

PLANNING COMMITTEE Regulatory Committee Agenda

- Date Wednesday 18 December 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 Lori Hughes in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Lori Hughes Tel. 0161 770 5151 or email lori.hughes@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 December 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 Apologies For Absence
- 2 Urgent Business
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 4)
The Minutes of the meeting of the Planning Committee held on 16th October 2019 are attached for Members' approval.
- 6 PA/343757/19 - All Nations Church, Egerton Street, Oldham, OL1 3SE (Pages 5 - 12)
Erection of indoor rock-climbing centre with car parking, landscaping and associated works.
- 7 HH/343821/19 - 1 & 2 Wade Top, Uppermill, OL3 6BA (Pages 13 - 18)
Conversion of two cottages into a single dwelling house, rebuilding of front elevation and installation of rooflights.
- 8 PA/343985/19 - Christ Church C Of E Primary School, Crawley Way, Chadderton, OL9 9ED (Pages 19 - 24)
Retrospective planning application for the erection of a pergola
- 9 PA/343995/19 - Donkeystone Brewing Co. Ltd, Unit 17/18 Boarshurst Business Park, Boarshurst Lane, Oldham, OL3 7ER (Pages 25 - 32)
Planning application for use of part of the ground floor of Unit 17 and part of the ground floor of Unit 18 as a drinking establishment (Class A4) in association with the existing brewery use of Unit 17 and 18 (Revised application to



PA/343258/19)

10 HH/344152/19 - 19 Harewood Drive, Royton, OL2 5TZ (Pages 33 - 38)

Proposed rear dormer

11 Appeals (Pages 39 - 58)

Appeals

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PLANNING COMMITTEE
16/10/2019 at 6.00 pm

Present: Councillor Dean (Chair)
Councillors Akhtar, Brownridge, Davis, H. Gloster, Hewitt,
Hudson, Hulme, Iqbal, Jacques, Malik and Williamson
(Substitute)

Also in Attendance:

Sean Hannaby	Interim Head of Planning
Graham Dickman	Development Management Team Leader
Matthew Taylor	Planning Officer
Wendy Moorhouse	Principal Transport Officer
Alan Evans	Group Solicitor
Mark Hardman	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

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

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

Councillor Malik declared a personal interest in Item 7-
PA/343377/19 – Land at Haworth Street, Oldham, OL1 2BX, by
reason of being related to a resident of a neighbouring property.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting of the Planning
Committee held on 18th September 2019 be approved as a
correct record.

6 **HH/343092/19 - RUNNING HILL COTTAGE, RUNNING HILL
LANE, DOBCROSS, OL3 5JS**

RESOLVED – That this item be withdrawn from the agenda.

7 **PA/343377/19 - LAND AT HAWORTH STREET, OLDHAM,
OL1 2BX**

APPLICATION NUMBER: PA/343377/19

APPLICANT: First Choice Investments

PROPOSAL: Development of a 3 storey block of 14 one bedroom apartments.

LOCATION: Land at Haworth Street, Oldham, OL1 2BX

It was MOVED by Councillor Dean and SECONDED by Councillor Iqbal that the application be approved subject to a condition to secure confirmation of arrangements for the storage and disposal of waste from the development.

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

DECISION: That the application be approved subject to the conditions as outlined in the report and an additional condition

9. The development hereby approved shall not be first occupied until facilities for the storage and removal of refuse and waste materials have been provided in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter.

Reason - To protect the amenity of the area.

NOTES:

The Agent for the applicant attended the meeting and addressed the Committee on this application.

8

PA/343581/19 - 1-5 CHURCH TERRACE, OLDHAM, OL1 3AU

APPLICATION NUMBER: PA/343581/19

APPLICANT: Mr Mushtaq

PROPOSAL: Proposed change of use from offices (Class A2) to two residential apartments (Class C3).

LOCATION: 1-5 Church Terrace, Oldham, OL1 3AU

It was MOVED by Councillor Dean and SECONDED by Councillor Hudson that the application be approved subject to a further condition to ensure that the properties do not become Houses in Multiple Occupation.

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

DECISION: That the application be approved subject to an additional condition



- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-instating that Order with or without modification, the use of the residential apartments hereby permitted shall be restricted to use within Class C3 of the Town and Country Planning (Use Classes) Order 1987, and to no other purposes including those within Class C4 of that Order.

Reason – To protect the amenity of the area and the character of the Oldham Town Centre Conservation Area.

NOTES:

The Applicant attended the meeting and addressed the Committee on this application.

- 9 **HH/343777/19 - EDGE END FARM, WHITEBROOK LANE, GREENFIELD, OLDHAM, OL3 7PH**

APPLICATION NUMBER: HH/343777/19

APPLICANT: Mr and Mrs Rigby

PROPOSAL: Proposed detached garage/utilities building

LOCATION: Edge End Farm, Whitebrook Lane, Greenfield, Oldham, OL3 7PH

It was **MOVED** by Councillor Hudson and **SECONDED** by Councillor Hazel Gloster that the application be approved.

On being put to the vote, four votes were cast in favour of the Motion with eight votes cast against. The Motion was declared to be lost.

It was **MOVED** by Councillor Malik that consideration of the application be deferred to allow for submission of revised plans. The Motion was not seconded and so fell.

It was **MOVED** by Councillor Brownridge and **SECONDED** by Councillor Dean that the application be refused.

On being put to the vote, eight votes were cast **IN FAVOUR OF REFUSAL** with four votes cast against.

DECISION: That the application be refused for the reasons as outlined in the report.

NOTES:

The Applicant attended the meeting and addressed the Committee on this application.

10

APPEALS

RESOLVED - that the report of the Head of Planning and Infrastructure providing an update on matters relating to Planning Appeals be noted.



The meeting started at 6.00 pm and ended at 7.01 pm

APPLICATION REPORT - PA/343757/19

Planning Committee, 18 December, 2019

Registration Date: 01/08/2019
Ward: Saint Mary's

Application Reference: PA/343757/19
Type of Application: Full Planning Permission

Proposal: Erection of indoor rock-climbing centre with car parking, landscaping and associated works.
Location: All Nations Church, Egerton Street, Oldham, OL1 3SE
Case Officer: Dean Clapworthy

Applicant: Stoller Charitable Trust
Agent : AEW Architects

THE SITE

The proposal relates to a vacant site between Egerton Street and Rock Street previously occupied by a church hall. The Mahdlo youth centre and surgery are to the east and a children's nursery to the west. There is a fall downhill of around 7m from Egerton Street to the lower car park on the site (with a further fall to Rock Street). There are mature trees and groups of trees at the site, largely clustered at the western and eastern boundary. Relatively new residential development opposes the site to the north-west.

Existing vehicular access to the site is taken from Rock Street.

THE PROPOSAL

The proposal is for the erection of an indoor rock-climbing centre (Use class D2) with landscaping and associated works. The development would comprise the following principal elements:

- A rock climbing centre housed in a single building that would be built into the slope. It would generally be in the form of a flat roofed block (with a gentle slope) that has been designed to represent a rock form
- It would have a maximum height at the southern elevation (to Rock Street) of around 17.7m and 4.8m at the north elevation (to Egerton Street). The two long elevations and the southern elevation would essentially be blank, incorporating only emergency access doors. The principal elevation to Egerton Street would incorporate a glazed entrance with an overhanging canopy. The building would provide climbing/bouldering, cafe and viewing area, reception area, soft play and party rooms with ancillary welfare and staff facilities, all set out over four floors.
- A new pedestrian forecourt would be created to the Egerton Street frontage. There would be no dedicated parking, but a new service access would be created from Rock Street;
- The felling of 12no. trees to facilitate the development of the site.

RELEVANT HISTORY OF THE SITE:

DM/341328/18: Prior approval for demolition of the former All Nation Church. Approved March 2018.

RELEVANT PLANNING POLICIES & GUIDANCE

The site falls within Oldham town centre and the Oldham Town Centre Conservation Area. The Grade II* listed Church of St. Mary and St. Peter is to west.

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

Joint Development Plan Document (DPD)

Policy 1: Climate change and sustainable development
Policy 2: Communities
Policy 5: Promoting Accessibility and Sustainable Transport Choices
Policy 9: Local Environment
Policy 15: Centres
Policy 17: Gateways and Corridors
Policy 18: Energy
Policy 20: Design
Policy 21: Protecting Natural Environmental Assets
Policy 24: Historic Environment

Saved Unitary Development Plan Policies

Policy D1.5: Protection of Trees on Development Sites

CONSULTATIONS

Environmental Health	No objection, subject to conditions relating to noise mitigation measures.
Greater Manchester Ecology Unit	No objection, subject to conditions relating to birds and landscaping.
Sport England Tree Officer	No comment. No objection, subject to the provision of replacement trees at a rate of 3 to 1.
United Utilities	No comment.
Greater Manchester Police Architectural Liaison Unit	No comment. No comment.
Drainage Highway Engineer	No comment. No objection, subject to a condition concerning cycle storage.

REPRESENTATIONS

The application has been advertised by neighbour notification letter, site and press notices. Two representations have been received, one of which objects raising concerns of traffic and parking issues.

The further representation stresses that, whilst not objecting to the proposal, the neighbouring GP surgery would not allow parking on the associated car park and that construction noise ought to be kept to a minimum.

PLANNING CONSIDERATIONS

The principal issues relate to:

- Principle of the development;
- Design and impact on visual amenity (including Heritage);
- Access and highway safety;
- Impact on amenity;
- Other matters.

Principle of the development

The proposal is for development that constitutes a main town centre use at a site that is

located in the defined town centre. Furthermore, it would enhance the 'offer' within the town centre, complement existing uses and would be within walking distance of public transport stations and hubs. Therefore, the principle of the development is acceptable and is to be encouraged.

Design and impact on visual amenity (including Heritage)

The design of the building is determined to a significant degree by its use. Internally, it is necessary to deliver the requisite height to facilitate the primary function as an indoor climbing centre. Hence, any building would need to have a tall elevation. The proposed site slopes significantly down from Egerton Street, such that the building has been designed to encompass and take advantage of the fall in levels. The design concept was to produce a building that would imitate the form of a rock protruding out from the site, similar to that of the local gritstone.

From Egerton Street, the building would have a single storey elevation and the large roof would slope up gently. This, coupled with the fall in the site, would result in a south elevation of around 17.7m in height for almost the full width of the site.

In order to reduce the perception of the scale and mass of the building, the profiled metal panels would be attached with the 'grain' in the panels set at different directions and separated by seamless 'fractures'. The panels would overlay a brick base, which would be a darker shade of grey.

Whilst there is no doubt that at 17.7m it would be of an impressive stature and form and represent a significant vertical element in the immediate street scene, the choice of materials and method of attachment would serve to lessen the impact. Furthermore, the context of the site includes existing large scale buildings, which are in some cases of a similar mass and bulk (e.g. the Mahdlo centre) and views of the buildings scale would vary on the approach from different directions.

The submitted Heritage Statement notes that three panoramic views are identified from the churchyard of the listed Church of St. Mary and St. Peter in the Oldham Town Centre Conservation Area Appraisal and Management Plan (CAAMP).

The Statement finds that in views from both the Conservation Area and the listed Church the proposed development would form part of a highly varied townscape and would be visible in combination with other modern buildings to the north of Rock Street. The proposed building would be larger than the former building at the site, but it would be viewed in the context of both Horsedge Mill and the Mahdlo Centre. Views of the proposed building from the listed church would be filtered by trees and the distance would ensure that it would not dominate or draw attention to such an extent that the significance of the heritage assets would be harmed.

The Heritage Statement concludes that the proposed development would not affect the ability to appreciate the topography of the conservation area, the legibility of the historic townscape or the key buildings in the area, nor would it harm the experience of the churchyard as an aspect of setting and a key area of green space. These findings are not disputed.

Given the above, and subject to careful control of the finishing materials by condition, it is considered that the proposed development would not have any unacceptable impacts upon visual amenity nor the noted heritage assets.

Access and highway safety

It has been confirmed that the operation/management of the facility, which is unlikely to be dependent on regular large groups arriving by private bus or coach, with most users arriving and leaving as individuals or smaller groups. It is also noted that given the location, public transport is easily accessible and that there are public car parks nearby.

The Highway Engineer does not therefore expect that there would be a significant increase in traffic generation as a result of the proposed development or that there would be an unacceptable impact upon highway safety. Subject to a condition requiring agreement and implementation of secure cycle storage facilities, the proposal is acceptable in highway terms.

Impact on amenity

The site is bounded by dwellings to the north on the opposite side of Egerton Street. These dwellings are raised above street level. To either side and to the rear of the site are a mix of community and commercial uses and a public car park. The form and position of the building would ensure that there would not be any overbearing impacts or loss of privacy to nearest sensitive uses.

The supporting Noise Impact Assessment Report and Ventilation Strategy demonstrate that the activities that would occur within the building would not have any unacceptable impacts upon neighbouring amenity and the Environmental Health Officer has confirmed that the proposal would be acceptable, subject to condition agreeing a scheme of external ventilation.

Other matters

The supporting Ecological Assessment found that the site has negligible to low suitability for protected and notable species and no UK or local priority habitats are present. The likely impacts would therefore be limited to nesting birds. The GMEU has not objected to the proposal subject to the protection of nesting birds and landscape enhancement at the site.

The proposal would necessitate the loss of 12 semi/mature trees at the site. The Council's Tree Officer has confirmed that the proposal would necessitate the provision of 36 replacement trees (the precise location has not been identified at this stage). The applicant has agreed that such should be secured by a section 106 obligation.

Conclusion

The proposed development would deliver a major recreational development to support and enhance the offer in Oldham town centre and would represent sustainable development given the location close to public transport and economic benefits in the form of investment and on-going employment. Subject to appropriate conditions, the proposal would not have any unacceptable adverse impacts on traffic and highway safety, visual, neighbouring and general amenity, ecology and biodiversity and would not be at risk from contamination.

Furthermore, it would not have any unacceptable impacts upon the Oldham Town Centre Conservation Area or listed buildings and be of an appropriate design in this town centre location.

The proposal therefore complies with the relevant local and national planning policies.

RECOMMENDATION

It is recommended that Committee resolves:

1. To grant planning permission subject to the conditions set out below and to a Section 106 obligation being secured to provide a contribution to deliver 36 replacement trees off-site.
2. To delegate authority to the Director of Economy to issue the decision notice upon satisfactory completion of the planning obligation.
 1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as

amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

11069-AEW-XX-SI-DR-A-0600(S2)(P01)Site Location Plan
11069-AEW-XX-SI-DR-A-0602 P04 Proposed Site Plan

11069-AEW-XX-LG-DR-A-0605(S2)(P01)Proposed Lower Ground Floor Plan
11069-AEW-XX-UG-DR-A-0603(S2)(P01)Proposed Upper Ground Floor Plan
11069-AEW-XX-M1-DR-A-0604(S2)(P01)Proposed Mezzanine Floor Plan
11069-AEW-XX-RF-DR-A-0606(S2)(P01)Proposed Roof Plan

11069-AEW-XX-ZZ-DR-A-0630(S2)(P01)Proposed Elevations - Sheet 1
11069-AEW-XX-ZZ-DR-A-0631(S2)(P01)Proposed Elevations - Sheet 2
11069-AEW-XX-ZZ-DR-A-0632(S2)(P01)Proposed Development Elevations Sheet 1
11069-AEW-XX-ZZ-DR-A-0633(S2)(P01)Proposed Development Elevations Sheet 2
11069-AEW-XX-ZZ-DR-A-0634(S2)(P01)Proposed Development Elevations Sheet 3

11069 -AEW-XX-SI-DR-A-0644(S2)(P01)Proposed Site Sections
11069-AEW-XX-ZZ-DR-A-0641(S2)(P01)Proposed Sections-Sheet 1
11069-AEW-XX-ZZ-DR-A-0642(S2)(P01)Proposed Sections-Sheet 2
11069-AEW-XX-ZZ-DR-A-0643(S2)(P01)Proposed Sections-Sheet 3
11069-AEW-XX-ZZ-DR-A-0643(P01)Planning Coloured Elevation Sheet 1
11069-AEW-XX-ZZ-DR-A-0644(P01)Planning Coloured Elevation Sheet 2
11069-AEW-XX-XX-SK-A-0550 Direction of Cladding Profile - Sheet 1
11069-AEW-XX-XX-SK-A-0551 Direction of Cladding Profile - Sheet 2
11069-AEW-XX-ZZ-DR-A-5001(P02)Typical Perimeter Strip Sections - Sheet 1

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 comprising the erection of any external walls shall take place until details of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.

Reason - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan.

4. 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 having regard to Policies 5 and 9 of the Oldham Local Plan.

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 LPA.

Reason - In order to ensure that nesting birds are not unacceptably affected, in accordance with Policy 21 of the Oldham Local Plan.

6. Prior to the implementation of hard and soft landscape works, details, including an implementation plan, shall be submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include 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. The content of the plan should include elements to mitigate for loss of trees shrubs and bird nesting habitat.

All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority, and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size.

Reason - To ensure that the development site is landscaped to an acceptable standard having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

7. Prior to the commencement of any part of the development hereby approved, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, all existing trees to be retained, shall be protected in accordance with the tree protection measures as detailed in the submitted Arboricultural Impact Assessment (by Urban Green dated November 2019). The protection measures shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas.

Reason - Prior approval of such details is necessary to protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.

8. The development shall be carried out in accordance with the measures/recommendations in the Noise Impact Assessment Report by Dooley Associates (Ref. 26413/NAI1) dated 05 July 2019, and maintained as such thereafter.

Reason - To minimise the impact of noise on existing development in the vicinity having regard to Policy 9 of the Oldham Local Plan.

9. The building and/or externally mounted plant and equipment shall be insulated in accordance with a scheme submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. Any work implementing the scheme shall be completed before the commencement of the use and shall be retained at all times thereafter.

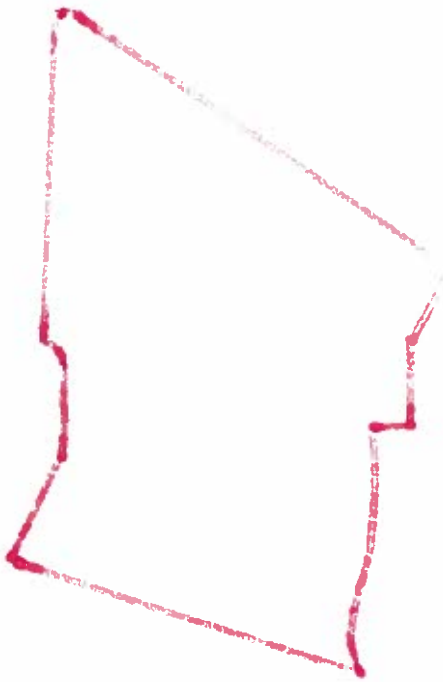
Reason - To minimise the impact of noise on existing development in the vicinity having regard to Policy 9 of the Oldham Local Plan.

10. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 08:00 to 22:00 Monday to Friday and 08:00 to 20:00 on Sundays, Bank or Public Holidays.

Reason - To minimise the impact of noise on existing development in the vicinity having regard to Policy 9 of the Oldham Local Plan.

343757





APPLICATION REPORT - HH/343821/19

Planning Committee, 18 December, 2019

Registration Date: 12/09/2019
Ward: Saddleworth South

Application Reference: HH/343821/19
Type of Application: Full Planning Permission

Proposal: Conversion of two cottages into a single dwelling house, rebuilding of front elevation and installation of rooflights.
Location: 1 & 2 Wade Top, Uppermill, OL3 6BA
Case Officer: Brian Smith

Applicant Mrs Hoskyn
Agent : S. Ingram and Associates

In accordance with the Council's Scheme of Delegation, the application is required to be determined at Planning Committee as the applicant is an employee of the Council.

THE SITE

1 & 2 Wade Row comprise a pair of two-bed stone built dwellings, to the front of which are gardens and off road parking area.

THE PROPOSAL

This application proposes the rebuilding of the front elevation in order to facilitate the conversion of the two dwellings into a single three bed dwelling, better reflecting recognised National Technical Housing Standards. This entails new structural openings of differing proportions to that existing, including bi-folding doors, to accommodate the resultant internal layout. Additionally, a vaulted ceiling is proposed which accounts for the inclusion of five roof lights.

PLANNING HISTORY

None

RELEVANT LOCAL PLAN POLICIES

Policy 9 - Local environment;
Policy 20 - Design; and,
Policy 24 - Historic Environment.

REPRESENTATIONS

The application has been advertised by neighbour notification letter. No representations have been received.

No comments have been received from Saddleworth Parish Council.

PLANNING CONSIDERATIONS

The main issues include residential amenity, design and impact on the Uppermill Conservation Area.

Residential Amenity

DPD Policy 9 outlines that new development proposals must not have a significant adverse impact upon the amenity of neighbouring properties. It is considered that the substitution of the existing structural openings would have no additional implications for the occupiers of neighbouring properties, thereby ensuring compliance with the policy in this regard.

Design and impact on the Conservation Area

The Planning (Listed Buildings and Conservation Areas) Act 1990, states that the primary duty of the Local Planning Authority in relation to Conservation Areas is to have special regard to the desirability of preserving and enhancing the historic interest which it possesses. DPD Policy 24 (Historic Environment) together with Part 16 (Conserving and enhancing the historic environment) of the NPPF reflect this duty.

With regard to the impact on the conservation area, the building does not feature prominently or make a significant contribution to the character and appearance of the area. Accordingly, notwithstanding the introduction of a contemporary element in the form of bi-folding doors, subject to the use of sympathetic materials in the form of reclaimed stone and stone surrounds, the proposed development would be compliant with the provisions of relevant local and national policies.

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 dated 27th August 2019, referenced DRAWING No.27'B'.

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 rebuilding of the front elevation, samples of reclaimed stone to be used throughout the building works hereby approved, matching that of the existing building, 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 in the interests of the visual amenity of the area.

4. The mullions, sills and heads to the windows and external doors of the development shall be in natural stone of a colour and texture to match the existing stonework.

Reason - To ensure that the appearance of the development is acceptable in the interests of protecting both the character and appearance of the building and the area

within which the site is located.

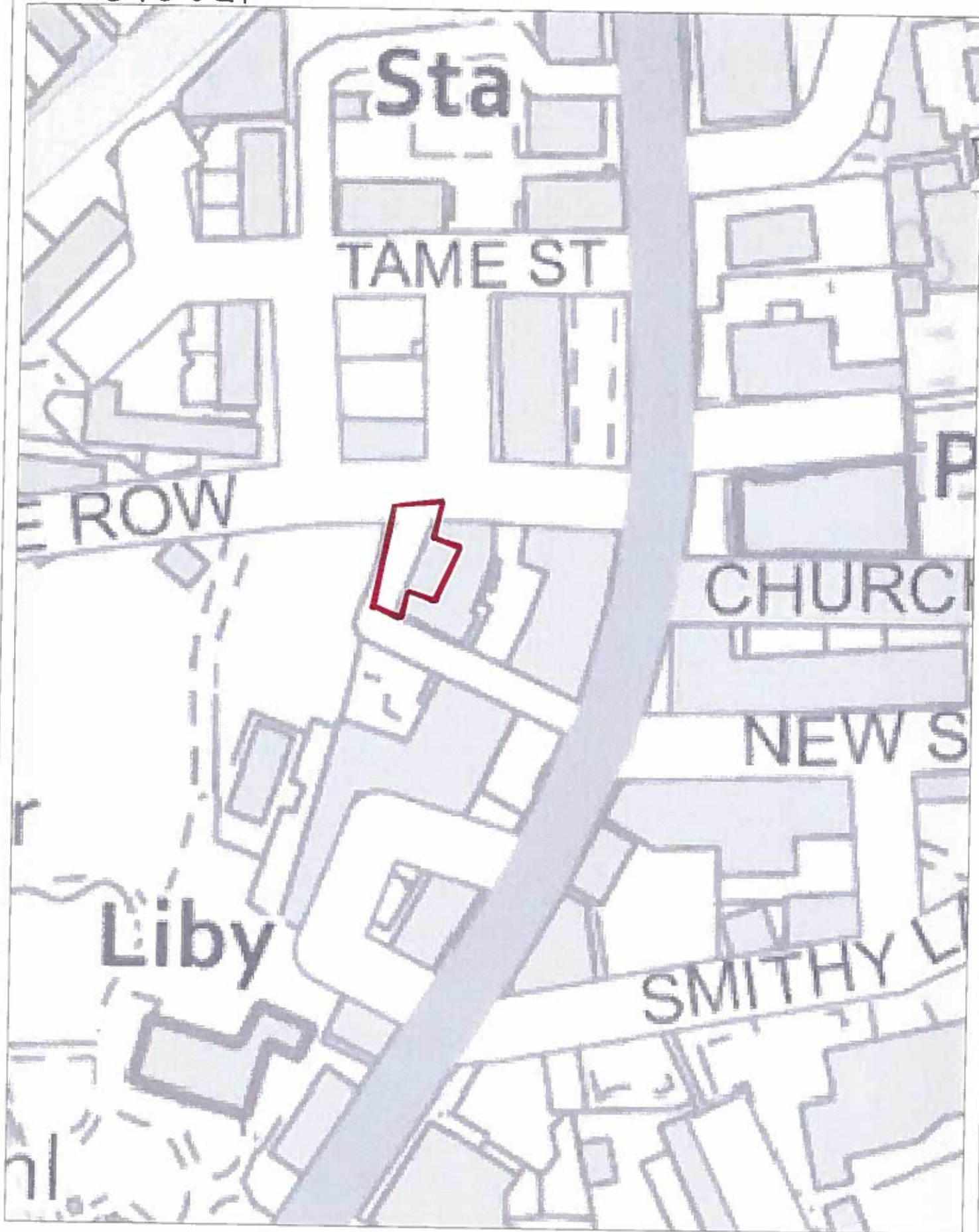
5. All new window and door frames to the building shall be recessed a minimum of 75mm behind the external face of the stonework.

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

6. The roof lights hereby approved shall comprise conservation type windows, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter, the roof lights to be used throughout the development shall be fully compliant with the approved details.

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

343821



Contact Us -





APPLICATION REPORT - PA/343985/19

Planning Committee, 18 December, 2019

Registration Date: 01/10/2019
Ward: Chadderton Central

Application Reference: PA/343985/19
Type of Application: Full Planning Permission

Proposal: Retrospective planning application for the erection of a pergola
Location: Christ Church C Of E Primary School, Crawley Way, Chadderton, OL9 9ED
Case Officer: Osian Perks

Applicant Mrs Davies
Agent : Equilibrium Architects Ltd

This application has been called to Planning Committee by Councillor McLaren.

THE SITE

This application relates to an area in the north-west corner of the playing field at Christ Church Primary School, Chadderton.

The rear amenity spaces of properties fronting Arnside Avenue and Lindale Avenue abut the north and west boundaries of the school site. The eastern boundary abuts a footpath.

THE PROPOSAL

Retrospective planning permission is sought for the erection of a pergola within the north-east corner of the school playing fields. The structure is made of timber and has a flat roof. It has a paved floor.

The applicant has indicated that it would be used during morning and lunchtime play periods and for occasional teaching activities.

RELEVANT PLANNING HISTORY

None

RELEVANT PLANNING POLICY

The application site is unallocated in the Local Plan. The following policies are relevant:

Policy 2: Communities
Policy 9: Local Environment
Policy 20: Design

REPRESENTATIONS

The application has been publicised by site notice and letters to the occupiers of neighbouring properties.

Five objections have been received, which are supported by Councillor McLaren.

The grounds of objection are:

- Due to its proximity to the properties fronting Lindale Avenue, the use of the pergola would cause significant noise disturbance to the occupants of one of these properties;
- The structure will have an oppressive impact and overshadow the neighbouring residential properties;
- It could be used by young people outside of school hours for anti-social activities and result in vandalism of neighbouring properties;
- It would result in the loss of privacy to the neighbouring properties;
- The occupants of the neighbouring properties could cause disturbance to children using the pergola.

CONSULTATIONS

Environmental Health - No objections.

PLANNING CONSIDERATIONS

Main issues to consider are:

- Principle of Development
- Design
- Residential Amenity

Principle of Development

Policy 2 of the Oldham Local Plan stipulates that the council will support, in principle, the improvement and development of educational facilities. This application seeks permission for an enhancement to an existing school. Therefore this development is considered acceptable in principle.

Design

Policy 9 indicates that it is necessary to consider how a proposed development impacts on the visual appearance of the existing site. Policy 20 requires such proposals to respond positively to the environment, contribute to a distinctive sense of place, and make a positive contribution to the street scene.

By virtue of its positioning and size, the building would not appear visually prominent in the street scene. Its timber construction and overall scale would mean that it does not have an adverse impact upon the character and appearance of its immediate setting.

Residential Amenity

The pergola is situated a minimum of 14 metres from the rear of the nearest residential property, has a maximum height of 3 metres, and is open-sided. Therefore by virtue of its size and the distance of separation between it and the properties to the rear, it is considered that the pergola will not result in a significant loss of light to or have an oppressive impact upon these properties.

Use of the pergola may concentrate pupils and associated noise heard by residents on Lindale Avenue. However, it should be noted that there is likely to be a significant amount of noise generated by pupils within the grounds of the school currently.

Further to this, the use of the pergola is likely to be intermittent, restricted to the hours within which the school operates and weather-permitting. As such, it is not considered that the noise disturbance resulting from the use would be so severe as to warrant the refusal of the application.

The school playing field is enclosed by high, welded mesh fencing. This security measure is

considered sufficient to prevent access to the pergola for use in anti-social activities.

CONCLUSION

Due to the nature, frequency and likely times of use, it is not considered that the pergola would have a significant impact upon the amenities enjoyed by neighbouring occupiers, or the area in general, and it therefore accords with the relevant national and local planning policies.

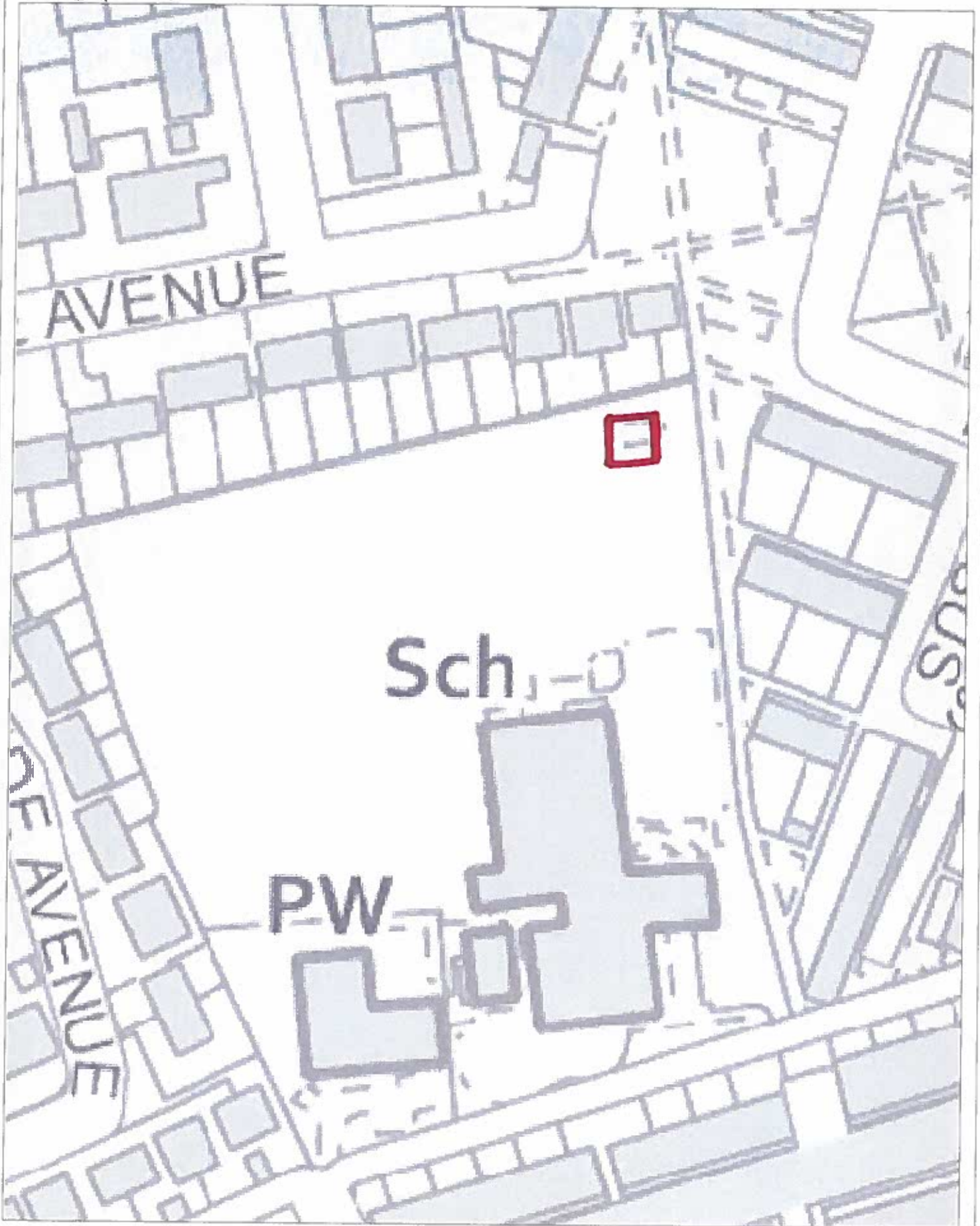
RECOMMENDATION:

Approve subject to condition:

1. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications received on 14/10/2019, which are referenced as ED-00052-01 Revision A; Proposed pergola Plans & Details Drawing No.04 Revision P1.

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

343985





APPLICATION REPORT - PA/343995/19

Planning Committee, 18 December, 2019

Registration Date: 03/10/2019
Ward: Saddleworth South

Application Reference: PA/343995/19
Type of Application: Full Planning Permission

Proposal: Planning application for use of part of the ground floor of Unit 17 and part of the ground floor of Unit 18 as a drinking establishment (Class A4) in association with the existing brewery use of Unit 17 and 18 (Revised application to PA/343258/19)

Location: Donkeystone Brewing Co. Ltd, Unit 17/18 Boarshurst Business Park, Boarshurst Lane, Oldham, OL3 7ER

Case Officer: Paul Dowd

Applicant Agent : Donkeystone Brewing Co. Ltd
Hourigan Connolly

The application has been called to Planning Committee at the request of Councillor Curley.

THE SITE

Donkeystone Brewing Co. Ltd occupies Units 17/18 of Boarshurst Business Park situated on Boarshurst Lane in Greenfield, with further industrial land to the south-west. The wider area has a residential character, with properties located on Kinders Lane immediately to the north-west in closest proximity.

The proposed use relates primarily to Unit 18, which includes a bar and tap room area along with sanitary facilities. Unit 17 to which it is interlinked mainly contains the brewing and storage facilities associated with the applicant's brewery business.

The application site includes 10 parking spaces allocated to the applicant's business under the terms of its lease.

THE PROPOSAL

This is a retrospective application to regularise the change of use from general industrial (Class B2) to a drinking establishment (Class A4) in association with the established existing brewery use.

This application has been revised following a previous refusal and the applicant has indicated that the previously unauthorised operations have ceased pending the outcome of the latest application.

In terms of opening hours, the previously refused application proposed the following hours:

- Mondays – Fridays: 7pm – 11:30pm.
- Saturdays: 12pm - 11:30pm.
- Sundays & Bank Holidays: 12pm – 10pm

This present application proposes the following opening hours:

- Mondays – Thursdays: Closed.
- Fridays: 5pm – 10:30pm.

- Saturdays: 12pm - 10:30pm.
- Sundays & Bank Holidays: 12pm – 6:30pm.

Service of drinks will stop half an hour before closing time to allow half an hour drinking up time as required by the Premises Licence granted by the Council. All members of the public will be required to have left the premises by the closing times specified.

PLANNING HISTORY:

PA/343258/19 - Retrospective application for a change of use of industrial (Class B2) floorspace to use as a drinking establishment (Class A4) at Unit 18, in association with the existing brewery use at Unit 17 - Refused 22 July 2019 for the following reason:

The cumulative impact of noise, disturbance, and related activities that would result because of the change of use of Unit 18 would be harmful to the living conditions of existing residents and would therefore be contrary to Policy 9 of the Local Plan which seeks to protect the amenity of residents from unacceptable harm.

The permissions that are related to Boarshurst Business Park are as follows:

PA/050111/05 - First floor extension to provide additional office accommodation - Approved 2 November 2005.

PA/042561/02 - Industrial unit - Approved 19 July 2002.

PA/038851/99 - Industrial units - Refused 24 January 2002 on impact on a listed building and overbearing impact grounds.

RELEVANT PLANNING POLICY

The 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham.

The application is located within a 'Business Employment Area'. Therefore, the following policies are relevant:

Policy 1 - Climate Change and Sustainable Development;

Policy 9 - Local Environment;

Policy 13 - Employment Areas; and,

Policy 14 - Supporting Oldham's Economy.

CONSULTATIONS

Highway Engineer

Environmental Health

No objections

Having regard to the submitted acoustic information, there are concerns regarding the impact of noise on neighbouring residents. Therefore, it is recommended that permission should be granted subject to a restriction on hours of operation to avoid evenings and Sundays; to no amplified music being played, to windows and doors being kept closed, and controls over the use of external areas of the site.

Greater Manchester Police

Licensing Section

No objections

No objections

REPRESENTATIONS

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

63 individual letters of objection, a detailed letter of objection and an acoustic report "on behalf of a group of residents of Greenfield", and an objection from Saddleworth Civic Trust

have been received.

Saddleworth Parish Council recommends refusal on the grounds that "the proposal would result in a loss of amenity due to the impact of noise, disturbance and other related activities harmful to the living conditions of existing residents".

232 letters of support, and a supporting petition signed by 2166 people have also been received.

The objections can be summarised as follows:

- the activity has previously resulted in disturbance to neighbouring residents due to loud music, fast food retailers, and anti-social behaviour. The proposal is fundamentally the same as that already been refused at Planning Committee;
- the use conflicts with development plan policies and national planning guidance;
- an inadequate assessment of the planning history of the site has been carried out, which is a material consideration in assessing the proposal;
- the applicant's acoustic report is flawed and the required noise levels cannot be met;
- the recommended conditions to control the activity would not meet the six tests;
- the applicant cannot control patrons outside the premises;
- given the nature of the building it is not possible to adequately mitigate the impact of music played;
- the available parking provision is inadequate;
- the use would cause congestion and create a highway danger;
- the use would have an adverse impact on the setting of the listed building and the character of the area;
- the development results in a loss of residents' privacy;
- the nature of this development detrimentally affects the character of the area;
- the operators' past behaviour has shown them to be unsuited to this type of operation;
- there is no need for a further drinking facility in Greenfield;
- should this application be approved, it would set a precedent for other similar applications.

The following points have been made in support of the application

- the development brings economic benefits to the area;
- the development supports local businesses
- the development creates jobs; and,
- the development is a community asset, which provides many positive benefits and supports local charities.

PLANNING CONSIDERATIONS

The main considerations in respect of this proposal are:

- Principle of the use
- Residential amenity
- Other matters

Principle of the Use

The site is located within a Business and Employment Area and DPD Policy 14 sets out the types of uses which are deemed permissible in such areas. These include Class A4 drinking establishments as proposed. Proposed uses should nevertheless be appropriate to their location, and not result in any unacceptable impact on adjacent uses of land.

The use supports an existing source of employment, and there is no evidence to show that its presence harms the employment objectives of the development plan.

NPPF Paragraph 86 requires a 'sequential test' to be undertaken before permitting such uses outside an existing centre. However, the nature of drinking establishments is that they are located throughout urban and rural areas where they serve local communities, not merely within established centres, and do so without demonstrably harming the vitality of

town and local centres.

The objectors have drawn attention to the planning history of the site. In particular, the presence of conditions on earlier applications controlling hours of operation, as demonstrating the sensitivity of the site.

Whilst this is noted, each application must nevertheless be assessed on its own merits. Such conditions do not impose a moratorium, and all conditions are capable of being varied or deleted where it is demonstrated that the activity can be undertaken without material conflict with planning policies or harm to the amenity of the area.

The proposed use is linked to the on-site brewery operation, and the applicant has indicated that a condition, requiring the proposed use to cease should brewing at the site end, would be appropriate. On-site tap rooms of this type are an increasingly common feature of the UK brewing scene, including where the brewery is sited in 'industrial' premises, and this can be accommodated without adverse impact on neighbouring businesses.

Such a condition linking the drinking establishment to the brewery is considered necessary and appropriate to protect the integrity of the business park as it would serve a valid planning purpose and be directly related to the proposal.

Residential Amenity

DPD Policy 9 seeks to ensure development does not result in unacceptable adverse impact on amenity.

The nearest dwellings to the proposed development are to the north-west of Unit 18. There are other nearby dwellings on Boarshurst Lane, and Kinders Lane.

The previous application was refused by Planning Committee on the grounds of the impact of noise, disturbance, and related activities on the living conditions of existing residents. Consequently, it is necessary to assess whether the changes to operations now proposed, and the acoustic evidence submitted, overcomes those earlier concerns.

Alongside the objections, an acoustic report has been submitted which critiques the applicant's own submission. It concludes that the conditional restriction suggested by the Environmental Health officer could not be achieved.

The applicant has indicated that there will be no live amplified or recorded music played at the premises, other than "low atmospheric level music using a *Sonos One* loudspeaker". Whilst such a unit is capable of producing loud volumes; this would not be necessary, and if this results in exceedance of the permitted noise level, an enforceable breach of planning control would result.

In respect of hours of opening, the previous application would have permitted activity into the late evening on each day of the week. The present application seeks to restrict such opening to the weekend period between Friday evening and early evening on Sunday, with an earlier finish time on each of those days.

Whilst noise within the unit is readily capable of regulation, concerns have also been expressed regarding noise from the comings and goings of customers. Entry to the building will be from the shared parking area which faces away from the nearest residential properties. There is also an access door to the tap room leading to an area in close proximity to neighbouring gardens. Use of this area has potential to generate noise, both from external activity and release of sound when the door is opened.

It is therefore recommended that this door is kept closed (except for emergencies) during opening hours of the tap room, and that no customers are permitted to use the rear area. Furthermore, it is appropriate to ensure restrictions are in place on the consumption of alcohol outside the building. This would not inhibit smoking, but the absence of any furniture or cover from the weather should assist in limiting the time spent outdoors.

Nevertheless, there are concerns that noise generated externally has the potential to cause disturbance to neighbouring residents. Consequently, it is recommended that the use should not be permitted to operate into the evening or on Sundays or Bank holidays.

The permitted hours of operation of the various units of the Business Park are unclear. However, given the established use of the site and levels of activity this could generate, it is considered appropriate for permission to be granted for the use to operate on weekdays and Saturdays between 11am and 6pm.

Overall, on balance, the impact of the amended proposals on residents' amenity is considered acceptable, subject to the imposition of relevant conditions.

Other matters

The applicant has indicated that provision for 10 parking spaces are available within the adjacent car park, and it is noted that the hours of operation now proposed would reduce potential conflict with other users of the business park. The Highways Officer is satisfied that the level of traffic generated would be capable of accommodation on the site.

Whilst it is acknowledged that reports of anti-social behaviour have previously been received, and that specific events had taken place at the site which included the playing of live music and provision of fast food outlets within the car park; there is no evidence to show that the proposed use would of necessity lead to an increase in localised crime and Greater Manchester Police Architecture Liaison Unit have raised no objections.

There is no planning policy necessity to demonstrate a need for a further drinking facility.

The granting of conditional planning permission for this application would not set a precedent for other similar applications, and any such applications would be assessed on their own planning merits.

The site lies within the setting of the Grade II listed Kinders Lodge, and it is noted that impact is not limited to visual aspects. However, given the established presence of the industrial estate use, and the fact that all permitted additional activity will be confined to within the building, it cannot be concluded that there will be any significant impact on the historic relationship between the listed building and the site.

CONCLUSION

The applicant has sought to address the previous concerns in respect of the amenity implications on local amenity. It is considered that subject to the recommended conditions, this can be achieved.

Those conditions satisfy the required tests in respect of their relevance to planning, to the development proposed, and that they are precise, reasonable, and enforceable.

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

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

2. The development hereby approved shall be fully implemented in accordance with the approved plan and specifications received on 3rd October 2019 which is referenced as 3750.4. The Class A4 use hereby permitted shall only take place within the area designated as 'Tap Room' and within no other part of the site.

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

3. No drinking shall take place outside the part of the building specified in Condition 2, nor shall any furniture or related paraphernalia be taken outside for use by customers. The outside area at the rear of the premises shall not be used by members of the public at any time and (other than in emergencies) the rear door shall be kept permanently closed during the opening times of the premises.

Reason - To protect the amenity of adjacent residents from noise nuisance.

4. The Class A4 use hereby permitted shall only be open to customers on Monday to Saturday between 11am and 6pm. All customers shall have left the premises by the defined closing time.

Reason - To protect the amenity of adjacent residents.

5. The use hereby permitted shall be restricted to the additional provision of a Class A4 drinking establishment and for no other purposes permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, and the use shall not be physically or operationally separated from the on-site brewery at any time. Should brewing operations cease, the hereby authorised use shall also cease.

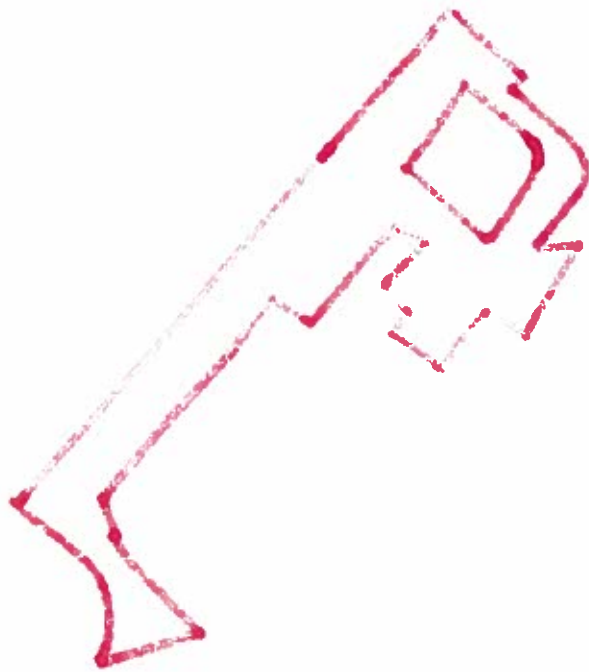
Reason - To regulate any future changes of use to ensure that the amenities of the occupiers of nearby dwellings.

6. The 5min LAeq from any music or other amplified sound from within the building shall not exceed 24dBA when measured at the external boundary of any residential property.

Reason - To protect the amenity of adjacent residents.

343995





APPLICATION REPORT - HH/344152/19

Planning Committee, 18 December, 2019

Registration Date: 12/11/2019
Ward: Royton North
Application Reference: HH/344152/19
Type of Application: Full Planning Permission

Proposal: Proposed rear dormer
Location: 19 Harewood Drive, Royton, OL2 5TZ
Case Officer: Sophie Leech

Applicant Mr Lonsdale
Agent :

This application is being reported to Planning Committee as the applicant is related to a member of staff.

THE SITE

The site relates to a semi detached dormer bungalow located on the southern side of Harewood Drive, Royton. The streetscene is characterised by similarly designed dormer bungalows with many of the dwellings featuring front and rear dormers. The property has off road parking for two vehicles and there is a single garage located towards the rear of the site.

THE PROPOSAL

The application proposes a rear dormer measuring approximately 2.2m in depth, 4.4m in width and approximately 3m in height. The dormer will be clad in UPVC and there will be one obscured facing window.

PLANNING HISTORY

None

RELEVANT PLANNING POLICY

The development plan for the area is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham.

The following policies are relevant:

Policy 9 - Local Environment;
Policy 20 - Design.

REPRESENTATIONS

The application has been publicised by neighbour notification letters. No comments have been received.

PLANNING CONSIDERATIONS

Amenity

DPD Policy 9 seeks to ensure development does not result in unacceptable adverse impact on amenity to neighbouring residents. The proposed dormer is to be situated on the rear elevation. There will be one window opening located on the rear dormer which will be obscure glazed. This window will serve a shower room. Therefore, it is considered the dormer will have no adverse impact on neighbouring amenity.

Design

The proposed dormer will be clad in UPVC which will match in design to many other front and rear dormers seen within the streetscene. Therefore, it is considered that the dormer will have no detrimental impact on the character or appearance of the existing property or wider streetscene.

CONCLUSION

The application proposes a proportionate rear dormer to allow additional rear roof space. The dormer is of a scale which would not cause any undue overbearing impact or loss of amenity on any surrounding neighbours. Furthermore, the size and design of the dormer matches that of the existing front dormer and other dormers seen within the wider streetscene. As such, the proposal is considered to comply with the relevant development plan policies and guidance contained within the NPPF.

RECOMMENDATION

Approve; subject to 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 which are referenced as follows:

Location Plan
ADL10195504/2
ADL10195504/3

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

344152





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

November 2019

PLANNING APPEALS

WRITTEN REPRESENTATION

PA/342870/19 49 – 51 Edward Street, Werneth, OL9 7QT

PA/343581/19 Old RBS Bank, 1-5 Church Terrace, Oldham, OL1 3AU

HEARINGS

HOUSE HOLDER

ADVERTISEMENTS

APPEAL DECISIONS

AD/342961/19 8 Shaw Road, Oldham, OL1 3LQ
Original Decision Del
Appeal Decision Dismissed

HH/342954/19 3 Farmstead close, Failsworth, Manchester, M35 9NU
Original Decision Del
Appeal Decision Dismissed

HH/343133/19 New House, Cooper Street, Springhead, Oldham, OL4 4QT
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 10 September 2019

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/W4223/Z/19/3229694

8 Shaw Road, Oldham OL1 3LQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Jackson (UK Resin Drives Ltd) against the decision of Oldham Metropolitan Borough Council.
 - The application Ref AD/342961/19, dated 7 February 2019, was refused by notice dated 2 April 2019.
 - The advertisement proposed is described as 'commercial property business branding'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed advertisement in the banner heading above is taken from the original application for advertisement consent. The Council's decision notice provided a more detailed description, '1 no. non-illuminated wraparound fascia sign and 1 no. part non-illuminated and part internally illuminated wraparound second floor building sign'.
3. The advertisement described is already largely in place. The appellant is seeking permission to retain the lower sign which sits between the ground floor and first floor windows, and to enlarge the upper sign which sits above the first floor windows and conceals the building's roof line.

Main Issue

4. The main issue is the effect of the advertisement on the visual amenity of the area.

Reasons

5. The appeal property is a two storey, brick built commercial building which, whilst not large in itself, occupies a prominent location at the junction of Shaw Road and Huddersfield Road and is a significant feature of the street scene. The surrounding area is largely commercial in nature, with a variety of business premises of different sizes, ages and styles.
6. The lower sign occupies almost the full space between the ground floor and first floor window openings, and extends across the whole width of the Shaw Road elevation and a little less than halfway along the main Huddersfield Road elevation. The upper sign as installed runs around three sides of the building

and features three larger panels, one of which includes an LED panel clock and temperature display. The appellant wishes to extend the upper sign so that it is the same height all round as the larger panels.

7. Both signs are already extremely large in relation to the scale of the building, which as a result is somewhat overwhelmed by the signage. The signage is prominent in the street scene, and the overall impression is of a building which is dominated by advertisements. The height of the upper signage also gives the building a top-heavy appearance, and this would be exacerbated by extending it even further.
8. I accept that there was a need to replace the previous occupiers' signs when the appellant company took over the building, although from the information in front of me it seems that the previous signs were of a somewhat smaller scale. The appellant contends that the signage helps to disguise an unsightly overhanging roof. However, given the fact that the appeal was submitted retrospectively, the roof of the building was hidden from view at the time of my site visit such that I could not assess its visual impact. Accordingly, it is difficult to attach any significant weight to the suggested benefit in that regard. From the photographs presented by the appellant there was nothing particularly unusual or harmful about the roof in the context of a commercial area, and I am not satisfied that those arguments amount to a justification for the disproportionately large advertisements that have been installed. Even given the wide variety of advertisements in the surrounding area, the signage in this case stands out as large and dominant.
9. I conclude that the proposed and installed advertisement would be harmful to the appearance of the host building, and the visual amenity of the surrounding area. It therefore conflicts with Policy 9 of the 2011 Oldham Joint Core Strategy and Development Management Policies Development Plan Document, which seeks to ensure that development does not have a significant adverse impact on visual amenity, and so is material to this case.

Conclusion

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

M Cryan

Inspector

342961







Appeal Decision

Site visit made on 23 September 2019 by Hilary Senior BA(Hons) MCD MRTPI

by **Susan Ashworth BA (Hons) BPL MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 October 2019

Appeal Ref: APP/W4223/D/19/3232049

3 Farmstead Close, Failsworth, Manchester, M35 9NU

- 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 Andrew McConnel against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/342954/19, dated 22 February 2019, was refused by notice dated 25 April 2019.
 - The development proposed is ground floor extension to the rear and the side.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of 3 Farmstead Close and the surrounding area.

Reasons

4. Farmstead Close is part of a modern, open plan estate characterised by detached dwellings set in a generally regular pattern. Boundary treatments, where they exist, consist of low walls and planting. There are limited footways and some gardens are landscaped up to the edge of the carriageway. These features give the estate a pleasant, open character and appearance.
5. 3 Farmstead Close is a prominent corner property on the main access road into the estate. The plot has a landscaped garden area to the side which, in the absence of a footpath at this point, abuts the carriageway edge. The side garden slopes away from the highway towards the property. The proposal is for a side and rear wrap round single-storey extension. No objections have been raised by the Council to the rear element of the proposal.
6. The side elevation of the property projects beyond the front of the three properties to the rear of it, which are set on a distinct building line. Nevertheless, the position of the dwellings creates a significant area of open space between the buildings and the road. The proposed extension, which would be a substantial structure extending almost the full length of the

dwelling, would erode a significant amount of the space and, in effect, would bring the built form in closer proximity to the highway thereby visually narrowing the streetscape. Whilst the extension would be set at a lower level than the highway it would project significantly beyond the building line of the properties behind it and thus appear as a prominent and intrusive corner feature.

7. I note that there is a wall to the rear of the property which projects closer to the road than the proposed extension. However, the wall is lower than the proposed extension, of a different scale, form and massing and moreover, appears as a small decorative feature in the street scene
8. I am not aware of any design guidance the Council may have regarding side extensions and in the absence of such advice, the appellant has drawn my attention to guidance produced by other authorities. These documents, which are not adopted by the Council, can only carry limited weight in the consideration of this appeal. In any event I have determined the appeal in the context of this particular site.
9. The appeal site is in a highly visible location and, for the above reasons, the addition of the proposed extension would reduce the openness of the area. Consequently the proposal would harm the character and appearance of the area.
10. The extension would be constructed in matching materials, set back from the front elevation, and in terms of its width would be proportionate to that of the dwelling. Whilst I have taken the Council's comments into account, I am unconvinced the proposal would visually unbalance the appearance of the property. As such the effect of the proposal on the character and appearance of the host property would be limited. However, this does not outweigh the harm I have found on the character and appearance of the local area.
11. The proposal would therefore be contrary to Policy 9 Local Environment and Policy 20 Design, of the Oldham Core Strategy and Development Management Policies Development Plan Document (2011) which together seek to promote high quality design and ensure that development will not have a significant adverse impact on the visual amenity of the surrounding area.

Conclusion and Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR

342954

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Appeal Decision

Site visit made on 24 September 2019

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/W4223/D/19/3232997

New House, Cooper Street, Springhead OL4 4QT

- 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 Mark Wilson against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/343133/19, dated 25 March 2019, was refused by notice dated 4 July 2019.
 - The development proposed is ground floor extension with development of roof space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council refers to the extension as a rear extension as does the appellant in his statement. However, the drawings indicate that the extension is to the front elevation. For consistency with the Councils and appellants submissions I have referred to the extension as being on the rear elevation. However, it is not for me to determine as part of this appeal which elevation is the principal elevation of the appeal property.

Main Issue

3. The effect of the development on the setting and thereby significance of a designated heritage asset, Ashfield House, a grade II listed building.

Reasons

4. New House is a detached property providing accommodation over two floors in a dwelling designed with single storey eaves and with bedrooms in the roof space. It has a detached double garage which sits to the side and adjacent to the dwellings enclosed amenity space.
5. Ashfield House is a grade II listed building located immediately adjacent to the appeal site. It is divided into two properties with parking and outbuildings to the rear. There are two further relatively modern properties to the front and within the environs of the listed building.
6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or

its setting or any features of special architectural or historic interest it possesses.

7. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced.
8. Ashfield House is described in the list description as dating back to the Early C19. It is constructed of watershot hammer-dressed stone with graduated stone slate roof. The side and rear flat roofed extensions, according to the list description, were part of the structure when it was listed in 1986. The significance of this heritage asset relates primarily to its age and architectural interest. However, the height of the building relative to its surroundings gives it a physical presence in its immediate environment and in views towards it.
9. The rear elevation of the appeal property sits roughly in line with the rear of the listed building. The effect of the extension would be to bring the elevation forward towards the front elevation of Ashfield House. The height and width of the extension, where the current low eaves line would be replaced with a gable, would be more prominent. Although the new window and patio door openings would relate acceptably to the surrounding design details, the large gable would significantly increase the mass of the building. The extension's width and height would be more prominent and there would be a higher level of inter-visibility between the dwelling and the listed building.
10. Further, on the approach to the site along Cooper Street the road is elevated and the scale and mass of Ashfield House, its surrounding boundary treatment and its juxtaposition with the appeal site and other modern development can be discerned in views over the playground of the adjacent primary school. From this vantage point the proposed extension, with its pitched roof extending from just below the ridge and its forward projection, would impinge on the setting of Ashfield House in that it would appear closer to it and introduce additional built form to its immediate context.
11. Consequently, I consider the development would adversely affect the setting of Ashfield House by being more conspicuous in views towards it and detracting from the surroundings in which the listed building is experienced.
12. I acknowledge that there is significant other development within the environs of Ashfield house that has detracted from the setting of the listed building. I have been provided with limited information of the circumstances of these approvals. However, I have had regard to the positioning of adjacent development in considering the proposed development but the existence of these developments does not negate the harm I have found.
13. Overall, the appeal scheme would detract from the setting of the listed building in a small, but nonetheless unduly harmful way. Accordingly, I find conflict with Policy 9, Policy 20 and Policy 24 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies adopted 9 November 2011 which collectively seek to protect local environmental quality, promote high quality design and protect the special interest and setting of listed buildings.
14. In accordance with Paragraph 193 of the Framework the finding of harm to a designated heritage asset is a matter to which I must attach considerable importance and great weight. Given the scale of the proposed extension in its

context, I quantify this harm as less than substantial. Where a development would lead to less than substantial harm, in accordance with Paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal.

15. The Planning Practice Guidance¹ advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.
16. I acknowledge that the extension would provide additional accommodation and in a small way would support investment within Oldham and the aims of Oldham's Housing Strategy. However, whilst I agree that providing good quality housing and supporting the local economy are important and should be afforded some weight, this would not outweigh the great weight to be given to the less than substantial harm I have identified to the setting and thereby significance of Ashfield House.
17. I accept that the design of the extension would be in keeping with the design of the appeal property. However, I do not regard this as a public benefit as this is a normal expectation of planning policy.

Other Matters

18. I note the appellant's view that there may be other development that would not need planning permission that could be erected at the appeal site. However, I have not been provided with any specific details of an alternative scheme to compare with the appeal development and there is no evidence before me of any realistic prospect that an alternative scheme would be implemented.

Conclusion

19. I find that overall the proposed development would cause less than substantial harm to a designated heritage asset. No material considerations or public benefits have been put forward that are enough to outweigh the harm identified. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Diane Cragg

INSPECTOR

¹ Paragraph: 020 Reference ID: 18a-020-20190723

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