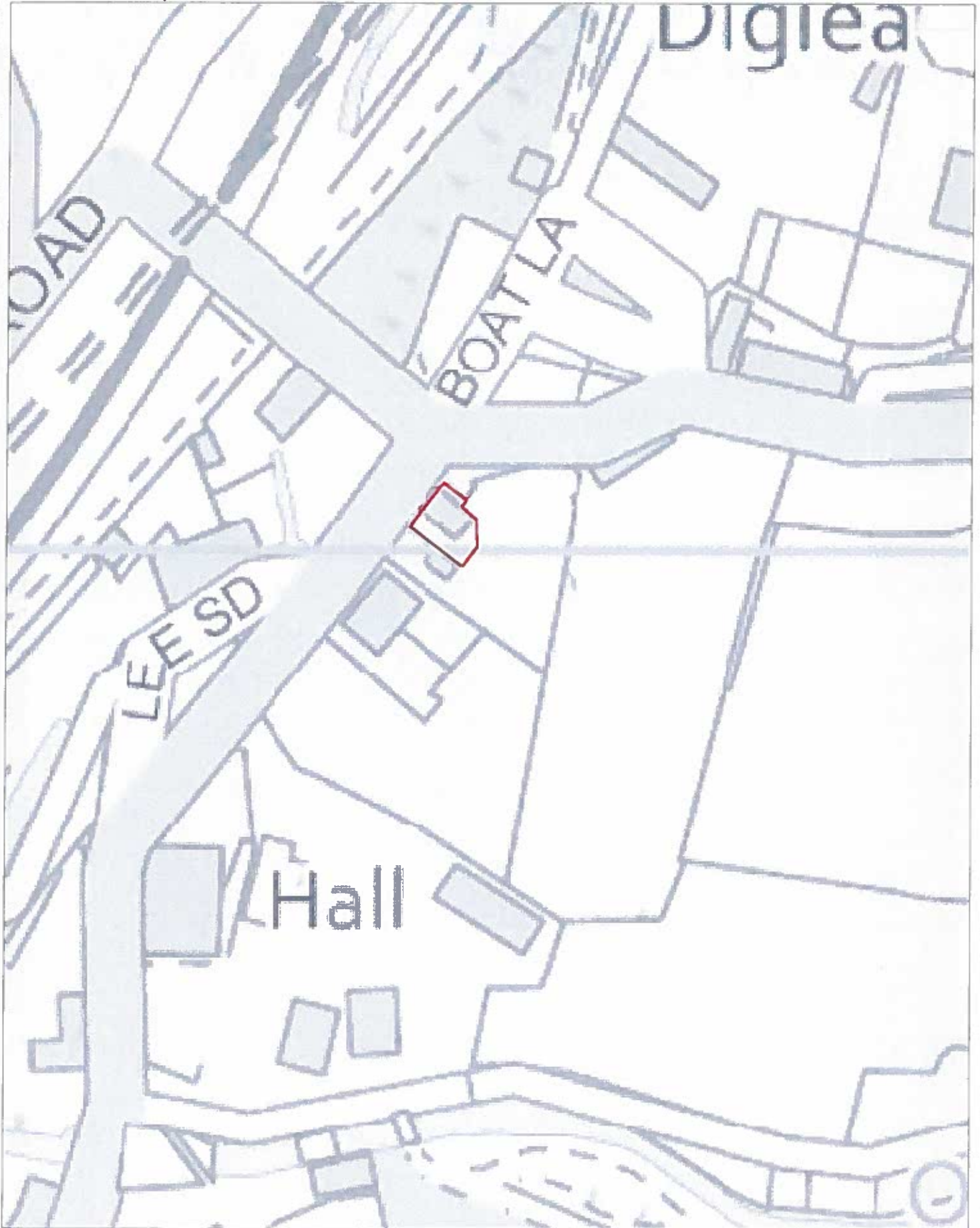
Planning Balance and Conclusion

24. I conclude that the proposal would amount to development constituting limited infilling within a village, and as a result it would not be inappropriate development in the Green Belt. This has a neutral effect on the outcome of the appeal. There would be harm to the Conservation Area, resulting from the protrusion into the landform of the extension and the fence above it. No public benefits arising from the development are sufficient to outweigh this harm, which is contrary to CS Policy 24 as well as the Framework. As no other material considerations have been raised that would justify departing from the development plan for the area, the appeal is dismissed.

Laura Renaudon

INSPECTOR

341852





Appeal Decision

Site visit made on 6 August 2019

by **Patrick Hanna MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/W4223/W/19/3226960

Land at High Street/Hill End Road, Delph, Oldham OL3 5HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rod Lawson against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/340889/17, dated 23 January 2018 by the Council, was refused by undated notice.
 - The development proposed is demolition of existing toilets and construction of detached garage.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application site address is different on the application and appeal forms to that on the Council's decision notice. I have used the former, as the only building on the site is a toilet block which would not normally have an address. As different postcodes are also given, I have used that most recently provided.

Main Issues

3. The main issues are the effect of the proposal on (a) the character or appearance of the Delph Conservation Area, with particular regard to trees, and (b) highway safety.

Reasons

Character and appearance

4. The appeal site is a modest area of landscaped open space, with public access, containing a small number of mature trees with full crown coverage of the site. The site slopes diagonally, following the inclines up both High Street and Hill End Road. At the northern corner is a path and steps; to the east there is a small and discreetly sited public toilet building. Beyond, and outwith the site, is an existing domestic garage at higher level. The site is prominent, being located at a key road junction. The appeal proposal would result in erection of a garage building over the footprint of the toilet building, provision of vehicular access on the steeply sloping Hill End Road, and tree removal.
5. This maturely landscaped open space makes a welcome and significant contribution to the Delph Conservation Area, with the Council's Character

Appraisal highlighting the relatively few trees in the core of the village and the contrast of soft landscaping with the dense village core. A primary objective of the Character Appraisal includes retention of trees which are important to the character of Delph. Whilst submissions refer to a tree survey and arboricultural report, I have not been provided with these. Nonetheless, it is clear from the submitted drawings and my observations on site, that the proposed access surfacing would result in the direct loss of the large tree along Hill End Road. Additionally, encroachment of the proposed garage further into the root system of another large tree, centrally located, would put that tree at risk. In the absence of justification for loss, or methodology for protecting roots, given the small size of the site and the limited number of existing trees, the loss of even one or two trees would significantly diminish the character of the open space and the wider locality. In these circumstances, replacement trees would not provide acceptable mitigation.

6. The appellant suggests public benefits in terms of public safety, upgrading the unsympathetic building in line with Character Appraisal objectives, and highway safety. However, my observations on site were that the trees looked healthy, and I have not been provided with any evidence to demonstrate otherwise. Upgrading should not be at any cost and, given my below findings on highway safety, none of the purported public benefits would outweigh the harm found to the character and appearance of the conservation area.
7. I conclude that the proposal would fail to preserve the character or appearance of the Delph Conservation Area and, in the words of the National Planning Policy Framework (NPPF), would cause 'less than substantial' harm to its significance as a designated asset. In the absence of any public benefits to outweigh this harm the proposal would conflict with Policies 9 and 24 of the Oldham Local Development Framework, saved Policy D1.5 of the Oldham Metropolitan Borough Unitary Development Plan, and the NPPF. Together these require development to be appropriate within its context, and within its natural and historic environments, amongst other matters.

Highway safety

8. The drawings showing the proposed development are not adequately detailed. Proposed levels are not shown, neither are groundworks which would be necessary to accommodate the development on or within sloping ground, particularly given the level base shown on the submitted elevations. Notwithstanding this, my observations on site indicated that, given the lack of turning area and the non-perpendicular layout of the access, reversing onto or from this steep and relatively narrow road, in close proximity to a junction, would be a dangerous manoeuvre. Whilst the traffic on this road may be light, the number of proposed movements may be limited, and any drivers may be exercising due care, the harm I have found is potentially exacerbated by the uncertainty over groundwork levels, and whether sufficient visibility will be available to the east of the access.
9. Reference is made to previous similar planning permissions in the locality, however I have not been provided with details of these and, in any case, I must determine the appeal on its merits. Notwithstanding the intention to use the driveway for access only, it is clear only one vehicle could park on the driveway; the drawings indicate a second would overhang the footway, with resultant risk to pedestrians. The benefits and convenience of off-road parking

would not outweigh the harm I have found, even considering loss of off-street parking elsewhere.

10. Accordingly, I conclude that the proposed development would result in significant adverse impact on highway safety. As such, the proposal would be contrary to Policy 9 of the Oldham Local Development Framework and the NPPF which, in respect of this issue, together require that development does not harm the safety of road users.

Other matters

11. Any covenants restricting use of the land are private matters that are outwith my jurisdiction, as is delegation of determination by the Council. I have considered all other matters raised including support from third parties; status of the land as brownfield, previously developed land; reduction in car-related crime; benefits to tourism; provision of electric car charging units; and provision for cycles. However, none of these matters are determinative such that they would outweigh the harm I have found above.

Conclusion

12. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR

340889

