

PLANNING COMMITTEE Regulatory Committee Agenda

Date Wednesday 16 October 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 Mark Hardman in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Mark Hardman Tel. 0161 770 5151 or email mark.hardman@oldham.gov.uk

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

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

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

Item No

- 1 Apologies For Absence
- 2 Urgent Business
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 6)
The Minutes of the meeting of the Planning Committee held on 18th September 2019 are attached for Members' approval.
- 6 HH/343092/19 - Running Hill Cottage, Running Hill Lane, Dobcross, OL3 5JS (Pages 7 - 16)
Extension of a two storey side and rear extension and a single storey side extension and detached garage
- 7 PA/343377/19 - Land at Haworth Street, Oldham, OL1 2BX (Pages 17 - 24)
Development of a 3 storey block of 14 one bedroom apartments.
- 8 PA/343581/19 - 1-5 Church Terrace, Oldham, OL1 3AU (Pages 25 - 30)
Proposed change of use from offices (Class A2) to 2no.residential apartments (Class C3).
- 9 HH/343777/19 - Edge End Farm, Whitebrook Lane, Greenfield, Oldham, OL3 7PH (Pages 31 - 38)
Proposed detached garage/utilities building
- 10 Appeals (Pages 39 - 60)
Appeals



PLANNING COMMITTEE
18/09/2019 at 6.00 pm

Present: Councillor Dean (Chair)
Councillors Akhtar, Davis, H. Gloster, Harkness, Hudson,
Phythian, Hulme, Ibrahim (except for Item 7), Iqbal and Jacques

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 VICE CHAIR**

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

2 **APOLOGIES FOR ABSENCE**

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

3 **URGENT BUSINESS**

There were no items of urgent business received.

4 **DECLARATIONS OF INTEREST**

Councillor Ibrahim declared a personal and prejudicial interest in Item 7- PA/341835/18 - 23-25 King Street, Oldham, OL8 1DP, by reason of being related to the applicant.

5 **PUBLIC QUESTION TIME**

There were no public questions received.

6 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Planning Committee held on 28th August 2019 be approved as a correct record.

7 **PA/341835/18 - 23-25 KING STREET, OLDHAM, OL8 1DP**

Councillor Ibrahim left the meeting and did not speak or vote on this Item.

APPLICATION NUMBER: PA/341835/18

APPLICANT: KKI Investments Ltd

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

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



Oldham
Council

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

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

NOTES:

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

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

APPLICATION NUMBER: PA/342004/18

APPLICANT: Portcullis Oldham Ltd

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

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

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

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

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

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PA/342986/19 - MORRISONS SUPERSTORE, POPLAR STREET, FAILSWORTH, M35 0HY

APPLICATION NUMBER: PA/342986/19

APPLICANT: WM Morrison Supermarkets PLC

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

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



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

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

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 14.

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

The debate and vote on this Item were restricted to those Councillors who had attended the meeting of the Planning Committee on 28th August 2019, when the Item had previously been discussed.

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

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

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

NOTES:

1. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 14 and noted that the plan references in Condition 2 would be amended to reflect the revised layout as described.

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

The debate and vote on this Item was restricted to those Councillors who had attended the meeting of the Planning Committee on 28th August 2019, when the Item had previously

been discussed. Councillor Iqbal did not take part in the debate or vote, as he was not present for the full Item.



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

PROPOSAL: Erection of 77 dwellings, open space and associated works. Amended **APPLICATION NUMBER:** PA/343341/19 application relating to PA341416/18.

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

It was **MOVED** by Councillor Gloster that the application be **REFUSED** (against Officer recommendations). This motion was not seconded.

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

On being put to the vote, 4 **VOTES** were cast **IN FAVOUR OF APPROVAL** and 3 **VOTES** were cast **AGAINST** with 0 **ABSTENTIONS**.

DECISION: That the application be **GRANTED** subject to conditions and the completion of a legal agreement as set out in the main report (as amended on the Late List) including an amendment to Condition 6, deletion of Condition 9, addition of new Condition 9.

NOTES:

1. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 14.

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PA/343503/19 - 148-150 CHEW VALLEY ROAD, GREENFIELD, OL3 7DD

APPLICATION NUMBER: PA/343503/19

APPLICANT: E&G Developments Ltd

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

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

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

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

DECISION: That the application be GRANTED, subject to conditions as set out in the report and including additional Conditions 8 and 9 as described on the Late List.



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 14.

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APPEALS

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

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LATE LIST

RESOLVED that the information contained in the Late List be noted.

The meeting started at 6.00 pm and ended at 7.00 pm

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APPLICATION REPORT - HH/343092/19

Planning Committee, 16 October, 2019

Registration Date: 21/03/2019
Ward: Saddleworth North

Application Reference: HH/343092/19
Type of Application: Full Planning Permission

Proposal: Extension of a two storey side and rear extension and a single storey side extension and detached garage.

Location: Running Hill Cottage, Running Hill Lane, Dobcross, OL3 5JS

Case Officer: Hannah Lucitt

Applicant Mr Clay
Agent : Wildesign Ltd

This application was deferred at the Planning Committee meeting on 5 June 2019 to allow for the submission of further information on the permitted development 'fall-back' alternative; the design of the windows; and the claimed issues of water ingress to the existing property.

Fall-back position

There have been two previous applications for a Certificate of Lawfulness for alternative development at this site. An application for prior approval for a single storey extension has since expired without implementation.

The first application, CL/342121/18, proposed the erection of a single storey side and two storey rear extension, with a reduction of the width of the existing side / rear cat slide roof, the demolition of the existing single storey side extension.

The single storey side extension in that case would project 3.5m to the side of the original dwelling, be 6.5m in length, measuring 3m to the eaves and 4m to the roof ridge. The proposed two storey rear extension would project 3m from the rear of the original dwelling, be 8.4m in length, measuring 4.5m to the eaves height and 6.4m to the roof ridge.

The presently proposed two storey side and rear extension would project 6m from the rear of the existing dwelling, and 3.6m from the side of the existing dwelling at the greatest width, and would measure 6.8m to the roof ridge. The proposed single storey side extension would project 4m from the side of the existing building towards Running Hill Lane, and would measure 4m in width, 2.3m to the eaves height and 3.7m to the roof ridge.

It is evident, both in terms of the volumetric calculations and the increased physical and visual presence of the resultant building, that the impact of the present application would exceed that which has previously been accepted as lawful.

In respect of application CI/342211/18, this proposed two large detached buildings, a garage measuring 10.4m by 7.1m, and a 'garden building' measuring 22.3m by 10.2m. The garage would be sited close to the west of the house, but with the garden building located some distance away in the wooded area further to the west.

In volumetric terms, the garden building would have a far greater impact, although shown to be located within a well screened area. The new garage will reflect the scale of the previous proposal, but is now sited prominently on the Running Hill Lane frontage to the site. On this basis, the overall impact is not considered to be less harmful to the openness of the Green Belt. Whilst the fall-back position remains a material planning consideration, the very special circumstances justification for otherwise inappropriate development in the Green Belt has not been achieved.

The comparison of the different schemes will be demonstrated in the Committee presentation.

Design of the windows

Amended plans have subsequently been submitted which demonstrate a reduction in the scale of the windows, and a consequential improvement to their design. It is considered that this change enhances the proposal. The Committee presentation will highlight these differences.

Water ingress

Photographs have been submitted showing the existing problems associated with water ingress. Whilst these are noted, it remains unclear how the proposed extensions are directly related to the resolution of this problem, and therefore this issue carries very little weight in the determination process.

Previous report

THE SITE

Running Hill Cottage is a former Grade II listed building (now de-listed) dating from the mid-late 18th century which occupies an elevated position above the River Tame valley and forms part of a small nucleus of farms and cottages forming the wider hamlet of Running Hill Head. The footprint of this predominantly two storey stone built dwelling, which comprises three bays, could best be described as being 'L' shaped in account of the single storey outshut to the rear of the northernmost bay which it is understood were collectively added in the mid 1960s following the demolition of an earlier large wing in the early part of the 20th century.

The heritage value of the building derives from its special architectural and historic interest as an example of a small moorland farmhouse which was in part used as a loomshop during the domestic textile industry which characterised the Saddleworth district before the advent of late 18th century industrialisation. It's significance lies principally in the original part of the building, namely the southern most bays and to a lesser extent, the single storey porch at its southern end which appears to have been added in the late 18th or early 19th century.

THE PROPOSAL

This application proposes the erection of a two storey side and rear extension and a single storey side extension and detached garage.

The proposed two storey side and rear extension would project 6m from the rear of the existing dwelling, and 3.6m from the side of the existing dwelling at the greatest width, and would measure 6.8m to the roof ridge.

DPD Policy 1, in the context of this application, seeks to ensure the effective use of land, which maintains the borough's green belt, and which ensures that development respects Oldham's natural, built and historic environment, and their settings. DPD Policy 22 is also relevant in determining whether the principle is acceptable due to the location of the site in the Green Belt.

Although provision is made within the NPPF for the "*extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*", no guidance exists within it to assist in determining when an extension should be considered disproportionate. Therefore, this must be considered on a case by case basis.

As a starting point, although largely superseded, the Unitary Development Plan for Oldham defined an extension within the Green Belt as being disproportionate if it increased the volume of the original building by more than one-third (33%).

In this regard, the original building would amount to approximately 362m³. The existing building includes a two storey side extension with catslide roof, which would add a further 239m³. The existing scenario amounts to a volumetric increase of 66% over and above the volume of the original building.

Given the above, the proposed extension, in addition to the existing additions, falls well over this threshold and would therefore be considered 'inappropriate' development. This is however just one factor of this assessment.

In regard to the proposed garage, paragraph 145 acknowledges that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. The proposed garage does not fit within any of the 'exceptions' listed in either paragraph 145 or 146 of the NPPF, and is therefore also considered to be 'inappropriate development'.

However, the impact of the proposed development on the openness of the Green Belt must be assessed.

Effect on the openness of the Green Belt

In terms of issues of openness and visual amenity, in the Court of Appeal case of *Turner v Secretary of State for Communities and Local Government and East Dorset Council* (2016) it was observed that visual impact is implicitly part of the concept of the openness of the Green Belt, and that such assessment is not restricted to volumetric comparison only. It is open to the decision taker to consider the impact on openness in the context of the site itself, the type and character of development proposed, and how this relates to the existing situation.

The proposed development would represent an extension to the original building that would be considered volumetrically disproportionate to the size of the main dwelling.

The proposed garage would be a new building within the Green Belt on previously open land.

Both singularly and taken together these structures would substantially increase the presence of built development on the site affecting openness, and conflicting with the purpose of the Green Belt in safeguarding the countryside from encroachment.

This weighs against the scheme.

Effect on the visual amenity of the Green Belt

In respect of the impact on visual amenity the proposed development is sited within an elevated vantage point from Running Hill Lane, and would be visible against the verdant backdrop of the Green Belt behind it, which is further topographically raised.

The glazing of the proposed addition would only serve to exacerbate the unacceptable impact on the visual openness of the Green Belt, introducing materials alien to both the host building and the Saddleworth vernacular.

The proposed garage would be sited within a location that is an existing area of open space, forming a dominant position adjacent the highway.

It is clearly visible from public vantage points within the Green Belt from short and long distance views.

It is considered that the proposed development would detract from the visual amenity of the Green Belt.

Therefore, the proposal would amount to 'inappropriate development' and the principle of development is not considered acceptable.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 144 of the NPPF states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Very special circumstances

The proposal therefore constitutes inappropriate development which by definition is harmful to the Green Belt.

The applicant, in their 'Supporting Statement' received 05th April 2019, has provided no 'very special circumstances' as such. However, the applicant does consider that the development that could be undertaken subject of PREX/342132/18 and CL/342211/18 should amount to a fallback position which would outweigh the harm to the Green Belt.

On the balance of probability, it would appear that the development subject of PREX/342132/18 is likely to expire, prior to the works being completed ahead of 30th May 2019, as works have not yet begun on site. Therefore, this fallback position would carry very little weight.

In any case, the development subject of PREX/342132/18 would have a lesser impact on the Green Belt, both visually and volumetrically, when compared to the development subject of this application.

Equally, it is not considered that the development subject of CL/342211/18 would have a greater impact on the Green belt, over and above the development subject of this application when considered cumulatively. Though the development subject of CL/342211/18 would have a greater volumetric impact on the Green Belt, it is considered that the reduced impact on the visual amenity of the Green Belt does not afford much weight as a fallback position.

Given the above, it is considered that the applicant has produced no 'very special circumstances' which would outweigh the harm to the Green Belt.

Therefore, the satisfactory principle of development is not considered to have been achieved.

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 regard, there are no nearby dwellings. As such, it is not considered that the proposed development would have any significant detrimental impact on occupiers of Running Hill Cottage or surrounding properties.

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

Design

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

The proposed development materials reflect the character of the local vernacular and design pallet in terms of external facing materials. However, the harm caused to the openness of the Green Belt by way of the design, scale, and window fenestration of the proposed development, as discussed above, has not been overcome.

The proposed development is therefore not considered appropriate in terms of design, by virtue of its impact on the Green Belt.

Highway safety and amenity

The Highway Engineer has assessed the proposed development, and raises no objection in regards to the impact on highway safety and amenity.

Therefore, it is considered that the proposed development is in accordance with DPD Policy 9 in this regard.

RECOMMENDATION

Refuse for the following reason:

1. The proposed development represents 'inappropriate development' within the Green Belt which by definition is harmful to the Green Belt and should not be approved except in very special circumstances. No justifiable or appropriate 'very special circumstances' have been demonstrated to outweigh the harm caused to the Green Belt. Therefore the proposals are contrary to Policies 1 and 22 of the Joint Development Plan Document forming part of the Local Development Framework for Oldham, and the guidance in paragraphs 143, 144 and 145 within the National Planning Policy Framework that seeks to protect the openness, visual amenity and purposes of the Green Belt.

..... **Case Officer**

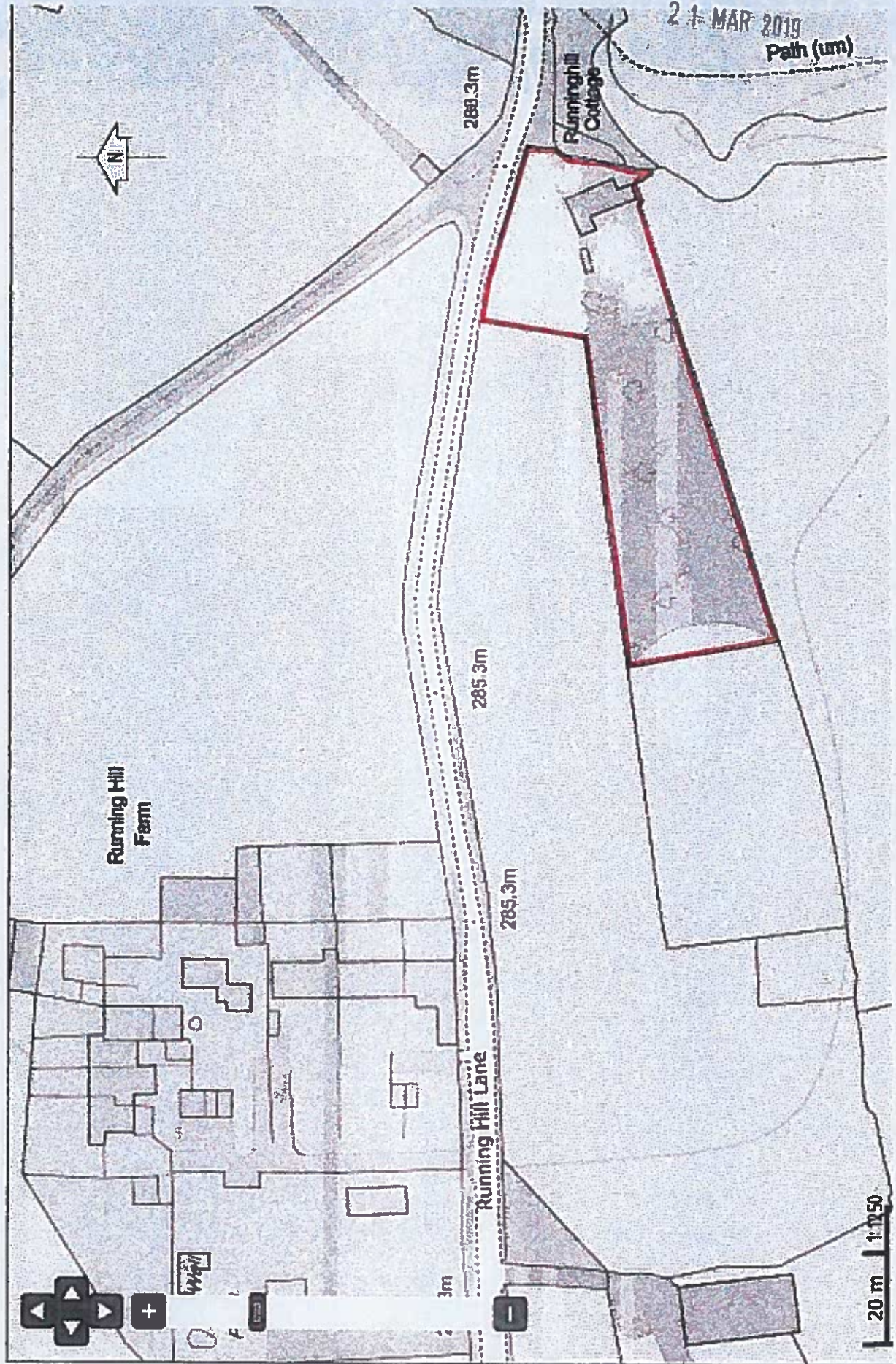
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..... **Planning Officer**

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APPLICATION REPORT - PA/343377/19

Planning Committee, 16 October, 2019

Registration Date: 16/05/2019
Ward: Coldhurst

Application Reference: PA/343377/19
Type of Application: Full Planning Permission

Proposal: Development of a 3 storey block of 14 one bedroom apartments.
Location: Land at Haworth Street, Oldham, OL1 2BX
Case Officer: Brian Smith

Applicant First Choice Investments
Agent : Civitas Planning Limited

THE SITE

The application site comprises a 0.09 ha rectangular area of land on Howarth Street situated at the very edge of a densely populated urban area, including a new housing development to the north, set in a former quarry at a significantly lower level than the site subject of this application.

The application site together with a neighbouring site on Craven Street were formerly used as allotments.

THE PROPOSAL

This application proposes a three storey block of 14 one bed apartments, including a ground floor wing to the rear.

With the exception of the second floor which will be faced with brick and the inclusion of soldier course details elsewhere, the build will largely be rendered. Insofar as the roof is concerned, slate like tiles matching those of neighbouring dwellings are proposed.

Ten off street parking spaces are proposed.

PLANNING HISTORY

PA/336554/15 - Erection of 4 dwellings - Approved 22/05/15

PA/333074/12 - Variation of condition no.1 relating to PA/331614/11 - Approved 28/11/12.

PA/331614/11 - Erection of 4 dwellings - Approved 30/01/12.

SITE CONSTRAINTS

CDA Critical Drainage Area
CAS Coal Authority Standing Advice

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 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

Traffic Section	No objection.
Pollution Control	No objection subject to conditions.
United Utilities	No objection subject to conditions.

REPRESENTATIONS

The application has been advertised by means of a site notice, press notice and neighbour notification letters. Objections have been received on the following grounds:

- The number of cars and people associated with the proposed development would cause increased disturbance and increasingly competitive on-street parking to the detriment of the amenity of the neighbourhood and future relations therein.
- The proposed building is considered to be overbearing and in turn out of keeping with the size/scale of the neighbouring dwellings to the detriment of the street scene as a whole.
- Extent of glazing proposed would contribute to a harmful degree of overlooking of neighbouring dwellings.
- Loss of existing views..
- Subsequent noise and air quality implications.

PLANNING CONSIDERATIONS

The main material considerations include:

1. Principle;
2. Design and relationship with street scene;
3. Residential amenity;
4. Highway safety.

1. Principle

The application site is a 'greenfield' site; however development of this site for residential purposes has previously been granted planning permission as recent as May 2015 (since expired).

2. Design and relationship with street scene

The prevalent character of the area is two storey dwellings. This three storey building, on account of the sloping nature of the site, would be similar, albeit slightly higher, than the ridge height of nos.1 & 3 Howarth Street. It is not considered to represent a form of development which would be unduly harmful to the existing street scene, particularly in light of the fact of the current street scene being characterised by various house types and the elevated setting of the neighbouring flats, namely Rockliffe Villa.

Further, the architectural style of the building which would positively address the Haworth Street frontage and palette of materials, is considered to be acceptable in this setting.

3. Residential Amenity

With regard to the future safeguarding of the amenity currently enjoyed by neighbours, insofar as the occupiers of the dwellings on Craven Street are concerned, notwithstanding the lower level of these neighbouring dwellings in relation to the proposed build, excluding the single storey wing, a distance of approximately 21m would be maintained between the rear of these and the main body of the proposed building. This in conjunction with the building's orientation in this instance and absence of any living room/bedroom windows in the rear elevation, together with the strong urban character of the surrounding built environment, should ensure that the occupiers of these neighbouring dwellings would not suffer an injurious loss of amenity in terms of their existing outlook, light and privacy. In turn, an adequate separation distance would be maintained with Rockliffe Villa.

Insofar as the relationship with 3 Haworth Street is concerned, this neighbouring property has a side elevation habitable window, but considering the said window is secondary to another window within the rear elevation of the property and the existence of an alleyway which separates the application site from this neighbouring house, the potential impact on this neighbouring property would be acceptable.

Further, as a consequence of topography, the implications for the occupiers of the neighbouring dwellings on Shadowbrook Close to the north of the application site, would be negligible.

Turning to the future living conditions of the occupiers of the apartments, the gross internal floor area appears to be compliant with the Technical housing standards - nationally described space standard dated March 2015.

The proposed development is therefore considered to be compliant with the provisions of Policies 3, 9 and 20 in this regard.

4. Highway safety

The sustainable location of the site and the proposed access and parking arrangements should ensure that highway safety is not compromised.

Conclusion

With the above in mind it is considered that the proposal is acceptable.

RECOMMENDATION

Approve, subject to the following conditions:

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

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

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications received 16th May & 8th August 2019, referenced 3747.2 Revision A, 3747.3, 3747.4 and 3747.5.

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 any external surfaces of the development hereby permitted, samples of the materials shall 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.

4. No dwelling shall be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan (Ref:3747.2 Rev A) and the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

5. The use of the building hereby approved shall not commence until a scheme for the provision of secure cycle parking has been implemented in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The approved facility shall remain available for users of the development thereafter.

Reason – In order to promote sustainable means of travel.

6. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's 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.

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

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

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

8. No development shall commence until a 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 also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Foul and surface water shall be drained on separate systems.

Thereafter, the development hereby permitted shall be carried out in accordance with the approved drainage scheme.

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

..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**



APPLICATION REPORT - PA/343581/19

Planning Committee, 16 October, 2019

Registration Date: 15/07/2019
Ward: Saint Mary's

Application Reference: PA/343581/19
Type of Application: Full Planning Permission

Proposal: Proposed change of use from offices (Class A2) to 2no.residential apartments (Class C3).
Location: 1-5 Church Terrace, Oldham, OL1 3AU
Case Officer: Brian Smith

Applicant Agent : Mr Mushtaq Whittaker Design

In accordance with the Council's Scheme of Delegation, the application is required to be determined at Planning Committee in the interests of transparency as the applicant is a relative of an elected member.

THE SITE

1-5 Church Terrace, Oldham, is a vacant three storey stone built building which most recently was used for banking purposes. Following the closure of the bank, the bank branding has since been removed. The building occupies a prominent setting within the Oldham Town Centre Conservation Area and although not listed itself, forms part of a larger group of buildings which predominantly enjoy Grade II listed status. Further, the Grade II* Listed Oldham War Memorial which hosts numerous civic ceremonies is situated at close quarters.

THE PROPOSAL

Planning permission is sought to change the use of the first and second floors of the building to accommodate a four bed apartment at both first and second floor level.

No changes are proposed to the external fabric of the building but internally the building is to be re-configured, including the removal of an internal stairwell at its north west corner.

PLANNING HISTORY:

None

SITE CONSTRAINTS

AQM Air Quality Management Area

RELEVANT LOCAL PLAN 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 20 - Design;
Policy 24 - Historic Environment

CONSULTATIONS

Traffic Section	No objections, subject to conditions
Environmental Health	No objections, subject to conditions

REPRESENTATIONS

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

PLANNING CONSIDERATIONS

The main issues for consideration comprise the following:

- Principle of development;
- Impact on neighbouring listed buildings and Town Centre Conservation Area;
- Residential amenity;
- Highway matters.

Principle of development

The proposed development utilises a vacant building and will provide dwelling units within the town centre consistent with Policy 1. The site is well located in terms of access to modes of transport (including Metrolink stops at Union Street and Mumps) and access to basic services, and the types of residential units to be provided is considered appropriate in this location.

Impact on neighbouring listed buildings and Town Centre Conservation Area

In this instance, in the absence of any changes to the external fabric of the building and the continuing presence of a commercial use at the ground floor level, the proposal would have no adverse implications for the setting of the neighbouring listed buildings and both the character and appearance of the Town Centre Conservation Area.

Residential amenity

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

With respect to the future occupiers, given the context of the town centre location and the lack of objection from Environmental Health, the application is considered to be acceptable in this regard subject to implementation of the recommended soundproofing scheme to minimise noise from the ground floor commercial premises.

Highway matters

The application site is a highly sustainable location and is acceptable subject to a condition ensuring cycle parking is provided.

Conclusion

To conclude, it is considered that the site is suitable for the means of residential development proposed.

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 17th July 2019, referenced 3760.2 & 3760.4.

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 apartments hereby approved shall not be first occupied until a scheme to soundproof the walls and floor between the proposed flats and the commercial premises on the ground floor has been submitted to and approved in writing with the Local Planning Authority, and all such duly approved works have been fully implemented.

Reason - To protect the future occupiers of the flats.

- 4. The apartments hereby approved shall not be occupied until facilities for the storage and removal of refuse and waste materials have been provided in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved facilities shall remain available for use.

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

- 5. The apartments hereby approved shall not be occupied until secure facilities for the parking of cycles have been provided in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved facilities shall remain available for use.

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

..... **Case Officer**

..... **Date**

..... **Planning Officer**

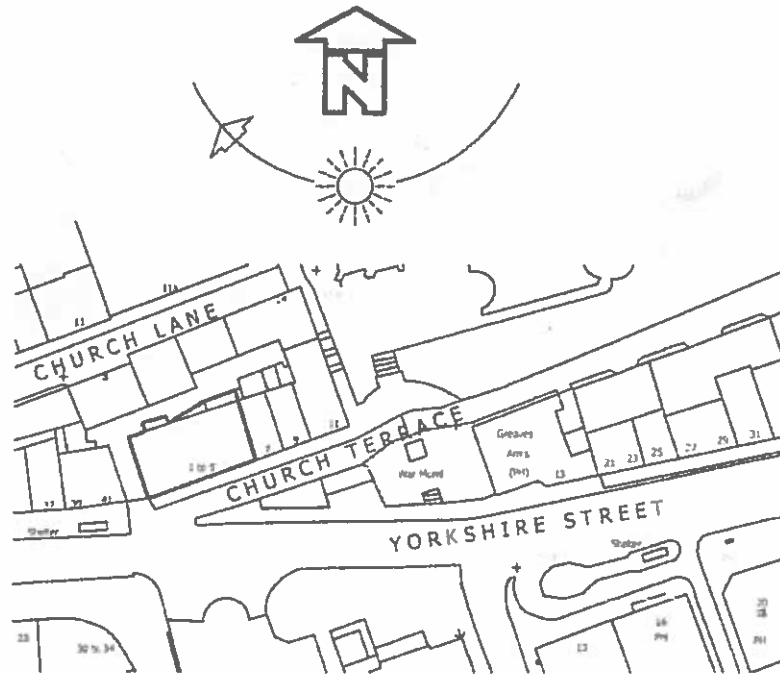
..... **Date**

IS

SCALE

as shown @ A3

WD



343581

20 JUN 2019

LOCATION PLAN - 1:1250



PROJECT RBS Bank Church Terr, Oldham	DATE June 19	NUMBER 3760.4
	DRAWN AD	
	REVISION	

APPLICATION REPORT - HH/343777/19

Planning Committee, 16 October, 2019

Registration Date: 06/08/2019
Ward: Saddleworth South

Application Reference: HH/343777/19
Type of Application: Full Planning Permission

Proposal: Proposed detached garage/utilities building
Location: Edge End Farm, Whitebrook Lane, Greenfield, Oldham, OL3 7PH
Case Officer: Brian Smith

Applicant Mr & Mrs Rigby
Agent : Wildesign Ltd

In accordance with the Council's Scheme of Delegation, the application has been referred to Committee by Councillor Sheldon.

THE SITE

Edge End Farm, Whitebrook Lane, Greenfield, formerly comprised an isolated, two storey detached agricultural building, situated within what is a remote part of the Green Belt, below a local landmark, namely Pots and Pans.

Following its collapse, no part of the original building remains and further to a recent site visit, the prior approved dwelling subject of PA/340592/17 and MMA/341067/17 appears to be complete.

THE PROPOSAL

This application proposes the erection of a stone built detached garage/utilities building under a blue slate roof featuring a total of sixteen photo voltaic solar panels on the south facing roof slope, the front elevation of which will match the appearance of the neighbouring dry stone wall. The proposed building which would be partly subterranean, measures 8m in length and 6m in width, attaining a maximum height of 3.75m, the eaves of which vary between 1.9m & 2.4m in account of differing levels on the site.

The basement is intended for the storage of three large water tanks and the overground part of the build, with the exception of a domestic generator and fuel tank, will be predominantly used for the housing of the applicant's vehicles.

Other than the inclusion of the aforementioned solar panels, this latest application is essentially the same as that which was refused in May of this year.

PLANNING HISTORY

HH/343090/19 - Erection of a detached garage/utilities building - Refused 21st May 2019.

MMA/341067/17 - Minor material amendment in relation to condition no.2 of PA/340592/17

concerning the addition of lean-to single storey extension to the north facing elevation - Granted conditional approval 25th January 2018.

PA/340592/17 - Re-building of a two-storey detached building following collapse during construction/conversion works - Contrary to the officer's recommendation to refuse the application, it was subsequently granted conditional approval at the meeting of the Planning Committee on the 9th November 2017.

PA/339551/17 - Change of use of agricultural building to dwellinghouse including rebuilding of part of building which has collapsed (re-submission of PA/338670/16 which was withdrawn) - Granted conditional approval on the 20th April 2017. Following which, a material start was made on site and subsequently, in July 2017, the Council's Building Control Team alerted planning officers that the proposed development was being classed as a 'new build' for the purposes of Building Regulations, as a consequence of the agricultural building appearing to have been demolished/removed in its entirety.

PRCU/339164/16 - Prior notification for change of use of agricultural building to a dwellinghouse - Prior Approval Required and Granted 12th December 2016.

SITE CONSTRAINTS

SFL Surface Flooding - Low Susceptibility
GRB Green Belt
PRoW Public Right of Way 253 Sadd

RELEVANT POLICIES

The application site is located within the Greater Manchester Green Belt as identified by the Proposals Map associated with the Joint Development Plan Document (DPD) of the Local Plan for Oldham. As such, the following policies are considered to be relevant:

Policy 1 - Climate change and sustainable development;
Policy 9 - Local environment;
Policy 20 - Design; and
Policy 22 - Protecting open land.

CONSULTATIONS

Traffic Section	No objections despite obstruction to visibility.
Pollution Control	No objection.
Greater Manchester Ecology Unit	No objection.
The Ramblers Association	No objection.
Peak District National Park Authority	No objection.
Drainage	No comments received.

REPRESENTATIONS

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

Saddleworth Parish Council recommend that the application be refused on the grounds that the size of building is more desirable than essential, and consequently represents inappropriate development which is harmful to the openness of the Green Belt.

PLANNING CONSIDERATIONS

The main issues to consider are:

1. Green Belt
2. Highway safety

Principle

The fundamental aim of Green Belt policy is to protect the openness of the Green Belt. There are a number of exceptions as to when a new building within the Green Belt might be appropriate, none of which apply in this instance. Therefore, the proposed development would represent 'inappropriate development' within the Green Belt.

Paragraph 143 of the NPPF states that "*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*" and paragraph 144 states that "*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*".

Effect on the openness and visual amenity of the Green Belt

The addition of this building, by reason of its size, scale and prominent setting, is considered to represent an intrusive feature in the landscape which would contribute to an unacceptable urbanising visual impact within the Green Belt. This weighs heavily against the proposal.

Accordingly, in the absence of any 'very special circumstances' being cited which might be considered to outweigh the harm to the Green Belt, as identified above, the development is not considered to be acceptable in principle. Whilst the removal of the existing metal container on the site would be welcomed, its replacement with a much bigger building is not essential and unjustified.

Highway safety

The Highway Engineer raises no objection, despite the lack of visibility, due to the quiet and remote location of the site.

RECOMMENDATION

Refuse for the following reason:

1. The proposed development represents 'inappropriate development' within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Since no justifiable or appropriate 'very special circumstances' have been put forward to outweigh the harm caused to the Green Belt, the proposals are contrary to Policies 1 and 22 of the Joint Development Plan Document forming part of Oldham's Local Plan, and the guidance in paragraphs 143, 144 and 145 within the National Planning Policy Framework.

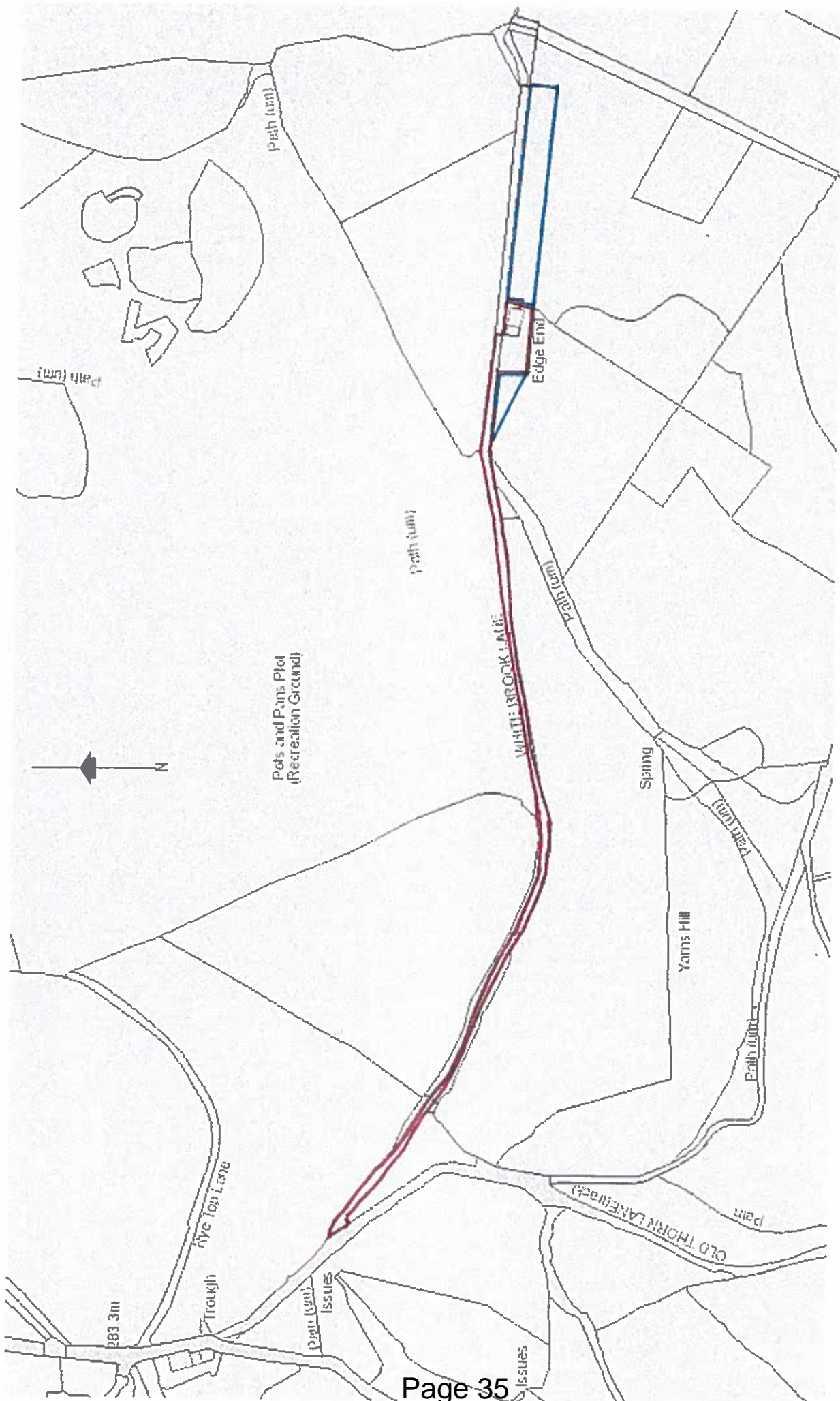
..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**

LOCATION PLAN
1: 2500



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

October 2019

PLANNING APPEALS

WRITTEN REPRESENTATION

HEARINGS

HOUSE HOLDER

ADVERTISEMENTS

APPEAL DECISIONS

PA/342434/18	Land adjacent 73 Grains Road, Delph, OL3 5DS
Original Decision	Del
Appeal Decision	Dismissed
HH/342795/19	1 Warwick Road, Failsworth, Manchester M35 0QQ
Original Decision	Del
Appeal Decision	Part Allowed – Part Dismissed
HH/342969/19	19 Cherry Grove, Royton, Oldham, OL2 5YL
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 20 August 2019

by **E Symmons BSc (Hons), MSc**

an Inspector appointed by the Secretary of State

Decision date: 17 September 2019

Appeal Ref: APP/W4223/W/19/3231084

Land adjacent 73 Grains Road, Delph OL3 5DS

- 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 Alison Broadbent against the decision of Oldham Metropolitan Borough Council.
 - The application ref PA/342434/18, dated 10 October 2018, was refused by notice dated 21 December 2018.
 - The development proposed is for demolition of garages and construction of two dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council refers to a previous version of the National Planning Policy Framework¹ (the Framework) within its submissions. As the policy content has remained unchanged, I have had regard to the revised Framework in my decision and I am satisfied this has not prejudiced either party.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the development on the openness of the Green Belt and the purposes of including land within it;
 - the effect of the proposal on the character and appearance of the Delph Conservation Area;
 - the effect of the proposal on the safety of road users;
 - the effect of the proposal on the living conditions of future occupiers with respect to access to outdoor amenity space; and
 - if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

¹ National Planning Policy Framework, February 2019.

Reasons

Whether inappropriate development in the green belt

4. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate, other than for several exceptions. Policy 1 of the Oldham Local Development Framework 2011² (LDF) seeks that the Green Belt is maintained. Policy 22 of the LDF in common with the Framework states that the main purpose of the Green Belt is to keep land permanently open. Paragraph 145 exception (g) states that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development, would not be inappropriate. As the site currently has six derelict garages upon it, and the proposal would involve demolition of the garages and replacement with two dwellings, the land can be considered as previously developed. The issue of openness therefore needs to be assessed.

Openness

5. The appeal site is on the edge of the village of Delph and consists of a level area situated behind a stone wall and hedge at the foot of a sloping hillside. There is access from Grains Road at either end of the area via two gently sloping tracks. The site is to the west of the garden of 73 Grains Road (No 73) which, along with the short terrace of properties opposite, is the last dwelling on entering or leaving the built up part of Delph. Other than the garden of No 73, the appeal site is surrounded by countryside and has an open aspect. To the rear and west the bankside stretches upwards behind and to the side of the site consisting of rough vegetation and scattered trees. To the front, there are panoramic views across the valley stretching into the distance.
6. The proposal would replace six garages however, even if I were to consider that the proposal would sit on the same footprint as the demolished garages, the scale and mass of the proposed dwellings would have a substantially greater volume than that of the existing buildings. Screening provided by the front hedge line and any proposed landscaping would not mitigate this.
7. As observed during my site visit, due to its slightly elevated position, the first house seen on approaching the village from the west is No 73. The proposed dwellings, despite their setback from the road, would be similarly visible so reducing the openness of views from this direction. Additionally, they would extend the built edge of the village in a westerly direction. Their prominence would be increased as they would be somewhat separated from the properties which line Grains Road so setting them apart visually. The screening provided by the existing wall and hedge would not mitigate the scale and mass of the proposed dwellings on this prominent roadside site.
8. The combination of the position, mass and volume of the proposal would have a greater impact on the openness of the Green Belt in comparison with the current development and it would not fall within paragraph 145 (g) despite being on previously developed land. Furthermore, I do not consider that any of the remaining exceptions within paragraph 145 apply to this development. Due to its effect upon openness the proposal would constitute inappropriate

² Oldham Local Development Framework. Development Plan Document-Joint Core Strategy and Development Management Policies. Adopted 9 November 2011.

development in the Green Belt which according to paragraph 143 of the Framework is, by definition, harmful. This would conflict with Policies 1 and 22 of the LDF.

Character and appearance of the conservation area

9. The appeal site is within Delph Conservation Area (CA) and the proposal must be considered within the context of S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires me to pay particular attention to the desirability of preserving or enhancing the character and appearance of the CA. The properties in the vicinity are generally stone built and slate roofed although No 73 itself is brick built. Front boundary treatment generally comprises a traditional stone wall with a small front garden above with associated planting. Despite the somewhat derelict nature of the garages which detract from the appearance of the area, the appeal site marks the end of the built environment and provides an open outlook to this part of the CA and ensures its rural character.
10. The proposed materials, design and boundary treatment would be appropriate to the local character. The appellant has drawn my attention to a new dwelling at 33 Grains Road which has been constructed with traditional materials and design. This property differs from the proposal before me as it sits between two other dwellings and forms an integral part of the streetscape. This contrasts with the proposed scheme which, due to its scale and mass, would be an incongruous addition to the CA which would, by virtue of its extension of the built form of Delph into this area of countryside character, harm the setting of this part of Delph. This would be highlighted by its separation from the other houses on Grains Road, the extension of ribbon development into the open countryside and the prominence of the site. Although the garages are currently a negative feature within the CA they are relatively low and partially screened by the hedge. Their removal would be a benefit however, it is possible that this benefit could be achieved in other ways.
11. Paragraph 193 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a CA, great weight should be given to the asset's conservation. That is still so, irrespective of whether the potential harm is 'less than substantial'. The appeal site makes a positive contribution to the character and appearance of the designated heritage asset and the harm this proposal would have to the significance of the CA would be 'less than substantial'. In accordance with paragraph 196 of the Framework, the public benefit must be balanced against any harm found. The appellant has indicated that the proposal would allow close family to remain in the area. Although I recognise that this is an important benefit to the appellant, there is little public benefit to be gained. Therefore, in accordance with paragraph 196 of the Framework, there would be almost no public benefit to outweigh the harm to the CA.
12. I consider that the proposal would not preserve or enhance the character of the CA. It would conflict with Policies 9, 20 and 24 of the LDF which together and amongst other matters seek that development does not adversely affect the character and appearance of the local landscape including the CA. I attribute this harm substantial weight within my decision.

Safety of road users

13. The proposal shows four parking bays to the front of the properties in a linear formation with an entrance/exit at either end. The proposed driveways would sit at the bottom of a hill on the western approach to the village. Technical advice from the Highway Officer suggests that cars would need to reverse on to the highway from a parallel position which would be unsafe. Drawing SSL:18696:200:1:1 shows a turning 'cut out' for vehicles, however, no substantive evidence has been submitted by the appellant to demonstrate how manoeuvres would be achieved when all four spaces are occupied. In these circumstances it is likely that awkward manoeuvres on to the highway would occur. Although the site has historically provided parking for six cars, these were all within separate garages set at right angles to the highway with each garage being able to gain unimpeded access to the highway as they operated independently. In contrast, the proposed parking would be linear with innermost cars unable to manoeuvre without first moving the outermost cars.
14. During my site visit I observed the current limited visibility splays from the existing site accesses. Technical advice from the Highway Officer suggests that, irrespective of the direction of travel when exiting the proposed driveways, the visibility splays would be obstructed by vegetation and the bankside. Notwithstanding an undertaking by the appellant to cut down vegetation, no substantive evidence to confirm the presence of appropriate visibility splays involving consideration of the bankside and stone walls has been provided.
15. Due to the lack of a footway outside the appeal site the main parties disagree about whether safe pedestrian access would be available. During my site visit I observed the position of the surfaced footway on the opposite side of the road. Should access for the development be made on foot, pedestrians would need to cross the road to access the footway and this would be particularly difficult for those with limited mobility. Although the speed limit at this point is 30mph, the site is at the bottom of a hill on the approach to the village. I have no evidence to assure me that pedestrians crossing at this point would not be at risk. This is not a determinative factor alone, but when combined with the lack of evidence that the parking arrangement and visibility splays are appropriate, I find that the proposal would harm highway safety. It therefore conflicts with Policy 9 of the LDF which requires that development does not harm the safety of road users. I afford this harm substantial weight within my decision.

Living conditions

16. Occupiers of the proposed dwellings would have access to level garden space to the front in addition to some space at the side. However, the space to the front would be adjacent to the car parking area and busy road which would not be ideal, and the usability of the space to the side has not been demonstrated. The Design and Access Statement references "small scale cut and fill works" to the rear of the proposed dwellings to provide a useable level area. However, no detail of this space has been provided and I have no certainty that level access would be possible.
17. I consider that the proposal has not demonstrated the availability of outdoor amenity space and this would conflict with Policy 9 of the LDF which requires that development does not harm the living conditions of future occupiers. Although outdoor amenity space is not specifically mentioned in this policy, its purpose is to ensure satisfactory living conditions across a range of factors. In

any case there would be associated conflict with paragraph 127 (f) of the Framework which seeks that proposals provide a high standard of amenity for future users. I afford this harm limited weight within my decision as it would not be a determinative issue in its own right.

Other considerations

18. Currently the garages do not make a positive contribution to the appeal site and to the character and appearance of the area. I saw evidence of fly tipping during my visit and there is asbestos sheeting within the structures. The proposal would remove the garages and these associated problems however, there may be other ways to achieve this benefit. To this end, an application ref PA/342858/19 for a single dwelling on this site was granted on 31 May 2019.
19. The proposal would have benefit by providing a nearby home for family members however, this would be a private benefit alone. The property would be on the edge of an existing settlement with access to services and facilities and there would be social benefits derived from an increase in housing supply. Additionally, economic benefits during the construction and afterwards through ongoing support for local services that new occupiers would make, would be beneficial. Due to the limited size of the development however, these benefits would not be substantial, and I afford them limited weight in favour of the proposal.

Other Matters

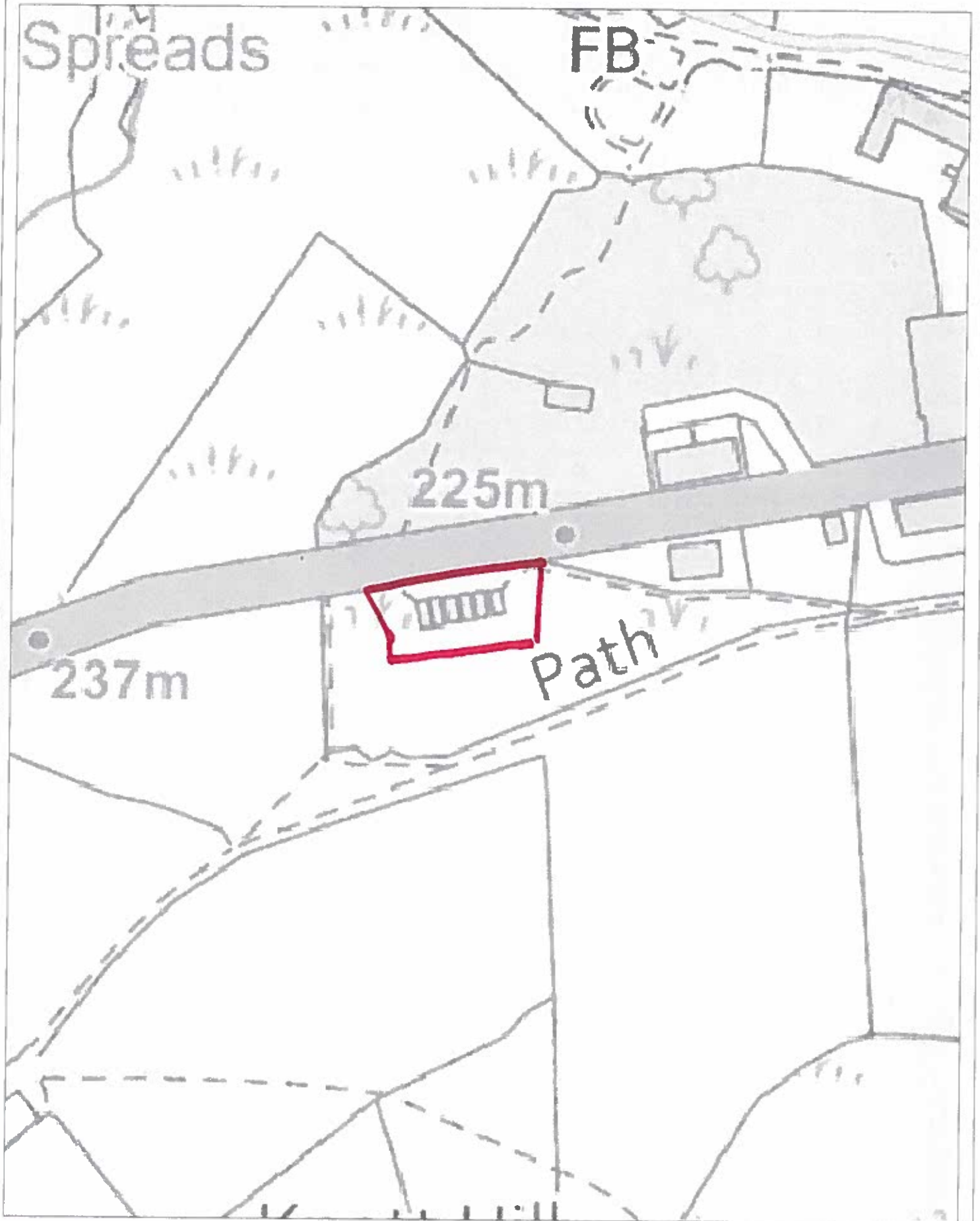
20. Reference has been made to application PA/342026/18 and to development at 28 and 34 Grains Road. The details of these cases are not before me and in any case, each application must be determined on its own merits.

Conclusion

21. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that all development must preserve this openness. The development would harm the openness of the Green Belt and would therefore constitute inappropriate development. The proposal would also significantly harm the character and appearance of the CA and highway safety. This, in combination with the harm to the living conditions of future occupiers is not outweighed by the other considerations presented and therefore very special circumstances do not exist. The proposal would therefore conflict with the local plan policies and those of the Framework when considered as a whole.
22. For the reasons stated above, the appeal is dismissed.

E Symmons

INSPECTOR





Appeal Decision

Site visit made on 16 September 2019

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

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/W4223/D/19/3232909

1 Warwick Road, Failsworth, Manchester M35 0QQ

- 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 Carl Clarke against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/342795/19, dated 14 January 2019, was refused by notice dated 18 June 2019.
 - The development proposed is a 2-storey rear extension and porch.
-

Decision

1. The appeal is dismissed insofar as it relates to the 2-storey rear extension. The appeal is allowed and planning permission is granted for a porch at 1 Warwick Road, Failsworth, Manchester M35 0QQ in accordance with the terms of the application, Ref HH/342795/19, dated 14 January 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: LP10035; 01250; AB01276 Sheet 3; Sheet 5; and, Sheet 6.

Background and Main Issue

2. The proposal has two distinct parts, a porch to the front elevation and a 2-storey rear extension. There is no dispute between the parties that the porch would be acceptable in terms of the character and appearance of the area and the living conditions of nearby occupiers, and I agree.
3. Therefore, the main issue is the effect of the proposed rear extension on the living conditions of nearby occupiers, with particular regard to outlook.

Reasons

4. The appeal dwelling is a traditional 2-storey brick building facing onto Warwick Road. The side elevation is joined to the rear of a similarly designed dwelling to the northwest, that faces onto Alder Road.

5. The rear elevation of the appeal dwelling and the side elevation of its joined neighbour, 42 Alder Road, are in a similar plane, with a brick chimney on the boundary. At first floor level, the windows of No 42 are obscured-glazed and do not, therefore, have an outlook.
6. However, at ground floor level, next to the boundary with No 1, there is a transparent window and part-glazed door to a habitable room, overlooking a side garden area. This side garden also contains a brick-based conservatory with an obscured-glazed roof, which is positioned next to the window and door, away from the shared boundary with the appeal dwelling. The boundary is currently marked by a solid timber panel fence, some 2.0 metres high.
7. The conservatory and boundary fence, together with a separate brick outbuilding to the northeast, largely enclose this side garden area at No 42. Whilst the conservatory has a separate outlook towards Alder Road, the aforementioned habitable room of the dwelling and the side garden area it overlooks have only a limited outlook as a result of this enclosure.
8. The proposed 2-storey extension would project some 3.0 metres from the rear elevation of 1 Warwick Road close to the boundary with No 42. Consequently, the scale, massing and position of the proposed development would be overbearing and would further restrict the limited outlook from the habitable room and the side garden area, to the detriment of the living conditions of the occupiers of No 42.
9. The proposed extension would be to the southeast of No 42 and therefore likely to restrict sunlight to the side elevation, side garden and conservatory to some extent. However, reduced natural light is not a matter of dispute between the parties and I also note the appellant's comments regarding the dual-aspect of the habitable room, which provides it with natural light.
10. The appellant refers to what they consider to be a similar existing arrangement on the Warwick Road elevation of No 42, shown on their Photograph 2. The proposed rear extension would project further than the corresponding feature on Warwick Road. The window on the Warwick Road elevation also enjoys a much better outlook towards the street across a garden area. It is not, therefore, a comparable arrangement and does not cause me to reach a different conclusion with regard to the harm to the living conditions of nearby occupiers I have identified.
11. The current occupiers of No 42 have not objected to the proposal. However, this does not affect the planning merits of the case and does not cause me to reach a different conclusion with regard to this appeal, as set out above.
12. For these reasons the proposed extension would cause unacceptable harm to the living conditions of nearby occupiers with particular regard to outlook. It would therefore conflict with Policy 9 (local environment) of the Joint Core Strategy and Development Management Policies development plan document 2011.

Conditions and Conclusion

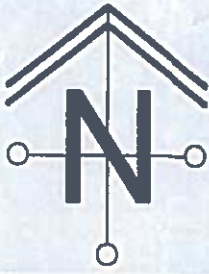
13. For the reasons given above, the proposed rear extension would not be acceptable. However, the proposed porch to the front of the main dwelling would be acceptable and it is clearly severable from the proposed rear extension. I therefore intend to issue a split decision in this case.

14. In addition to the standard time limit condition, the Council has suggested further conditions which I have considered in the light of government guidance, and in relation to the part of the proposed development hereby permitted.
15. A condition requiring the external materials to be used in the development hereby permitted to match the existing building would be necessary, in order to protect the character and appearance of the area. In order to provide certainty, a condition requiring that the development hereby permitted is carried out in accordance with the approved plans would be necessary.
16. I conclude, therefore, that the appeal should be dismissed insofar as it relates to the rear extension but allowed insofar as it relates to the porch.

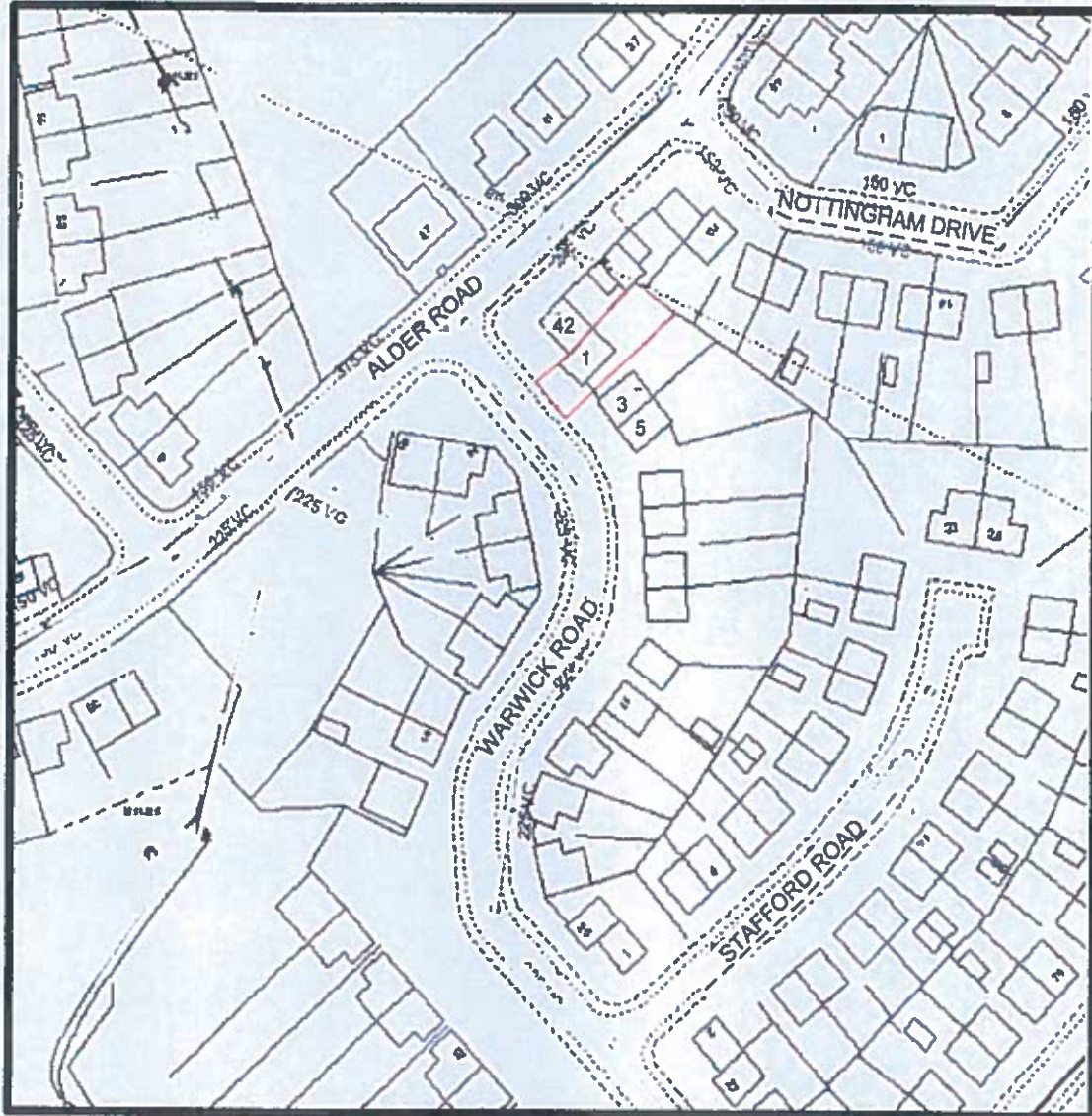
Andrew Parkin

INSPECTOR

15 JAN 2019

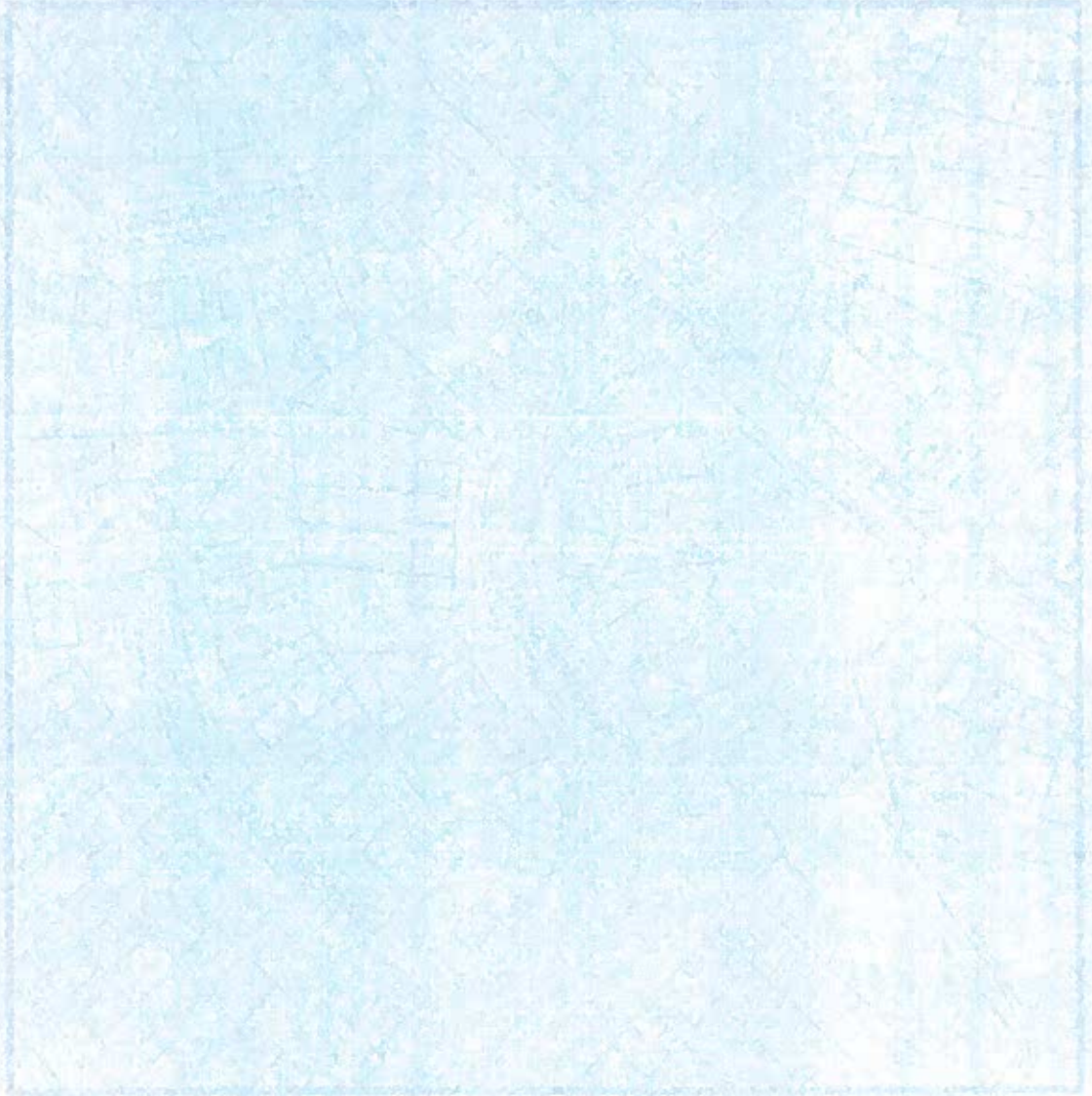


342795



1:1250 SCALE

LP10035



Appeal Decision

Site visit made on 16 September 2019

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

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/W4223/D/19/3232861

19 Cherry Grove, Royton OL2 5YL

- 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 Paresh Bhudia against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/342969/19, dated 25 February 2019, was refused by notice dated 2 July 2019.
 - The development proposed is described as 'single, two storey and first floor extensions to dwelling.'
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located at the southern end of a T-shaped residential cul-de-sac, next to an area of mature woodland. The cul-de-sac contains various detached dwellings of two distinct designs. The northern end of the cul-de-sac contains dwellings with front and rear box dormer windows, whilst the remainder of the street contains gable fronted bungalows with lower roof ridge heights and significantly less massing.
4. All the dwellings are positioned around the cul-de-sac at generally similar distances from the road and contain front gardens and driveways. Whilst many of the dwellings have been altered since their initial construction the area still has a coherent character and appearance, albeit one that is divided into two distinct parts – the northern end comprising the dormer bungalows, and the remainder comprising the gable-fronted bungalows, including the dwelling subject to this appeal.
5. The appeal dwelling has a generally similar appearance to the gable fronted bungalows opposite it and the remaining gable fronted bungalows on the southeastern side of Cherry Grove. It has an existing side extension to the southwest, adjacent to the woodland, and which is set back from the main front elevation with the same ridge height as the original building. The dwelling contains a single bay window on its front gable elevation.

6. The proposed development would raise the roof ridge height by some 0.8 metres; a new hipped roof to the northeast would extend over an enlarged garage at the new ridge height of some 5.8 metres above the ground. These works would significantly increase the massing of the dwelling, making it an over-dominant feature at this end of Cherry Grove. The scale of the works would be emphasised by the introduction of a structural support post to the front gable.
7. The design of the proposal would also significantly increase the amount of fenestration on elevations visible from Cherry Grove, including two pitched roof dormer windows in the enlarged roof of the existing extension and a large window in its front wall. Almost half of the enlarged front gable elevation would now be glazed as part of a two-storey entrance feature, with a new Velux-type window on the eastern roof slope. The extent and position of the new glazing would further emphasise the significantly different appearance of the appeal dwelling, which would be out-of-keeping with the nearby bungalows.
8. The appeal dwelling would be a similar height to the dormer bungalows at the northern end of the street, where there is an acceptable visual relationship between the two existing dwelling types. However, the scale, massing, and design of the appeal dwelling, at the southern end of Cherry Grove, where the gable fronted dwellings provide a coherent character and appearance, means it would be significantly different and in my view, incongruous.
9. The proposed use of a white render to the northeastern elevation and around the extended garage and the new gable entrance would also be a significant contrast to the other dwellings on Cherry Grove. The appellant has suggested that the render could be changed to a different colour or replaced by brickwork and that this could be controlled by a condition.
10. Government guidance is clear that the appeal process should not be used to evolve a scheme, and that *if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application*¹. I have determined this appeal on the basis of the scheme that was refused planning permission by the Council. In any event, such a change would not overcome the harm to the character and appearance of the area that I have identified.
11. The proposed development would occupy a similar corner position relative to Cherry Grove as the existing dwelling, partly screened in some views by the next door dwelling, No 17. The use of stone on the gable front would also replicate the design of the existing dwelling.
12. However, for the reasons given above, the scale, massing and design of the proposed development would significantly detract from the character and appearance of the southern end of Cherry Grove. It would therefore conflict with Policies 9 (local environment) and 20 (design) of the Joint Core Strategy and Development Management Policies Development Plan Document 2011 and with the National Planning Policy Framework 2019 in this regard.

¹ Procedural Guide Planning appeals – England, August 2019 – Paragraph M.1.1

Conclusion

13. For these reasons, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR



