

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

Date Wednesday 8 July 2020

Time 6.00 pm

Venue Virtual Meeting – click on the link below to access the meeting  
[https://www.oldham.gov.uk/info/200608/meetings/1940/live\\_council\\_meetings\\_online](https://www.oldham.gov.uk/info/200608/meetings/1940/live_council_meetings_online)

- 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 Constitutional Services in advance of the meeting.
  2. CONTACT OFFICER for this Agenda is Constitutional Services email [constitutional.services@oldham.gov.uk](mailto:constitutional.services@oldham.gov.uk)
  3. PUBLIC SPEAKING – Any applicant or objector wishing to speak at this meeting must register to do so by email to [constitutional.services@oldham.gov.uk](mailto:constitutional.services@oldham.gov.uk) by no later than 12.00 noon on Wednesday, 8 July 2020. Full joining instructions will be provided.
  4. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Friday, 3 July 2020. The question will be read out by the Chair and a response will be provided at the virtual meeting.
  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.

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, Davis, H. Gloster, Harkness, Hewitt, Hudson, Phythian, Garry,

Ibrahim, Iqbal, Jacques, Malik, Surjan and Dean (Chair)

Item No

- 1 Apologies For Absence
- 2 Appointment of Vice Chair  
The Planning Committee is requested to appoint a Vice Chair for the 2020/2021 Municipal Year.
- 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 Meetings (Pages 1 - 12)  
The Minutes of the meeting of the Planning Committees held on 21<sup>st</sup> May 2020, 27<sup>th</sup> May 2020 and 3<sup>rd</sup> June 2020 are attached for Members' approval.
- 7 PA/344182/19 - 4 The Green, Oldham, OL8 2LT (Pages 13 - 32)  
Erection of a mixed use block comprising of fourteen one bed flats (Class C3) and retail (Class A1), together with access and landscaping on the site of the former Fytton Arms Inn.
- 8 Appeals (Pages 33 - 46)  
Appeals



**PLANNING COMMITTEE**  
**21/05/2020 at 6.00 pm**

**Present:** Councillor Dean (Chair)  
Councillors Davis, H. Gloster, Harkness, Phythian, Garry  
(Substitute), Hulme, Ibrahim, Iqbal, Jacques, Malik and Sheldon  
(Substitute)

Also in Attendance:

Simon Rowberry	Interim Head of Planning
Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Transport Officer
Graham Dickman	Development Management Team Leader
Lori Hughes	Constitutional Services
Sian Walter-Browne	Principal Constitutional Services Officer

**1            APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Akhtar,  
Councillor Brownridge and Councillor Hudson.

Councillor Dean MOVED and Councillor Sheldon SECONDED  
that Councillor Davis be elected Vice Chair for the duration of  
this meeting in case the Chair lost connection to the virtual  
meeting. This was AGREED.

**2            URGENT BUSINESS**

There were no items of urgent business received.

**3            DECLARATIONS OF INTEREST**

Councillor Hulme informed the Committee that he had been  
contacted by the applicant in respect of application  
HH/343092/20 Running Hill Cottage, Running Hill Lane,  
Dobcross, but had not expressed a view as to how he would  
vote and his decision would be based upon the Committee  
report and representations and discussions considered by the  
Committee.

**4            PUBLIC QUESTION TIME**

There were no public questions received.

**5            HH/343092/20 - RUNNING HILL COTTAGE, RUNNING HILL  
LANE, DOBCROSS, OL3 5JS**

APPLICATION NUMBER: HH/343092/19

APPLICANT: Mr. Clay

PROPOSAL: Extension of a two storey side and rear extension  
and a single side story extension

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

It was **MOVED** by Councillor Dean and **SECONDED** by Councillor Phythian that the application be **REFUSED**.

On being put to the vote 4 **VOTES** were cast **IN FAVOUR OF REFUSAL** and 8 **VOTES** were cast **AGAINST** with 0 **ABSTENTIONS**.

It was **MOVED** by Councillor Gloster and **SECONDED** by Councillor Sheldon that the application be **APPROVED** against Officer recommendations with conditions related to permitted development rights and samples to be submitted for approval.

On being put to the vote 8 **VOTES** were cast **IN FAVOUR OF APPROVAL** and 2 **VOTES** were cast **AGAINST** with 2 **ABSTENTIONS**.

**DECISION:** That the application be **GRANTED** 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 and 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 amended plans and specifications, received on 6<sup>th</sup> March 2020 which are referenced as:

1693/3c – Proposed Floor Plans  
1693/4b – Proposed Elevations  
1693/5b – Site and Roof Plan

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

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order

2015, (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, B, D and E of Part 1 of Schedule 2 shall be carried out unless permission is granted by the Local Planning Authority.



Reason – The excluded types of development would not be appropriate due to the additional impact on the purposes of the Green Belt having regard to Policy 22 of the Oldham Local Plan.

**NOTE:** That the Applicant and Ward Councillor attended the meeting and addressed the Committee on this application.

6

**PA/344197/20 - LAND AT MOSS LYNN, STONEBREAKS ROAD, SPRINGHEAD, OL4 4BY**

APPLICATION NUMBER: PA/344197/19

APPLICANT: Mr. Entwistle

PROPOSAL: Proposed detached dwelling

LOCATION: Land at Moss Lynn, Stonebreaks Road, Springhead, OL4 4BY

It was **MOVED** by Councillor Dean and **SECONDED** by Councillor Malik that the application be **APPROVED**.

On being put to the vote 10 **VOTES** were cast **IN FAVOUR OF APPROVAL** and 2 **VOTES** were cast **AGAINST** with 0 **ABSTENTIONS**.

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

**NOTES:** That an Objector and the Applicant's Agent attended the meeting and addressed the Committee on this application.

7

**PA/344412/20 - ALEXANDRA PARK DEPOT, KINGS ROAD, OLDHAM, OL8 2BN**

APPLICATION NUMBER: PA/344412/20

APPLICANT: Oldham Council

PROPOSAL: Demolition of existing ancillary buildings and glasshouses with phased replacement of new facilities including erection of 2 storey office building (Use Class B1), new glasshouse structure (horticultural use), remodelling and extension of existing portal frame storage unit, hard and soft landscaping works and amended parking and servicing layout.

LOCATION: Alexandra Park Depot, Kings Road, Oldham, OL8 2BN

It was **MOVED** by Councillor Dean and **SECONDED** by Councillor Malik that the application be **APPROVED**.

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

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



The meeting started at 6.00 pm and ended at 7.55 pm

**PLANNING COMMITTEE**  
**27/05/2020 at 6.00 pm**



**Present:** Councillor Dean (Chair)  
Councillors Brownridge (Vice-Chair), Davis, H. Gloster,  
Harkness, Hewitt, Garry, Hulme, Ibrahim, Iqbal, Jacques, Malik  
and Sheldon (Substitute)

Also in Attendance:

Simon Rowberry	Interim Head of Planning
Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Transport Officer
Graham Dickman	Development Management Team Leader
Liz Drogan	Head of Democratic Services
Lori Hughes	Constitutional Services

1           **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Akhtar,  
Councillor Hudson and Councillor Phythian.

2           **URGENT BUSINESS**

There were no items of urgent business received.

3           **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4           **PUBLIC QUESTION TIME**

There were no public questions received.

5           **MINUTES OF PREVIOUS MEETING**

The minutes of the Planning Committee held on 13<sup>th</sup> May 2020  
were agreed as a correct record.

6           **PA/344246/19 - LAND ADJOINING THE EXISTING  
KINGFISHER SCHOOL, FOXDENTON LANE,  
CHADDERTON, OL9 9QR**

APPLICATION NUMBER: PA/344246/19

APPLICANT: Interserve Construction Ltd on behalf of the  
Secretary of State for Education

PROPOSAL: Erection of a two storey Special Educational  
Needs & Disability (SEND) primary school (Use Class D1),  
including multi-use games area, access, landscaping and other  
associated works.

LOCATION: Land adjoining the existing Kingfisher School,  
Foxdenton Lane, Chadderton, OL9 9QR

It was **MOVED** by Councillor Malik and **SECONDED** by  
Councillor Harkness that the application be **APPROVED** subject  
to the conditions outlined in the report, the additional conditions

15 – 19 as set out in the Late List and a further condition 20 in relation to electric vehicle charging points.



**Oldham**  
Council

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

DECISION: That the application be GRANTED subject to the conditions as set out in the report, the additional conditions 15 – 19 as set out in the Late List and a further condition 20:

(20) Prior to commencement of the use of the building hereby approved, a scheme of electric vehicle charging points shall be brought into use in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. The duly approved facility shall be retained at all times thereafter.

Reason – To encourage the use of sustainable modes of transport having regard to Policy 9 of the Oldham Local Plan.

**NOTES:** In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 9.

7

**PA/344254/19 - DRYCLOUGH MANOR, SHAW ROAD, ROYTON, OL2 6DA**

APPLICATION NUMBER: PA/344254/19

APPLICANT: Carewise Homes Ltd.

PROPOSAL: Three storey extension to provide 13 no additional bedrooms and additional lounge at ground floor.

LOCATION: Dryclough Manor, Shaw Road, Royton, OL2 6DA

It was MOVED by Councillor Dean and SECONDED by Councillor Garry that the application be APPROVED subject to the conditions as set out in the report, the additional conditions as set out in the Late List and an additional condition related to a construction management plan.

On being put to the vote 11 VOTES were cast IN FAVOUR OF APPROVAL and 2 VOTES were cast AGAINST with 0 ABSTENTIONS.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report, the revised Condition 2 as set out in the Late List to include additional staff/visitor parking and an additional Condition 7 relating to a Construction Management Plan.

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

Drawing No. 2269/loc/a

Drawing No. 2269/LGF19/



Drawing No. 2269/LGF19/2  
Drawing No. 2269/LGF19/3 dated 18/5/20 (indicating provision of 3 additional car parking spaces)



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

(7) Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the arrangements for construction access, including the proposed hours of operation and vehicle movements. The approved scheme shall be implemented to the full before the construction works are commenced, which shall be maintained for the duration of the construction works.

Reason – prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.

#### **NOTES:**

1. That an Objector, the Applicant and a Ward Councillor attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 9.

8

#### **PA/344572/20 - P AND D NORTHERN STEELS LTD, MOSSHEY STREET, SHAW, OL2 8QL**

APPLICATION NUMBER: PA/344572/20

APPLICANT: Mulbury Homes Ltd and Great Places Housing Group

PROPOSAL: Full application for the erection of 65 no. dwellings and associated works.

LOCATION: P AND D NORTHERN STEELS LTD, Mosshey Street, Shaw OL2 8QL

It was MOVED by Councillor Dean and SECONDED by Councillor Davis that the application be APPROVED subject to the conditions as set out in the report, the amended conditions as set out in the Late List and the revision to the recommendation relating to the provision of a commuted sum of £17,500 towards open space provision.

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

DECISION: That –

1. The application be GRANTED subject to the conditions as set out in the report, the amended conditions as set out in the Late List and subject to:

1. The applicant submitting a satisfactory Unilateral Undertaking to cover the following matters:  
The provision of £17,500 toward open space provision and/or improvements to pedestrian access between the site and Shaw tram stop.  
A contribution of £12,100 towards necessary highway improvements including:  
Waiting restrictions along the western side of Moss Hey Street and at the junction of Moss Hey Street and the new access road to ensure that access to the site is not obstructed by parked vehicles, improving pedestrian links to the site, including pedestrian crossings, dropped kerbs and tactile paving from the site towards Shaw District Centre and additional road marking and improvements to existing traffic signs at the junction of Moss Hey Street and the entrance to the supermarket.
2. The Director of Economy be authorised to issue the decision notice upon receipt of a satisfactory Unilateral Undertaking.

**NOTES:**

1. That the Applicant and a Ward Councillor attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 9.

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**LATE LIST**

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

The meeting started at 6.00 pm and ended at 7.51 pm

**PLANNING COMMITTEE**  
**03/06/2020 at 6.00 pm**



**Present:** Councillor Dean (Chair)  
Councillors Brownridge (Vice-Chair), Davis, H. Gloster, Hewitt,  
Phythian, Al-Hamdani, Hulme, Ibrahim, Iqbal, Jacques, Malik  
and Sheldon

Also in Attendance:

Simon Rowberry	Interim Head of Planning
Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Transport Officer
Graham Dickman	Development Management Team Leader
Liz Drogan	Head of Democratic Services
Lori Hughes	Constitutional Services

1           **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Akhtar,  
Councillor Harkness and Councillor Hudson.

2           **URGENT BUSINESS**

There were no items of urgent business received.

3           **DECLARATIONS OF INTEREST**

Councillor Brownridge declared a personal interest at Item 6,  
PA/343716/19, Land Off Cherry Avenue by virtue of her  
appointment to the First Choice Homes Oldham (FCHO) Board.  
Councillor Brownridge did not participate in the discussion or  
vote thereon.

4           **PUBLIC QUESTION TIME**

There were no public questions received.

5           **PA/342896/19 - FORMER BOWLING GREEN, VICTORIA  
STREET / FARROW STREET, SHAW, OLDHAM OL2 7AD**

APPLICATION NUMBER: PA/342896/19

APPLICANT: Clements Court Properties Ltd.

PROPOSAL: Construction of 10 no. three-bedroom houses with  
associated works and additional residents' parking and  
construction of 5 no. garages, following demolition of 6 no.  
existing garages.

LOCATION: Former Bowling Green, Victoria Street/Farrow  
Street, Shaw, Oldham, OL2 7AD

It was MOVED by Councillor Dean and SECONDED by  
Councillor Malik that the application be APPROVED.

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

DECISION: That –

1. The application be GRANTED subject to the conditions as set out in the report, to a Section 106 planning obligation being secured to provide a contribution of £15,000 towards open space and additional Condition 12 as set out in the Late List:

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) A scheme of intrusive site investigations for coal mining legacy features;
- b) A report of findings arising from the intrusive site investigations;
- c) A scheme of treatment for the coal mining legacy features that poses a risk to surface stability and any necessary mitigatory measures to be incorporated in the development;

The development shall thereafter be undertaken in accordance with the approved details.

Reason – Prior approval of such details is necessary as they are fundamental to the initial site preparation works and to mitigate against risks associated with coal mining having regard to Policy 9 of the Oldham Local Plan.

2. The Director of Economy be granted delegated authority to issue the decision notice upon satisfactory completion of the Section 106 planning obligation.

**NOTES:** In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 8.

6 **PA/343716/19 - LAND OFF CHERRY AVENUE, ALT, OL8 2HS**

APPLICATION NUMBER: PA/343716/19

APPLICANT: First Choice Homes Oldham

PROPOSAL: Erection of 38 no. dwellings with associated works

LOCATION: Land off Cherry Avenue, Alt, OL8 2HS

It was MOVED by Councillor Dean and SECONDED by Councillor Malik that the application be APPROVED.

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

DECISION: That –

1. The application be GRANTED subject to the conditions as outlined in the report, and to the applicant submitting a satisfactory Section 106 planning obligation for a contribution of £50,000 towards necessary off-site open space and replanting/enhancements works to the woodland adjacent to the site.
2. The Director of Economy be granted delegated authority to issue the decision notice upon satisfactory completion of the Section 106 planning obligation.

**NOTE:** Councillor Brownridge entered the meeting at this item. Councillor Brownridge declared a personal interest in the item by virtue of her appointment to the FCHO Board. Councillor Brownridge did take part in the discussion or vote thereon.

7

**PA/344067/19 - ST CUTHBERTS CHURCH, TANNERS FOLD, OLDHAM, OL8 2NN**

APPLICATION NUMBER: PA/344067/19

APPLICANT: Diocese of Manchester

PROPOSAL: Outline application for the re-development of the St Cuthbert Church site (to include the demolition of all existing buildings) and erection of up to 24 dwellings. Access to be considered all other matters reserved.

LOCATION: St. Cuthberts Church, Tanners Fold, Oldham, OL8 2NN

It was MOVED by Councillor Dean and SECONDED by Councillor Brownridge that the application be APPROVED subject to a condition related access arrangements for construction traffic.

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

DECISION: That –

1. The application be GRANTED subject to the conditions as outlined in the report, a Section 106 planning obligation being secured to provide a contribution of £18,434 towards open space and an additional condition 13 for a Construction Environmental Management Plan as detailed below:
  13. Prior to commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the access arrangements for construction traffic, and for the methods to be employed to control and monitor noise, dust and vibration impacts. The approved scheme shall be implemented to the full written

satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the construction works.



Reason – Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.

2. The Director of Economy be granted delegated authority to issue the decision notice upon satisfactory completion of the Section 106 planning obligation.

**NOTES:**

1. That an Objector, the Applicant's Agent and a Ward Councillor attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 8.

8

**LATE LIST**

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

The meeting started at 6.00 pm and ended at 6.53 pm

## APPLICATION REPORT - PA/344182/19

Planning Committee, 8 July, 2020

**Registration Date:** 09/12/2019  
**Ward:** Medlock Vale

**Application Reference:** PA/344182/19  
**Type of Application:** Full Planning Permission

**Proposal:** Erection of a mixed use block comprising of fourteen one bed flats (Class C3) and retail (Class A1), together with access and landscaping on the site of the former Fytton Arms Inn.

**Location:** 4 The Green, Oldham, OL8 2LT

**Case Officer:** Dean Clapworthy

**Applicant Agent :** Clements Court Properties Ltd  
Millson Group

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### RECOMMENDATION

It is recommended that Committee resolves:

1. To grant planning permission subject to the conditions set out below and to a Section 106 obligation being secured to provide a contribution £30,610.02 towards open space and a contribution to affordable housing equivalent to 7.5% of the total development sales value.
2. To delegate authority to the Director of Economy to issue the decision notice upon satisfactory completion of the planning obligation.

### THE SITE

The proposal relates to the site of the former Fytton Arms, The Green, Oldham. The former public house has been cleared and the level site is now unoccupied with remnant concrete foundations remaining and the former boundary wall.

It is surrounded by residential development including single and two storey dwellings and three storey flats, and a small parade of commercial units to the north-west that accommodates a post office with general store, a small supermarket, a cafe and hot food takeaways.

### THE PROPOSAL

Erection of a mixed use block comprising of fourteen one bed flats (Class C3) and retail (Class A1), together with access and landscaping. The proposal would principally comprise the following:

- A three storey flat roofed block accommodating a ground floor retail unit (427.5 square metres gross floor area) and 14 one-bedroom flats at the first and second floors (duplicate layouts). The building would be 9.6m in height. Each floor would be served by a stairwell separate from the retail access. The block would be positioned with the principal (long) elevation parallel and adjacent to the south-west boundary. Elevations would be generally flush and be finished with recessed red brick panels (alongside anthracite vertically proportioned fenestration and louvres). The ground floor principal and side elevation would contain a glazed shop front;
- An improved existing vehicular access from The Green at the north-west with 26 car parking spaces. There would be a single storey cycle store for 14 bicycles attached at

- the rear (north-east elevation);
- Landscaping and communal gardens. No details of boundary finishes are provided, but the site is presently bounded by a relatively new low brick wall to The Green and a mixture of concrete and timber panel fencing (to adjacent rear gardens).

No end-user is identified for the retail unit.

### RELEVANT HISTORY OF THE SITE:

PA/340027/17: Outline application for 2 no. two storey apartment blocks containing a total of 14 no. two bedroom apartments and 2 no. one bedroom apartments. Access and layout to be considered. All other matters reserved. Withdrawn 05 July 2017.

PA/337952/16: Outline application for nine bungalows. Access, Layout and Scale to be considered with all other matters reserved. Withdrawn 07 September 2016.

### RELEVANT PLANNING POLICY

The 'Development Plan' is the Joint Core Strategy & Development Management Policies Development Plan Document (DPD) which forms part of the Local Plan for Oldham.

The site is unallocated on the Proposals Map pertaining to the Local Plan. The following policies are 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 16: Local Services and Facilities
- Policy 18: Energy
- Policy 19: Water and Flooding
- Policy 20: Design
- Policy 23: Open Spaces and Sports
- Policy 25: Developer Contributions

### CONSULTATIONS

Highway Engineer	No objection, subject to conditions concerning the provision of the access and parking spaces and secure cycle storage.
Environmental Health	No objection, subject to conditions relating to the control of construction noise and a contaminated land investigation
LLFA	No objection, subject to condition concerning drainage of the site.
GM Police	No objection, subject to condition requiring implementation in accordance with the recommendations of the Crime Impact Statement.
United Utilities	No objection, subject to a condition relating to drainage.

### REPRESENTATIONS

The application has been advertised by direct neighbour notification and press and site notices. A 247 signature petition and representations from 12 individuals have been received raising the following matters:

- There is not a need for an additional retail unit, which would impact upon the existing retail businesses/post office neighbouring the site which provides numerous services to the area (potentially causing closure)



- three key services as required by Oldham Local Plan Policy 3
- Concerned by the nature/character of the tenants of one-bedroom flats
- Medlock Vale has a higher ratio of alcohol related harm and there would be an increase in anti-social behaviour, noise and littering
- The development would be out of scale in the context
- Loss of light and privacy to neighbouring dwellings due to the height/position of the development
- Lack of access for disabled people to upper floors as development is served by stairs only
- Almost 10% of homes in Medlock Vale are overcrowded
- The site should be used for alternatives e.g. ground floor flats, family home or playground

## **PLANNING CONSIDERATIONS**

### **Principle of the development**

The Council cannot currently demonstrate a five-year supply of deliverable housing land. The Housing Delivery Test indicates that the delivery of housing in Oldham has been substantially below the housing requirement for the past 3 years.

Therefore, in relation to the proposed apartments, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- 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.

Therefore, in this case the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives: the 'economic objective', the 'social objective' and the 'environmental objective'. The tilted balance favouring sustainable development applies. In this instance the benefits are considered to include the following:

- The significant social benefit of the provision of 14 much needed residential units and the contribution this would make towards Oldham's 5-year housing land supply and towards the affordable housing requirements of the area
- The social and environmental benefit of the re-use of a previously developed site that has good access to public transport, goods, services and facilities
- The economic benefit of creation of short-term construction jobs and development of a vacant site and the additional vitality of occupancy of a new residential development to the community
- No significant assets of particular importance exist nor would there be any harm to the landscape or biodiversity

In relation to the proposed retail unit, DPD Policy 16 (b) supports the provision of local shops with a gross floorspace of 500 square metres or less. The policy states that local shops include small food stores, post offices, pharmacies, advice centres and other small scale services of a local nature. For the purpose of this policy, retail developments with a gross floorspace of 500 square metres or less will be taken to represent a small scale shop.

Thus, a retail unit of the scale proposed would be compliant with DPD Policy 16 and therefore acceptable in principle.

Objections significantly relate to competition issues concerning the retail units (one of which incorporates a post office) at the immediately adjacent local shopping parade. However,

such matters are not material to the assessment and determination of planning applications.

## **Developer contributions**

### Affordable Housing

The proposal, being for more than 9 residential units, is required to provide an appropriate level of affordable housing provision. The target is for 7.5% of the total development sales value, unless it can be clearly demonstrated that this is not viable. The applicant has indicated a willingness to comply with this requirement.

### Open Space

The proposal is required to 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 has been calculated that the development should contribute £30,610.02 towards the provision/enhancement of open space. It is recommended that this should be directed to St. Martin's play area, St. Martin's Road, Fitton Hill.

## **Access and highway safety**

The Highway Officer notes that the proposed development site is within an established residential area with access to a wide range of local amenities with opportunities for cycling and walking and that the parking provision is appropriate for the scale of the development. Furthermore, the amount of traffic likely to be generated by a development of this size would not have a significant effect on the local highway network.

The level of car parking is deemed appropriate for both the retail use (6 spaces (including 2 disabled persons spaces) and the apartments (16 spaces). These spaces are clearly separated between the proposed uses.

The development would incorporate provision for secure cycle storage at the rate of one space per flat, which is considered adequate. Cycle storage for visitors to the retail unit is not indicated and such should be secured by condition.

Given the above, the proposal would make adequate provision for the various modes of transport and would not have any unacceptable impacts upon highway safety.

## **Design and visual amenity**

The context of the site is mixed residential types as noted above and the adjacent functional commercial units. The site was formerly occupied by a public house of rather functional form and character. The proposed three storey block would be simple in form and of a similar scale (although not as high) as the three storey apartment blocks on the opposing side of the road to the south-west and would be finished in complementary materials. Recessed windows and brick panels and louvres would add some interest to the appearance. The flat roof, whilst not being a typical feature in the locality would complement the style and character of the building.

The position of the building would form a robust building line to the street with a shop frontage at ground floor and the majority of the site would be dedicated to parking and servicing and would be framed by landscaped boundaries.

Given the above, it is considered that the proposed development would be of an acceptable scale and form and would enhance the character and appearance of the area to the positive benefit of the neighbourhood.

## **Amenity**

Objections refer to potential impacts upon neighbouring privacy, essentially due to height and position of the proposed development.

The proposed block would be more than 21m from the dwellings on the opposing side of The Green to the south and the gable elevation of the dwellings to the west contain non-habitable room windows only. The single storey dwellings to the north of the site would be in excess of 35m from the block.

The dwelling at 2 The Green to the east of the site has a gable elevation opposing the proposed east side elevation and the intervening distance is around 13m. Both elevations contain habitable room windows. Therefore, in order to mitigate impacts upon privacy at the neighbouring dwelling and those in the same terraced row, all of the east elevation windows of the block (they pertain to the first and second floors only) are intended to be obscure glazed (the rooms that they would serve are either bathrooms or have further windows on alternative elevations). Furthermore, the proposed development would be positioned to the west of these neighbouring properties.

The development would have a height of 9.6m, which is not significantly higher than a typical two storey dwelling with a ridged roof (typically around 8m height). It is not therefore considered that it would have an unacceptable impact upon the immediate outlook or daylighting from this neighbouring dwellings at the east.

Thus, it is not considered that the development would have any unacceptable impacts upon neighbouring amenity.

The Technical housing standards - nationally described space standard is a guide to adequate minimum space standards in new dwellings. Taking those standards into consideration, it is considered that the proposed apartments would achieve a satisfactory degree of amenity for future occupiers, as the standards (for single occupancy) would be exceeded for all fourteen apartments.

The Environmental Health Officer has recommended that a condition requiring a scheme to protect neighbouring dwellings from construction noise and vibration is attached.

## **Other matters**

### *Ground Conditions*

The Environmental Health Officer has confirmed that the proposed development is acceptable, subject to the imposition of ground contamination/landfill gas conditions.

### *Drainage*

The Lead Local Flood Authority and United Utilities have confirmed that it would be appropriate to require the imposition of a condition for a detailed drainage scheme.

### *Energy*

The proposal is required to achieve the energy efficiency targets indicated in DPD Policy 18. Therefore, a condition is recommended requiring agreement of the appropriate energy savings.

### *Security*

Objections refer to potential increase in anti-social behaviour. GM Police have not objected to the proposal, subject to a condition to reflect the physical security specifications set out in the Crime Impact Statement.

### *Outstanding objections*

Disabled access to upper floors is a matter dealt with under the Building Regulations. The

nature or character of any potential occupant is not a material consideration.

## **Conclusion**

The Council cannot demonstrate a five-year supply of deliverable housing land and as such, in accordance with Paragraph 11 of the NPPF, there is a presumption in favour of sustainable development unless the adverse impacts of approving the development would be significant and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Assessing the balance of the benefits against the harm, there are no significant or demonstrable adverse impacts that outweigh the benefits provided. The proposal is therefore considered to represent sustainable development. Given such circumstances and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework, planning permission should be granted.

## **Recommended 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 following approved plans and specifications:

Location Plan (Drawing No. 2389-DR-700-01)  
Site Plan (Drawing No. 2389-DR-700-02 Rev. 2)  
Proposed Elevations (Drawing No. 2389-EL-200-00 Rev. 2)  
Proposed Floor Plans (Drawing No. 2389-PL-200-00 Rev. 2)

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

3. No development shall commence unless and until a 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety having regard to Policy 9 of the Oldham Local Plan.

4. No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation.

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

5. No part of the development shall be first occupied or brought into use until the access to the site and car parking spaces have been provided in accordance with the approved plan Ref: 2389 -DR-700-02 Rev 2 and the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the

Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter, the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

6. No apartment shall be occupied until space and facilities for bicycle parking have been provided in accordance with the approved plans. These facilities shall then be retained and permanently reserved for bicycle parking.

Reason - In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.

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

Reason - In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.

8. No development comprising the erection of any external walls shall take place until full details of both hard and soft landscape works with an associated implementation plan, have been 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 and hard surfacing materials, 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 shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority, and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size.

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

9. 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 5 litre per second forward flow rate of

discharge 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 having regard to Policy 19 of the Oldham Local Plan.

10. Prior to the first occupation of any apartment, obscured glazing panels to a minimum of level 3 on the Pilkington scale shall be fitted in all windows on the east side elevation of the approved development.

The approved panels shall not thereafter be replaced other than with glazing of an equivalent or greater degree of obscurity.

Reason - To prevent overlooking of neighbouring property having regard to Policy 9 of the Oldham Local Plan.

11. No development comprising the construction of any external walls shall take place until a detailed energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall set out how the development will accord with the Energy Infrastructure Target Framework set out in Oldham Local Plan Policy 18 and shall detail how a target area has been determined; and how the development will meet this target.

The development shall be carried out in accordance with the approved scheme phasing arrangements and retained as operational thereafter.

Reason - To ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.

12. As far as is practicable, the development shall be carried out in accordance with the recommendations contained within the Crime Impact Statement by Design for Security dated 07/04/2020 (Ref. 2019/1098/CIS/01 Version A) and the physical security specification listed therein.

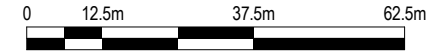
Reason - To create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion in accordance with Policy 20 of the Oldham Local Plan.

13. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the construction works.

Reason - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjacent premises and the area having regard to Policy 9 of the Oldham Local Plan.

**Drawing Information:**

All levels and dimensions must be checked onsite by the contractor prior to commencement of works. Any variations must be reported to Millson Group Ltd. All information hereon is the copyright of Millson Group Ltd. Copying in full or part is forbidden without written permission from Millson Group Ltd.



Scale: 1:1250



1	Location Plan scale revised	JW	04/12/19
	First Issue	JW	26/06/19

Rev	Revision History	By	Date
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Client:

Clements Court Properties Ltd.

Drawing:

Location Plan

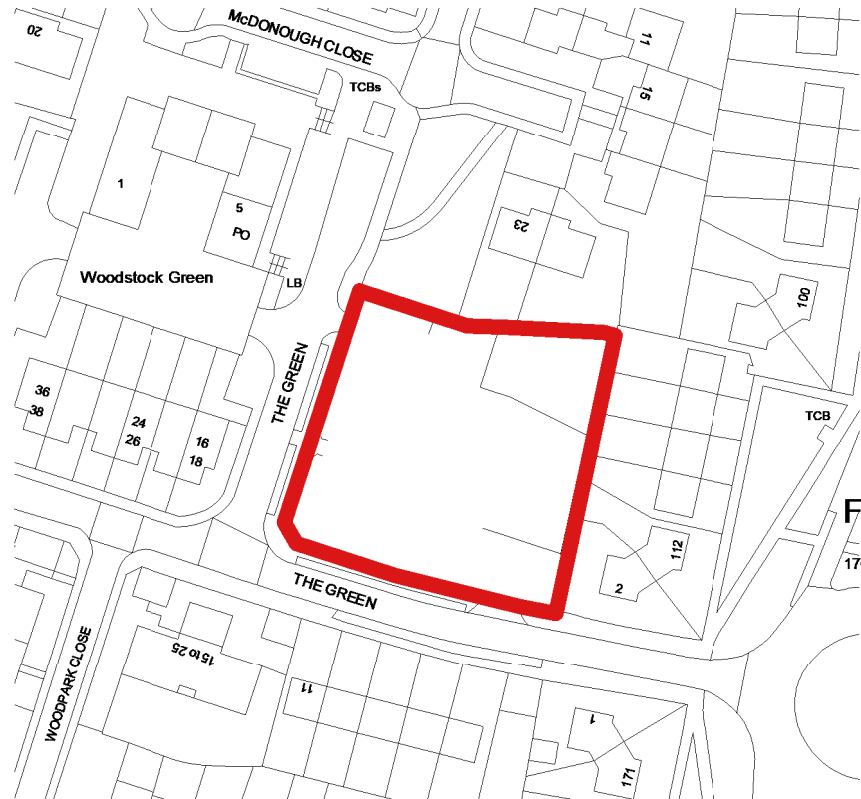
Drawing Number:

2389 - DR-700-01

Scale: 1 : 1250	Size: A4	Date: 20/02/19
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Drawn: LS	Checked: PJM	Rev: <b>1</b>
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Status: PRELIMINARY
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**Millson**  
GROUP

Byron House  
10-12 Kennedy St  
Manchester M2 4BY

0161 228 0558  
www.millsongroup.co.uk  
info@millsongroup.co.uk

2389 - Fytton Arms, Oldham

# 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.

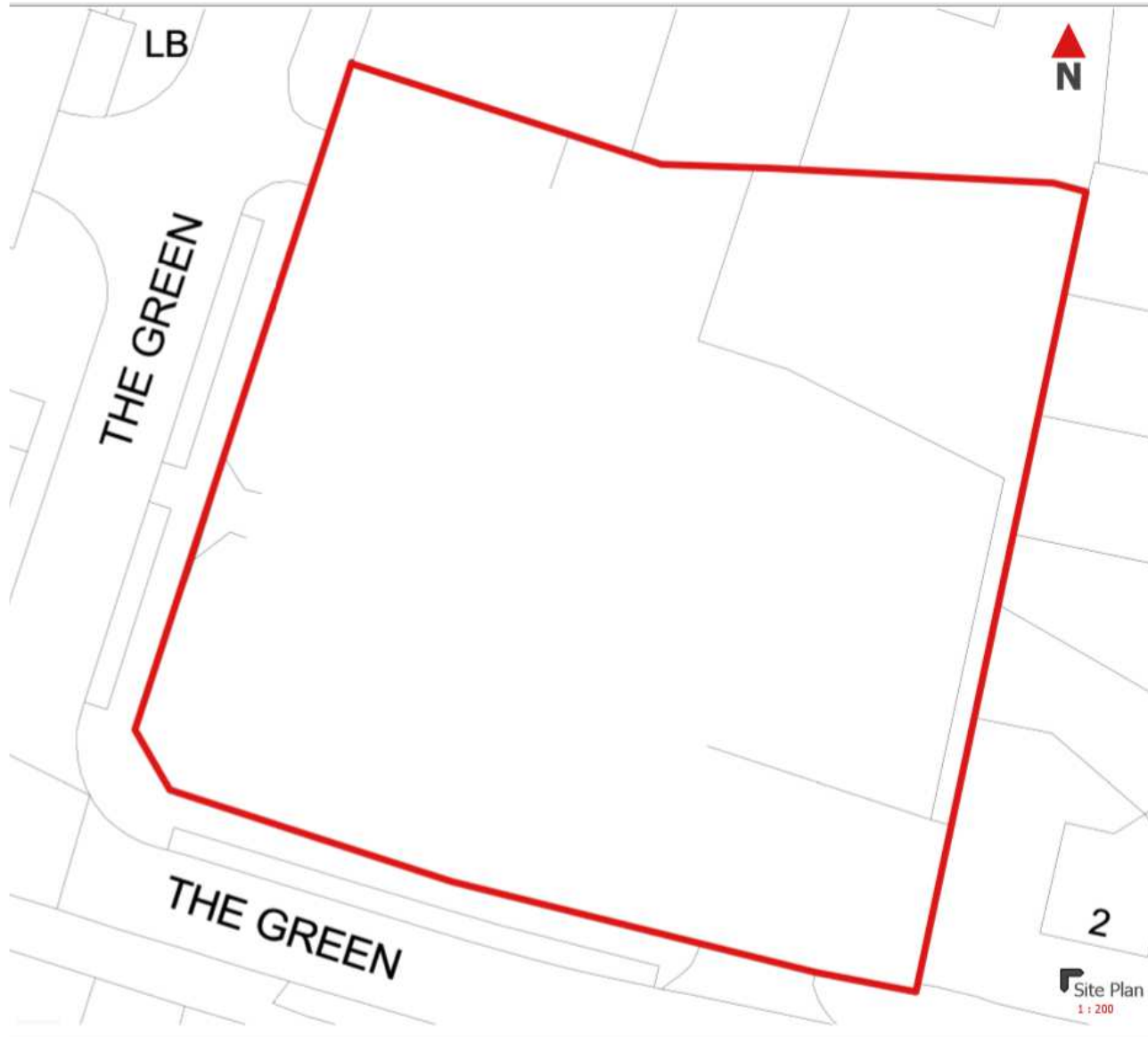


# Planning Committee Meeting 8 July 2020

PA/344182/19: Erection of a mixed use block comprising of fourteen one bed flats (Class C3) and retail (Class A1), together with access and landscaping on the site of the former Fytton Arms Inn.

4 The Green, Oldham, OL8 2LT

# Site Location Plan



# Proposed layout



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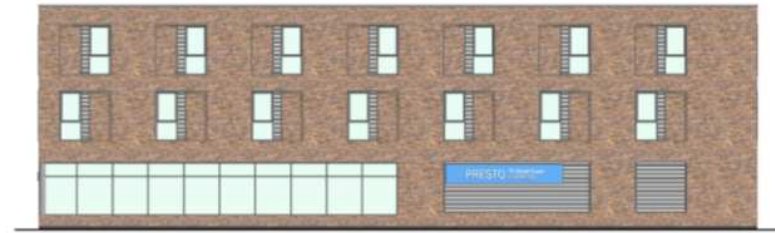
# Proposed principal elevations

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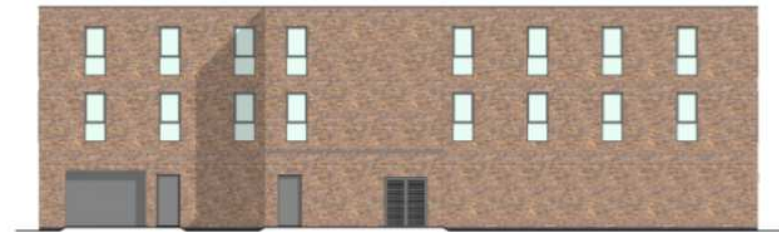
Page 26



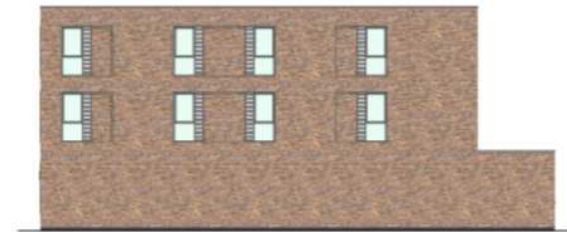
Left Elevation  
1:100



Front Elevation  
1:100



Rear Elevation  
1:100



Right Elevation  
1:100

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# Photomontage from the west





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# Aerial view from the south





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## Looking east along The Green (site behind wall)



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## Panning left from previous





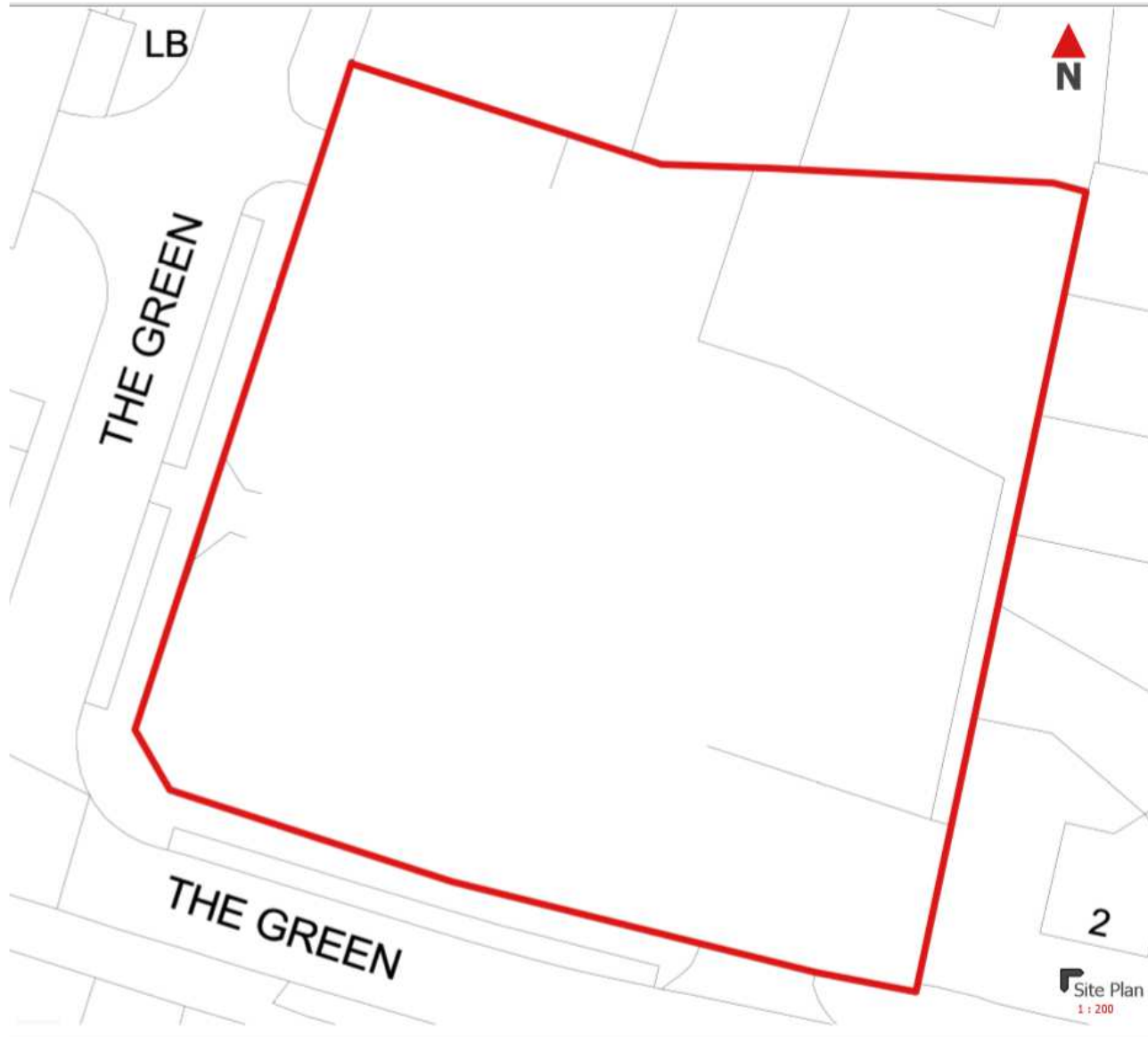
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## Residential types opposite the site

Page 31



# Site Location Plan





# Planning Appeals Update

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## **Planning Committee**

### Report of Head of Planning and Infrastructure

#### **DATE OF COMMITTEE**

**July 2020**

#### **PLANNING APPEALS**

#### **WRITTEN REPRESENTATION**

PA/344343/20          Vamasaki Restaurant/Bulls Head, Grains Bar, Ripponden Rd, O/M, OL4 2JY

#### **HEARINGS**

#### **HOUSE HOLDER**

#### **ADVERTISEMENTS**

#### **APPEAL DECISIONS**

AD/343963/19          300 Manchester Street, Oldham, OL9 6HB  
Original Decision      Ref  
Appeal Decision        Dismissed

HH/343873/19          Kinders Lodge, Kinders Lane, Greenfield, OL3 7BJ  
Original Decision      Ref  
Appeal Decision        Dismissed

HH/343596/20          16 Whitstable Close, Chadderton, Oldham, OL9 9LX  
Original Decision      Ref  
Appeal Decision        Dismissed

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

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

Files held in the Development Control Section



## Appeal Decision

Site visit made on 18 May 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

**Decision by Nick Palmer BA(Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 June 2020**

---

**Appeal Ref: APP/W4223/Z/20/3244164**

**300 Manchester Street, Oldham OL9 6HB**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mr Benjamin Porte (Clear Channel UK) against the decision of Oldham Council.
  - The application Ref AD/343963/19 dated 24 September 2019 was refused by notice dated 15 November 2019
  - The advertisement proposed is described as 'installation of internally illuminated 48-sheet digital advertisement display'
- 

### Decision

1. The appeal is dismissed.

### Appeal Procedure

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

### Procedural Matters

3. The Regulations, National Planning Policy Framework and Planning Practice Guidance make it clear that advertisements should be subject to control only in the interests of public safety and amenity. I have taken into account Policies 9 and 20 of the Oldham Local Development Framework Development Plan Document Joint Core Strategy and Development Management Policies, adopted 9 November 2011. These policies seek to protect amenity and public safety and so are material in this case but are not determinative in reaching a decision on the appeal.

### Main Issue

4. The main issues in this case are the effect of the proposed advertisement on (i) the visual amenity of the area; and (ii) highway safety.

### Reasons for the Recommendation

#### *Visual amenity*

5. The appeal site comprises the end of terrace flank wall on the southwest facing side elevation of No. 300 Manchester Road, close to the junction with Alfred Street. The surrounding area is characterised by a range of uses, including the prominent dual carriageway and a variety of building types and facades, but

remains primarily commercial in nature. While the group of terraced buildings within which the appeal site sits has an assortment of fascia signs along the front elevation, the flank wall itself is currently blank. Due to the scale and positioning of the wall, it is a visually prominent feature when travelling north-eastwards along Manchester Road.

6. The proposed advertisement would comprise an internally illuminated digital sign displaying two-dimensional static images on rotation. It would be located on the flank wall at the appeal site, and while it would extend above the eaves of the adjoining terraced properties, it would remain entirely within the confines of the wall itself. It would be positioned off centre towards the front edge of the wall such that it would be closer to the passing traffic on Manchester Road.
7. Due to its size and elevated position, the proposed advertisement would dominate the flank wall and appear disproportionate in the immediate context. Views of the sign would be particularly prominent when travelling towards the north-east due to the wide, open nature of the corner junction with Alfred Street and the proximity of the sign to the highway.
8. The sign would also be seen in the context of the surrounding signage, particularly that present on the junction with Alfred Street. When combined with the signage already present this would create an element of clutter, detracting from the appearance of the streetscape. Furthermore, while illumination levels accord with the Institute of Lighting Professionals guidance, it would nonetheless add to the prominence of the advert. Accordingly, the advert would appear as an unduly dominant and visually jarring feature in the context of its immediate surroundings.
9. For the reasons given above I therefore find that the proposal would have a harmful effect on the visual amenity of the area.

#### *Highway Safety*

10. National Planning Practice Guidance (PPG) states that 'All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.' The PPG goes on to state that the main types of advertisements which may cause danger to road users are those that are illuminated and directly visible from the road which, because of their size or brightness, could result in glare or dazzle or distract road-users.
11. The advertisement would be situated close to the busy Manchester Road dual carriageway. While the speed limit at this section is 30 miles per hour, and the straight nature of the road provides good visibility, drivers travelling north-eastwards will nonetheless pass by a pedestrian crossing, bus stop and corner junction all while having views of the proposed advert. This is therefore a particularly complex section of the highway in terms of pedestrians crossing, bus movements, and vehicle users negotiating the junction at this location. The advert would span across almost the entire flank wall at the site and would be clearly visible from the road, particularly during the hours of darkness in an area where drivers would need to take more care. Its illuminated and changing display has the potential to catch the attention of drivers and pedestrians alike,

reducing their focus on surrounding traffic movements. While the parties are in disagreement over the accident history in the vicinity of the appeal site, it is nonetheless the case that the proposal could lead to an increase in collision risk at the location for the reasons outlined above.

12. Given the size of the advertisement, its location, and its illumination and changing display, it has the potential to cause increased distraction to highway users in the immediate proximity. As such, the proposal would negatively impact highway safety.

### **Conclusion and recommendation**

13. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

*C Rafferty*

APPEAL PLANNING OFFICER

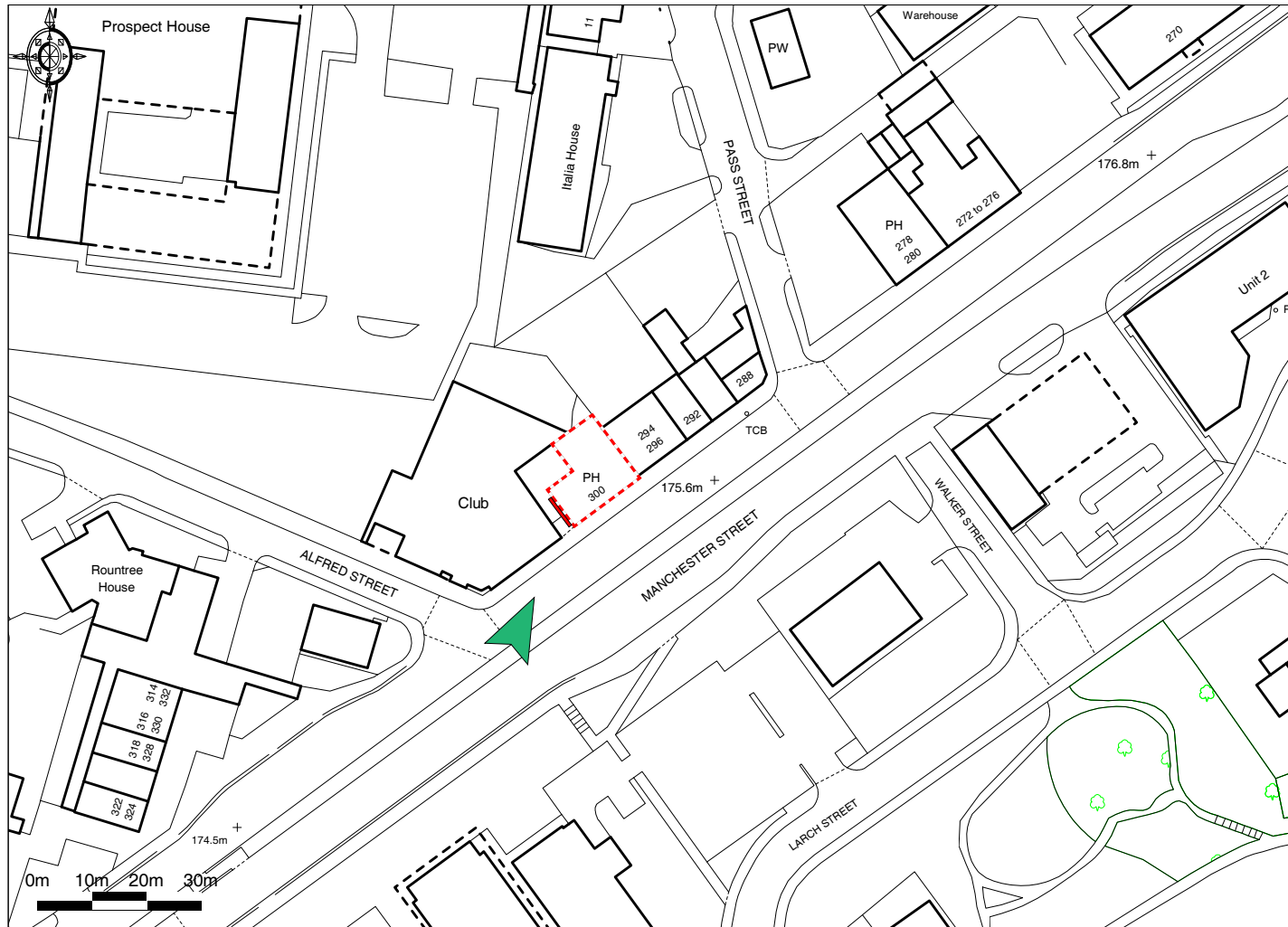
### **Inspector's Decision**

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis I too agree that the appeal should be dismissed.

*Nick Palmer*

INSPECTOR





Proposed LED 48 Display

Site Location

Promap  
LANDMARK INFORMATION GROUP

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Site:

300 Manchester Street, Oldham OL9 6HB

Title:

Location Plan

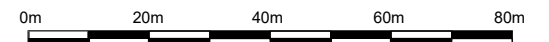
Date:

16/09/2019

Dwg. No:

PY3676/001

Scale: 1:1250@A4







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## Appeal Decision

Site visit made on 5 June 2020

by **S Ashworth BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 June 2020

---

**Appeal Ref: APP/W4223/D/20/3245015**

**Kinders Lodge, Kinders Lane, Greenfield, Oldham OL3 7BJ**

- 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 Alex Flanagan against the decision of Oldham Council.
  - The application Ref HH/343873/19, dated 1 September 2019, was refused by notice dated 30 October 2019.
  - The development proposed is replacement conservatory.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The appeal site forms part of a grade II listed building, identified on the list description as Kinders Lodge. Section 1 (5) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) advises that the listing includes any object or structure fixed to the building. I am not aware that an application for listed building consent for the works has been made. I have nevertheless considered this application for planning permission on its own merits.

### Main Issues

3. Section 66 (1) of the Act requires the decision maker to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural interest it possesses.
4. The main issue in this case is, therefore, whether the proposal would preserve the special interest of the listed building.

### Reasons

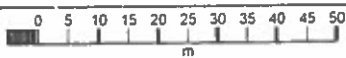
5. Dating from the early 19<sup>th</sup> century, the listed building's special interest lies principally in its age and architectural detailing. The listed building is three storeys high with two symmetrical wings on either side which are thought to have been added at a later date. The building, which is now in use as several separate residential properties including the appeal property, is constructed in stone, with an Ashlar frontage. A characteristic feature of the building is the regular fenestration pattern which includes 5-light windows on the three-storey section and 3-light windows on the side wings. All windows are recessed with stone mullions.
6. The building is set at an angle to the road behind an area of open space which is landscaped, and which provides vehicular access and parking space. The

frontage of the building is prominent from the road. That part of the building to which the appeal relates has been extended at the side by way of a two-storey side extension, garage and conservatory. It is proposed to replace that conservatory with another of a different form and design, constructed in upvc.

7. The existing conservatory, which is a prominent feature, appears to have been in place for a number of years. The proposed replacement structure would be larger in terms of its footprint and would see the introduction of bi-fold doors across the frontage, and subsequent increase in the amount of glazing. The extensive use of slate blue coloured upvc, a non-traditional material, which tends to be bulkier, smoother and flatter than timber, would have modern and less refined appearance at odds with the fenestration of the original part of the building. Consequently, the proposed conservatory would be more intrusive than the existing structure and would be an imposing and dominant feature that would detract from the front elevation of the listed building. As such, the proposal would not preserve the special interest of the listed building.
8. For the reasons set out the proposal would not meet the statutory requirement of the Act and would be contrary to DM Policy 24 of the Joint Core Strategy and Development Management Development Plan Document which also requires that development preserves or enhances the special interest and setting of Listed Buildings.
9. The approach in the National Planning Policy Framework is that where a development would cause less than substantial harm to the significance of a designated heritage asset, as in this case, that harm should be weighed against any public benefits.
10. No public benefits have been identified in support of this case. Consequently, public benefits do not outweigh the harm I have identified, harm which in accordance with the advice in the Framework, and weighty statutory requirement of the Act, carries great weight.
11. Although there is little evidence before me, I have taken into account the appellant's argument that the proposed structure would be more practical than the existing. Be that as it may, such private benefit would not outweigh the harm I have identified.
12. For the reasons outlined above, and taking into account all other matters raised, the appeal is dismissed.

*S Ashworth*

INSPECTOR



Kinders Lodge  
 Kinders Lane  
 Greenfield  
 OL3 7BJ

OS Mastermap 1250/2500/10000 scale  
 11 June 2015, ID: MDP-00437203  
 www.malcolmhughes.co.uk

1:1250 scale print at A4, Centre: 399800 E, 404501 N

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**MALCOLM HUGHES**  
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Mapping sourced from



Tel: 0161 926 0650



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## Appeal Decision

Site visit made on 26 May 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

**Decision by Richard Clegg BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 24 June 2020**

---

**Appeal Ref: APP/W4223/D/20/3244143**  
**16 Whitstable Close, Chadderton, OL9 9LX**

- 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 Mujahid Ali against the decision of Oldham Metropolitan Borough Council.
  - The application Ref HH/343596/19 dated 1 July 2019, was refused by notice dated 21 October 2019.
  - The development proposed is a rear two storey extension.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

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

### Preliminary Matters

3. From the location plan provided it appears that the elevations of the dwelling have been incorrectly described on both the existing layout and proposed layout plans. The elevation described in these plans as the west elevation appears to be the north east elevation of the dwelling, and the elevation described as the east elevation appears to be the south west elevation.

### Main Issue

4. The main issues are
  - (i) the effect of the development on the character and appearance of the building and the surrounding area; and
  - (ii) whether the proposal would provide satisfactory living accommodation for current and future occupants with particular regard to light.

### Reasons for the Recommendation

#### *Character and appearance*

5. The appeal site comprises an end of terrace two storey dwelling located in the cul-de-sac of Whitstable Close. The surrounding area is characterised by its residential nature comprising properties arranged at right angles to one another in close

proximity. A level of consistency exists between the dwellings in terms of scale and design.

6. The proposal relates to the erection of a two storey extension to the rear of the appeal property, with three rooflights. Two additional first floor windows are also proposed along the front elevation of the house.
7. The proposal would be constructed from external materials to match the existing brickwork at the dwelling. It would represent a considerable increase to the property, resulting in a level of built form with dimensions that would not respect the scale or massing of the building. It is acknowledged that the first floor of the proposal would not include windows in order to address the Council's reasons for refusing a previous iteration of the scheme. It is further acknowledged that the Council did not object to the massing of the previous iteration of the scheme, and that the appellant has not changed the dimensions of the proposal. Nonetheless, the proposal would result in a wide expanse of solid brick running along the majority of the rear elevation of the building at first floor level. This would appear as an awkward addition to the dwelling, at odds with its residential nature and failing to reflect the character of the property.
8. Due to the scale of the proposal and the prominent position of the property at the turning circle of the cul-de-sac, the windowless first floor level of the extension would be visible from within Whitstable Close. Here it would be experienced alongside both the front and rear elevations of the surrounding residential properties present. Although the elevations of these properties are not identical, they retain a certain level of consistency in terms of their massing and positioning relative to the other dwellings.
9. The addition of the proposal would introduce a sizeable feature and fail to respect the settlement pattern present. Furthermore, while the level of glazing on surrounding elevations differs between properties, the proposal would represent the largest expanse of solid brick wall at this level visible from the turning circle, with the windows on the ground floor level of the proposal screened by the fencing present. In this respect it would be an incongruous feature that fails to reflect the predominant character of the immediate area or the appearance of the surrounding dwellings in this location. While the appellant has referenced a gable wall with a large area of brickwork, this is not present in such a prominent position as the appeal site, and represents a smaller area of solid brick than the proposal.
10. For these reasons I find that the development would have a significantly adverse visual effect on the character and appearance of the host building and the surrounding area. Accordingly, it would fail to comply with Policies 9 and 20 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies.

#### *Amenity*

11. The proposal would accommodate three bedrooms in the first floor of the rear extension, each of which would be served by one roof light. This roof light would be the only source of daylight for these rooms. Limited information has been provided by the parties with regard to the roof lights, and no daylight study has been submitted.

12. The appellant has referred to a previous appeal decision<sup>1</sup> as evidence that bedrooms with rooflights as the only source of daylight could give rise to adequate living conditions. While consistency in decision making is an important consideration, I do not have all of the evidence submitted as part of that appeal before me and each case must be decided on its own merits.
13. Nonetheless, in accordance with the submitted plans each window at the property would be not less than one tenth of the floor area of habitable rooms, and the appellant has suggested that a condition could be attached to any planning permission granted such that the type of rooflight would be approved by the Council. Furthermore, due to the position of the rooflights and the reduced potential for the daylight levels to be obscured as a result of this elevated nature, the proposed rooflights would represent an adequate source of daylight for these rooms. Accordingly, the proposal would provide satisfactory living accommodation for current and future occupants with particular regard to light. As such, it would comply with Policy 9 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies.

### **Other matters**

14. The personal circumstances of the appellant are also acknowledged, whereby the proposal would bring about much needed additional living accommodation for the appellant's growing family. However, personal circumstances will seldom outweigh more general planning considerations and the matters raised in this instance do not attract sufficient weight in planning terms to override the harm that would arise.

### **Conclusion and Recommendation**

15. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

*C Rafferty*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

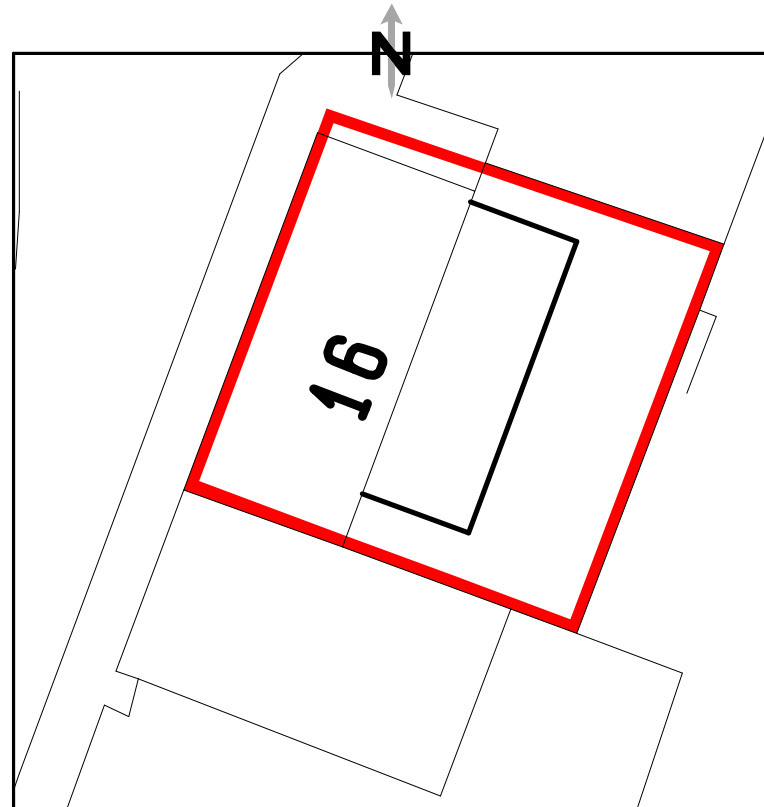
16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, the appeal is dismissed.

*Richard Clegg*

INSPECTOR

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<sup>1</sup> APP/G5180/W/17/3177788



Block/site plan scale:1:200



Location plan scale:1:250



**Syed Helal Uddin  
Architectural Services**

58 Southwood Drive, Baxenden,  
Accrington, Lancashire. BB5 2PZ  
Tel:01254 238202 Fax:0879 2352826  
Mobile: 07879 261142  
Email: syedhelaluddin@yahoo.com

Scale:1:100 Page 3/3 (A3)

Drawing no: 1495

Existing & proposed layout

Location: 16 Whistable Close,  
Oldham, OL9 9LX

Prop: Rear two storey extension

Client: MR. MOJAHID ALI

Date: November 2018

please do not scale drawing

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