

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

Date Wednesday 28 August 2019

Time 6.00 pm

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

Notes 1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Sian Walter-Browne in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Sian Walter-Browne Tel. 0161 770 5151 or email [sian.walter-browne@oldham.gov.uk](mailto:sian.walter-browne@oldham.gov.uk)

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Thursday, 22 August 2019.

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

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

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

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

Item No

- 1 Election of Chair  
The Panel is asked to elect a Chair for the duration of the meeting.
- 2 Apologies For Absence
- 3 Urgent Business  
Urgent business, if any, introduced by the Chair
- 4 Declarations of Interest  
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 5 Public Question Time  
To receive Questions from the Public, in accordance with the Council's Constitution.
- 6 Minutes of Previous Meeting (Pages 1 - 4)  
The Minutes of the meeting of the Planning Committee held on 17<sup>th</sup> July 2019 are attached for Members' approval.
- 7 PA/343341/19 - Land to the east of Hebron Street and Brownlow Avenue, Royton, Oldham (Pages 5 - 18)  
Erection of 77no. dwellings, open space and associated works. Amended application relating to PA/341416/18.  
Amended report
- 8 PA/343071/19 - Land at Saint Johns Street, Porter Street and Edward Street, Oldham, OL9 7QS (Pages 19 - 32)  
Erection of 68 no. dwellings
- 9 PA/343212/19 - Domalo Nurseries Ltd, Hillside Nursery, Sholver Lane, Oldham, OL1 4NT (Pages 33 - 40)  
Application for approval of all Reserved Matters following outline approval PA/337690/15 for 23 no. dwellings and 6 no. apartments, with associated parking and access arrangements. Access, appearance, landscaping, layout and scale to



be considered.

- 10 PA/343302/19 - Land to the rear of the Dog and Partridge PH, Medlock Road, Failsworth, Oldham, M35 9NP (Pages 41 - 52)

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

- 11 PA/343332/19 - Fernec Works, Stephenson Street, Oldham, OL4 2HH (Pages 53 - 62)

Proposed residential development of 12 no. 2 bedroom apartments

- 12 Appeals (Pages 63 - 80)

Appeals

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**PLANNING COMMITTEE**  
**17/07/2019 at 6.00 pm**

**Present:** Councillor Brownridge (Chair)  
Councillors Davis, Harkness, Hewitt, Hudson, Price (Substitute),  
Garry (Substitute), Al-Hamdani (Substitute), Ibrahim, Iqbal, Malik  
and Surjan (Substitute)

Also in Attendance:

Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Transport Officer
Stephen Irvine	Head of Planning and Development Management
Hannah Lucitt	Planning Officer
Kaidy McCann	Constitutional Services

**1            ELECTION OF CHAIR AND VICE CHAIR**

In absence of the Chair and Vice-Chair, Members were asked to nominate from the Members in attendance to be elected as Chair and Vice-Chair for the duration of the meeting.

**RESOLVED** that:

1. Councillor Brownridge be elected as Chair for the duration of the meeting.
2. Councillor Malik be elected as Vice-Chair for the duration of the meeting.

**2            APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Akhtar, Dean, H. Gloster, Hulme, Jacques and Phythian.

**3            URGENT BUSINESS**

There were no items of urgent business received.

**4            DECLARATIONS OF INTEREST**

There were no declarations of interest received.

**5            PUBLIC QUESTION TIME**

A public question was received by Mr Tony Martin:

" There was apparent bias of the Labour members towards the approval of the Hodge Clough application by FCHO on Monday 1 July. By ignoring and not questioning the many valid points made to them, it was evident that their minds were made up prior to entering the meeting, thus showing a lack of respect for what should have been a quasi-judicial procedure, instead, they made it a party political decision. This coupled with the voting fiasco where members were coerced and encouraged to make motions or vote, raises my question, which is - should the

decision be declared void on the grounds of unfairness and procedural impropriety?"

The following response was provided by the Chair:

"We are aware that there are many lessons that the Council can learn from the Committee meeting in question – these are being reviewed and implemented with support from legal and constitutional services.

We understand and acknowledge the concerns from the community about this planning committee. Following legal advice, we can confirm that planning legislation was adhered to, procedures were followed, and constitutionally the committee was compliant.

In light of this, we cannot support the request to overturn the planning committee decision."

## 6 **MINUTES OF PREVIOUS MEETING**

Members queried the accuracy of the Minutes of the Planning Committee held on Monday 1<sup>st</sup> July 2019. Members stated that the results of the votes were not recorded correctly and item 6 did not include any abstentions.

The Chair gave those that were present at the 1<sup>st</sup> July Planning Committee the opportunity to move and second the approval or refusal of the Minutes.

It was **MOVED** by Councillor Hudson and **SECONDED** by Councillor Harkness that the Minutes be refused as a correct record.

On being put to the vote, 2 votes were cast **IN FAVOUR OF REFUSAL** and 4 **VOTES** was cast **AGAINST** with 0 **ABSTENTIONS**.

It was **MOVED** by Councillor Malik and **SECONDED** by Councillor Davis that the Minutes be approved as a correct record.

On being put to the vote, 4 votes were cast **IN FAVOUR OF APPROVAL** and 2 **VOTES** was cast **AGAINST** with 0 **ABSTENTIONS**.

**RESOLVED** that the Minutes of the Planning Committee held on Monday 1<sup>st</sup> July 2019 be approved as a correct record.

## 7 **PLANNING APPLICATION PA/343071/19 LAND AT SAINT JOHNS STREET, PORTER STREET AND EDWARD STREET, OLDHAM, OL9 7QS**

APPLICATION NUMBER: PA/343071/19

APPLICANT: Keepmoat Homecare

PROPOSAL: Erection of 68 no. dwellings

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

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

On being put to the vote 6 VOTES were cast IN FAVOUR OF DEFERRAL and 4 VOTES were cast AGAINST with 2 ABSTENTIONS.

DECISION: That the application be DEFERRED for further information on the following grounds:

1. Why the current application has deviated from the previously approved plan and resulted in an increase in proposed housing numbers?
2. Why the proposal has resulted in a loss of open space in comparison with the previously approved scheme.
3. To ensure a full Transport Statement is available that covers both phases of the proposal.

**NOTES:**

1. That an Objector 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 10.

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**PLANNING APPLICATION PA/343258/19 DONKEYSTONE BREWING CO LTD, UNIT 17, BOARSHURST BUSINESS PARK, BOARSHURST LANE, GREENFIELD, OL3 7ER**

Councillor Surjan left the meeting during the consideration of the item and took no part in the discussion or vote thereon.

APPLICATION NUMBER: PA/343258/19

APPLICANT: Donkeystone Brewing Co Ltd

PROPOSAL: 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

LOCATION: Donkeystone Brewing Co Ltd, UNIT 17, BOARSHURST BUSINESS PARK, Boarshurst Lane, Greenfield, OL3 7ER

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



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

DECISION: That the application be REFUSED, contrary to Officer recommendation, on the following grounds:

*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 Oldham Local Development Framework: Development Plan Document – Joint Core Strategy and Development Management Policies: adopted November 2011 that seeks to protect the amenity of residents from unacceptable development.*

**NOTES:**

1. That an Objector and the Applicant attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 10.

9 **APPEALS**

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

10 **LATE LIST**

**RESOLVED** that the information related to the submitted planning applications as at 17<sup>th</sup> July 2019, as contained in the Late List, be noted.

The meeting started at 6.00 pm and ended at 7.34 pm



## APPLICATION REPORT - PA/343341/19

Planning Committee, 28 August, 2019

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

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

**Proposal:** Erection of 77no. dwellings, open space and associated works.  
Amended application relating to PA/341416/18.  
**Location:** Land to the east of Hebron Street and Brownlow Avenue, Royton,  
Oldham  
**Case Officer:** Matthew Taylor  
**Applicant** Grasscroft Homes and Property Limited, Annice Dransfield  
Douglas & Matthew Drans  
**Agent :** Hourigan Connolly

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### THE SITE

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

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

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

### THE PROPOSAL

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

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

- 1. The proposed development makes inadequate provision for accessing and exiting the site and Hebron Street. As such, the proposal will lead to congestion and obstruction on Hebron Street and beyond, to the detriment of residents' amenity, the free flow of traffic along the street and area, and pedestrian safety. As such, the proposal is unsustainable development and contrary to:*
  - Policy 5 of Oldham's Local Plan which seeks to ensure highway safety by requiring appropriate highways safety measures and schemes are implemented as part of development proposals; and,*
  - Policy 9 of Oldham's Local Plan which seeks to protect the amenity of existing and future residents.*

2. *The proposal would result in the loss of Other Protected Open Land (OPOL) land and subsequently would result in a loss of open landscape that would cause harm to the visual amenity of the area, as well as having a transformative effect on its openness and local distinctiveness. This harm significantly and demonstrably outweighs the benefits of the scheme when weighed against the Local Plan and NPPF policies taken as a whole. As such, the proposal is contrary to:*
  - *Policy 6 of Oldham's Local Plan which seeks to protect the borough's Green Infrastructure; and,*
  - *Policy 22 of Oldham's Local Plan which seeks to protect valued OPOL land.*
  
3. *The proposed development would result in the introduction of residential accommodation of poor design, in terms of unacceptable room sizes, that fails to take the opportunity available for improving the quality of accommodation in Oldham and create places that provide an acceptable degree of amenity for future residents. The proposal would therefore be contrary to:*
  - *Policy 9 of the Oldham's Local Plan and the objectives of the National Planning Policy Framework to secure a good standard of amenity for future occupants of land and buildings.*
  
4. *The nature of the noise, activity and disturbance created by the adjacent employment site would be detrimental to the residential amenity of the occupiers of the proposed residential properties. As such, the proposal would therefore be contrary to:*
  - *Policy 9 of Oldham's Local Plan which seeks to protect the amenity of future residents from noise, increased activity and disturbance*

These matters are addressed in turn in the report below.

## **RELEVANT PLANNING POLICY**

The 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is identified as Land Reserved for Future Development and Other Protected Open Land in the Local Plan.

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

Policy 1 - Climate change and sustainable development;  
 Policy 3 - An address of choice;  
 Policy 5 - Promoting Accessibility and Sustainable Transport Choices;  
 Policy 9 - Local environment;  
 Policy 11 - Housing;  
 Policy 16 - Local Services and Facilities;  
 Policy 20 - Design;  
 Policy 21 - Protecting Natural Environmental Assets; and,  
 Policy 23 - Open space and sports.

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

## **CONSULTATIONS**

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

Environmental Health - Recommended conditions and informative notes.

LLFA and Drainage - No objection.

Environment Agency - No objection.

Greater Manchester Ecology Unit - No objection.

Greater Manchester Police Architectural Liaison Unit - No objection subject to a condition to reflect the physical security specifications set out in the Crime Impact Statement.

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

## **REPRESENTATIONS**

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

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

- unacceptable noise and disturbance to local residents;
- the proposed development will be adversely impacted by the noise and disturbance generated by the adjacent employment sites;
- entering and leaving Hebron Street is dangerous due to two blind bends on Heyside;
- Hebron Street is not capable for dealing with the additional volume of traffic; and,
- Hebron Street is double parked currently, as such the traffic flow would not be safe.

## **PLANNING CONSIDERATIONS**

The main issues to consider are:

- Highways Issues
- Principle of development;
- Loss of open space
- Residential amenity;
- Design;
- Ecology; and
- Contamination and Landfill Gas.

### **Highway issues**

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

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

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

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

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

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

The main access to the site will be taken from Hebron Street and not Brownlow Avenue. There is an existing turning area on Hebron Street which allowed vehicles to be turned in what is currently a cul-de-sac. This will not be required once the development is built and this area will be stopped up and reinstated as footway.

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

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

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

#### **Principle of Development:**

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

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

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

#### *The case for new housing*

It is recognised that for the provision of new housing has significant economic and social benefits and a failure to deliver new housing development in Oldham will contribute to and exacerbate the economic and social problems that stem from the under-supply of housing

(e.g. lack of housing supply and choice, affordability, less labour movement and overcrowding amongst other things).

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

### *Affordable Housing*

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

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

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

DPD Policies 3, 5 and 11 are concerned with ensuring that new dwellings are provided in sustainable locations which are defined as being within 480 metres or a ten minute walk of at least three 'key services'. The site is within the prescribed walking distance of Blackshaw Lane Primary School, and Crompton School, the Duke of York and Bulls Head public houses and Heyside Cricket Club, whilst also being located on a main bus route operating along Shaw Road for purposes of compliance with DPD Policy 5. The site is also located adjacent to established residential areas.

The proposal therefore complies with the above criteria and is regarded to be in a sustainable location which, together with the contribution the proposed development would make to the Council's housing land supply, it is considered that the principle of the proposed development is acceptable and that the land is a suitable location for housing.

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

### *Loss of Land Reserved for Future Development (LRFD) and Other Protected Opens land) OPOL*

#### *Loss of LRFD*

DPD Policy 22 states that the development of LRFD will only be permitted where it would not prejudice the later development and would be acceptable in the green belt. LRFD land should only be considered for development if other allocated land and brownfield is insufficient to meet the future development needs.

The current LDF allocated land and brownfield sites are insufficient to meet the need for future development of homes within the borough. Therefore, the development of the whole LRFD is in accordance with DPD Policy 22.

#### *Loss of OPOL*

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

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

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

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

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

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

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

### *Open Space and Sports*

The proposed scheme includes the provision of 0.4 hectares of on-site open space and is considered to be in accordance with the Policy 23, which states that all residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable.

### Land Use Conclusion

In this instance, negative weight is still attached to the proposal resulting in a loss of OPOL land. However, the harm associated with its loss is considered to be sufficiently outweighed by the positive economic and social impacts brought about by new housing within the area and the scheme delivering much needed market and affordable housing.

Significant weight is also given to the new housing in view of the presumption in favour of development given that the Council is not delivering the numbers required to meet its housing needs. This view is reinforced given the application site is suitable for residential development, in terms of its location within a sustainable area, on land capable of being developed for housing, and in an area with identified housing need.

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

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

### **Residential Amenity**

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

#### Impact on adjoining dwellings

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

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

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

##### *Relationship with 58 Hebron Street:*

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

##### *Relationship with 15 Brownlow Avenue:*

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

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

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

#### Impact of the adjoining employment site on future occupiers

The southern boundary of the site adjoins an existing area of business and employment uses. An objection to the development has been received from Dronsfield, a vehicle maintenance and breakers firm which directly adjoin the site.

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

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

Given that the uses within this area have potential effects of noise and disturbance to the future occupiers of the dwellings, the applicant has provided a noise impact assessment in support of the application (Environmental Noise Report 646511/05 – 22<sup>nd</sup> November 2018),

undertaken in accordance with BS4142:2014.

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

It is noted that the noise impact assessment does not make reference to Howarth Brother's haulage yard,. However, it is clear that the closest neighbouring dwellings are 48 to 58 Hebron Street and the proposed open space will provide a separation buffer from the proposed dwellings.

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

The following mitigation measures are proposed:

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

Subject to these mitigation measures being implemented, it is considered that suitable internal sound level levels can be achieved in all plots across the site.

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

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

In the absence of any technical evidence to indicate that an adverse impact on amenity would result, it has been demonstrated that the adjoining commercial uses would not have a significantly detrimental impact on the amenity of the future occupiers, and taking into account the absence of an objection from Environmental Health, it is considered that, with appropriate mitigation, the proposed site is suitable for residential development. As such, a reason for refusal on noise grounds cannot be substantiated.

#### Amenity of the future occupiers

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

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

Having considered the layout of the development, it is considered that the relationship between the buildings within the site are acceptable since none of the windows proposed



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

Moreover, given each of the proposed units will benefit from both a front and rear garden area, it is considered the development would provide adequate amenity space for the future occupiers.

## **Design**

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

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

Moreover, the proposed hard and soft landscaping, that will form part of the development, is considered to be acceptable, incorporating areas of green space and landscaping. Overall, it is considered that the high quality design of the proposed development would have a positive impact on the character of the area, in accordance with DPD Policies 9 and 20.

## **Ecology**

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

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

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

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

## **Contamination and Landfill Gas**

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

## **CONCLUSION**

Paragraph 38 of the NPPF states that '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work*

*proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible’.*

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

There is no doubt that the additional housing arising from this scheme would be a significant public benefit for the area. It would introduce much needed housing for local people. It would boost the supply of housing, in accordance with the Framework, contributing 77 dwellings. It would bring about additional housing choice and competition in the housing market. Additionally, the proposal would lead to the provision of 15 affordable units and an area of on-site open space measuring 0.4 hectares in area. As such, these benefits are given substantial weight in the planning balance.

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

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

Importantly, the Council needs to significantly boost the supply of housing. The requirement to significantly boost the supply of housing in the district attracts substantial weight in favour of granting permission for the proposals. However, the need to boost the supply of housing does not necessarily override all other considerations.

In this case, although there are concerns in respect of the loss of OPOL land, given the significant economic and social benefits associated with the scheme and the positive weight that is given to the environmental benefits of the scheme, the fact that the site is part allocated for future development, it has no significant design, ecology, amenity, flood risk, drainage, highways or other impact that would sustain a reason for refusal, it is considered that the benefits of new housing and presumption in favour of it outweigh the limited harm caused in this case. Accordingly, on balance, it is recommended that planning permission be granted.

## **RECOMMENDATION**

It is recommended that Committee resolves to grant permission subject to the inclusion of the following conditions:

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

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

2. The development hereby approved shall be fully implemented in accordance with the plans and specifications, received 21/05/2019, which are referenced as follows:

Location Plan Drawing Number: SK534 LP 01.  
Planning Layout Re Plan Drawing Number: SK534-PL-02  
Boundary Plan Drawing Number: SK534-BP-01.  
Materials Schedule Drawing Number: SK534-MAT-02  
Streetscenes Re-Plan Drawing Number: SK534-SS-02.  
Fence Types A to D Drawing Number: NSD-9102 -.  
Wall Types 1 to 4 Drawing Number: NSD-9001 -.  
Topographical Survey Drawing Number: S17-715-1 Rev A.  
Topographical Survey Drawing Number: S17-715-2 Rev A.  
Construction Detail For Indoor Sub Station Drawing Number: ES352 A2 006 02L.  
Typical Headwall Detail Drawing Number: STND/19/011 Rev A.

The Arun (NDSS):

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

The Bourne (NDSS):

- Ground Floor Plans Drawing Number: BRNE-01 Rev C;
- First Floor Plans Drawing Number: BRNE-02 Rev C; and
- Elevations Drawing Number: BRNE-6.0-SEMI Rev C.

The Midford (NDSS):

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

The Southwick (NDSS):

- Ground Floor Plans Drawing Number: STHK-01;
- First Floor Plans Drawing Number: STHK-02 Rev A;
- Elevations Drawing Number: STHK-6.0-SEMI(A); and
- Elevations Drawing Number: STHK-6.1-SEMI(A).

The Southwick SA (NDSS):

- Ground Floor Plans Drawing Number: STHKSA-01;
- First Floor Plans Drawing Number: STHKSA-02 Rev A;
- Elevations Drawing Number: STHKSA-6.0-SEMI(A) Rev A; and
- Elevations Drawing Number: STHKSA-6.1-SEMI(A).

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

3. Prior to any walls being constructed of the development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree

sizes and proposed numbers/densities and the implementation programme.

All planting, seeding or turfing comprised in the approved landscaping details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or in accordance with an alternative timescale which has been agreed in writing by the Local Planning Authority.

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

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

4. The development shall only be carried out in full accordance with the approved remediation proposals outlined in the Phase I and Phase II Geo-Environmental Site Assessment by e3p (Report Ref:11-753-r1 Rev 2), dated January 2018.

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

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

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

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

6. Prior to commencement of any phase development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved shall be adhered to throughout the construction of that phase. The construction management plan shall provide for: (i) The means of highway access and parking for construction vehicles, plant and construction workers' vehicles and sustainable travel methods for construction workers, (ii) loading and unloading of plant and materials, (iii) wheel cleaning facilities.

Reason - In the interests of highway safety.

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

- (i) the type, tenure and location of the affordable housing provision, which shall consist of not less than 15 housing units;

- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) the arrangements for the transfer of the affordable housing to a registered affordable housing provider or the management of the affordable housing (if no registered provider is involved);
- (iv) the arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy shall be enforced.

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

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

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

8. No dwelling shall be occupied until the access road and car parking space for that dwelling has been provided in accordance with the approved plan received on 21st May 2019 (Ref: Dwg No.SK534-PL-02). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works to the access road or parking spaces. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

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

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

10. During the construction works phase of the development on site no HGV construction

vehicles or plant shall assess the site via Hebron Street.

Reason - In the interests of highway safety and to protect the amenity of adjacent residents.

## APPLICATION REPORT - PA/343071/19

Planning Committee, 28 August, 2019

**Registration Date:** 03/04/2019  
**Ward:** Werneth

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

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

**Applicant Agent :** Keepmoat Homes

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### REPORT UPDATE

This application was deferred from the Planning Committee meeting on 17 July 2019 for further information regarding the following:

1. Why the current application has deviated from the previously approved plan and resulted in an increase in proposed housing numbers?
2. Why the proposal has resulted in a loss of open space in comparison with the previously approved scheme?
3. To ensure that a full Transport Statement is available that covers both phases of the proposal.

#### Item 1

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

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

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

#### Item 2

In comparison to the earlier approved development, the present proposals result in a slight reduction in the area of open space from 2804m<sup>2</sup> to circa 2547m<sup>2</sup>. This is partly a result of the enlargement of properties to ensure that they satisfy the 'Technical housing standards – nationally described space standard' and provide a higher standard of accommodation for future residents. In addition, a further area covering 1081 m<sup>2</sup> will be provided on the enlarged development site.

Detailed planting plans and arrangements for the future management of the open space have been submitted. The central area of open-space includes areas of new tree planting

that respect the amenity of existing residents whilst complementing the new development proposals, taking into account and removing any opportunities for anti-social behaviour.

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

In this context and having regard to the benefits resulting from the development of brownfield land, it is considered that the development is acceptable.

### Item 3

The application was accompanied by two complementary Transport Statements that deal with both Phases 3 and 4 of the proposed development. The Phase 3 proposals were supported by the Transport Statement dated January 2019 and the Phase 4 site was supported by the Transport Statement dated March 2019.

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

### **THE SITE**

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

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

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

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

### **THE PROPOSAL**

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

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

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



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

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

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

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

### Phase 3

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

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

### Phase 4

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

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

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

## **CONSULTATIONS**

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

Arborist

No objection. Tree numbers and species will both be improved overall.

## **REPRESENTATIONS**

This application was publicised by site notice, press notice and neighbour notification letters. Two letters of objection has been received, which comment that the proposed development would exacerbate existing traffic congestion issues and cause overshadowing.

## **RELEVANT PLANNING POLICY**

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

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

In this case the 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham. The application site is unallocated by the Proposals Map associated with the Joint Development Plan Document. Therefore, the following policies are considered relevant:

Policy 1 - Climate change and sustainable development;  
Policy 3 - An address of choice;  
Policy 5 - Promoting accessibility and sustainable transport choices  
Policy 9 - Local environment;  
Policy 10 - Affordable Housing;  
Policy 11 - Housing;  
Policy 22 - Protecting Open Land; and,  
Policy 23 - Open spaces and sports.

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

## **PLANNING CONSIDERATIONS**

The main issues for consideration comprise:

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

### **Principle of Development**

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

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

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

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

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

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

### **Affordable Housing**

DPD Policy 10 'Affordable Housing' requires that all residential development of 15 dwellings and above will be required to provide an appropriate level of affordable housing provision. The current target is for 7.5% of the total development sales value to go towards the delivery of affordable housing, unless it can be clearly demonstrated to the Councils satisfaction that this is not viable. The preference is for on-site provision but the policy also makes provision for off-site provision through a commuted sum payment.

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

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

### **Public Open Space**

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

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

### **Design and impact on residential amenity**

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

In this instance, it is not considered that the proposed development would have a significant impact on the amenity of neighbouring dwellings due to the separation distance of a

minimum of 21m between the proposed rear windows serving the proposed dwellings on the application site, and a minimum of 15m from the flank windows of the proposed dwellings to the windows of nearby existing dwellings. Given the general layout, it is considered that overshadowing or overbearing effect is unlikely between the proposed development and existing nearby dwellings.

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

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

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

### **Impact on the setting of the Grade II listed Hartford Mill**

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

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

### **Access and Car Parking**

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

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

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

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

A Transport Statement was submitted with this application which examines the existing conditions and the likely effect of a residential development on the site. It is predicted that there will be an additional 44 two way trips and 40 two way trips during the morning and

evening peak hour periods respectively. The highway layouts have been designed to ensure the safe use by all modes of transport and to accommodate any additional on street parking needs.

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

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

### **Drainage**

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

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

### **Conclusion**

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

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

The scheme raises no highway safety or residential amenity issues.

The application has been recommended accordingly.

### **RECOMMENDATION**

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

**(1) subject to the conditions in the report, and the completion of a Section 106 legal agreement in respect of a contribution of £5,000 towards amendments to Traffic Regulation Orders to accommodate the proposed changes to the one way systems currently in place.**

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

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

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

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

Drawing named 'North Werneth Phase 3 Layout - Rev V' received 16th August 2019

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

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

Drawing named 'North Werneth Phase 4 - Materials & Boundary Treatment - Rev L'

received 16th August 2019

Document named 'The Cambridge Working Drawing Pack' received 03rd April 2019  
Document named 'The Carlton Working Drawing Pack' received 03rd April 2019  
Document named 'The Dalton Working Drawing Pack' received 03rd April 2019  
Document named 'The Dartmouth Working Drawing Pack' received 03rd April 2019  
Document named 'The Eaton Working Drawing Pack' received 03rd April 2019  
Document named 'The Henbury Working Drawing Pack' received 03rd April 2019  
Document named 'The Hogarth Working Drawing Pack' received 03rd April 2019  
Document named 'The Marlow Working Drawing Pack' received 03rd April 2019  
Document named 'The Stratford Working Drawing Pack' received 03rd April 2019

Document named 'Plots 33-35 - Rev 3' received 22nd May 2019  
Document named 'Plots 36-37, 59-60, 63-64 and 67-68 - Rev 2' received 22nd May 2019  
Document named 'Plots 38-39 and 40-41 - Rev 2' received 22nd May 2019  
Document named 'Plots 42-44 - Rev 3' received 22nd May 2019  
Document named 'Plots 51-54 - Rev 3' received 22nd May 2019  
Document named 'Plots 55-56 and 57-58 - Rev 2' received 22nd May 2019  
Document named 'Plots 61-62 and 65-66 - Rev 2' received 22nd May 2019

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

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

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

4. The approved landscaping scheme shown on drawings P.1154.19.03C and P.1091.18.01F shall be implemented in accordance with the stated timescales. Thereafter, any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the visual amenity and future appearance of the area.

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

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

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

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

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

Reason - To protect the integrity of Metrolink infrastructure.

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

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

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

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

10. No development shall commence until a sustainable surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

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

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

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

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

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

construction of the access roads or parking spaces. Thereafter, the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

12. No development shall take place unless and until detailed schemes of the works involved in the provision of adequate secure cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no dwelling shall be occupied unless and until the alterations have been completed in accordance with the approved scheme and shall always remain available to users of the development.

Reason - To ensure adequate cycle storage, pedestrian and cycling facilities are available to users of the development

13. During the construction period, adequate wheel cleaning equipment, the details of which shall be submitted to and approved in writing by the Local Planning Authority, shall be installed on the site. Prior to leaving the site all vehicles, which have travelled over a non-tarmac surface, shall use the wheel cleaning equipment provided, such that they are in such a state of cleanliness that they do not foul the highway with mud or other material. The equipment shall, for the duration of the construction works, be maintained in good working order and shall not be removed unless agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety

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

Reason: To ensure the development accords with sustainable transport policies

15. No development shall take place unless and until a detailed scheme of traffic-calming measures for Edward Street in the vicinity of the proposed access has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be brought into use until such time as the approved traffic-calming scheme has been fully implemented.

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

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

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

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

a) The undertaking of a scheme of intrusive site investigations for the mine entries;

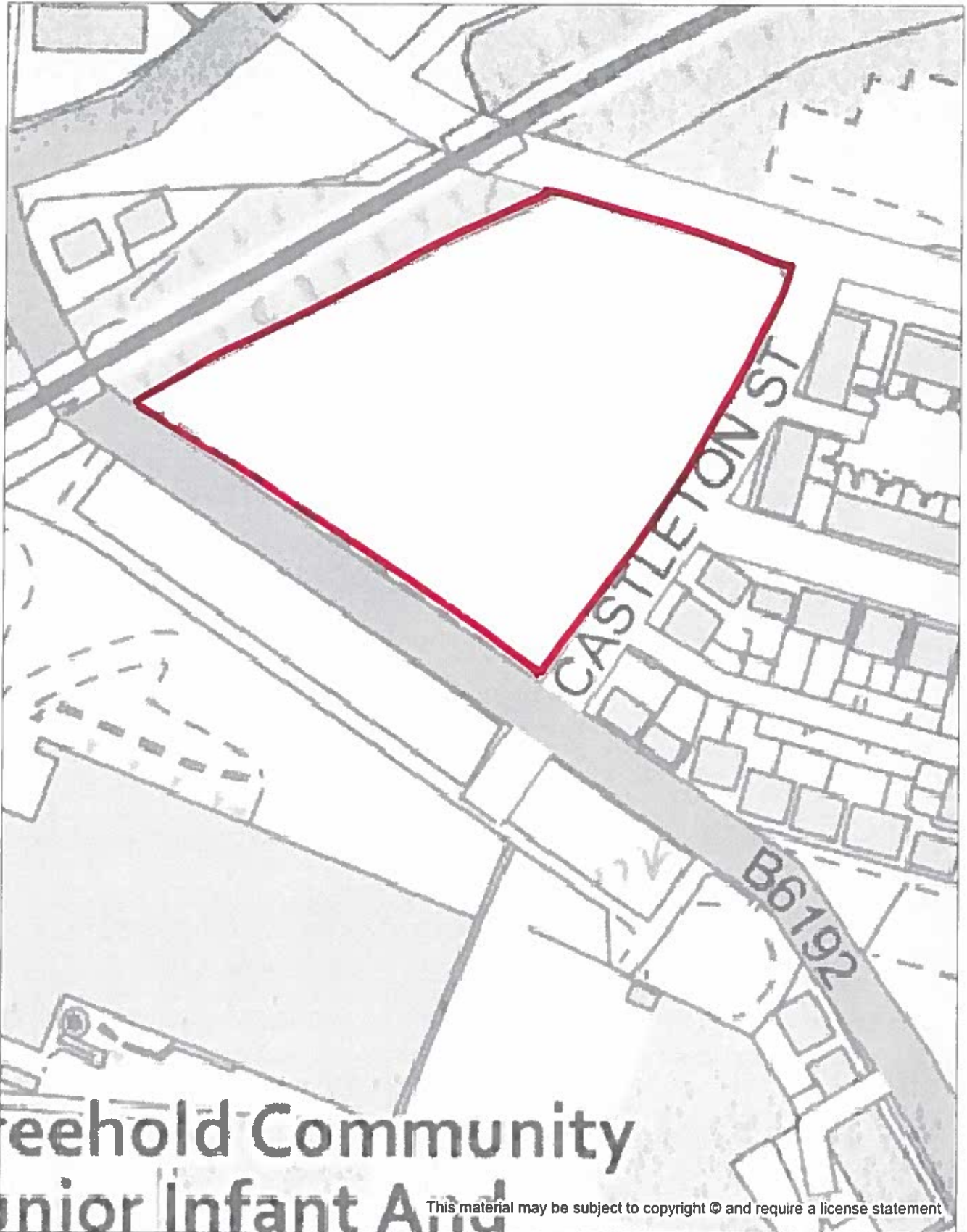


- b) The submission of a report of findings arising from the intrusive site investigations for the mine entries;
- c) The submission of a scheme of treatment for the mine entries and any necessary mitigatory measures to be incorporated in the development to address movement derived from the shafts, for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

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

Reason - To mitigate against risks associated with coal mining.





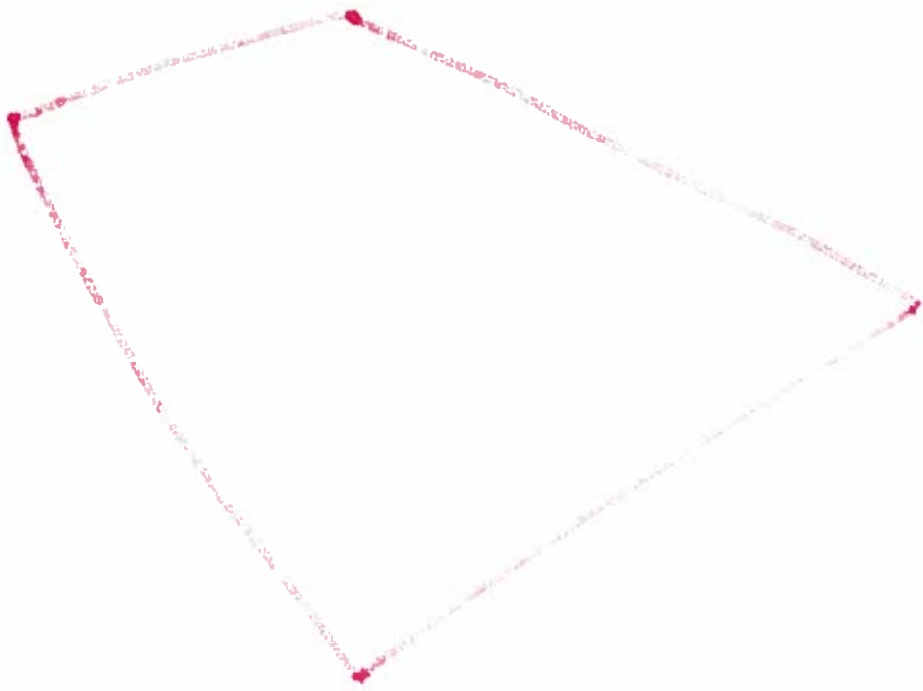
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Sterling Court  
Norton Road  
Stevenage  
Herts SG1 2JY  
United Kingdom

Tel: +44 (0)1438 747996  
Fax: +44 (0)1438 747997  
E-mail: info@cadcorp.com

Operator:	Name
Department:	Department
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Date: 19/08/2019	Scale: 1:1250



## APPLICATION REPORT - PA/343212/19

Planning Committee, 28 August, 2019

**Registration Date:** 15/04/2019  
**Ward:** Saint James'

**Application Reference:** PA/343212/19  
**Type of Application:** Reserved matters

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

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

**Case Officer:** Graham Dickman

**Applicant Agent :** First Choice Homes, Casey group  
Nicol Thomas

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### THE SITE

The application relates an overgrown area land south and west of Hillside Nursery and formerly associated with it. A strip of open land with a footpath adjoins the western boundary and there is further open land to the south. Existing residential properties adjoin the site to the west (Wilkes Street), south (Pilgrim Way and Doncaster Close) and east (Ashdene Rise).

### THE PROPOSAL

The application seeks approval of all Reserved Matters for 22 no. semi-detached and 1 no. detached 2 storey dwellings and a two storey block of 6 apartments. The proposed dwellings will be externally clad in red brick and grey roof tiles.

The proposed development would utilise an existing access from Sholver Lane, and on-site car parking will be provided for all properties.

The proposal offers 100% affordable housing.

### RELEVANT HISTORY OF THE SITE:

PA/337690/15 - Outline application for residential development of 28 No. dwellings and 4 No. apartments. Access and scale to be considered. Approved 14th September 2018.

PA/333962/13 - Outline application for residential development of 30. dwellings and conversion of existing nursery building to 4 no. apartments. Approved 5 December 2014

PA/059452/11 - Application for extension of the time limit for implementing existing planning permission for residential development of 11 no. dwellings approved under reference PA/054894/08. Approved 4th May 2011.

PA/054894/08 - Full application for a residential development of 11 no. dwellings. Approved 23rd July 2008.

PA/051851/06 - Outline application for 12 no. 2 bed apartments. Approved 09th November 2006.

PA/041530/01 - Erection of nursery. Approved 13th September 2001.

PA/035992/97 - Outline application for residential development. Approved 10th September 1998.

## **CONSULTATIONS**

Highway Engineer	No objection, subject access & parking conditions to
Environmental Health	No objection, subject to contaminated land and waste storage conditions.
United Utilities	No comment.
Drainage	No comment.
Greater Manchester Police	No objections following submission of an amended
Architectural Liaison Unit	Crime Impact Assessment.
Greater Manchester Ecology Unit	No objection, subject to ecology condition
Coal Authority	No comment.

## **REPRESENTATIONS**

This application was publicised by way of a site notice, press notice and neighbour notification letters. One letter of objection has been received which comments that the proposed development would be harmful to local wildlife.

## **PLANNING POLICY**

The 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham (DPD). The application site is unallocated by the Proposals Map associated with the Joint Development Plan Document. Therefore, the following DPD policies are considered relevant:

- Policy 1 - Climate change and sustainable development;
- Policy 3 - An address of choice;
- Policy 5 - Promoting accessibility and sustainable transport choices
- Policy 9 - Local environment;
- Policy 11 - Housing;
- Policy 22 - Protecting Open Land; and,
- Policy 23 - Open spaces and sports.

## **PLANNING CONSIDERATIONS**

The main considerations are:

- Principle of Development
- Residential amenity
- Design and appearance
- Parking and highway safety
- Affordable housing and public open space

### **Principle of development**

The principle of residential development on this site was considered in detail at outline stage and the development was found to be in accordance with relevant policies.

### **Residential amenity**

As the site boundary is some 24m from the nearest dwelling on Wilkes Street, it is considered unlikely that there would be any significant impact on residential amenity. Within the application site, it is considered that the proposed dwellings have adequate separation distances between them and adequate private amenity space.

Consequently, it is considered that the impact on neighbouring amenity, and the amenity of future occupiers, is acceptable in accordance with DPD Policy 9.

### **Design and appearance.**

The area is of a mixed character and the proposed development is sympathetic in terms of layout, scale, appearance and external facing materials and would fit well within the streetscene..

Given the above, it is considered that proposed development would have a positive impact on the streetscene and character of the area and would be acceptable in accordance with DPD Policies 9 and 20.

### **Parking and highway safety**

The proposal provides acceptable arrangements for parking and access, and will not have any impact on the surrounding highway network.

### **Affordable Housing and Public Open Space**

The application proposed 100% affordable housing, and therefore greatly exceeds the requirement of both DPD Policy 10 and paragraph 64 of the NPPF.

With regard to public open space, DPD Policy 23 states that all residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable. It is considered that a contribution in lieu of on-site provision would be appropriate in this case to address the public open space deficiencies in this ward.

A £20,000 contribution (as required under the outline approval PA/337690/15) towards the provision or improvement of existing Public Open Space has been secured by legal agreement with the applicant.

### **Ecology**

Most matters in regard to ecology were addressed during the outline application. However, the Greater Manchester Ecology Unit have requested the inclusion of a condition addressing the need for further ecology surveys before work commences on site.

### **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:

- Drawing no. (PA) 01 Rev Q
- Drawing no. (PA) 03 Rev C

- Drawing no. (PA) 04 Rev A
- Drawing no. (PA) 06 Rev A
- Drawing no. (PA) 07 Rev A
- Drawing no. (PA) 08 Rev F
- Drawing no. (PA) 09 Rev D
- Drawing no. (PA) 10 Rev C
- Drawing no. (PA) 11a Rev A
- Drawing no. (PA) 11b Rev A
- Drawing no. (PA) 16
- Drawing no. (PA) 18
- Drawing no. (PA) 19 Rev A
- Drawing no. (PA) 21 Rev A
- Drawing no. 19.B.12332/02

- Proposed Materials Schedule by Nicol Thomas.

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

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

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

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

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

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

6. No dwelling shall be brought into use unless and until the access road and car parking space for that dwelling has been provided in accordance with the approved plan ref: PA 01 Rev Q. The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction of the access road or parking spaces. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.



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

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

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

8. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development. Thereafter, any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan.

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

9. Prior to the first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. No further boundary treatment is to be erected on the site without the prior written consent of the Local Planning Authority.

Reason - To ensure an acceptable form of development is achieved in the interests of amenity as such details were not submitted with the application.

10. No development shall take place unless and until all trees, shrubs and hedges within the site and/or trees whose root structure may extend within the site, which are to be retained as shown within the Tree Survey Report prepared by Arbtech Environmental Services (dated 17th October 2013) have been fenced off in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence during the construction period.

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

11. Prior to commencement of any development, a survey of the site and within 30m of the external boundaries shall be undertaken to confirm that badger setts are not present, and the results submitted in writing to the Local Planning Authority. Should such presence be established, no work shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to ensure appropriate measures are undertaken to prevent harm being caused.

Reason - To ensure the protection local wildlife.

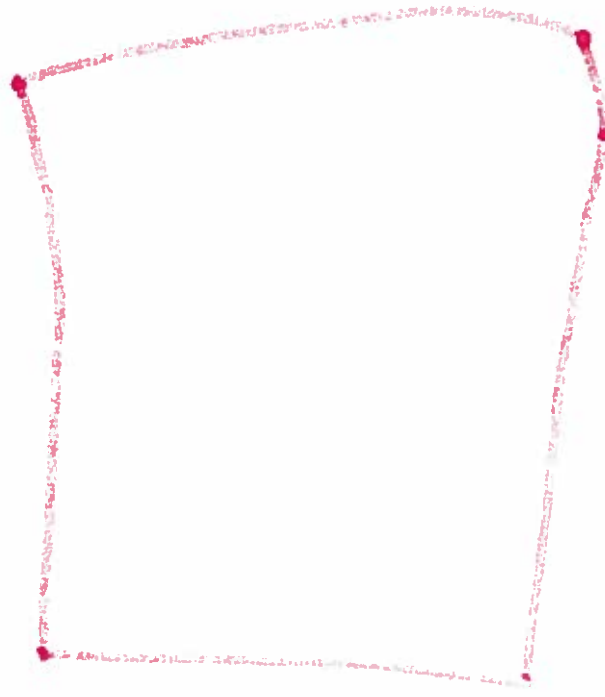




Sterling Court  
Norton Road  
Stevenage  
Herts SG1 2JY  
United Kingdom

Tel : +44 (0)1438 747996  
Fax : +44 (0)1438 747997  
E-mail: info@cadcorp.com

Operator:	Name
Department:	Department
Drawing No:	1234-A
Date: 19/08/2019	Scale: 1:1250



## APPLICATION REPORT - PA/343302/19

Planning Committee, 28 August, 2019

**Registration Date:** 01/05/2019  
**Ward:** Failsworth East  
**Application Reference:** PA/343302/19  
**Type of Application:** Full Planning Permission

**Proposal:** Erection of 17 houses with vehicular access from Medlock Road.  
Amended application relating to PA/341467/18  
**Location:** Land to the rear of the Dog and Partridge PH, Medlock Road,  
Failsworth, Oldham, M35 9NP  
**Case Officer:** Matthew Taylor  
**Applicant** Mr Sheridan  
**Agent :** Plan:8 Town Planning Ltd

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### THE SITE

The application site is a roughly 'L' shaped 0.7ha plot of land that gently slopes down from north to south. It is bounded by the Brookdale Golf Course to the west and the Dog and Partridge public house bowling green/beer garden and a local park to the east. The area comprises cleared ground with self-seeded grass and shrubs covering the site, but also encompasses 111 Medlock Road.

The site is located within the Woodhouses Conservation Area.

### THE PROPOSAL

The application is for the erection of 17no. 4 and 5 bed houses, with on-site parking spaces or garages for each plot.

The access road will be off Medlock Road between No's 111 and 125 Medlock Road.

Pedestrian access will be via both the access road and from the local park, which is also served via Stamford Drive.

The proposed layout contains dwellings that incorporate rooms within the roof space and full height gable features. The properties have been designed with a contemporary approach to traditional suburban dwelling types, including the use of brickwork and render, gable roofs and overhanging eaves.

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

### RELEVANT SITE HISTORY:

PA/341467/18 - Erection of 17 houses with vehicular access from Medlock Road. Refused 15 February 2019 for the following reason:

*The proposed access to the site would fail to achieve adequate visibility for drivers leaving the site and for users of the adjacent footway on Medlock Road, to the detriment of the safe*

*movement of all road users. As such, the proposal is contrary to Policies 5 'Promoting Accessibility and Sustainable Transport Choices' and 9 'Local Environment' of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document, since the scheme's access would not ensure appropriate highway safety and the safety of pedestrians and road users.*

## **RELEVANT PLANNING POLICY**

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

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

Policy 1 - Climate change and sustainable development;  
Policy 3 - An address of choice;  
Policy 5 - Promoting Accessibility and Sustainable Transport Choices';  
Policy 9 - Local environment;  
Policy 11 - Housing;  
Policy 20 – Design  
Policy 21 - Protecting Natural Environmental Assets  
Policy 23 - Open space and sports  
Policy 24 - Historic Environment

Saved UDP - Phase 2 Housing allocation

## **CONSULTATIONS**

Highways Officer	No objection following the amendment to the site access to provide improved visibility, subject to a condition requiring implementation of the access and parking provision as shown on the submitted plans.
Environmental Health	No objection subject to landfill gas and contaminated land conditions and informatives.
Natural England	No objection.
Greater Manchester Ecology Unit	No objection subject to conditions requiring measures to protect the adjacent watercourse and Brookdale Golf Course SBI during construction.
United Utilities	No objection subject to drainage conditions and informatives.
Trees Officer	No objection.
National Grid	No objection.
Electricity North West	No objection.
Sport England	No objection.
Environment Agency	No objection subject to conditions and informative notes to address potential risks to controlled waters from land contamination.
Greater Manchester Police	No objection subject to a condition to require physical security specifications.
LLFA and Drainage	No objection.

## **REPRESENTATIONS**

This application has been publicised by site notice, neighbour notification letters and press notice. 7 letters of objection have been received making the following comments:

- increase of traffic volume along Medlock Road;
- proposed design is in stark contrast to the red brick Victorian terrace dwellings within the conservation area;
- overbearing in height and density and will inhibit views from neighbouring properties across open Green Belt land in the Medlock Valley;
- the village infrastructure cannot take any further additions;

- loss of a green space;
- the proposed access road alongside the park will impact on the park's safe use
- loss of trees;
- loss of wildlife habitat;
- insufficient off-street car parking;
- no affordable houses for residents of Woodhouses;
- noise and disturbance;
- inadequate drainage system; and
- inadequate information regarding the development's impact.

## **PLANNING CONSIDERATIONS**

The main planning issues are:

- Highway safety;
- Principle of development;
- Design and layout
- Impact on the Woodhouses Conservation Area;
- Residential amenity;
- Open space and affordable Housing;
- Trees and ecology;
- Drainage and ground conditions.

### **Highway Safety**

This scheme is a re-submission of an application refused in February 2019 due to inadequate visibility for drivers leaving the site and for pedestrians on Medlock Road leading to potential highway danger.

The application has been revised to overcome these concerns. In particular, the applicant has purchased 111 Medlock Road which lies directly adjacent to the proposed access point. This has allowed the site access to be re-configured and improved visibility provided.

DPD Policy 5 requires that developments do not compromise pedestrian or highway safety and DPD Policy 9 states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users. NPPF paragraph 109 states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

The proposed development is located within an established residential area with links to public transport and local amenities. As such the Council's Highways Officer is satisfied that the number of dwellings proposed will not have an adverse or significant effect on the amount of traffic generated on the local highway network. Furthermore, the parking provision within the site is acceptable, and service vehicles will be able to enter the site, turn and leave in a forward gear.

Incorporating 111 Medlock Road into the site has also allowed the access arrangement to be reconfigured to include a greater footway area and provide adequate visibility both for vehicles emerging from the junction and for pedestrians walking along Medlock Road or entering the site.

On this basis it is concluded that the development of this scale and type can be satisfactorily accessed, and that the original concerns have now been overcome. As such the development would satisfy DPD Policy 5 and the assessment under NPPF paragraph 109.

### **Principle of development**

Except for the amended access, all other elements of the application remain unaltered, and were considered satisfactory by Planning Committee at the February meeting. Furthermore, there have been no material changes in the site conditions, or in planning policy and

legislation which would impact on that previous determination.

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

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

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

The application site is a Phase 2 Housing allocation within the Woodhouses Conservation Area on the Proposals Map associated with this document. This policy identified a number of Phase 2 allocations with the intention that Phase 1 allocations would be prioritised.

As such, it was intended that Phase 2 allocations (which were mostly greenfield) should only be brought forward if monitoring showed a shortfall in the required building rate. However, as there has been a change in circumstances regarding the housing land supply as set out above, the phasing approach must now be given less weight.

The applicant has provided an assessment of alternative sites in the area. This assessment clearly demonstrates there is a lack of available brownfield land in this location (that does not already have permission or is being developed). The site is in a sustainable location within 480 metres or a 10 minute walk of at least three 'key services', whilst also being located on a main bus route along Medlock Road in accordance with DPD policies 3, 5 & 11.

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

## **Design and Layout**

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

The application seeks approval for 17 dwellings, which is slightly below the indicative capacity of the site. This allows for the larger house types that the developer is seeking. The allocation does not specifically state that larger family homes are required, however the requirement includes a mix of housing types, which includes larger homes. The site's shape limits the development potential of the site and it is considered that a good mix of properties has been achieved without creating a cramped appearance, particularly towards the southern end of the site where it adjoins the open countryside.

In relation to the design of the properties some initial concerns, in particular with the high levels of glazing in both the front and rear elevations, led to the submission of amended plans in which the level of glazing has significantly been reduced and the overall appearance enhanced.

Moreover, it is noted the house types all reflect the main elevation of the neighbouring recent development for 3 dwellings on Medlock Road. Also, whilst the design of the proposal more clearly reflects the modern houses on the site, the design overall will serve to preserve



the character of the Conservation Area given its scale and massing is appropriate and it follows a mainly linear format.

Given the relationship of the site to a green on the adjacent golf course, consideration has been given to the impact of stray golf balls on the amenity of the new residents. For this reason, it will be necessary for a safety fence to a height of 7 metres to be installed on the boundary of the rear gardens and the green. Although this will be a large structure, it will be viewed against the backdrop of the dwellings themselves, and therefore have a limited visual impact on the wider area.

In this context, it is considered that the development will satisfy the objectives of DPD Policies 9 and 20.

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

The application site lies within the Woodhouses Conservation Area and as such the impact of the development upon the character or appearance of that area must be assessed.

The application site is one of the few open areas included within the conservation area, which has generally been drawn quite tightly around the village. This part of the conservation area provides a rural setting for the park and to a lesser extent the bowling green and was part of the extension of the area in 1989.

The introduction of housing would seem to inhibit views of the rural landscape and therefore cause 'less than substantial harm' to Woodhouses Conservation Area.

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

In terms of public benefits, the development will bring forward an allocated housing site that will have both economic and social benefits. The development will result in employment generation and will have a lasting economic impact as the future occupiers of the development move into the area and as a result spend income at local businesses.

In terms of the social benefits, the developer will be required to make contributions towards both public open space improvements/maintenance and affordable housing provision within the locality, which are both considered to be major social benefits.

Given that the site has been a housing allocation within both the current and previous development plans it is considered that the development is securing the optimum viable use of the site.

It is therefore concluded that the identified level of harm will be outweighed by the benefits of bringing forward new housing development on this site in accordance with DPD Policy 24 and NPPF Part 16.

### **Residential Amenity**

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

Having assessed the orientation and separation distances between the existing dwellings on Medlock Road and Stamford Drive and the proposed dwellings it is considered that the proposal would not result in any significant loss of light or outlook from the garden areas or habitable room windows of adjacent properties.

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

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

Following an assessment of the proposal and needs of the local area it is recommended that all of the planning contribution is to be put forward to provision of off-site open space rather than providing on-site provision. The proposed housing will put additional pressure on the existing open space which is both deficient in quality and quantity. A cost has been calculated for off-site public open space provision and equates to £110,000.

DPD Policy 10 states that all residential developments of 15 dwellings and above will be required to provide an appropriate level of affordable housing. The current target is for 7.5% of the total sales value to go towards the delivery of affordable housing, unless it can be demonstrated to the Council's satisfaction that is not viable. Based on the proposed development, the figure for affordable housing provision would be £410,000.

In respect of the total off-site provision, the applicant has provided economic viability information indicating that the scheme cannot sustain a full contribution towards off-site Public Open Space and Affordable Housing. The viability report takes into account the development costs and a reasonable rate of return, and the developer has offered a combined contribution of £160,000. The information and its findings have been assessed by the Council's surveyors who agree with the maximum offer is reasonable.

It is therefore required that the developer enters into a Section 106 agreement for a contribution towards £160,000 to be allocated as follows:

- Off-Site Public Open Space - £110,000
- Off-Site Affordable Housing - £50,000

### **Trees and Ecology**

The application must be assessed under saved UDP Policy D1.5 'Protection of Trees on Development Sites'.

From the submitted 'Preliminary Tree Survey schedule and plan' it is noted that most on-site trees are of category 'B' and 'C' quality. An amended landscaping plan and arboricultural justification has been provided. It is noted the planting specification on the amended details outlines that the proposal will provide 38 replacement trees that are a mix of beech, alder and downy birch. This is 5 trees less than is required to be removed to accommodate the development. However, the loss of trees is required to meet the density of development required by the housing allocation in the saved UDP policy.

Consequently, the development will conform with the objectives of Policy D1.5

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

The Greater Manchester Ecology Unit notes that the application site has negligible ecological value. Nevertheless, reasonable avoidance measures will be required to ensure no protected species are impacted by the development. Given the proximity to a watercourse and Brookdale Golf Course Site of Biological Importance (SBI), there is a risk during and post construction of negative impacts on both the watercourse and the SBI resulting from increase in sediment load and pollutants. There is also a risk of increased recreational pressure on the SBI, though this is likely to be very low owing to the scale of the development and lack of obvious access to the SBI. To mitigate risks during construction and post development, a condition has been recommended.

### **Drainage and Ground conditions**

DPD Policy 19 seeks to ensure that new developments do not result in an unacceptable

flood risk or increased drainage problems by directing developments away from flood risk areas. The site is located within a critical drainage area. Therefore, in order to ensure the development complies with the above policy, United Utilities has requested a condition requiring a sustainable drainage plan.

Paragraph 178 of the NPPF states that the planning system should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. It is therefore considered appropriate to impose a condition requiring intrusive site investigations and the submission of a remediation strategy before any development takes place.

## **Conclusion**

This revised scheme has overcome the previous reason for refusal and there is now no good reason to withhold planning permission. The application proposes a residential development on a site previously allocated for such development and which will contribute towards the supply of new housing in the borough. Any constraints within the site can be adequately addressed through the site layout and planning conditions; the development will not result in adverse impact on highway safety; and satisfactory relationships to existing neighbouring properties can be achieved. Furthermore, the public benefits associated with the new housing provides mitigation for any harm to the Conservation Area. It therefore complies with relevant national and local planning policies.

## **RECOMMENDATION**

It is recommended that Committee resolves:

1. To approve the application subject to the following conditions and to a Section 106 agreement for the submission of a payment of £160000 for the improvement of the play equipment on the adjacent park and the provision of off-site affordable housing.
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 which are referenced as:

- 003 Rev H received 25 July 2019
- 004 Rev G received 1 May 2019
- 005 Rev H received 25 July 2019
- 006 Rev A received 1 May 2019
- 007 Rev B received 1 May 2019
- 009 Rev A received 1 May 2019
- 101 Rev P1 received 1 May 2019
- 201 Rev P1 received 1 May 2019
- 301 Rev P1 received 1 May 2019
- 401 Rev P1 received 1 May 2019

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

3. No development comprising the construction of any external walls shall take place unless and until samples of the materials to be used in the construction of those external surfaces, including all external walls, windows, and rainwater goods, have been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

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

4. No dwelling shall be brought into use unless and until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan Dwg No.005 Rev H. The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access road or parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

5. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall have regard to the principles as set out in the submitted Flood Risk Assessment & Drainage Strategy prepared by Waterco. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a residents' management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

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

6. No development shall take place until it can be demonstrated that there will be no negative impacts on the ecological status/potential of the minor watercourse resulting from the disposal of foul water and surface water disposal post-development, including a method statement detailing reasonable avoidance measures to reduce the risk of harm to amphibians, hedgehogs and other small mammals. Thereafter no development, site clearance, or earth moving shall take place or material or machinery brought on site until a method statement to protect the minor watercourse and Brookdale Golf Course SBI from accidental spillages, dust and debris has been submitted to and approved in writing by the Local Planning Authority. All measures shall be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason - To protect the watercourse and Brookdale Golf Course SBI.

7. The development shall only be carried out in full accordance with the approved remediation proposals outlined in the Phase II Geoenvironmental Site Investigation

Report by GEOCON, dated October 2017. Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority, and the approved measures shall be implemented in full.

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

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

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

9. All hard and soft landscape works for the site shall be carried out in accordance with the approved details shown on Drawing Nos. 003 Rev H and 004 Rev G. The works shall be carried out prior to the occupation of any part of the development or in accordance the programme approved in writing by the Local Planning Authority. Thereafter, any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan.

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

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

11. No development shall take place until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site

1. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

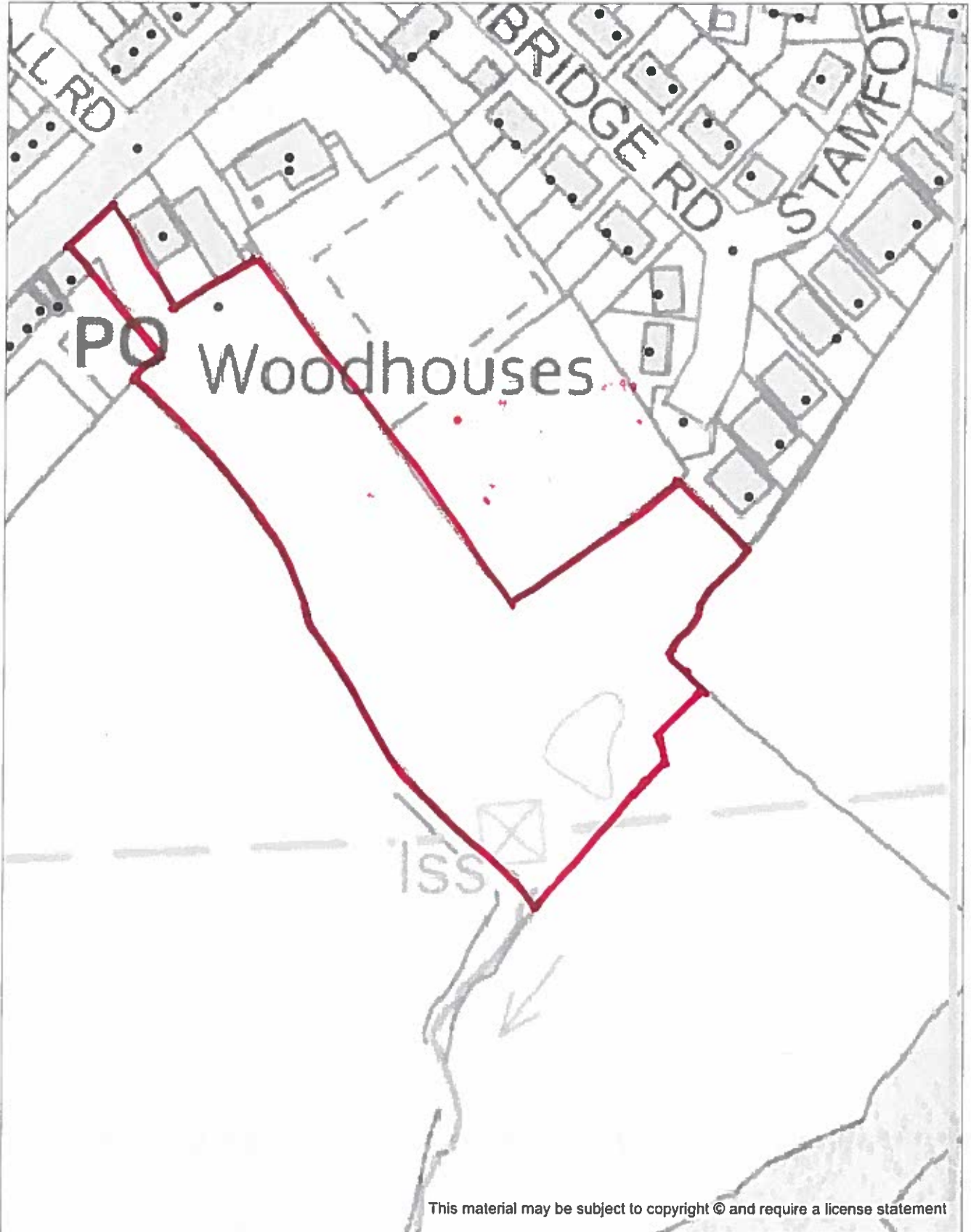
2. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason - To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

12. Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason - To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.



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Sterling Court  
Norton Road  
Stevenage  
Herts SG1 2JY  
United Kingdom

Tel : +44 (0)1438 747996  
Fax : +44 (0)1438 747997  
E-mail: info@cadcorp.com

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## APPLICATION REPORT - PA/343332/19

Planning Committee, 28 August, 2019

**Registration Date:** 02/05/2019  
**Ward:** Waterhead

**Application Reference:** PA/343332/19  
**Type of Application:** Full Planning Permission

**Proposal:** Proposed residential development of 12 no. 2 bedroom apartments

**Location:** Fernec Works, Stephenson Street, Oldham, OL4 2HH

**Case Officer:** Graham Dickman

**Applicant** Multi Build UK  
**Agent :** Nicol Thomas

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### THE SITE

The development site is currently vacant following the recent demolition of a derelict building that formerly accommodated a heavy steel engineering fabricator, Marton Engineering, which closed a number of years ago.

This 0.12ha site is around 60 metres long by 20 metres wide and is irregular in shape. The site is generally flat as it has been cut into the hillside.

From Huddersfield Road (A62), Stephenson Street climbs 3.0 metres at a consistent gradient of around 1 in 12. The site has a fall in the region of 10 metres from south to north, though a large element of this has been altered by the historic construction of the existing building. The site topography east to west is generally level.

The site is surrounded on all sides with residential dwellings, with the exception of a small number of retail premises, and a filling station on the opposite side of Huddersfield Road.

### THE PROPOSAL

This application proposes the erection of a single block of 12 two-bedroom apartments, with 1 parking space per unit. The proposed three storey, pitched roof, building would measure 24m in width, 14m in depth, 9m to the eaves height and 11.5m to the roof ridge. The proposed development would be externally clad in red brick slips and grey roof tiles.

### RELEVANT HISTORY OF THE SITE:

PA/336658/15 - Erection of 45 no. bedroom Dementia Healthcare Facility. Approved 9th July 2015. This permission was not implemented and has since expired.

### CONSULTATIONS

Highway Engineer	No objection, subject to conditions requiring car and secure cycle parking.
Environmental Health	No objection, subject to conditions re-landfill gas and contaminated land.
Coal Authority	No objection, subject to a condition to protect against risks associated with coal mining.
LLFA/ Drainage	No objection
United Utilities	No objection, subject to a drainage condition.

## REPRESENTATIONS

This application was publicised by site notice, press notice and neighbour notification letters. No responses were received.

## RELEVANT PLANNING POLICY

The 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham (DPD). The application site is unallocated by the Proposals Map associated with the Joint Development Plan Document. Therefore, the following DPD policies are considered relevant:

Policy 1 - Climate change and sustainable development;  
Policy 3 - An address of choice;  
Policy 5 - Promoting accessibility and sustainable transport choices  
Policy 9 - Local environment;  
Policy 11 - Housing;  
Policy 22 - Protecting Open Land; and,  
Policy 23 - Open spaces and sports.

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

## PLANNING CONSIDERATIONS

The main issues for consideration include::

- Principle of development;
- Residential amenity;
- Design and appearance;
- Parking and highway safety
- Public Open Space.

### Principle of development

DPD Policy 1 prioritises development on previously developed land. Furthermore, it states that residential development should be focused on land in sustainable and accessible locations and should be of high quality and respect the local character of the environment.

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

The proposal accords with DPD Policies 3 and 11 which give preference to the use of previously developed sites for residential development.

DPD Policy 3 clarifies the Council's aims to promote development in sustainable locations and on previously developed sites. In the case of proposals on a non-allocated site, it states that such developments will only be considered favourably where a deliverable 5-year supply of housing land cannot be demonstrated, where it contributes towards the delivery of the borough's regeneration priorities, or where it contributes to the delivery of affordable housing needs.

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

Holy Trinity Waterhead Parish Church, Carrion Crow public house and Littlemoor Primary School are within a ten minute walk of the application site.

It is therefore reasonable to conclude that the site is located in a sustainable position in close proximity to at least three key services as required by Policy 3.

Policy 5 requires all major developments to achieve 'High Accessibility' or 'Very High Accessibility' unless it can be demonstrated that this is neither practicable nor desirable or it provides exceptional benefits to the surrounding environment and community. 'High Accessibility' is defined as being within approximately 400 metres of a frequent bus route or approximately 800 metres of a rail station or future Metrolink stop.

There are a number of bus stops within close proximity to the application site, the nearest being 80m from the proposed development. The nearest bus stop serves a variety of bus routes. As such, it is considered that the site is well placed in terms of access to bus routes.

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

### **Residential amenity**

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

With regard to the impact on neighbouring terraced properties on Huddersfield Road to the north, given the distance between the proposed development and these properties of approximately 26m at the nearest point, it is not considered that the proposal would result in significant loss of light or overbearing impact to these neighbours. Due to the topography of the site, the proposed building would be seen largely against the backdrop of the rising ground and existing tree cover at the rear of the site.

In reaching this conclusion, it should be noted that the proposed building would be significantly smaller than that approved under application no. PA/336658/15, and the proposal broadly occupies the same footprint as the former building. In terms of the impact on privacy, a degree of overlooking may occur from the proposed building towards properties on Huddersfield Road and Ann Square, but not at unacceptably close range. Properties at the rear of the site on Beech Avenue would not be significantly affected by the proposed development as they are further away from the site and are on higher ground. There is also significant tree cover between the site and the properties at the rear.

In regard to the future occupiers of the proposed development, the internal layout of the proposed development would comply with the DCLG 'Technical Housing Standards – nationally described space standards', and is therefore considered to be acceptable.

Given the physical confines of the site, it is noted that bedroom windows of the apartments at the rear of the building will face the adjacent steep banking at close proximity. However, the layout of the units has been designed to ensure that the primary living accommodation in the lounge and linked kitchen areas have side facing elevations giving open aspects from those rooms.

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

### **Design and appearance**

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

The proposal will replace a former derelict building with a three storey block of contemporary design and appearance. The proposed development will be on a larger scale than the former Fernec Works building but will be set well back from Huddersfield Road and its scale and resulting impact will not adversely impact on the street scene. The proposal will largely respect the local vernacular and the site topography and will be constructed in a palette of

both traditional and contemporary materials.

Given the above, it is considered that the design of the proposed development is acceptable in accordance with DPD Policies 9 and 20.

### **Parking and Highway safety**

A car park with a facility to accommodate 12 vehicles will be provided with access via Stephenson Street. There are no highway objections.

### **Public Open Space**

DPD Policy 23 states that all residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable. It is considered that a contribution in lieu of on-site provision would be appropriate in this case to address the public open space deficiencies in this ward.

No on-site public open space has been proposed. However, a £48,596.64 contribution towards the provision or improvement of existing Public Open Space will be secured by legal agreement with the applicant, and this is directed towards improvements to Waterhead Park.

### **Conclusion**

The proposed development will make a positive contribution towards housing land supply whilst assisting with the regeneration of a presently vacant site. The relationship with neighbouring properties, highway impact, and design and appearance of the development are satisfactory. It therefore conforms, to the objections of relevant national and local planning policies.

### **RECOMMENDATION**

It is recommended that Committee resolves to grant permission:

(1) subject to the conditions in the report and to completion of a Section 106 legal agreement in respect of a contribution of £48,596.64 towards improvements to Waterhead Park.

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

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

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

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

M3031 PL 01 revision C received 5th August 2019  
M3031 PL 02 revision A received 12th July 2019  
M3031 PL 03 revision A received 12th July 2019  
M3031 PL 05 received 31st July 2019

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

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

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

4. The development hereby approved shall not be brought into use unless and until the car parking spaces have been provided in accordance with the approved plan (M3031 PL 01 revision C) and thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

5. Full details of the secure cycle parking facilities to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be implemented in full, prior to the first occupation of the development hereby permitted. Such facilities shall thereafter remain available for users of the development.

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

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

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

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

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

8. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance, with evidence of an assessment of the site conditions, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

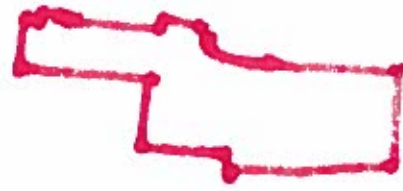
Reason - To promote sustainable drainage and manage the risk of flooding and pollution.



Sterling Court  
Norton Road  
Stevenage  
Herts SG1 2JY  
United Kingdom

Tel : +44 (0)1438 747996  
Fax : +44 (0)1438 747997  
E-mail : info@cadcorp.com

Operator:	Name
Department:	Department
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# **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

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### **Planning Committee**

### **Report of Head of Planning and Infrastructure**

#### **DATE OF COMMITTEE**

**August 2019**

#### **PLANNING APPEALS**

#### **WRITTEN REPRESENTATION**

#### **HEARINGS**

#### **HOUSE HOLDER**

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

#### **ADVERTISEMENTS**

AD/342961/19          8 Shaw Road, Oldham, OL1 3LQ

#### **APPEAL DECISIONS**

HH/342714/18          24 Church Fields, Dobcross, OL3 5AB  
Original Decision      Del  
Appeal Decision        Dismissed

HH/342826/19          8 Ringwood Way, Chadderton, Oldham, OL9 6SN  
Original Decision      Del  
Appeal Decision        Dismissed

PA/341862/18          Land to the rear of 1 & 2 Fern Hill, Fern Hill, Oldham, OL4 5NW  
Original Decision      Del  
Appeal Decision        Dismissed

**RECOMMENDATION -** That the report be noted.

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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.



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## Appeal Decision

Site visit made on 4 June 2019

by **F Cullen BA(Hons) MSc DipTP MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 9 July 2019

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**Appeal Ref: APP/W4223/D/19/3226541**

**24 Church Fields, Dobcross OL3 5AB**

- 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 Ms K Adamiec against the decision of Oldham Council.
  - The application Ref HH/342714/18, dated 17 December 2018, was refused by notice dated 11 February 2019.
  - The development proposed is the demolition of existing single-storey side extension and erection of new 2-storey side extension; erection of new porch; and internal renovations to existing building.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposal would preserve or enhance the character or appearance of Dobcross Conservation Area (DCA) and its effect on the setting of the Grade II Listed Manor House, and;
  - The effect of the proposal on the living conditions of the occupants of Manor House, with particular regard to light and outlook.

### Procedural Matters

3. The appellant has confirmed that the Local Planning Authority (LPA) granted planning permission on 25 April 2019 for a single storey side extension in the form of a porch as included in the appeal. I have no reason to disagree with the decision of the LPA, and so will not consider the merits of the porch as part of this appeal.
4. The appellant has confirmed that the LPA granted a Certificate of Lawfulness on 25 April 2019 for works to 24 Church Fields that constitute permitted development. However, I do not have the full details of these works and so give this limited weight.

### Reasons

*Dobcross Conservation Area and setting of the Grade II Listed Manor House*

5. The appeal property is located within the small historic Village of Dobcross, the central part of which is a designated Conservation Area. The Village has a

strong character and sense of place. The winding narrow street pattern and clustered form and juxtaposed position of the buildings are a consequence of its topography (with significant level changes across the Village) and organic growth. These have created a tight-knit grain and strong sense of enclosure. The spaces between the buildings sometimes give pleasing glimpses through to other properties or long-range views to key landmarks, such as the church, or out to surrounding moorland. The buildings vary greatly in size, shape and height, but are generally consistent in their materials of local stone and slate and incorporation of stone mullioned windows, giving a degree of visual unity to the Village. All of these elements contribute to the special architectural and historic interest and significance of DCA.

6. The appeal property, which is currently vacant, is located in the historic core of the Village on the edge of Church Fields and in close proximity to the Grade II Listed Manor House. It is a small stone cottage with a slate roof and a lean-to at one side. The steps between Manor House and the cottage indicate a historic link, and the difference in their size and grandeur reflects the different status of their historic occupiers. The cottage's modest size, traditional form, simple design and use of local materials cause it to make a positive contribution to the character and appearance of DCA.
7. The appeal proposal is a revision of a previous application (ref HH/337462/15) which was refused by the LPA and then dismissed on appeal (ref APP/W4223/W/16/3141972). It would have a stepped design with the first floor being lower than the host cottage and the ground floor being an 'L' shape. It would be marginally longer than the existing lean-to. It would incorporate a long, slim glazed window separating the cottage and the new extension, and large patio doors to the ground floor gable of the extension. The materials would be stone and slate.
8. I acknowledge that the appellant has given careful consideration to the revised proposal and sought to address the issues raised previously. However, it would be an unduly prominent addition to this modest cottage, lessening the positive contribution it makes to DCA. In addition, the proposal's part contemporary, part traditional form and design (incorporating patio doors which were highlighted as out of keeping by the previous Inspector and I have no reason to disagree) would detract from the historic integrity and character of the cottage and be detrimental to the character and appearance of DCA.
9. Notwithstanding the reshaping of the roof profile, the proposal would also have an adverse impact on important views within DCA. It would obscure views between the cottage and Manor House from Woods Lane out to the moorlands beyond and detract from views looking north/north east from the footpath and adjacent access lane.
10. The appeal property is located within the setting of the Grade II Listed Manor House. Manor House is a large detached residential property which has been altered over time. It is stated in the Listed Building description to date from circa 1800, but there is evidence that it could be older. Its age, form and design mean that it is of high historical and architectural value and thus of high significance. It occupies a prominent position on Woods Lane adjacent to Church Fields with all four elevations visible from the surrounding lanes and footpaths. This detached and relatively open setting contributes to the building's significance.

11. The cottage is wholly subservient in size, form and design to Manor House and the space between them, albeit limited, is important in physically and experientially separating and differentiating the properties. These are important elements of their historical and physical relationship.
12. It is accepted that the elevation facing the appeal property is the plainest. However, it is still of significance as it contains important evidence of the evolution of the building, such as the stone mullioned windows to the cellar and the raised quoins from the original T-shaped plan. At present the majority of the gable is visible from the public realm.
13. The proposal would be located at an angle in front of this elevation. Whilst the majority of the gable would still be visible the proposal's size and form would reduce the physical and visual separation between the buildings and compromise their historic relationship. In addition, it would create an uncomfortable sense of enclosure, particularly at ground floor level between the utility room of the cottage and Manor House. In these respects, the proposal would harm the setting of the Listed Building.
14. Consequently, I consider that the proposal would not preserve or enhance the character or appearance of DCA and would not preserve the setting of the Grade II Listed Manor House. As such it would conflict with policies 9, 20 and 24 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document (OJDPD) (2011) which, amongst other things, seek to ensure a high quality of design that reflects local character and distinctiveness, does not have an adverse visual impact, protects and enhances the character and appearance of conservation areas and preserves and enhances the special interest and setting of listed buildings. It would also conflict with Section 16- Conserving and enhancing the historic environment of the National Planning Policy Framework (Framework).
15. Having regard to paragraph 196 of the Framework, the harm caused to the significance of both DCA and the setting of the Grade II Listed Manor House would be 'less than substantial', because it would be limited to the immediate surroundings of the cottage, specific views and part of the setting of the Listed Building. This harm needs to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
16. The reuse of this currently vacant building would be a public benefit and there would also be a benefit in terms of future occupants using local services. However, in line with the previous Inspector's conclusion, given the mix of sizes and types of properties within the Village, I am not persuaded that the proposal is necessary to facilitate the use of the cottage as a dwelling. As such, I am of the opinion that the limited public benefits presented are not sufficient to outweigh the identified harm.

*Living conditions of the occupants of Manor House*

17. There are a number of habitable rooms on the side elevation of Manor House facing the appeal site. The closest ones to the proposal are at ground floor level and serve a kitchen/diner and living room. Notwithstanding that, in relation to their size, they are secondary windows in these rooms, they are important in terms of providing light into the rooms and views out to the open countryside.

18. The proposal would not directly obscure these windows. The roof profile of the ground floor section would be below these windows and the first floor section would be in line with, but to the side of, these windows. The building line of the ground floor utility room would come close to Manor House.
19. The appellant has carried out a full appraisal of the effect of the proposal on both sunlight and daylight into Manor House, which confirmed that it would have a limited impact. This is corroborated in the LPA report, which states that there would be a partial loss of sunlight to the window on the front and some overshadowing to the mullioned lounge window. Therefore, I find no significant harm in terms of loss of light.
20. The reduction in the separation between the buildings (particularly at ground floor level) would impact on Manor House. However, this impact would be more on the setting of the Listed Building (which has been covered earlier), rather than the living conditions of the occupants. In this respect, I consider that the proposal would have a limited impact in relation to outlook and would not amount to significant harm.
21. Therefore, I conclude that the proposal would not significantly harm the living conditions of the occupants of Manor House, with particular regard to light and outlook. As such, it would not conflict with Policy 9 of the OJDPD (2011) which, amongst other things, ensures that development does not cause significant harm to the amenity of existing and future neighbouring occupants.

#### **Other Matter**

22. The appellant refers to other similar schemes within the area involving the renovation, alteration and/or extension of traditional buildings. I am not aware of the particular circumstances of these cases and, in any event, I must consider this proposal on its own merits.

#### **Conclusion**

23. The proposal would not preserve or enhance the character or appearance of DCA or preserve the setting of the Grade II Listed Manor House. These are matters which must attract considerable importance and weight against the proposal. Whilst the development would be acceptable in terms of its effect on the living conditions of the occupants of Manor House, this does not outweigh my findings in respect of this. In relation to the Framework, the proposal would cause 'less than substantial harm' to the significance of these designated heritage assets. I must attach considerable importance and weight to that harm, which I find would not be outweighed by the limited public benefits of the proposal.
24. For the reasons above and having considered all matters raised, I conclude that the appeal should be dismissed.

*F Cullen*

Inspector



Map Title

342714



Sterling Court  
Norton Road  
Stevenage  
Herts SG1 2JY  
United Kingdom

Tel : +44 (0)1438 747996  
Fax : +44 (0)1438 747997  
E-mail: info@cadcorp.com

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## Appeal Decision

Site visit made on 18 June 2019

by **R Cooper BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9<sup>th</sup> July 2019

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**Appeal Ref: APP/W4223/D/19/3226395**

**8 Ringwood Way, Chadderton OL9 6SN**

- 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 B Ali against the decision of Oldham Metropolitan Borough Council.
  - The application Ref HH/342826/19, dated 24 January 2019, was refused by notice dated 25 March 2019.
  - The development proposed is a two storey extension and part single storey extension to rear.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

### Reasons

3. The appeal site at 8 Ringwood Way, is a semi-detached dwelling, set within a row of residential properties all sharing a similar appearance, characterised by gabled roofs pitched front to back, with a well-defined uniform ridgeline along the street. The orientation of the dwellings is unique, as they have separate pedestrian access serving the frontages and a vehicle access road to the rear, resulting in the rear of the properties being visible from the street.
4. Because of the orientation of the property, the rear extension would be seen from public vantage points along Ringwood Way, and views taken from the road at the junction with Garforth Street. It would also appear prominent when seen from neighbouring properties.
5. A distinctive feature of the street scene is the uniformity in the appearance of the pitched roofs. The introduction of a flat roof at first floor level would be at odds with this uniformity. It would appear as an irregular addition and would result in an incongruous feature in the street scene.
6. I note the properties along the street are close together. Therefore, the roof of the extension would only be noticeable from the rear of the property. Whilst I find no harm to the character and appearance to the front of the dwelling this does not negate the harm that would be caused to the street scene of Ringwood Way to the rear.

7. For these reasons the proposed extension does not respect the character of the host dwelling or the character and appearance of the surrounding area. The proposals do not accord with Policies 9 and 20 of the Oldham LDF Core Strategy and Development Management Policies DPD, and paragraph 127 of the Framework, which seek to improve the local environment, and promote high quality design to reflect the character and distinctiveness of an area.

**Other Matters**

8. I understand that a previous planning permission has been granted for a similar extension, with a pitched roof. The appellant sought permission for a revised scheme to avoid disturbing Photo Voltaic cells on the existing roof, and the financial penalties they would incur. While I am mindful of this reason for the proposal, it does not outweigh my findings above given the need to make decisions in the wider public interest.

**Conclusion**

9. For the above reasons the appeal is dismissed.

*R Cooper*

Inspector



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Sterling Court  
Norton Road  
Stevenage  
Herts SG1 2JY  
United Kingdom

Tel : +44 (0)1438 747996  
Fax : +44 (0)1438 747997  
E-mail: info@cadcorp.com

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## Appeal Decision

Site visit made on 17 June 2019

**by Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 2 August 2019**

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**Appeal Ref: APP/W4223/W/19/3225261**

**Land to the rear of 1 and 2 Fern Hill, Fern Hill, Oldham OL4 5NW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr I Dewhurst against Oldham Metropolitan Borough Council.
  - The application Ref PA/341862/18 is dated 20 May 2018.
  - The development proposed is the construction of 3 detached dwellings on land at the rear of numbers 1 and 2 Fern Hill, Oldham.
- 

### Decision

1. The appeal is dismissed and outline planning permission is refused for the construction of 3 detached dwellings on land at the rear of numbers 1 and 2 Fern Hill, Oldham.

### Procedural matters

2. The application is in outline form with only access, scale and layout to be determined at this stage. I have assessed the proposal on that basis.
3. On 19 February 2019, the Government published its Housing Delivery Test (HDT) results alongside an updated revised National Planning Policy Framework (the Framework). The HDT outcome for the Council indicates that the delivery has been below the requirement over the last 3 years. The appellant also states that the Council cannot demonstrate a 5-year supply of deliverable housing sites, which is not contested. The HDT results do not alter that position. The revisions to the Framework do not otherwise materially alter national policy in respect of the issues raised in this appeal. Both main parties have had the opportunity to address housing land supply and the Framework through the appeal process.
4. The proposal follows an application for a similar form of development on the site that was refused outline planning permission on application and appeal. The appellant considers that the proposal addresses the previous reasons for refusal and that there has been a change in circumstances in the interim. I have taken into account the information that supports both points along with all of the submitted evidence. A key planning principle is also that each development should be assessed on its own merits, which I have done.

### Main issues

5. The main issues are the effect of the proposed development on the character and appearance of the local area and on open space.

## Reasons

### *Character and appearance*

6. The proposal is to erect 3 detached houses and a detached garage on grassland just beyond the rear of 1 and 2 Fern Hill, which stand within an established landscaped setting in the valley of the River Medlock. With areas of woodland and mature trees set within an undulating landscape, informal paths and a nearby river, there is a spacious feel, welcome tranquility and a verdant quality to the area to which the site belongs, which is locally distinctive.
7. The new additions would be visually 'read' with Nos 1 and 2 to one side with some properties that address Chaffinch Close glimpsed on higher ground through the foliage of trees. These buildings would, to varying extents, present a hard built profile to the new development. However, there are more open views across and beyond the site in other directions. Furthermore, while the remnants of some outbuildings that previously occupied part of the site are evident, their presence is modest in the context of the site and the surrounding views of it.
8. In that context, the proposed development would obtrude into this largely open area of grassland palpably introducing a substantial new built form into the landscape. It would transform the character of the land from a pleasant area of largely undeveloped green space to one occupied by a significant built development where people would live and visit. The obtrusion would be most acutely felt in views from the rear of Nos 1 and 2 and the paths to the west of the site. From these directions, the sense of urbanisation would be evident whether or not the site is regarded as previously developed because the openness of this area would be significantly eroded by the proposal. These concerns are compounded by my general impression during the site visit that the informal footpaths along the river that provide an experiential opportunity to appreciate the landscape close to the main built up area appeared to be reasonably well used.
9. The appearance and landscaping of the appeal scheme could, to some extent, reduce the visual impact of the development. These are matters reserved for subsequent approval. Additional planting to the line of trees to one side of the site, as proposed, would provide extra screening as well as an opportunity to visually soften the new buildings. However, this adjacent land is not owned or controlled by the appellant and soft landscaping could always be cut back or removed by others at short notice. From what I saw, it is also very likely that the new built form would still be visible from alongside the river, because the new dwellings would project above the new boundary fence notwithstanding detailed design considerations. The appellant's drawing of the proposed development along the western boundary illustrates this point. From this direction, a line of 3 new dwellings would have a much greater visual impact than the side and rear profile of Nos 1 and 2.
10. On the first main issue, I conclude that the proposed development would unacceptably harm the character and appearance of the local area. As such, it conflicts with Policies 6, 9, 21 and 22 of the Council's Joint Core Strategy and Development Management Policies (CS). These policies seek to enhance and reinforce the distinctive elements of the landscape; protect the natural environment; and ensure that development does not have a significant adverse effect on the visual amenity of the local area.



### *Open space*

11. The Council states that the site is designated as open space. CS Policy 23 seeks to protect, promote and enhance such areas. The appellant has queried whether the site should be regarded in these terms given that it is private land with no public access and is clearly separate to the nearby country park. According to the Glossary of the Framework open space is defined as all open space of public value, including land and areas of water that offer important opportunities for sport and recreation and can act as a visual amenity. On that basis, access or whether or not the land is within a recognised park are not defining features of open space. Similarly, CS Policy 23 does not differentiate between open space that is or is not publicly accessible.
12. As an area of largely undeveloped land that at present blends almost seamlessly into the landscape that rises from and falls towards the river and offers a visual amenity, the site can reasonably be regarded as open space. By introducing new built form the proposal would significantly diminish the openness of the site in conflict with CS Policy 23. The Framework also states that existing open space and sports and recreational buildings and land should not be built on unless specific criteria are met, none of which would apply. Consequently, the appeal scheme would also be contrary to the Framework.
13. My attention has been drawn to examples in which the appellant states that the Council has granted planning permission for residential development on land that is designated as 'other protected and open space'. To reiterate, my assessment is based on the particular circumstances of this case and the context of the site. From the information provided, I cannot be certain that the circumstances of the examples referred to are the same or are very similar to those of the proposal. Therefore, the examples do not weigh in support of the appellant's case.
14. On the second main issue, I conclude that the proposal would result in the undue loss of open space, in conflict with CS Policy 23 and the Framework.

### *Planning balance*

15. According to the appellant, the Council can demonstrate a 3.2-year supply of deliverable housing sites, which falls short of the minimum 5-year threshold identified in the Framework. On that basis, paragraph 11 d) of the Framework applies, which states, amongst other things, that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
16. In this case, the proposal would contribute towards the supply of housing and provide additional choice to prospective occupiers, which carry significant weight in support of the appeal. The development would make an efficient use of land and the new buildings could be designed to be energy efficient. The appellant considers the site to be accessible to local services and facilities and previously developed, which is prioritised for development in policy terms. There would also be some economic benefits from the sale of materials during the construction phase and from spending by future residents. There is also potential to enhance existing landscaping and boost biodiversity through additional planting. These social, environmental and economic considerations all weigh in support of the proposal.

17. On the other hand, the Framework notes development should respond to local character and add to the overall qualities of an area. It seeks to safeguard the natural environment and protect open space. The proposal would not adhere to these key policies. When assessed against the policies in the Framework taken as a whole, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the appeal scheme.

*Other matters*

18. Reference is made to a proposal to erect 2 dwellings on land at Booths Hall Road, Worsley that was recently granted planning permission on appeal. Based on the particular circumstances in that case, the Inspector concluded that the site was not an important landscape feature that characterised the area. For the reasons given, I am unable to reach a similar finding in this instance. Furthermore, there are, it seems to me, significant differences in proposals, site characteristics, location and planning policies that preclude a direct comparison between this appeal decision and the new development before me. As a result, I attach no more than limited weight to this earlier appeal decision.
19. Others raise no objection including the Environment Agency. The Council does not object to the proposal on ecology grounds. There would be no harm to the living conditions of future occupiers due to the potential for overlooking from the existing properties further to the east. However, these matters do not outweigh the significant harm that I have identified.
20. The appellant is critical of the Council's handling of the application and the delays incurred. However, these matters fall outside of my remit, which is solely to determine this appeal.

**Summary**

21. The proposal would cause significant harm to the character and appearance of the local area and result in an unacceptable loss of open space. While the new development would contribute towards meeting some of the shortfall in housing land, the balance of national policy does not support the proposal.
22. Therefore, the proposal does not benefit from the presumption in favour of sustainable development, which means that the Framework does not indicate a decision other than in accordance with the development plan. Other considerations do not outweigh the significant harm that I have identified. Consequently, the proposal does not overcome the main concerns raised in relation to the previous appeal scheme on this site.

**Conclusion**

23. For the reasons set out above, I conclude that the appeal should be dismissed.

*Gary Deane*

INSPECTOR



Sterling Court  
Norton Road  
Stevenage  
Herts SG1 2JY  
United Kingdom

Tel : +44 (0)1438 747996  
Fax : +44 (0)1438 747997  
E-mail: info@cadcorp.com

Operator:	Name
Department:	Department
Drawing No:	1234-A
Date: 19/08/2019	Scale: 1:1250

