

PLANNING COMMITTEE Regulatory Committee Agenda

Date Wednesday 11 November 2020

Time 6.00 pm

Venue Virtual Meeting

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 in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Kaidy McCann or email Constitutional.Services@oldham.gov.uk

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Friday, 6 November 2020.

4. 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 by no later than 12.00 noon on Wednesday, 11 November 2020. Full joining instructions will be provided.

5. 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.

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 (Vice-Chair), H. Gloster, Harkness, Hewitt, Hudson, Phythian, Garry, Ibrahim, Iqbal, Jacques, Malik, Surjan and Dean (Chair)

- 1 Apologies For Absence
- 2 Urgent Business
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 2)
The Minutes of the meeting of the Planning Committee held on 14 October 2020 are attached for Members' approval.
- 6 MMA/344478/20 - Land to the rear of the Dog and Partridge PH, Medlock Road, Failsworth, Oldham, M35 9NP (Pages 3 - 22)
Variation to Condition 2 of approved application PA/343302/19, including amendments to site layout, levels, house layouts and roof heights.
- 7 PA/344685/20 - Land behind the Dog and Partridge P H, Medlock Road, Failsworth, Oldham, M35 9NP (Pages 23 - 50)
Variation of conditions 1, 2, 3, 4, 5, 6, 8, 10 & 13 relating to app no. PA/343302/19
- 8 PA/345119/20 - Copster Hall, 122-130 Copster Hill Road, Oldham, OL8 1QQ (Pages 51 - 62)
Part use of bakery to form a catering and retail shop outlet selling the bakery products to the public as well as wholesale production.
- 9 HH/345289/20 - 12 Ashfield Crescent, Springhead, OL4 4NX (Pages 63 - 74)
Proposed front and rear dormers and alterations to rear elevation.
- 10 Appeals (Pages 75 - 98)
Appeals



PLANNING COMMITTEE
14/10/2020 at 6.00 pm

Present: Councillor Dean (Chair)
Councillors Akhtar, Davis (Vice-Chair), H. Gloster, Hewitt,
Phythian, Garry, Ibrahim, Iqbal, Jacques, Malik, Surjan and
Williamson (Substitute)

Also in Attendance:

Simon Rowberry	Interim Head of Planning and Development
Alan Evans	Group Solicitor
Sian Walter-Browne	Constitutional Services
Graham Dickman	Development Management Team Leader

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Harkness.

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**

RESOLVED that the minutes of the Planning Committee meeting held on 16th September 2020 be approved as a correct record.

6 **HH/345153/20 - 2 LOWER TUNSTEAD, TUNSTEAD LANE, GREENFIELD, OL3 7NT**

APPLICATION NUMBER: HH/344153/20

APPLICANT: Mr Sheldon

PROPOSAL: Two storey rear extension

LOCATION: 2 Lower Tunstead, Tunstead Lane, Greenfield, OL3 7NT

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

On being put to the vote 5 **VOTES** were cast **IN FAVOUR OF REFUSAL** and 2 **VOTES** were cast **AGAINST** with 2 **ABSTENTIONS**.

DECISION: That the application be **REFUSED**.

NOTES:



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

7 **LB/345154/20 - 2 LOWER TUNSTEAD, TUNSTEAD LANE, GREENFIELD, OL3 7NT**

APPLICATION NUMBER: LB/345154/20

APPLICANT: Mr Sheldon

PROPOSAL: Two storey rear extension

LOCATION: 2 Lower Tunstead, Tunstead Lane, Greenfield, OL3 7NT

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

On being put to the vote 5 **VOTES** were cast **IN FAVOUR OF REFUSAL** and 2 **VOTES** were cast **AGAINST** with 2 **ABSTENTIONS**.

DECISION: That the application be **REFUSED**.

NOTES:

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

8 **345153 & 345154 - 2 LOWER TUNSTEAD**

RESOLVED that the content of the presentation be noted.

9 **APPEALS**

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

The meeting started at 6.00 pm and ended at 6.52 pm

APPLICATION REPORT - MMA/344478/20

Committee Report, 11 November 2020

Registration Date: 31/01/2020
Ward: Failsworth East

Application Reference: MMA/344478/20
Type of Application: Minor Material Amendment

Proposal: Variation to Condition 2 of approved application PA/343302/19, including amendments to site layout, levels, house layouts and roof heights.

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

Case Officer: Matthew Taylor

Applicant Agent : Mr Sheridan
Studio OL3 Ltd

The application was referred to Planning Committee in accordance with the Scheme of delegation at the request of Councillor Briggs.

RECOMMENDATION

Approve subject to the conditions set out below

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.

Development work relating to the erection of 17no. dwellings has commenced on site (Ref: PA/3433302/19).

THE PROPOSAL

The proposed minor material amendments to the previously approved application PA/343302/19 relates to the following:

- Removal of a house type No.4 (this type has been switched out for house type 1 and a new house type 5 on the layout plan);
- House type No's. 5, 6 and 7 have also been added to allow for alternate design versions of house type 1, 2 and 3. As they allow for a better balance of masonry and glazing to retain the traditional feel of the overall street scene and development.
- The increase in ridge heights of house type No's. 1, 2 and 3, due to the revised existing site levels taken from site, as more topographical survey has been

undertaken and the construction requirements dictated by structure have required a lift in ridge height; and

- Ground level alterations across the site again due to the revised levels take from site which are more accurate than the previous levels provided.

RELEVANT HISTORY OF THE SITE:

PA/344685/20 - Variation of conditions 1, 2, 3, 4, 5, 6, 8, 10 & 13 relating to app no. PA/343302/19. Pending determination.

PA/343302/19 Erection of 17 houses with vehicular access from Medlock Road. Amended application relating to PA/341467/18. Granted 13/1/2020 subject to 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.

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

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

Highway Engineer

Originally raised concerns about the proposed site layout changes (in terms of off-street parking) and the proposed estate entrance gates. However, amended plans have been provided removing the proposed gates and resolving the site layout concerns raised.

REPRESENTATIONS

This application was publicised by way of a site notice, neighbour notification letters and press notice. 3 individual letters of objection have been received, in which the concerns raised can be summarised as follows:

- It seems to be a trend that once building work starts on the site that a new application is made to significantly alter the original application that was passed.

- The houses' proposed new height will result in them towering over the properties in the area. They are not in keeping with the area and much taller than the ones on Medlock Road.
- The size of the glazing was previously objected to as not in keeping with the village
- The proposed gates will cause problems with traffic and parking.
- Drainage system within the locality is not sufficient for such an addition of dwellings; and information provided does not provide true picture of the developments impact.
- It is not clear how children/young adults etc, who now access the park from Stamford Drive only, can retrieve objects should they fall into the new development area.

PLANNING CONSIDERATIONS

The principle of the residential development of this site has previously been established and the assessment of the present application is therefore restricted to the amendments now sought.

DPD Policy 9 stipulates that the proposed development should not cause significant harm to the amenity of neighbouring occupants through impacts including loss of privacy, safety and security, noise, pollution, access to daylight or other nuisances. Furthermore, the development should not have a detrimental impact on the visual appearance of an area. Policy 20 'Design' further advocates that development must meet design principles relating to local character, good streets and well-designed buildings. DPD Policy 24 which seeks to protect, conserve and enhance the historic character and setting of a Conservation Area.

In terms of the general appearance of the proposed changes, it is considered the proposed layout, levels and house type alterations are of an acceptable and relatively minor deviation from the original approval. It is not considered that the proposed amendments would have any significant cumulative impact on the street scene and conservation area, over and above the previously approved permission.

In regards the impact on residential amenity, it is considered the proposed changes will have no adverse impact on residential amenity of the future occupiers and the surrounding existing dwellings.

Taking the above matters into consideration, the minor material amendment to the previously approved scheme complies with the relevant policies of the LDF Joint Development Plan Document and the NPPF.

RECOMMENDED CONDITIONS

That Committee resolves to approve the application 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 which are referenced as:

570 - 003 Rev Q
570 - 004 Rev G
570 - 005 Rev K
570 - 006 Rev C
570 - 008 Rev C
570 - 007 Rev E
570 - 009 Rev A
570 - 101P3 - Medlock Road House Type 1
570 - 201P3 - Medlock Road House Type 2
570 - 301P3 - Medlock Road House Type 3
570 - 501P1 - Medlock Road House Type 5
570 - 601P1 - Medlock Road House Type 6
570 - 701P1 - Medlock Road House Type 7
STR.TS.14 Medlock Road Woodhouses - Topo Survey STR.TS.1

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

3. Development hereby approved shall be carried out in accordance with the approved Material Schedule (Ref no. 570) and T138-Driveway-permeable-base-v8. 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 plans/details:

- T138-Driveway-permeable-base-v8;
- 570 -003 Rev Q;
- EW01 Rev B;
- EW02 Rev D;
- EW03 Rev C;
- EW04 Rev E;
- EW06 Rev D;
- D001 Rev F; and
- D002 Rev K.

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, the sustainable drainage of the site, outlined in the following details shall be completed and a full survey of the watercourse undertaken and submitted for the written approval of the Local Planning Authority.

- Drg no. 19500-D001- Rev F

- Drg no. 19500-D002 - Rev K
- Drg no. 19500-D003
- Drg no. 19500-D004
- Drg no. 19500-D005- Rev C
- Drg no. 19500-D006- Rev C
- Drg no. 19500-D007- Rev A
- Drg no. 19500 – D008 – Rev B
- Drg no. 19500 – D009 – Rev F
- Drg no. 19500 – D0010 - Rev A
- Hydrobrake product – CTL-SHE-0106-7400-2327-7400
- Calculations – labelled Medlock Attenuation – 26.08.20 Karl Hill
- Geo-environmental Site Investigation Report Phase II Site Investigation – H0388 JL (GS10833) October 2017

The subsequently completed drainage scheme shall be maintained and managed in accordance with all the approved details and the Flood Risk Assessment & Drainage Strategy prepared by Waterco.

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. All measures outlined in the approved 'Phase 1 Ecological Survey & Appraisal & Amphibian Habitats Suitability Index Assessment (Update)', Produced by Sensible Ecological Survey Solutions, shall be implemented and maintained for the duration of the construction period of the development 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. All trees to be retained shall be protected in accordance with the submitted Tree Protection Plan Job (Ref: CW /904-P- TP) 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 as follows:

Drawing Nos. 570 – 003 Rev Q;
Drawing Nos. 570 – 004 Rev G;
Material Schedule (Ref no. 570); and
T138-Driveway-permeable-base-v8.

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 Local planning Authority.

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

11. The development shall only be carried out in full accordance with the following approved Landfill Gas remediation details:

- 570-04-D-000 Rev B - External Wall to Floor Junction Details Plots 1 to 8 and Level Access Detail
- 570-04-D-012 Rev A - External Wall and Beam and Block Floor Junction Detail - Plots 9 to 17
- Vent form Data Sheet- Cordek Ventform

A verification report providing detail to demonstrate that the works set out in the above details are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be submitted prior to occupation of the dwelling to which the measures relate.

Any changes to these components require the written consent of the local planning authority, and 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.

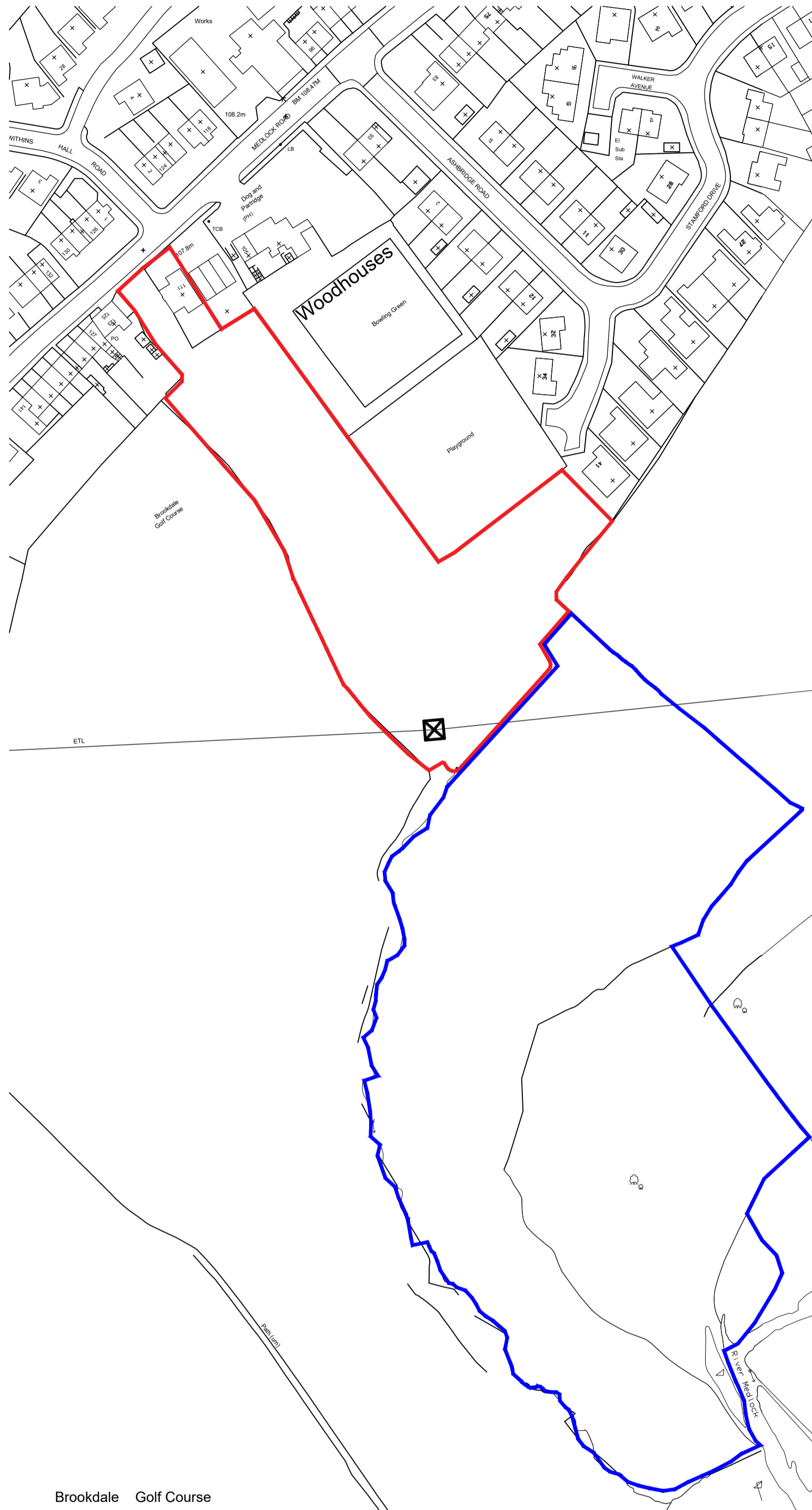
12. Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report 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.

13. The boundary wall to the front of 111 Medlock Road shall remain re-sited in accordance with the detail shown on plan ref: 005 Rev k and J930/access/Fig 1 at all times. Thereafter the area between the fence line and the access shall be permanently kept clear of all obstructions.

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



Note:
 Studio OL3 Ltd shall have no responsibility for any use made of this document other than for that which it was prepared and issued.
 This drawing should not be scaled. Work to figured dimensions only.
 All dimensions and levels to be checked on site.
 Land registry title and ownership boundaries are produced by Studio OL3 using all reasonable endeavours. We cannot be held responsible for scale discrepancy of plans supplied to us.
 Any discrepancies should be reported to Studio OL3 at the address below.
 This drawing should not be reproduced without written permission from Studio OL3.

DESIGN AND LEGISLATION:
 The following notes are intended to be used for planning and building regulations approval only. No works should take place until these approvals are in place in writing from the authorities. All works carried out prior to approval are at the owners risk and studio ol3 take no responsibilities for these works. All dimensions are to be checked by the main contractor prior to work commencing and during the progress of the works. Any discrepancies in dimensions or construction information are to be reported to the designer for resolution before any further work is carried out. No components to be ordered or fabricated without all relevant associated dimensions being checked and confirmed. Do not scale from drawings, work to figured dimensions only. This drawing to be read in conjunction with all other relevant consultants details and specifications.

GENERAL NOTE:
 Workmanship and materials to comply with:
 Building Regulations, N.H.B.C. requirements, British standards or codes of practice, other authoritative documents or technical approval certification including:
 Construction Products Directive (89/106/EEC).
 The International Standards Organisation (ISO).
 The European Committee for Standardisation (CEN).
 The British Board of Agreement.
 Current at the time of the Building Regulations application.

All materials shall be fixed, applied or mixed in accordance with manufacturers instructions and specifications. All materials shall be suitable for the purpose for which they are used.

The contractor shall take into account everything necessary for the proper execution of the works, to the satisfaction of the "inspector" whether or not indicated on the accompanying drawings or in the specification.

Note: subject to confirmation of the designer - similar "approved" materials of equal performance may be substituted where those specified are not available.

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No.	Date	Description	Issued by
A	18.04.19	Red line boundary amended.	DT

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LAND OFF MEDLOCK ROAD

Location Plan

Drawing Number	Project number	570
009	Date	07.02.18
Current Revision	Drawn by	DT
A	Checked by	OL3
	Scale @ A2	1:1250



Unit 23 Broadway Business Park Chadderton OL9 9XA
 Email - design@studio-ol3.co.uk - Web - www.studio-ol3.co.uk

Planning Committee Meeting 11th November 2020

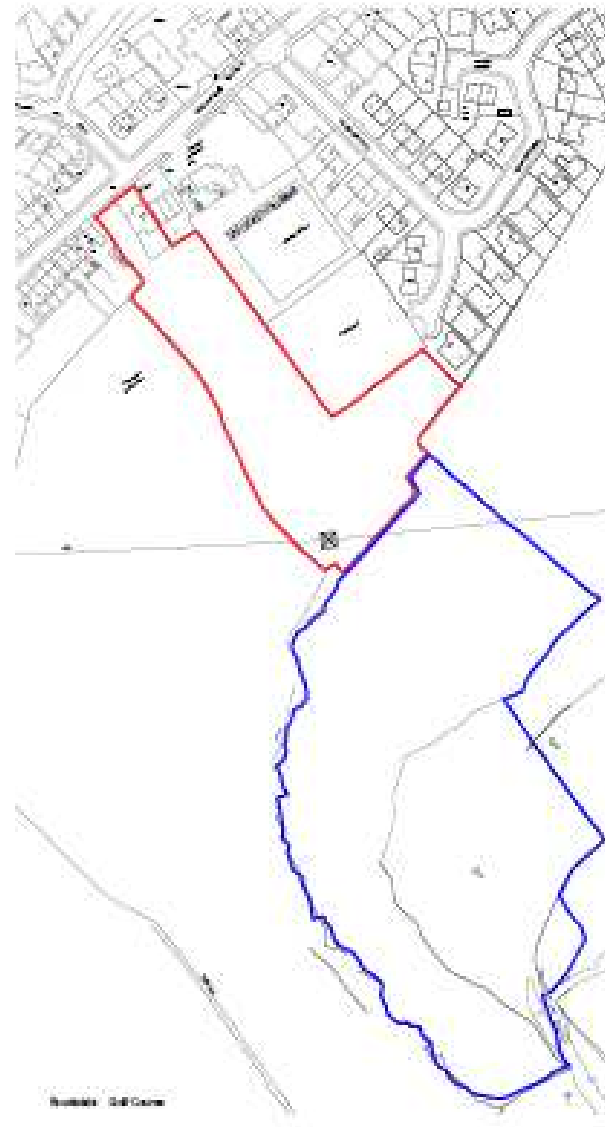
MMA/344478/20

Variation to Condition 2 of approved application PA/343302/19, including amendments to site layout, levels, house layouts and roof heights.

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



Location Plan



Aerial View



Proposed amendments are as follows:

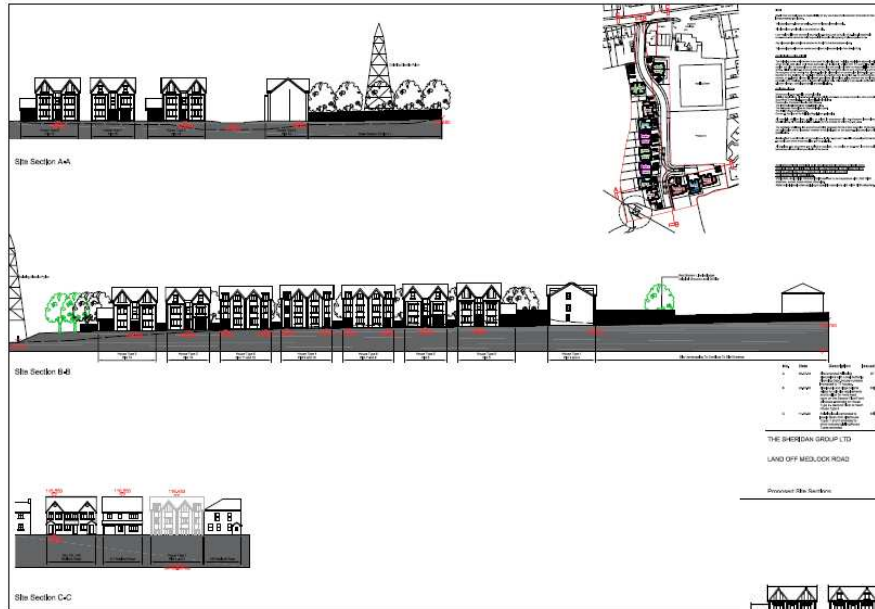
- Removal of a house type No.4 (this type has been switched out for house type 1 and a new house type 5 on the layout plan);
- House type No's. 5, 6 and 7 have also been added to allow for alternate design versions of house type 1, 2 and 3. As they allow for a better balance of masonry and glazing to retain the traditional feel of the overall street scene and development.
- The Increase in ridge heights of house type No's. 1, 2 and 3, due to the revised existing site levels taken from site, as more topographical survey has been undertaken and the construction requirements dictated by structure have required a lift in ridge height; and
- Ground level alterations across the site again due to the revised levels take from site which are more accurate than the previous levels provided.

Proposed layout



Original Approved layout

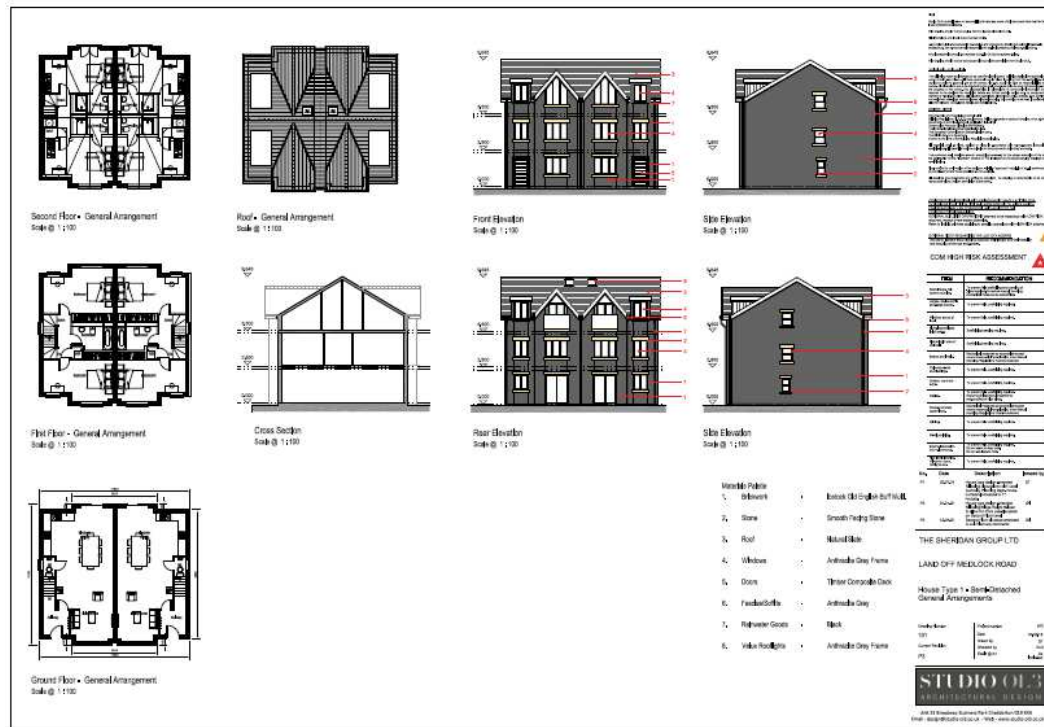
Proposed Section



Original Approved Section

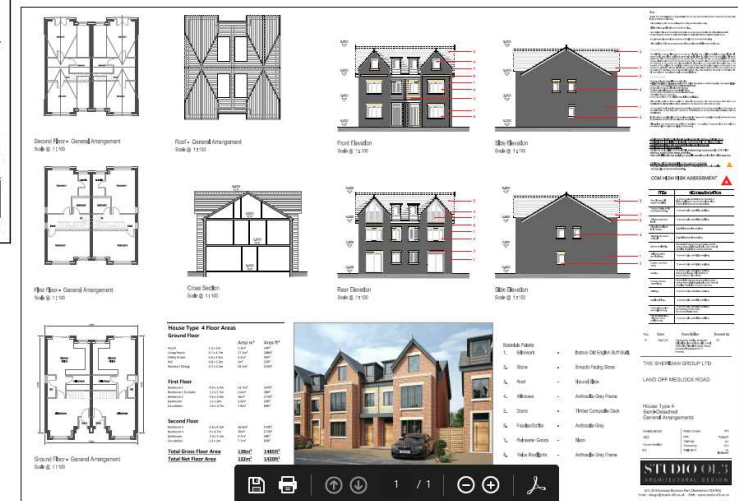


Proposed House Type 1



House Type 1 has been added to in part replace the removal of the original house type No. 4

Page 17



Originally Approved House Type 4

House Type 2

Second Floor - General Arrangement
Scale @ 1:100

Roof - General Arrangement
Scale @ 1:100

Front Elevation
Scale @ 1:100

Side Elevation
Scale @ 1:100

First Floor - General Arrangement
Scale @ 1:100

Cross Section
Scale @ 1:100

Rear Elevation
Scale @ 1:100

Side Elevation
Scale @ 1:100

Ground Floor - General Arrangement
Scale @ 1:100

Materials Table

1.	Roof
2.	Stone
3.	Roof
4.	Windows
5.	Doors
6.	Front/Back
7.	Side/End
8.	Other

Originally approved House Type 2

Second Floor - General Arrangement
Scale @ 1:100

Roof - General Arrangement
Scale @ 1:100

Front Elevation
Scale @ 1:100

Side Elevation
Scale @ 1:100

First Floor - General Arrangement
Scale @ 1:100

Cross Section
Scale @ 1:100

Rear Elevation
Scale @ 1:100

Side Elevation
Scale @ 1:100

Ground Floor - General Arrangement
Scale @ 1:100

Materials Table

1.	Roof	Roof Tiles
2.	Stone	Stone
3.	Roof	Roof Tiles
4.	Windows	UPVC
5.	Doors	UPVC
6.	Front/Back	UPVC
7.	Side/End	UPVC
8.	Other	UPVC

House Type 2 Floor Areas

Floor	Room	Area m ²	Area ft ²
Ground Floor	Living Room	13.12	142
	Open Plan Kitchen/Diner	13.12	142
	Breakfast Room	5.71	61
	Garage	11.96	129
	Entrance	2.09	23
First Floor	Bedroom 1	11.33	122
	Bedroom 2	11.33	122
	Bedroom 3	11.33	122
	Bathroom	5.71	61
	W.C.	2.09	23
Second Floor	Bedroom 4	11.33	122
	Bedroom 5	11.33	122

Materials Table

1.	Roof	Roof Tiles
2.	Stone	Stone
3.	Roof	Roof Tiles
4.	Windows	UPVC
5.	Doors	UPVC
6.	Front/Back	UPVC
7.	Side/End	UPVC
8.	Other	UPVC

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LAND OFF REDCOCK ROAD

House Type 2
Detailed General Arrangement

House Type 3

Second Floor - General Arrangement
Scale @ 1:100

Roof - General Arrangement
Scale @ 1:100

Front Elevation
Scale @ 1:100

Side Elevation
Scale @ 1:100

First Floor - General Arrangement
Scale @ 1:100

Cross Section
Scale @ 1:100

Rear Elevation
Scale @ 1:100

Side Elevation
Scale @ 1:100

Ground Floor - General Arrangement
Scale @ 1:100

Work & Materials

- 1. Windows - Brown Oil Engine Buff Brick
- 2. Stone - Smooth Facing Stone
- 3. Roof - Natural Slate
- 4. Windows - Anthracite Grey Frame
- 5. Doors - Silver Composite Deck
- 6. Handrails/Bars - Anthracite Grey
- 7. Railings/Steps - Black
- 8. Villa Handrails - Anthracite Grey Frame

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LAND OFF MEDLOCK ROAD

Originally approved House Type 3

Second Floor - General Arrangement
Scale @ 1:100

Roof - General Arrangement
Scale @ 1:100

Front Elevation
Scale @ 1:100

Side Elevation
Scale @ 1:100

First Floor - General Arrangement
Scale @ 1:100

Cross Section
Scale @ 1:100

Rear Elevation
Scale @ 1:100

Side Elevation
Scale @ 1:100

Ground Floor - General Arrangement
Scale @ 1:100

House Type 3 Floor Areas

Floor	Room	Area (sqm)	Area (sqft)
Ground Floor	Living Room	45.0	485
	Dining Room	25.0	270
	Kitchen	15.0	163
	Breakfast Room	10.0	108
	Living Area	10.0	108
	Bedroom	10.0	108
	Bedroom	10.0	108
	Bedroom	10.0	108
	Bedroom	10.0	108
	Bedroom	10.0	108
Bedroom	10.0	108	
First Floor	Living Room	15.0	163
	Dining Room	15.0	163
	Kitchen	15.0	163
	Breakfast Room	10.0	108
	Living Area	10.0	108
	Bedroom	10.0	108
	Bedroom	10.0	108
	Bedroom	10.0	108
	Bedroom	10.0	108
	Bedroom	10.0	108
Second Floor	Living Room	15.0	163
	Dining Room	15.0	163
	Kitchen	15.0	163
	Breakfast Room	10.0	108
	Living Area	10.0	108
	Bedroom	10.0	108
	Bedroom	10.0	108
	Bedroom	10.0	108
	Bedroom	10.0	108
	Bedroom	10.0	108
Total Ground Floor Area: 225sqm / 2430sqft			
Total First Floor Area: 225sqm / 2430sqft			
Total Second Floor Area: 225sqm / 2430sqft			

Work & Materials

- 1. Windows - Brown Oil Engine Buff Brick
- 2. Stone - Smooth Facing Stone
- 3. Roof - Natural Slate
- 4. Windows - Anthracite Grey Frame
- 5. Doors - Silver Composite Deck
- 6. Handrails/Bars - Anthracite Grey
- 7. Railings/Steps - Black
- 8. Villa Handrails - Anthracite Grey Frame

THE SHERIDAN GROUP LTD
LAND OFF MEDLOCK ROAD

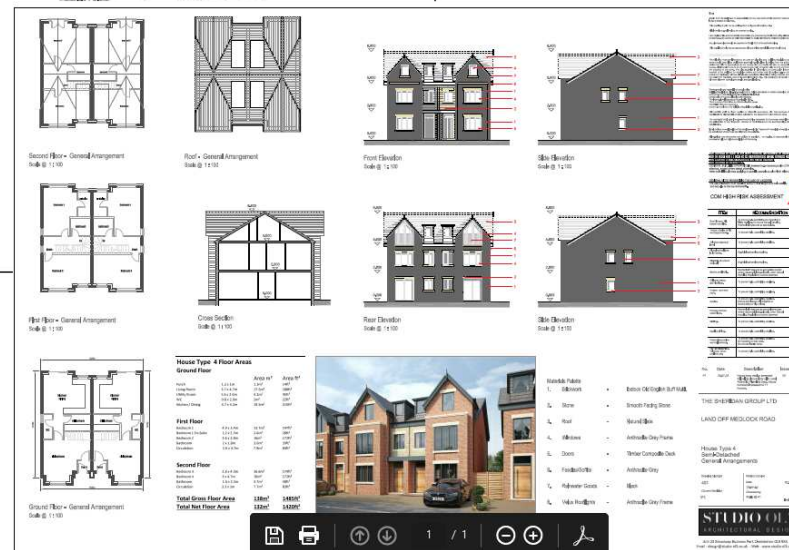
House Type 3
Detailed with Attached Garage
General Arrangement

STUDIO OF ARCHITECTURE

House Type 5



House Type 1 has been added to in part replace the removal of the original house type No. 4



Originally Approved House Type 4

House Type 6

Second Floor - General Arrangement
Scale @ 1:100

Roof - General Arrangement
Scale @ 1:100

Front Elevation
Scale @ 1:100

Side Elevation
Scale @ 1:100

First Floor - General Arrangement
Scale @ 1:100

Cross Section
Scale @ 1:100

Rear Elevation
Scale @ 1:100

Side Elevation
Scale @ 1:100

Ground Floor - General Arrangement
Scale @ 1:100

CDM HIGH RISK ASSESSMENT

NO.	DESCRIPTION	RISK	RECOMMENDATIONS
1	Structural	Low	Check all structural elements are in accordance with the design.
2	Fire	Low	Check fire safety measures are in place.
3	Health and Safety	Low	Check all safety measures are in place.
4	Environmental	Low	Check all environmental measures are in place.
5	Other	Low	Check all other measures are in place.

Second Floor - General Arrangement
Scale @ 1:100

Roof - General Arrangement
Scale @ 1:100

Front Elevation
Scale @ 1:100

Side Elevation
Scale @ 1:100

First Floor - General Arrangement
Scale @ 1:100

Cross Section
Scale @ 1:100

Rear Elevation
Scale @ 1:100

Side Elevation
Scale @ 1:100

House Type 3 Floor Areas

Floor	Room	Area m ²	Area ft ²
Ground Floor	Living Room	23.5	254
	Kitchen	10.5	113
	Dining Room	10.5	113
	Breakfast Room	10.5	113
First Floor	Bedroom 1	12.5	135
	Bedroom 2	12.5	135
	Bedroom 3	12.5	135
	Bedroom 4	12.5	135
Second Floor	Bedroom 5	12.5	135
	Bedroom 6	12.5	135

Material Palette

- Light Brown - Brick on Engine Room
- Stone - Smooth Facing Stone
- Red - Hard Stone
- White - Artexed Day Floor
- Dark - Timber Composite Deck
- White - Artexed Only
- Dark - Brick

THE SHERIDAN GROUP LTD
LAND OFF WELLOCK ROAD

House Type 3
Detached With Attached Garage
General Arrangement

Originally approved House Type 3

House Type 7

Second Floor - General Arrangement
Scale @ 1:100

Roof - General Arrangement
Scale @ 1:100

Front Elevation
Scale @ 1:100

Side Elevation
Scale @ 1:100

First Floor - General Arrangement
Scale @ 1:100

Cross Section
Scale @ 1:100

Rear Elevation
Scale @ 1:100

Side Elevation
Scale @ 1:100

Item	Specification
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Originally approved House Type 2

Second Floor - General Arrangement
Scale @ 1:100

Roof - General Arrangement
Scale @ 1:100

Front Elevation
Scale @ 1:100

Side Elevation
Scale @ 1:100

First Floor - General Arrangement
Scale @ 1:100

Cross Section
Scale @ 1:100

Rear Elevation
Scale @ 1:100

Side Elevation
Scale @ 1:100

Item	Specification
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House Type 2 Floor Areas	Area m ²	Area ft ²
Ground Floor
First Floor
Second Floor

Item	Material	Notes
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APPLICATION REPORT - PA/344685/20

Committee Report, 11 November 2020

Registration Date: 19/03/2020
Ward: Failsworth East

Application Reference: PA/344685/20
Type of Application: Removal/Variation of Conditions

Proposal: Variation of conditions 1, 2, 3, 4, 5, 6, 8, 10 & 13 relating to app no. PA/343302/19
Location: Land behind the Dog and Partridge Public House, Medlock Road, Failsworth, Oldham, M359NP
Case Officer: Matthew Taylor
Applicant Agent : Sheridan Group Ltd.
Studio OL3

RECOMMENDATION

Approve subject to the amended conditions set out below.

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.

Development work relating to the erection of 17no. dwellings has commenced on site (Ref: PA/3433302/19).

THE PROPOSAL

This application seeks a variation to the wording of conditions various conditions relating to app no. PA/343302/19 for the erection of 17 houses with vehicular access from Medlock Road. This follows the submission of further details to address those conditions.

RELEVANT HISTORY OF THE SITE:

MMA/344478/20 – Variation to Condition 2 of approved application PA/343302/19, including amendments to site layout, levels, house layouts and roof heights. Pending Decision.

PA/3433302/19 Erection of 17 houses with vehicular access from Medlock Road. Amended application relating to PA/341467/18. Granted 13/1/2020 subject to 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.

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

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 located within the Woodhouses Conservation Area on the Proposals Map associated with this document.

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 23 - Open space and sports

CONSULTATIONS

Environmental Health	Comments awaited.
Highway Engineer	Confirmed the proposed permeable resin driveway detail (T138-Driveway-permeable-base-v8) is acceptable. However, noted the scheme includes large expanses of hard surfacing on the driveways and private driveways which could lead to long lengths of dropped

kerbs which is not acceptable. This could also lead to there being insufficient soft landscaping to catch water run-off.

Environment Agency

No objection.

LLFA

Confirmed the submitted details are sufficient to satisfy condition 5 provided that a full survey of the watercourse has been undertaken and supplied for the LLFA to review prior to occupation of the development.

Greater Manchester Ecology Unit Condition no.6:

Given the level of risk at this site, GMEU are satisfied that the information supplied demonstrates adequate measures will be in place and that staff have been informed of the risks to wildlife and the minor watercourse running in to the SBI. Therefore, they have no objection to the prior to commencement part of this condition being removed.

Condition no.10:

This is not a prior to commencement condition, birds can sometimes decide to nest in unlikely locations and it the condition does not prevent the development starting, a such they have recommended the condition is not removed.

Greater Manchester Police
Architectural Liaison Unit
Street Lighting

No objection received.

Provided comments about the adoptable standards of street lighting and noted the requirements of any other external lighting.

United Utilities
Trees Officer

No objections.
Expressed concerns that tree protection measures were not put in place prior to work commencing.

National Grid Company PLC
Electricity North West
Sport England

No objections
No objections
No objections.

REPRESENTATIONS

No representations have been received.

PLANNING CONSIDERATIONS

The principle of the development has previously been established and assessment of the present application is limited to the proposed changes to the wording of the relevant planning conditions.

Each condition is addressed in turn below:

Condition No.1 (Time limit):

Requires a start within three years. Development has commenced.

Condition No.2 (Approved Plans):

This condition lists the approved plans.

As such, this condition has been varied to take account of the amended details that have been submitted to vary/remove other conditions from the original decision.

Condition No. 3 (Materials):

This condition requires the submission and written approval of the materials to be used in the construction of the development's external surfaces, including all external doors, windows, and rainwater goods.

The application is supported by the submission of a 'Material Schedule (Ref no. 570)' and T138-Driveway-permeable-base-v8 document. The materials proposed are acceptable, as such it has been agreed the condition will be varied to take account of the details.

Condition No. 4 (Adequate off-street parking facilities and hardstanding construction):

This condition requires that the dwellings shall not be brought into use until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan and details of construction, levels and drainage.

The applicant has provided the following details to address this condition:

- T138-Driveway-permeable-base-v8;
- 570 -003 Rev Q;
- EW01 Rev B;
- EW02 Rev D;

- EW03 Rev C;
- EW04 Rev E;
- EW06 Rev D;
- D001 Rev F; and
- D002 Rev K.

The Council's Highway Engineer has considered this submitted information and has confirmed the proposed permeable resin driveway detail (T138-Driveway-permeable-base-v8) is acceptable, as such it has been agreed the condition will be varied to take account of this detail.

Concerns were raised by the Highway Engineer that the scheme includes large expanses of hard surfacing on the driveways and private driveways. This could lead to long lengths of dropped kerbs which is not acceptable, or people parking indiscriminately and illegally on the areas of hard surfacing. This could also lead to there being insufficient soft landscaping to catch water run-off. Having considered the originally approved layout plan, it is clear the areas of hard standing have not significantly changed from the approval, and therefore the principle of the proposed parking arrangements has previously been accepted.

Therefore, this condition wording has been varied to require the scheme is not occupied unless and until the access to the site and car parking space for that dwelling has been provided in accordance with the submitted plans/details.

Condition No. 5 (Drainage):

Prior to occupation of the development this condition required the submission of a sustainable drainage management and maintenance plan for the lifetime of the development, which had regard to the principles as set out in the submitted Flood Risk Assessment & Drainage Strategy prepared by Waterco.

The following details have been submitted to address this condition:

- Drg no. 19500-D001- Rev F
- Drg no. 19500-D002 - Rev K
- Drg no. 19500-D003
- Drg no. 19500-D004
- Drg no. 19500-D005- Rev C
- Drg no. 19500-D006- Rev C
- Drg no. 19500-D007- Rev A
- Drg no. 19500 – D008 – Rev B
- Drg no. 19500 – D009

- Drg no. 19500 – D0010 - Rev A
- Hydrobrake product – CTL-SHE-0106-7400-2327-7400
- Calculations – labelled Medlock Attenuation – 26.08.20 Karl Hill
- Geo-environmental Site Investigation Report Phase II Site Investigation – H0388 JL (GS10833) October 2017

These details have been considered by the Lead Local Flood Authority, and it has been confirmed they are sufficient to satisfy condition 5. This is subject to a full survey of the watercourse being undertaken and submitted prior to occupation of the development.

As a result, this condition has been varied to require the development is constructed in accordance with the above stated details/ plans, and a full survey of the watercourse has been undertaken and provided for the LLFA to review prior to occupation of the development.

Condition No. 6 (To protect the watercourse and Brookdale Golf Course SBI):

To address the pre-commencement part of this condition the application is supported by the submission of a 'Phase 1 Ecological Survey & Appraisal & Amphibian Habitats Suitability Index Assessment (Update)'. This report has been considered by GMEU and they are satisfied that the information supplied demonstrates adequate measures will be in place and that staff have been informed of the risks to wildlife and the minor watercourse running in to the SBI.

Therefore, the condition can be varied, but cannot be removed in its entirety.

Condition No. 8 (Trees/shrubs within the site):

To address the pre-commencement part of this condition the application is supported by the submission of a Tree Protection Plan Job (Ref: CW /904-P- TP).

The Council's Trees Officer comments are as follows:

'If the tree protection fencing had been implemented from the outset then this considerable amount of root and rooting environment damage would not have occurred. The tree protection, of what there is, is still not to standard and has clearly not offered sufficient protection.'

It is clear the submitted information and methodologies should have been considered prior to work starting on site. To address the possible damage caused, the landscaping plan has been amended to include additional and appropriate replacement tree planting.

As a result, this condition has been varied to include the submitted Tree Protection Plan (Ref: CW /904-P- TP).

Condition No. 9 (Landscaping scheme):

Following on from the comments by the Council's Trees Officer, the landscaping plan has been amended to include additional and appropriate replacement tree planting. As a result, this condition has been varied to supersede the originally listed plan with Drawing Ref: 570 – 003P.

Condition No. 10 (Protection of bird habitats):

GMEU note that given birds can sometimes decide to nest in unlikely locations, the condition is still required. To this end, this condition will not be removed or varied.

Condition No. 11 (Landfill Gas/Contaminated Land):

The Phase II Geoenvironmental Site Investigation Report by GEOCON, dated October 2017 has classified the whole site as CS3/Amber 1 with regards to ground gas. The following drawings and product detail outline the gas protection measures:

- 570-04-D-000 Rev B - External Wall to Floor Junction Details Plots 1 to 8 and Level Access Detail
- 570-04-D-012 Rev A - External Wall and Beam and Block Floor Junction Detail - Plots 9 to 17
- Vent form Data Sheet- Cordek Ventform

These details have been considered by the Council's Environmental Health Officer and it has been confirmed they address the pre-commencement part of Condition no. 11. However, a validation report will continue to be required for all plots to confirm the installation of the membranes prior to occupation.

Condition No.13 (Visibility in the interests of highway safety):

The boundary wall to the front of 111 Medlock Road has been re-sited in accordance with the detail shown on plan ref: 005 Rev H and J930/access/Fig 1. However, given that for highway safety reasons the area between the wall and the access shall be permanently kept clear of all obstructions, the wording of the condition will be varied accordingly.

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 approved plans and specifications which are referenced as:

570 - 003 Rev Q
570 - 004 Rev G
570 - 005 Rev K
570 - 006 Rev C
570 - 008 Rev C
570 - 007 Rev E
570 - 009 Rev A
570 - 101P3 - Medlock Road House Type 1
570 - 201P3 - Medlock Road House Type 2
570 - 301P3 - Medlock Road House Type 3
570 - 501P1 - Medlock Road House Type 5
570 - 601P1 - Medlock Road House Type 6
570 - 701P1 - Medlock Road House Type 7
STR.TS.14 Medlock Road Woodhouses - Topo Survey STR.TS.1

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

3. Development hereby approved shall be carried out in accordance with the approved Material Schedule (Ref no. 570) and T138-Driveway-permeable-base-v8. 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 plans/details:

- T138-Driveway-permeable-base-v8;
- 570 -003 Rev Q;
- EW01 Rev B;
- EW02 Rev D;
- EW03 Rev C;
- EW04 Rev E;

- EW06 Rev D;
- D001 Rev F; and
- D002 Rev K.

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 the sustainable drainage of the site, outlined in the following details shall completed and a full survey of the watercourse undertaken and provided to the LLFA:

- Drg no. 19500-D001- Rev F
- Drg no. 19500-D002 - Rev K
- Drg no. 19500-D003
- Drg no. 19500-D004
- Drg no. 19500-D005- Rev C
- Drg no. 19500-D006- Rev C
- Drg no. 19500-D007- Rev A
- Drg no. 19500 – D008 – Rev B
- Drg no. 19500 – D009
- Drg no. 19500 – D0010 - Rev A
- Hydrobrake product – CTL-SHE-0106-7400-2327-7400
- Calculations – labelled Medlock Attenuation – 26.08.20 Karl Hill
- Geo-environmental Site Investigation Report Phase II Site Investigation – H0388 JL (GS10833) October 2017

The subsequently completed drainage scheme shall be maintained and managed in accordance with all the approved details and the Flood Risk Assessment & Drainage Strategy prepared by Waterco.

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. All measures outlined in the approved 'Phase 1 Ecological Survey & Appraisal & Amphibian Habitats Suitability Index Assessment (Update)', Produced by Sensible Ecological Survey Solutions, shall be implemented and maintained for the duration

of the construction period of the development 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. All trees to be retained shall be protected in accordance with the submitted Tree Protection Plan Job (Ref: CW /904-P- TP) 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 as follows:

Drawing Nos. 570 – 003 Rev Q;
Drawing Nos. 570 – 004 Rev G;
Material Schedule (Ref no. 570); and
T138-Driveway-permeable-base-v8.

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. The development shall only be carried out in full accordance with the following approved Landfill Gas remediation details:
- 570-04-D-000 Rev B - External Wall to Floor Junction Details Plots 1 to 8 and Level Access Detail
 - 570-04-D-012 Rev A - External Wall and Beam and Block Floor Junction Detail - Plots 9 to 17
 - Vent form Data Sheet- Cordek Ventform

A verification report providing detail to demonstrate that the works set out in the above details are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be submitted prior to occupation of the dwelling to which the measures relate.

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

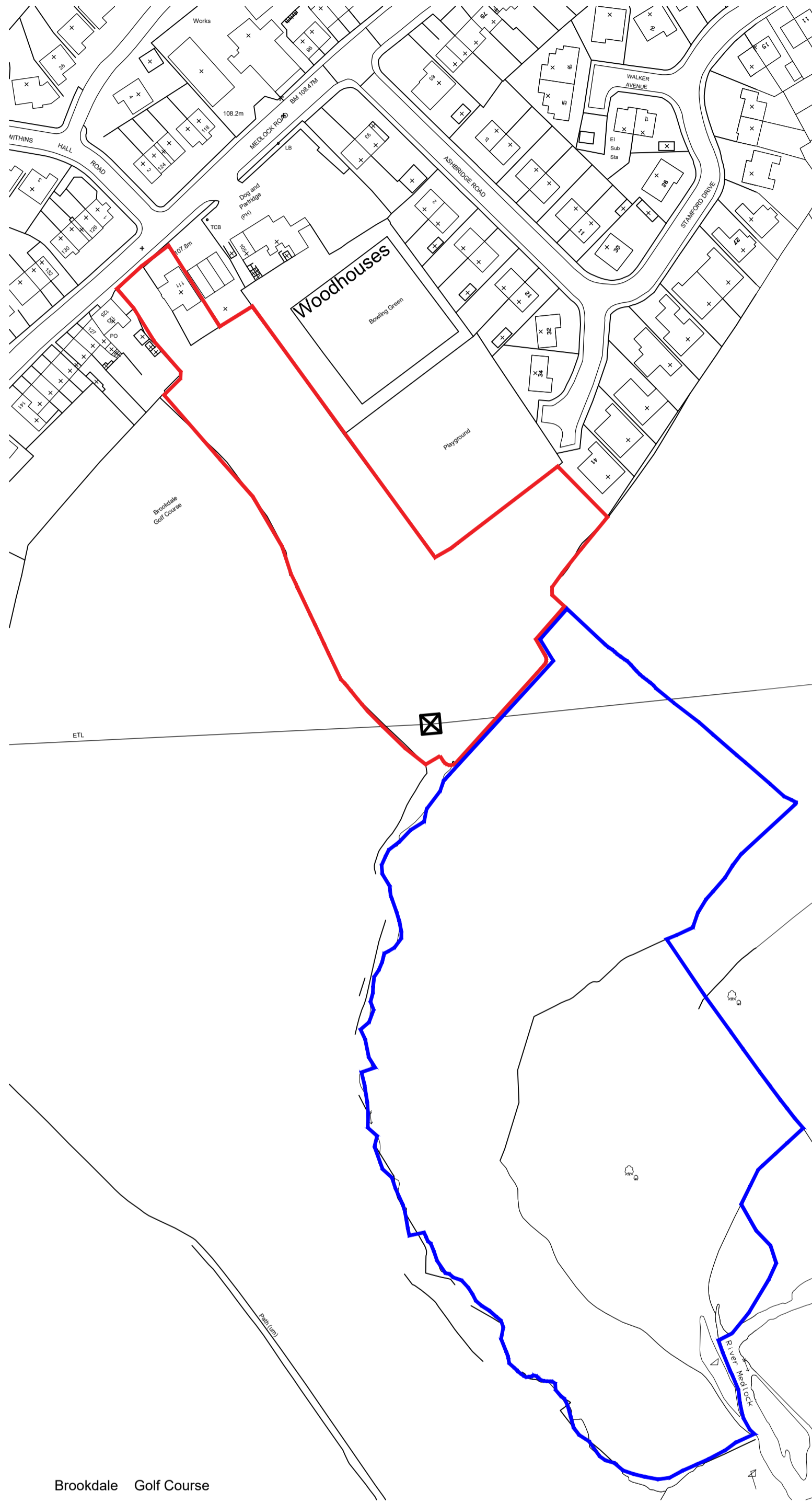
Reason - To ensure that the development does not contribute to, nor is put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

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.

13. The boundary wall to the front of 111 Medlock Road shall remain re-sited in accordance with the detail shown on plan ref: 005 Rev k and J930/access/Fig 1 at all times. Thereafter the area between the fence line and the access shall be permanently kept clear of all obstructions.

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



Note:
 Studio OL3 Ltd shall have no responsibility for any use made of this document other than for that which it was prepared and issued.
 This drawing should not be scaled. Work to figured dimensions only.
 All dimensions and levels to be checked on site.
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 Any discrepancies should be reported to Studio OL3 at the address below.
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DESIGN AND LEGISLATION:
 The following notes are intended to be used for planning and building regulations approval only. No works should take place until these approvals are in place in writing from the authorities. All works carried out prior to approval are at the owners risk and studio ol3 take no responsibilities for these works. All dimensions are to be checked by the main contractor prior to work commencing and during the progress of the works. Any discrepancies in dimensions or construction information are to be reported to the designer for resolution before any further work is carried out. No components to be ordered or fabricated without all relevant associated dimensions being checked and confirmed. Do not scale from drawings, work to figured dimensions only. This drawing to be read in conjunction with all other relevant consultants details and specifications.

GENERAL NOTE:
 Workmanship and materials to comply with:
 Building Regulations, N.H.B.C. requirements, British standards or codes of practice, other authoritative documents or technical approval certification including:
 Construction Products Directive (89/106/ee).
 The International Standards Organisation (iso).
 The European Committee for Standardisation (cen).
 The British Board of Agreement.
 Current at the time of the Building Regulations application.

All materials shall be fixed, applied or mixed in accordance with manufacturers instructions and specifications. All materials shall be suitable for the purpose for which they are used.

The contractor shall take into account everything necessary for the proper execution of the works, to the satisfaction of the "inspector" whether or not indicated on the accompanying drawings or in the specification.

Note: subject to confirmation of the designer - similar "approved" materials of equal performance may be substituted where those specified are not available.

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No.	Date	Description	Issued by
A	18.04.19	Red line boundary amended.	DT

THE SHERIDAN GROUP LTD

LAND OFF MEDLOCK ROAD

Location Plan

Drawing Number	Project number	570
009	Date	07.02.18
Current Revision	Drawn by	DT
A	Checked by	OL3
	Scale @ A2	1:1250



Unit 23 Broadway Business Park Chadderton OL9 9XA
 Email - design@studio-ol3.co.uk - Web - www.studio-ol3.co.uk

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Planning Committee Meeting 11th November 2020

MMA/344685/20

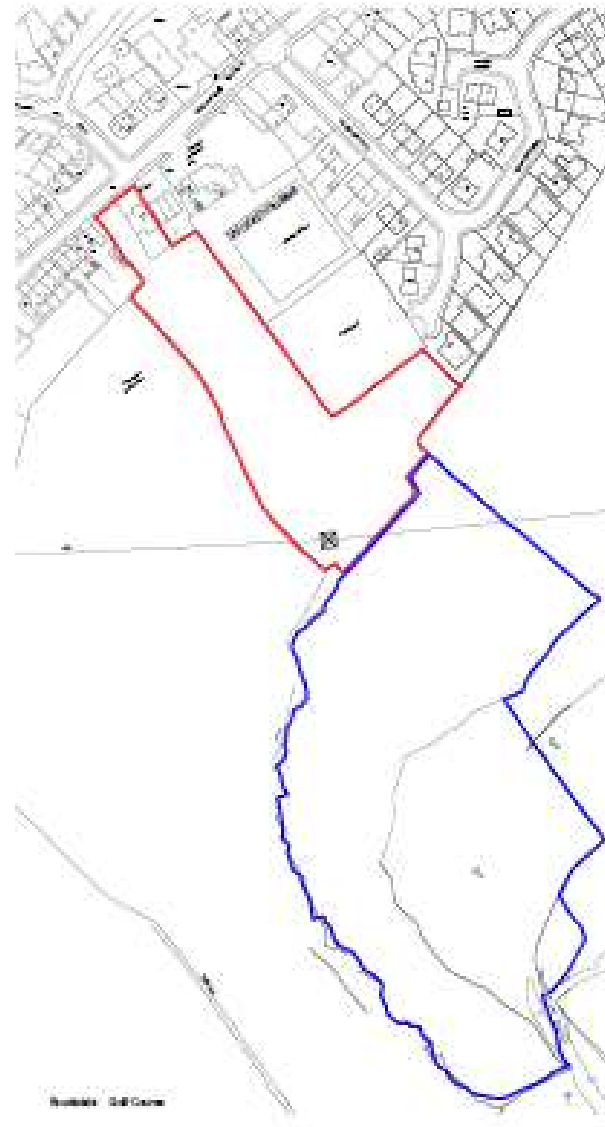
Variation of conditions 1, 2, 3, 4, 5, 6, 8, 10 & 13
relating to app no. PA/343302/19

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



Oldham
Council

Location Plan



Aerial View



Condition No.1 (Time limit):





Requires a start within three years of the 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. Therefore, it has been agreed this will not be removed or varied with the applicant's agent.

Condition No.2 (Approved Plans):

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

As such, this condition has been varied to take account of the approved details that have been submitted to vary/remove other conditions from the original decision.

Condition No. 3 (Materials):

FINISH	DESCRIPTION
	<u>Brickwork</u> Wienerberger – Kempley Antique
	<u>Stone Coursing / Stone Heads and Cills / Stone Surrounds / Parapet Copings</u> Scout Moor Gritstone - Petrological Description – Namurian Millstone Grit (from Marshalls – Fletch Bank Quarry – Ramsbottom)
	<u>Entrance Door</u> Rockdoor composite entrance door – Irish Oak finish
	<u>Windows and Rear Access Doors</u> Anthracite Grey uPVC

	<u>Bi-Fold Doors</u> Anthracite Grey uPVC
--	--

	<u>Roof Finish</u> Slatescape - Mocha Spanish Black
---	--

	<u>Rainwater Goods</u> Square profile Black uPVC with Anthracite Grey uPVC Fascia boards and Soffits
--	--

	<u>Stone Paving</u> Indian Sandstone Paving – Buff Multi
--	---

	<u>Close Board Fencing</u> Applied as per planning drawing reference: 570 - 004K - Proposed Boundary Treatment Plan
	<u>Hit and Miss Fencing</u> Applied as per planning drawing reference: 570 - 004K - Proposed Boundary Treatment Plan
	<u>7 Metre High Golf Net Fencing</u> Applied as per planning drawing reference: 570 - 004K - Proposed Boundary Treatment Plan

Condition No. 4 (Adequate off-street parking facilities and hardstanding construction):



Specification SureSet[®]

Driveways - permeable base (SuDS Compliant)

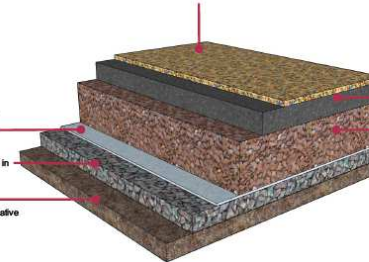
Fully permeable build up above membrane

SureSet
 An aggregate size of 3mm requires a standard depth of 16mm
 An aggregate size of 6mm requires a standard depth of 18mm
 An aggregate size of 10mm requires a standard depth of 30mm
 Fine grit is lightly cast onto an uncurved surface

Membrane
 An impermeable membrane to convey water to retention/detention/storage systems etc.
 OR
 A geo-textile separation membrane to allow infiltration directly into sub-grade and to prevent upward migration of fine soil particles may be required.

Capping/improvement layer, if required, in one or more layers. (please see notes on reverse)

Sub-grade
 Top soil stripped back until organic and vegetative material has been removed.



Asphalt Binder Course
 Laid by others in well compacted layers.
 A 70mm minimum depth of maximum size AC 10 open graded asphalt.
 Max 100/150 pen to BS EN13108-1:2006 (Bituminous Macadam) or (recommended BBA approved polymer modified binder).

Sub-base
 Laid by others in well compacted layers.
 A 175mm minimum depth of well compacted Type 3 granular sub-base to SHW clause 805 or 4440mm, 4/20mm graded crushed concrete aggregate to BS EN12620 or locally available secondary or recycled aggregates which comply with the above specification blended with 2.5.3mm graded crushed concrete aggregate to BS EN12620.

Also suitable for
 Courtyards, Town centres & Occasional maintenance vehicles

Please refer to specification guidance notes on reverse side.

SureSet UK Ltd © T138 V8

Condition No. 5 (Drainage):

- The submitted details have been considered by the Lead Local Flood Authority, and it has been confirmed they are sufficient to satisfy condition 5 of planning application. Provided that a full survey of the watercourse has been undertaken and provided for the LLFA to review prior to occupation of the development.
- As a result, this condition has been varied to require the development is constructed in accordance with the above stated details/ plans, and a full survey of the watercourse has been undertaken and provided for the LLFA to review prior to occupation of the development.

Condition No. 6 (To protect the watercourse and Brookdale Golf Course SBI):

- To address the pre-commencement part of this condition the application is supported by the submission of a 'Phase 1 Ecological Survey & Appraisal & Amphibian Habitats Suitability Index Assessment (Update)', produced by Sensible Ecological Survey Solutions. This report is considered acceptable GMEU.
- Therefore, the prior to commencement part of this condition has been varied to address this submission.

Condition No. 8 (Trees/shrubs within the site):

Cellweb® TRP Installation Guide

Page 46



The diagram illustrates the installation process for Cellweb® TRP. It includes a site plan showing the layout of the site with various areas marked for installation. The plan is divided into sections, with some areas highlighted in yellow and others in blue. A legend on the right side of the plan identifies the different sections and their corresponding colors. The plan also includes a scale bar and a north arrow.

Step 1: Prepare Surface
A photograph showing a gravel path being prepared for installation.

Step 2: Lay out Treetex™
A photograph showing a person laying out a white fabric (Treetex™) on the prepared surface.

Step 3: Lay out Cellweb® TRP
A photograph showing a person laying out black Cellweb® TRP on the prepared surface.

Site Plan Details:
The site plan shows a large area with a central path and several smaller paths branching off. The paths are marked with different colors and symbols. A legend on the right side of the plan identifies the different sections and their corresponding colors. The legend includes symbols for trees, shrubs, and other site features. The plan also includes a scale bar and a north arrow.

Condition No. 9 (Landscaping scheme):



Specification SureSet[®] Permeable Paving

Driveways - permeable base (SuDS Compliant)

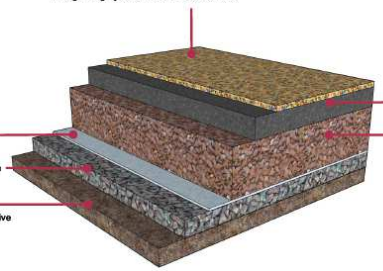
Fully permeable build up above membrane

SureSet
 An aggregate size of 3mm requires a standard depth of 46mm
 An aggregate size of 6mm requires a standard depth of 48mm
 An aggregate size of 10mm requires a standard depth of 30mm
 Fine grit is lightly cast onto an uncured surface

Membrane
 An impermeable membrane to convey water to retention/detention/storage systems etc.
 OR
 A geo-textile separation membrane to allow infiltration directly into sub-grade and to prevent upward migration of fine soil particles may be required.

Capping/Improvement layer, if required, in one or more layers. (Please see notes on reverse)

Sub-grade
 Top soil stripped back until organic and vegetative material has been removed.



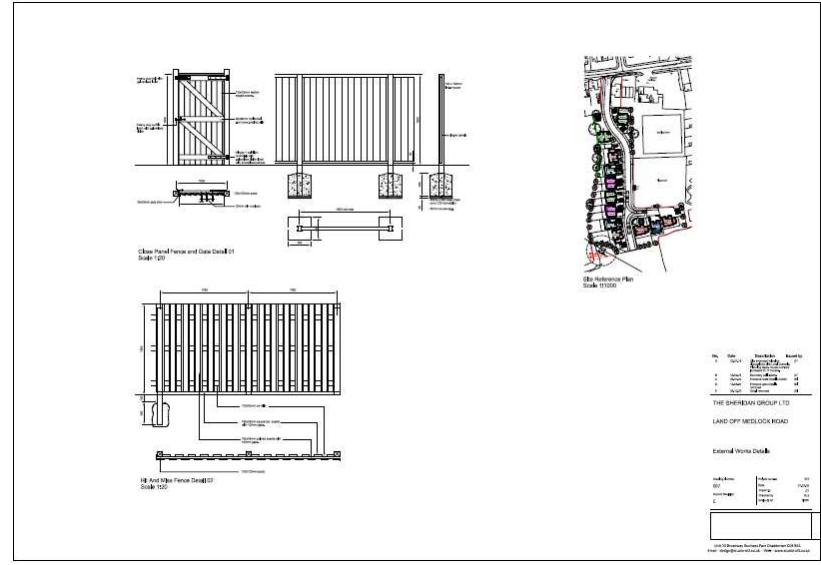
Asphalt Binder Course
 Laid by others in well compacted layers. A 70mm minimum depth of maximum size AC 10 open graded asphalt. Max 1000150 pen to BS EN13108-1:2006 (Bituminous Macadam) or (recommended BBA approved polymer modified binder).

Sub-base
 Laid by others in well compacted layers. A 175mm minimum depth of well compacted Type 3 granular sub-base to SHW clause 905 or 440mm, 4/20mm graded crushed concrete aggregate to BS EN12620 or locally available secondary or recycled aggregates which comply with the above specification blined with 26.3mm graded crushed concrete aggregate to BS EN12620.

Also suitable for Courtyards, Town centres & Occasional maintenance vehicles

Please refer to specification guidance notes on reverse side.

SureSet UK Ltd © T138 V8



Condition No. 10 (Protection of bird habitats):

GMEU noted that given this condition has no prior commencement requirement and given birds can sometimes decide to nest in unlikely locations, the condition is still therefore required and reasonable to attached.

Condition No. 11 (Landfill Gas/Contaminated Land):

The Phase II Geoenvironmental Site Investigation Report by GEOCON, dated October 2017 has classified the whole site as CS3/Amber 1 with regards to ground gas. The Councils Environmental Health Section considered the submitted details and confirmed they address the pre-commencement portion of Condition no. 11. However, a validation report will be required for all plots to confirm the installation of the membranes, is required proper to occupation.

Condition No.13 (Visibility in the interests of highway safety):

It is noted on site (19/3/2020) that the boundary wall to the front of 111 Medlock Road has been re-sited in accordance with the detail shown on plan ref: 005 Rev H and J930/access/Fig 1. To this end, this condition has been varied to require the boundary wall to the front of 111 Medlock Road remains re-sited, in accordance with the detail shown on plan ref: 005 Rev H and J930/access/Fig 1, at all times and the area between the fence line and the access shall be permanently kept clear of all obstructions.

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APPLICATION REPORT - PA/345119/20

Planning Committee, 11 November 2020

Registration Date: 10/07/2020
Ward: Medlock Vale

Application Reference: PA/345119/20
Type of Application: Full Application

Proposal: Part use of bakery to form a catering and retail shop outlet selling the bakery products to the public as well as wholesale production.
Location: Copster Hall, 122-130 Copster Hill Road, Oldham, OL8 1QQ
Case Officer: Abiola Labisi
Applicant: Mr Abid Munir

This application is being reported to the Planning Committee in accordance with the Scheme of Delegation as the applicant is related to elected Members.

RECOMMENDATION

Approve subject to the conditions below.

THE SITE

122 - 130 Copster Hill Road is located on the north side of the road and at its junction with Lorne Street. The site is located within a predominantly residential area but there are a number of retail/commercial units within close proximity of the site. On site is a bakery.

THE PROPOSAL

The proposal relates to the use of part of the existing bakery as a catering facility and retail outlet selling the bakery products to calling members of the public. The applicant was requested to clarify the exact nature of catering and retail activities that would be undertaken and has advised that the catering area would be used for the cooking and preparation of packed foods to be delivered at events being held away from the site (such as weddings) while the retail area would be for the retail sale of cakes and desserts produced on site.

There would be no significant external alterations to the building. The only alterations comprise of increasing the length of an existing high-level window and formation of a new side door adjacent the modified window.

With regard to opening hours, the applicant has advised that these would be between 07.00 and 21.00 hours daily.

RELEVANT PLANNING POLICIES

In this case 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.

Joint Development Plan Document

Policy 09 - Local Environment
Policy 20 - Design
National Planning Policy Framework

RELEVANT HISTORY OF THE SITE:

PA/040890/00 - Permission granted for change of use from meeting place to a manufacturing bakery on 08/02/2001.

It is noted that condition 3 of the above referenced permission tied the use of the premises to specified named persons while Condition 10 restricted the use to bakery manufacturing purposes only with no direct retailing of goods to members of the public.

CONSULTATIONS

Highway Engineer	No objection
Environmental Health	No objection subject to conditions relating to details of extraction system and opening hours.

REPRESENTATIONS

No representations have been received.

PLANNING CONSIDERATIONS

The main material planning issues to consider are:

- ☐ Impact of the proposal on the character of the area;
- ☐ Impact on the amenity of the occupiers of neighbouring properties; and
- ☐ Highway issues.

Design and Impact on the character of the area

NPPF Paragraph 127, as well as Policies 9 and 20 of the Oldham Local Plan require that developments are visually attractive as a result of good architecture, layout and are sympathetic to local character and history, including the surrounding built environment.

The proposal does not include any significant external alterations to the building with the only alterations being increasing the size of an existing window and creation of a new pedestrian door on the side elevation. As such, it is considered that the proposal would not lead to any significant adverse impact on the character of the area. Notwithstanding the predominantly residential character of the area, the building is currently in commercial use and there are other premises in various types of commercial uses within the vicinity of the site. As such, the proposal would not alter the character of the area significantly.

Impact on the amenity of occupiers of neighbouring properties

NPPF Paragraph 127 requires that new development should also ensure a high standard of amenity for existing and future users. Policy 9 of the Oldham Local Plan provides that development should not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on privacy, safety, security, noise, visual appearance of an area and access to daylight amongst others.

Having regard to the nature of the proposed use, the potential impact on the occupiers of neighbouring properties would be those relating to noise and odour pollution. It is noted that some element of cooking as well as baking already takes place on the site. Whilst the retail sale of bakery products is not considered to be likely to lead to any significant additional noise and odour pollution, the commercial preparation of food for off-site consumption could lead to significant additional odour pollution.

However, the additional odour pollution from the proposed catering service can be addressed by way of conditions. The Environmental Health Officer has recommended that full details of existing and proposed extraction/odour abatement systems be submitted prior to commencement of the development.

The Environmental Health Officer has no objection to the premises being open for business between Monday and Saturday and would suggest that no trading takes place on Sundays and Bank Holidays. However, if the catering service is considered acceptable, it would be unreasonable to restrict opening hours to Monday to Saturday as the applicant may need to supply food at events taking place on a Sunday. In as much as issues relating to odour and noise from cooking/extraction equipment can be minimised, it is considered that trading on Sundays/Bank Holidays would not lead to a significant adverse impact on the amenity of the occupiers of neighbouring properties.

Highway Issues

In relation to the impact of proposals on highway safety, paragraph 108 of the NPPF provides that proposals should ensure that safe and suitable access to the site can be achieved for all users while paragraph 109 provides 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.

There is a public parking layby just outside the building and as such, it is considered that the proposal would be unlikely to lead to detrimental highway safety issues. In addition, there has been no objection from the Highway Engineer.

CONCLUSION

Having regard to the nature and scale of the proposed development, the existing use on site, and neighbouring uses, it is considered that the proposed development would not lead to any significant adverse impact on the character of the area neither would it lead to a significant adverse impact on the amenity of the occupiers of neighbouring properties. The proposal would therefore be in accordance with relevant provisions of Oldham Local Plan Policies 9 and 20, as well as relevant provisions of Sections 9 and 12 of the NPPF.

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 Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3 The development hereby approved shall not be brought into use unless and until a detailed scheme for treating fumes and odours before their emission to the atmosphere so as

to render them innocuous has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail how the extraction unit will be attenuated and mounted to minimise the transmission of airborne and structure-borne noise and vibration as well as the position and finish of any external flues and a programme of operation and equipment maintenance, in accordance with the manufacturer's recommendations. The works forming the approved scheme shall be completed entirely in accordance with the approved scheme and thereafter the works forming the approved scheme shall at all times remain in place. REASON - To protect the amenity of the occupiers of nearby properties having regard to Policy 9 of the Oldham Local Plan.

4 The use hereby permitted shall only be carried out during the hours of 07.00 to 21.00 daily. REASON - To safeguard the amenity of the adjoining premises and the area generally. having regard to Policy 9 of the Oldham Local Plan.

5. Retail sales shall be limited to the designated "retail area" as indicated on the approved layout plan. REASON - To safeguard the amenity of the adjoining premises and the area generally. having regard to Policy 9 of the Oldham Local Plan.

122-130, Copster Hill Road, Oldham, OL8 1QQ



Site Plan shows area bounded by: 392310.94, 403538.02 392510.94, 403738.02 (at a scale of 1:1250), OSGridRef: SD9241 363. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Planning Committee Meeting 11 November 2020

PA/345119/20: Part use of existing manufacturing bakery to form catering and retail shop outlet selling bakery products to members of the public.

Copster Hall – 122 – 130, Copster Hill Road, Oldham

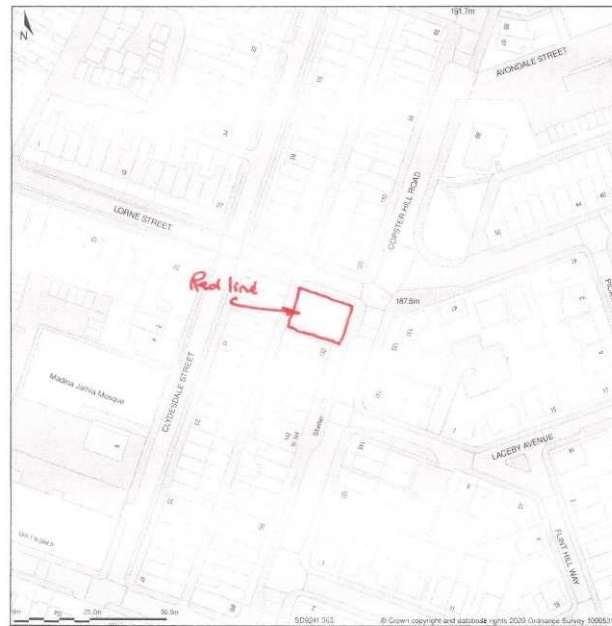


Oldham
Council

Site Location Plan



122-130, Copster Hill Road, Oldham, OL8 1QQ



Site Plan shows area bounded by: 392310.94, 403530.02, 392010.94, 403735.02 (at a scale of 1:1250), OSGridref: SD9241 363. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Aerial view

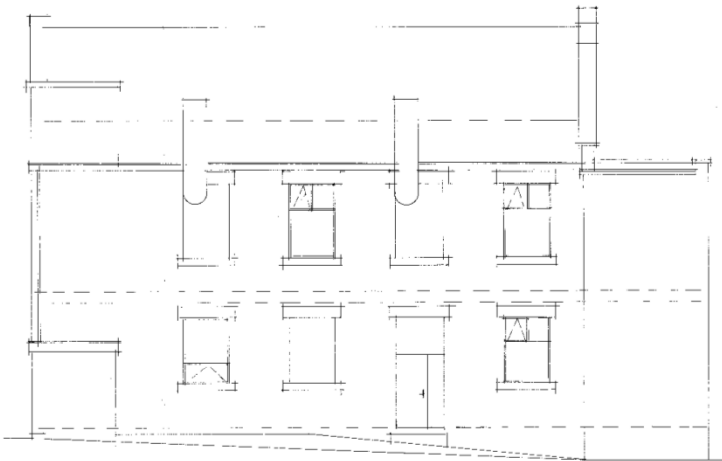


Application property

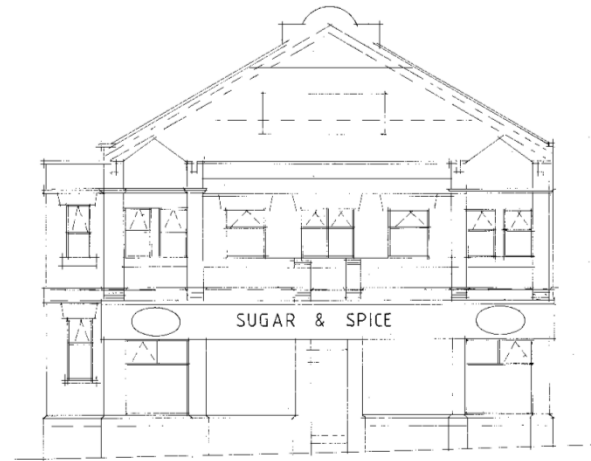


Proposed elevations

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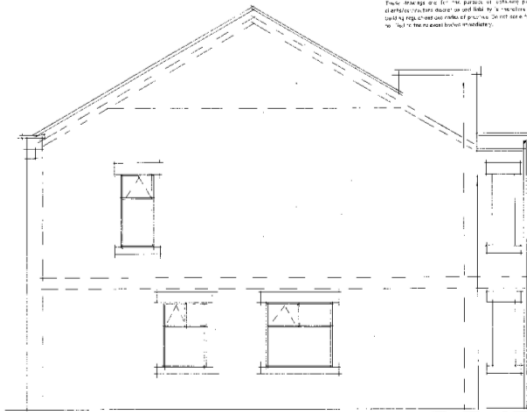
RETURN ELEVATION



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

GENERAL CONSTRUCTION AND MATERIALS

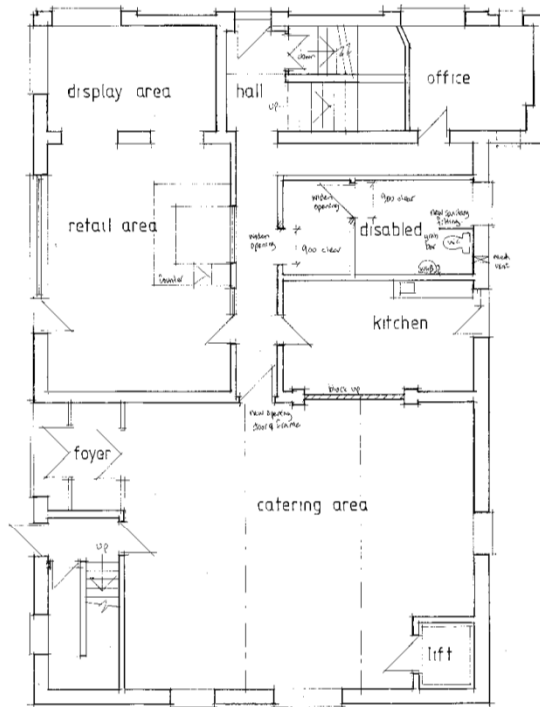
Unless otherwise specified, the building shall be constructed in accordance with the current edition of the Building Regulations and the Building Act 2004. The construction shall be in accordance with the current edition of the Building Regulations and the Building Act 2004. The construction shall be in accordance with the current edition of the Building Regulations and the Building Act 2004. The construction shall be in accordance with the current edition of the Building Regulations and the Building Act 2004.

NOTES

1. These drawings are for the purpose of obtaining planning permission only. All work shall be in accordance with the current edition of the Building Regulations and the Building Act 2004. The construction shall be in accordance with the current edition of the Building Regulations and the Building Act 2004. The construction shall be in accordance with the current edition of the Building Regulations and the Building Act 2004.

EXISTING
 EXISTING BAKERY BUSINESS TO
 REMAIN. PROPOSED CHANGE OF
 USE OF OWNERS/OPERATIVES
 AND PART RETAIL USAGE AREA.
 DRAWING TITLE
 PROPOSED ELEVATIONS
 CLIENT
 MR. A. MUNTR
 ADDRESS
 122-130, COPSTER HILL ROAD,
 OLDHAM, OL14 1QD
 DATE
 SCALE 1:50@A1 MAR 2020
 DRAWN BY
 RC 02205542/4

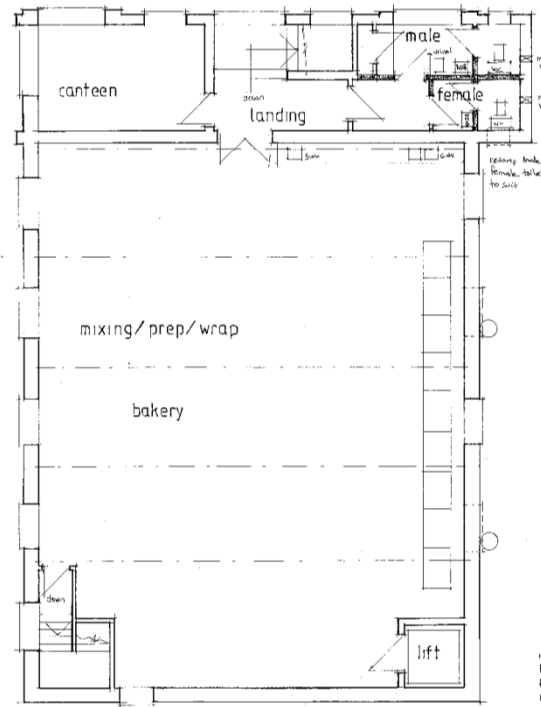
Proposed layout



GROUND FLOOR

GENERAL CONSTRUCTION AND MATERIALS
 This plan is based on the existing structure and is subject to change in accordance with the approved plans. It is the responsibility of the contractor to verify the accuracy of the information provided on this plan. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for ensuring that the construction complies with all applicable building codes and regulations. The contractor shall be responsible for ensuring that the construction is completed in accordance with the approved plans and specifications. The contractor shall be responsible for ensuring that the construction is completed in accordance with the approved plans and specifications.

NOTES
 These drawings are for the purpose of showing the proposed layout. All work shall be in accordance with the approved plans and specifications. The contractor shall be responsible for ensuring that the construction complies with all applicable building codes and regulations. The contractor shall be responsible for ensuring that the construction is completed in accordance with the approved plans and specifications.



FIRST FLOOR

PROJECT
 EXISTING BAKERY BUSINESS TO
 REMAIN, PROPOSED CHANGE OF
 USE OF OWNERS/OPERATIVES
 AND PART RETAIL USAGE AREA.
 DRAWING TITLE
 PROPOSED LAYOUTS.
 CLIENT
 MR. A. MUNIR
 ADDRESS
 122-130, COPSTERHILL ROAD,
 OLDHAM, OL81QQ.
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 28/03/2020
 RC 02205542/3.

APPLICATION REPORT - HH/345289/20

Planning Committee 11 November 2020

Registration Date: 14/08/2020
Ward: Saddleworth West And Lees

Application Reference: HH/345289/20
Type of Application: Full Application

Proposal: Proposed front and rear dormers and alterations to rear elevation.
Location: 12 Ashfield Crescent Springhead OL4 4NX
Case Officer: Brian Smith
Applicant: Miss Vita Price
Agent : Mr Curtis Martyn

This application is being reported to the Planning Committee in accordance with the Scheme of Delegation as the applicant is related to an elected Member.

RECOMMENDATION

Approve subject to conditions.

THE SITE

12 Ashfield Crescent Springhead comprises a brick built semi-detached 3 bed bungalow under a tiled roof situated within an area largely populated by dwellings of a similar size and appearance. Currently two bedrooms are situated at the ground floor level whereas a third is situated at first floor level within the existing roof space.

THE PROPOSAL

An earlier application in respect of front and rear dormers was refused on the grounds that the proposed front dormer would dominate the existing front roof plane detracting from the character and appearance of the existing dwelling and the wider street scene to the detriment of the visual amenity of the area.

This latest application again proposes box type dormers to the front and rear albeit of differing depth as a means to address the earlier concerns. More specifically the proposed front and rear dormers which each measure approximately 6m in width will be set back approximately 1.5m and 400mm from the line of the eaves respectively. In turn a minimum width of 200mm will be maintained between the cheeks of the dormers and the edge of the gable verge. The dormer walls will feature tiles similar to the existing roof tiles and concrete tiles are proposed on the lean-to roofs which will extend up to the existing ridge height.

The new accommodation at first floor level comprises two new bedrooms each with bathroom/shower room.

RELEVANT PLANNING HISTORY

HH/344527 Front and rear dormers and alterations to rear. Refused 6 May 2020

RELEVANT PLANNING POLICIES

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.

Joint Development Plan Document

Policy 09 - Local Environment

Policy 20 - Design

REPRESENTATIONS

Saddleworth Parish Council recommend that the application be approved

PLANNING CONSIDERATIONS

The main issues to consider include both residential and visual amenity.

Residential Amenity

In terms of safeguarding neighbouring properties existing amenity levels Policy 9 stipulates that proposed development should not cause significant harm through impacts including loss of privacy safety and security noise pollution access to daylight or other nuisances.

In this regard it is considered that sufficient distance would be maintained between the rear dormer bedroom and those neighbouring dwellings immediately to the rear on Bateson Drive to avoid any meaningful intrusion of privacy. In any event a rear dormer would qualify as permitted development in its own right. Further in the absence of any dwellings on the opposite side of Ashfield Crescent the front dormer would usually have few privacy implications.

Accordingly the proposed development is found to be fully compliant with the provisions of Policy 9 in this regard.

Visual Amenity and Design

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

In this regard the proposed front dormer subject of this latest application represents a considerable improvement upon the earlier application insofar as it would no longer dominate the front roof plane. Further its size and scale would be comparable with that associated with existing front dormers at both nos.4 & 6 Ashfield Crescent.

Insofar as the proposed rear dormer is concerned allowing for the aforementioned fall-back position and considering the dormer would not feature prominently in the street scene its introduction would continue to comprise a satisfactory form of development.

Accordingly the provisions of Policies 9 and 20 are equally met in this regard.

CONCLUSION

The proposed development would not have any unacceptable impacts on neighbouring or visual amenity. As such the proposal would comply with the above policies of the Local Plan

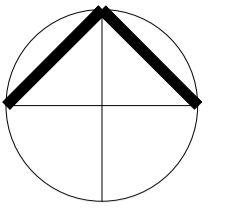
and the NPPF. Therefore in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act the proposal therefore merits approval.

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 Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be consistent in terms of colour, size and texture with those used in the existing building. REASON - To ensure that the appearance of the existing building is acceptable having regard to Policy 20 of the Oldham Local Plan.



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For the avoidance of doubt all dimensions are measured to wall structure and not the finishes unless otherwise stated.

Where any discrepancy is found to exist within or between drawings and/or documents it should be reported to the architect immediately.

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PLANNING

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Rev/	Date	Revision Note	By	Check

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Drawn by	date	checked by	date	Scale at A1	Scale at A3
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Site No	Drawing Title	Client	Design No	Revision
1922	ASHFIELD CRESCENT 1922_(20) LOCATION PLAN	-	-	-

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.

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Planning Committee Meeting

Date 11th November 2020

Proposal: Front and rear dormers and alterations to rear elevation

Address: 12 Ashfield Crescent, Springhead OL4 4NX

Application No. HH/345289/20

Location plan



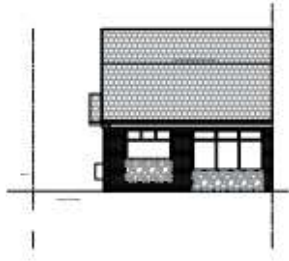
Aerial view



Front elevation



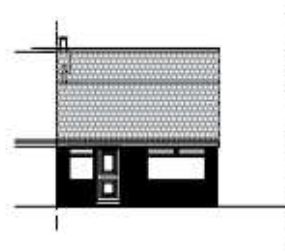
Proposed elevations



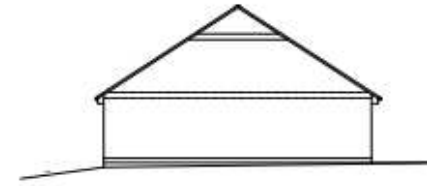
EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION



EXISTING SIDE ELEVATION



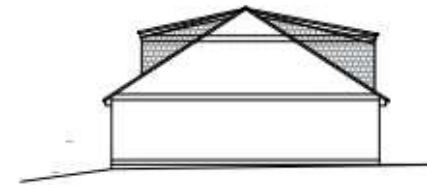
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



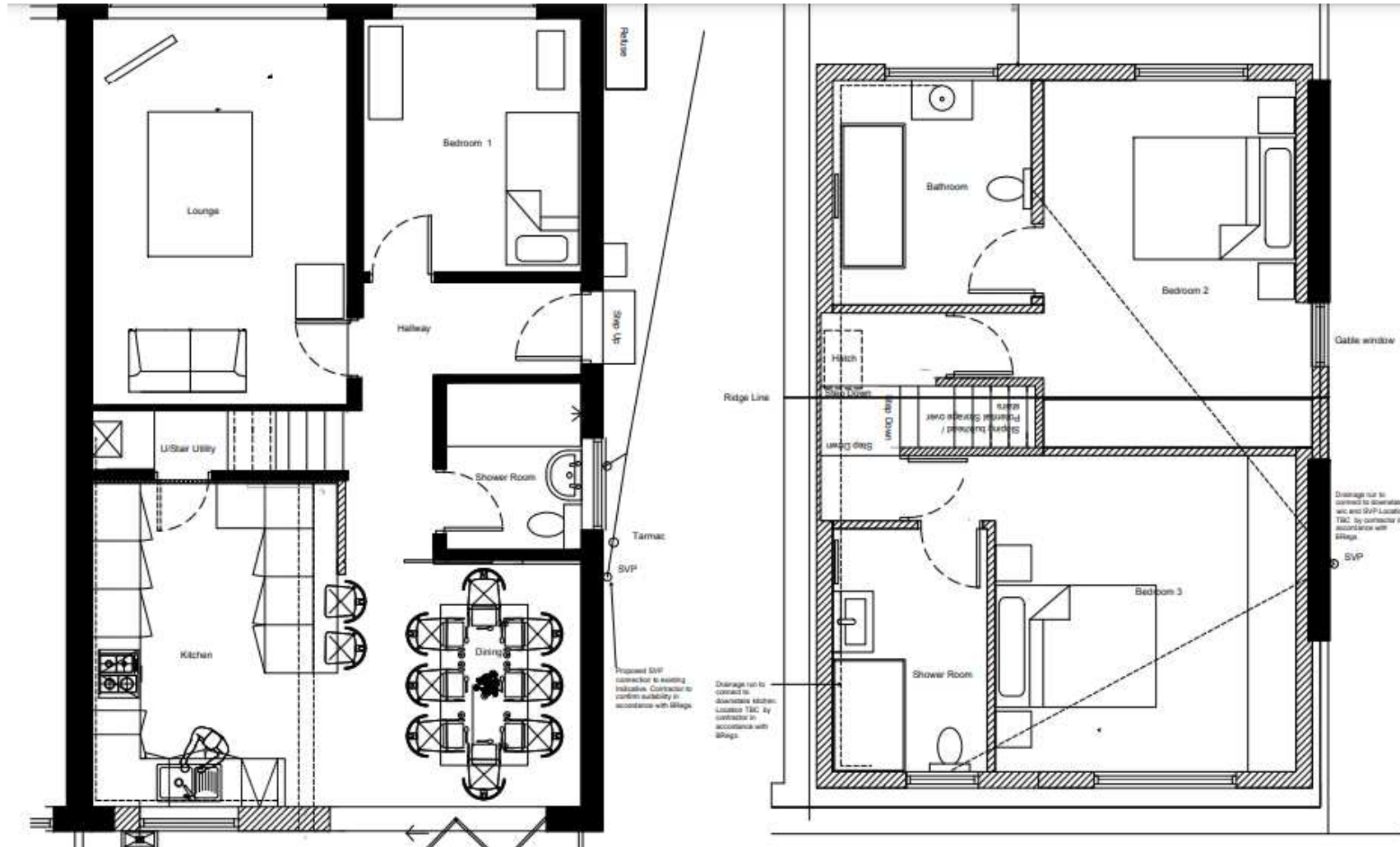
PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

Proposed ground and first floor plans

Page 74





Planning Appeals Update

Planning Committee

Report of Head of Planning and Infrastructure

DATE OF COMMITTEE

November 2020

PLANNING APPEALS

WRITTEN REPRESENTATION

HEARINGS

HOUSE HOLDER

ADVERTISEMENTS

AD/344827/20 – B and M Bargains, Ellen Street, Oldham OL9 6QR

APPEAL DECISIONS

AD/344390/20 – Dismissed - Junction Trade Park, OL8 4RG
PA/343901/19 – Allowed - 264 Block Lane, Chadderton, OL9 7QB
AD/344807/20 – Dismissed – The motor Finance Group, Shaw Road, OL1 3HZ
HH/344267/19 – Dismissed – 95 Failsworth Road, Failsworth, M35 9NX
CL/335657/14 – Dismissed – Land at Harrop Green Lane, Diggle, Oldham

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 20 October 2020

by **Robert Hitchcock BSc DipCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/W4223/H/20/3254877

Junction Trade Park, Manchester Road, Oldham OL8 4RG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
- The appeal is made by SSH Property Investment Ltd against Oldham Metropolitan Borough Council.
- The application Ref AD/344390/20 is dated 17 January 2020. The advertisement proposed is 2no. LED advertisement displays.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal relates to an advertisement consent application that was not determined by the Council within the prescribed period. I have had regard to the appellant's submitted plans and statements and have determined the appeal on that basis.

Main Issues

3. The main issues are the effect of the signage on amenity and public safety.

Reasons

Amenity

4. The site lies in an area of predominantly commercial development. It fronts the wide Manchester Road (A62) corridor, a busy strategic route linking Oldham town centre with Manchester city centre, close to a signal-controlled junction. The site consists of a number of commercial units within a subdivided shed that has been re-fronted with a high modern façade. A parking area lies forward of the building and is enclosed by a wall and railings. At the time of my site inspection, all the units were occupied.
5. The proposed signs would sit close to the site frontage such that they would appear prominent in the street scene. In the context of a commercial area of generally large-scale buildings and the broad measure of the roadway, the hoardings would be appropriate in their scale.
6. However, the displays would be seen against a backdrop of a significant number of large adverts displayed on the front of the building. Large scale signage identifying the businesses contained within each unit is generally set high on the building's façade close to the upper edge of the parapet where they

are highly visible. These are augmented by a significant level of secondary signage set in and about the fascias and above the ground floor openings of most of the units. When taken with the existing totem signage within the car park and the banner advertisements and placards attached to the enclosing railings and gates, the proposed displays would add to a significant clutter of adverts displayed at the site.

7. Despite their set apart positions, the effect of the large-scale displays would be to add to the existing confusion of adverts. This would be particularly so on account of the vivid LED displays and the 'movement' between consecutive static images up to a maximum of one every 10 seconds. Although the displays would be modern in appearance and could be maintained to a high standard with illumination levels controlled, they would serve to draw significant attention to themselves and the broader display of advertisements. Although they would not adversely impact nearby residential living conditions on account of intervening distances, they would add to the existing proliferation of adverts and constitute intrusive and overly dominant features that would cumulatively cause significant harm to the visual amenity of the surrounding area through visual clutter.
8. The appellant has highlighted that there are examples of other high density signage areas along the A62 frontage and LED displays elsewhere. However, the majority of large units have significantly lower levels of displays on their individual elevations and therefore contrast sharply with the case before me, a case I have considered on its own merits. Although the presence of other adverts elsewhere provides part of the commercial context of the site and the A62 corridor, it does not justify the addition of further dominant features which I have identified would cause harm to the streetscene in the vicinity of the site.
9. For the above reasons, I find that the proposed LED displays would add to the visual clutter of advertisements in the locality such as to cause significant harm to its visual amenity.

Public Safety

10. The signs would be sited on private land that is publicly accessible to visitors of the businesses within the adjacent building. The signs would be located clear of the edge of a car park area and set behind a landscape strip to the rear of the pavement on Manchester Road such that they would pose little effect on the continued safe use of those areas.
11. The proposed displays would be readily visible by users of the busy A62 and from the roads serving commercial areas on its opposite side, including Clock Street, Bowling Street and Clowes Street. However, the primary views would be limited to those about the junction of Clowes Street and the A62. This junction is controlled by traffic lights with a combined pedestrian crossing on the northern arm.
12. The position of the signs would be such that driver views of the traffic signals about the junction would be unimpeded and viewed in isolation from the displays. Traffic waiting to turn on to Manchester Road from within the Clowes Street carriageway would see the northernmost sign in the same view as the traffic signals but sufficiently separate from it to avoid confusion and interpretation of the changing road signals.

13. Sideways views of the signs would be available to drivers of vehicles within the main carriageways of the A62. For southbound traffic they would substantially emerge in the field of view after vehicles have navigated the junction on account of the bend in the road and presence of screening buildings on the corner. However, this would be on approach to a bus layby and a major junction with the ring road. In the northerly direction the signs would present late in the approach to the junction with Clowes Street / Baxter Street on account of the landscaping within the central reservation.
14. In both directions, these views would be at points where traffic is slowing, potentially stopping, or manoeuvring between lanes. Although forward visibility is generally good and the area benefits from street lighting, the size, siting, illumination and changing character of the displays, whether synchronised or not, when taken with the backdrop of other advertisements, would inevitably draw the attention of drivers. The side-on position and late emergence in the field of view would increase the potential for distraction with attendant possibility for shunts and collisions between vehicles on those sections of the road.
15. In support of the appeal the appellant indicates that the accident record for the locality is low and distraction was not a factor in the instances recorded. However, this is without the presence of the LED displays. Additionally, details of examples of other LED adverts sited close to main roads and junctions are provided, including before and after accident records. However, in the absence of full details of the cases I am unable to draw comparisons between their circumstances and those of the case before me. Furthermore, although the cases generally indicate that there is no statistically significant association with the erection of LED displays, the limited data and other potential variables do not provide firm ground to conclude that no adverse impact on highway safety would arise in the circumstances of this case.

Other Matters

16. I note the frustrations expressed by the appellant in relation to the level of communication from the Council leading up to this appeal. However, this is not a matter for the appeal.

Conclusion

17. I have taken into account the provisions of the development plan, so far as they are relevant, in accordance with the Regulations. I have had regard to Policy 9 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies (2011) as it seeks to protect amenity and the safety of road users, together with paragraph 132 of The National Planning Policy Framework. Having found that the proposal would cause harm to local amenity and highway safety, the proposal conflicts with those policies.
18. For the above reasons, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR



ISSUE				
Rev	Description	By	Chk	Date

All dimensions to be as noted (to be checked on site prior to manufacture). Do not scale the drawing. Report any discrepancies to the Architect/CA immediately. All drawings copyright of Gas Studio Ltd. drawings are not to be reproduced without written consent.

Key Notes
■ Site Boundary

Project	Junction Trade Park	Project No.	19-21	Rev.	00
Dwg. No.	L(-2)001	By	MB	Chk.	MJG
Date	Dec 19	App.	00		
Scale	1:1250 @ A3				



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Architects / Masterplanning / Urban Design



Appeal Decision

Site visit made on 8 September 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2020

Appeal Ref: APP/W4223/W/3248687

Land to the side of 264 Block Lane, Chadderton, Oldham OL9 7QB

- 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 Paul Carr against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/343901/19, dated 12 September 2019, was refused by notice dated 19 November 2019.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at Land to the side of 264 Block Lane, Chadderton, Oldham OL9 7QB in accordance with the terms of the application, Ref PA/343901/19, dated 12 September 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Paul Carr against Oldham Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The appeal site is a triangular piece of land fronting Block Lane to its south east, and bounded by the Metrolink light rail embankment to the west and residential properties to the east. Block Lane is a classified 'B' road with a 30mph speed limit, with the appeal site situated on the inside of a long and gentle curve in the road. The Metrolink line crosses Block Lane on a skew bridge a short distance to the west of the site. The proposal is to erect a single storey, two-bedroom dwelling, which would be situated towards the northern corner of the site close to the boundaries with 264 Block Lane and the Metrolink embankment. Parking provision for two vehicles is proposed within the site, and there would be room for vehicles to turn within the site to enable exit in a forward gear.
5. There is a bus stop with a shelter on the north side of Block Lane immediately outside the appeal site, and the development would require the formation of a

new access crossing the pavement next to this. The shelter would obstruct the view east along Block Lane for drivers leaving the appeal site, and so would increase the risk of road accidents taking place. The positioning of the bus shelter is also such that pedestrians passing by must either walk on a hard surfaced area to the rear of the shelter, which is in the appellant's ownership and within the appeal site 'red line' boundary, or on a narrow section of footway in front of the shelter which is not wide enough to provide safe passage for people using wheelchairs or buggies. Transport for Greater Manchester has agreed with the appellant that, if planning permission for the development is granted, it will remove the existing bus shelter and replace it with a pole-type bus stop.

6. The length the view west Block Lane for drivers leaving the site would be limited by the Metrolink bridge abutment. However, the appellant has provided drawings showing that, following removal of the bus shelter, visibility splays of 2.4m x 43m in both directions could be created. These splays would be in line with the standard sought by the Highway Authority for a road with a 30mph speed limit. Nonetheless, the Council considers that there would remain a risk to safety from possible conflict between people waiting at or near the bus stop and drivers entering or leaving the site, as well from the site access being obstructed by any bus waiting at the stop.
7. Collision data submitted by the appellant, which has not been disputed, shows that during the five years from 2014 to 2018 inclusive there were three traffic incidents within 200m of the appeal site which led to 'slight' injuries. While accidents of any sort are of course regrettable, the evidence does not suggest that Block Lane is substandard or has dangerous traffic conditions at present. From what I saw at the time of my visit it does not appear to carry a heavy traffic flow, and there is no suggestion that the two-bedroom bungalow proposed would be likely to generate a significant number of additional vehicular movements.
8. Two bus routes use the adjacent stop, providing a combined service of three buses per hour. There is no data before me relating to passenger usage of the bus stop but, while I recognise they represent only a snapshot at a weekday lunchtime, my observations on my site visit did not suggest that it is especially heavily used. It therefore seems unlikely to me that there would be serious conflict between drivers entering or leaving the site and people using the bus stop, or that the number of people using the stop would obstruct the view east along Block Lane for drivers leaving the appeal site to a harmful degree. Although a bus waiting at the stop would block the proposed dwelling's driveway and prevent a vehicle entering or leaving, this would most likely be for only a very short period and any conflict would thus be minor. In urban areas it is not uncommon to find a bus stop next to a driveway or similar vehicular access point, and indeed my attention was drawn to other examples nearby. While each case must be assessed on its own merits, in the context of the wider surrounding area, the proposed arrangement would not present either pedestrians or drivers with an unusual or unexpectedly challenging situation.
9. The Highway Authority has advised that the siting of vehicle crossing over the footway within 17.5m of the rear face of a bus stop pole would not comply with the standard set out in its 2014 Light Duty Vehicle Crossing Policy. There is nothing before me to suggest that the standard has been incorporated into any

adopted planning policy, although it is of course a matter for the Highway Authority to reach its own decision on an application under the Highways Act 1980 for a vehicle crossing. However, in planning terms I conclude that the proposed development would not be significantly harmful to highway safety.

10. The proposal would therefore comply with Policy 9 of the 2011 Oldham Joint Core Strategy and Development Management Policies DPD (the DPD), which among other things seeks to ensure that development is not harmful to safety, including highway safety. I also note in this regard the requirements of Paragraph 109 of the National Planning Policy Framework. This indicates 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, neither of which I consider to be the case here.

Conditions

11. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance. Where necessary I have altered the proposed wording and ordering in the interests of clarity and effectiveness. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the appellant has provided written agreement to the pre-commencement conditions.
12. In addition to the standard time limit condition (1) in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans (2).
13. A condition relating to land contamination (3) is necessary to protect public safety and to comply with Policy 9 of the DPD, although I have amended the wording from that suggested by the Council so that it defines the standard of assessment required. A condition to ensure satisfactory drainage (4) is required to comply with Policy 9 of the DPD. A condition requiring the removal of the existing bus shelter and its replacement with a pole style bus stop is necessary in the interests of highway safety (5). A condition in respect of landscape works is necessary to protect the character and appearance of the site and surrounding area, and to ensure that the hard and soft landscaping does not obstruct the highway visibility splays (6). Conditions 3 to 6 are pre-commencement conditions as they are fundamental to the development being able to take place in a safe and otherwise acceptable manner.
14. A condition in respect of materials (7) is required in the interests of the character and appearance of the area and to ensure compliance with Policy 20 of the DPD, while a condition requiring that the approved off-street parking and turning areas are retained for those purposes (8) is necessary in the interests of highway safety and to ensure compliance with Policies 5 and 9 of the DPD.

Conclusion

15. For the reasons given above the appeal is allowed.

M Cryan

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Site Plan & Landscaping (Drawing Number: 1257.120)
 - Proposed Floor Plan, Roof Plan & Elevations (Drawing Number 1257.100)
- 3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.

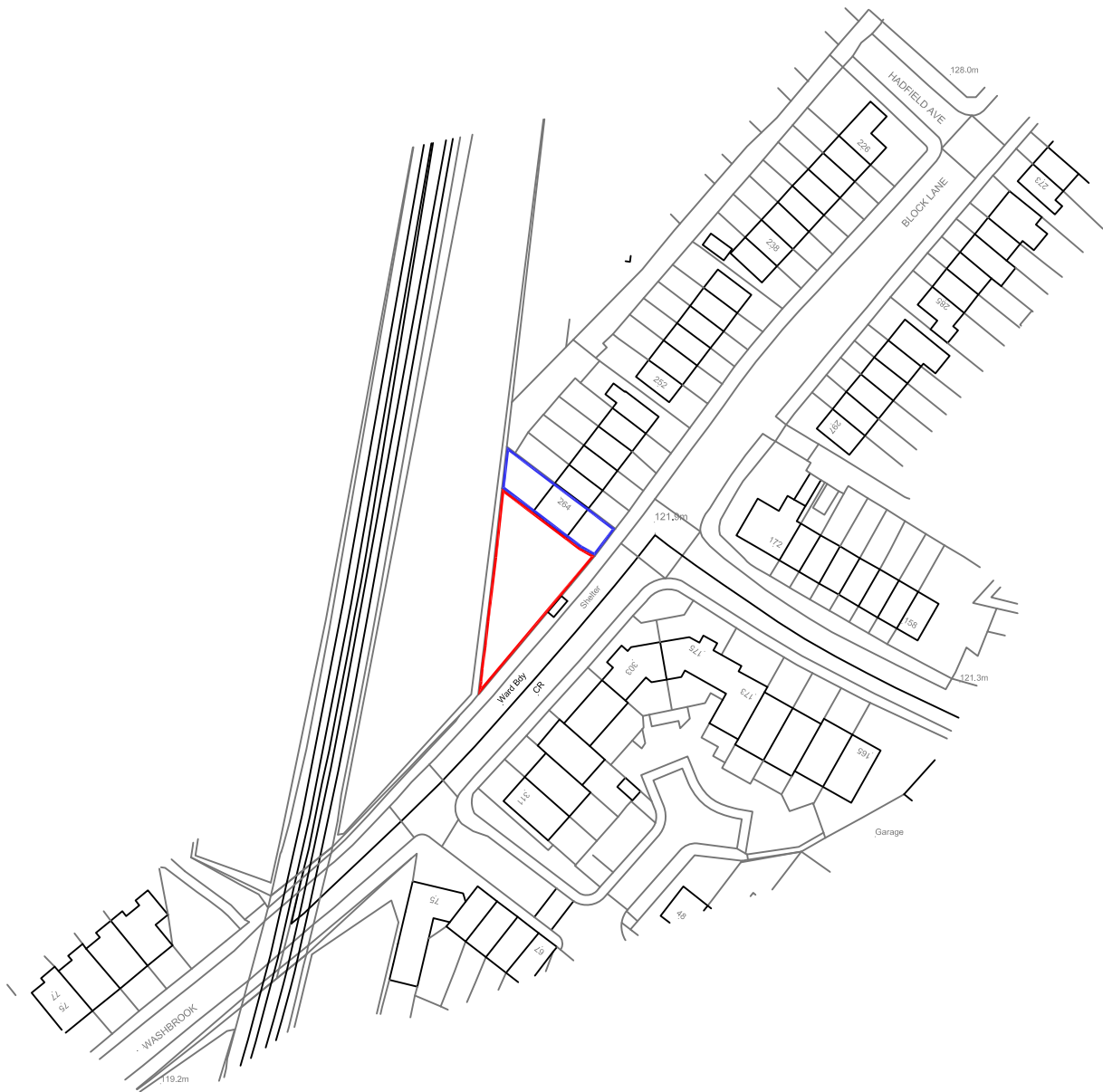
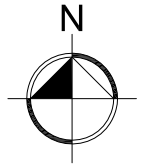
If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 15 days of the report being completed and approved in writing by the local planning authority.
- 4) No development shall commence until a detailed drainage scheme, including surface water discharge, has been submitted to and approved in writing by the Local Planning authority. The scheme shall then be completed in accordance with the approved plans and maintained thereafter.
- 5) No development shall take place until a scheme for the provision and location of a new pole-style bus stop to replace the existing bus stop shelter on the north side of Block Lane adjacent to the appeal site has been submitted to and approved in writing by the local planning authority. The approved dwelling shall not be occupied until the existing bus shelter has been permanently removed and the local planning authority approved replacement bus stop has been erected.
- 6) No development 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. 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.

- 7) No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of those external surfaces of the development, including any retaining walls and 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.
- 8) The dwelling shall not be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan Drawing Number 1257.120 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.

--End of schedule of conditions--



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Client

Mr P Carr

Project Title

Land to side of 264 Block Lane
Chadderton OLDHAM OL9 7QB

Drawing Title

LOCATION PLAN

Drawing Number

1257-LOC

Date

13.11.2018

Scale

1:1250



Appeal Decision

Site visit made on 22 September 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/W4223/Z/20/3257647

The Motor Finance Group, Shaw Road, Oldham OL1 3HZ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Malik Hussain on behalf of Mayfair Properties (Manchester) Ltd against the decision of Oldham Council.
 - The application Ref AD/344807/20, dated 29 April 2020, was refused by notice dated 13 July 2020.
 - The advertisement proposed is replacement of existing 1 x 48 sheet externally illuminated advertisement hoarding with 1 x 48 sheet freestanding digital advertising display unit.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

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

Main Issue

3. The main issue is the effect the proposed advertisement would have on public and highway safety in the area.

Reasons for the Recommendation

4. The display would be located along Shaw Road in Oldham on the south east side of the junction of Shaw Road and Arnold Street where there is an existing 48 sheet externally illuminated advertisement hoarding. The digital advertisement would first become visible to drivers on approach from the south east on Shaw Road and from the south on Brook Street. Drivers have to negotiate turning into Brook Street from Shaw Road and vice versa. The advertisement would also be right next to the junctions with Arnold Street and Spencer Street. Vehicles exiting those streets could be aiming to merge onto Shaw Road, or to cut across the main highway onto the opposing side streets. Multiple movements are likely and the arrangement of the three junctions, slightly staggered from one another, creates quite a complex road layout where drivers undoubtedly need to exercise caution and have heightened awareness.

5. There is a relatively large volume of vehicular and cycling traffic at these junctions, as observed during my visit to the site and also demonstrated in the appellant's submission of Annual Average daily flow on Shaw Road¹.
6. The appellant contends that drivers would be able to glance at advertisements without distraction from road or traffic movements. However, the digital display of the proposed advertising is by its very nature designed to grab the attention of passers-by whether they be drivers or cyclists. Given the location of the advertisement facing oncoming traffic at a sensitive point in the highway I find that there is a reasonably likelihood that drivers would be distracted in trying to figure out the advertising content as they approach, and the changing sequence is likely to draw more focus.
7. The appellant argues that the 10 second timing is an industry standard and is considered acceptable for urban locations. However, even though the display would not show moving images and the change in specific images would be instantaneous, the rotation of advertising for different products has more potential to catch the eye of a driver than the current fixed display. There is clear potential for a driver travelling in a north-westerly direction on Shaw Road towards the complex junctions with Brook Street, Spencer Street and Arnold Road to be momentarily aware of a changing image. Even a fleeting and inadvertent glance across at the display to register the change could have negative consequences in terms of the impaired ability to notice traffic pulling out of a junction ahead or slowing down to turn into one of the streets off Shaw Road.
8. Whilst the appellant has referred to guidance to suggest that digital displays are not inherently more hazardous than fixed displays², the full content of that guidance has not been provided and, in any event, my concerns do not relate to an inherent danger but one related to the very specific nature of the location and the position of the display at a sensitive location on the highway. I find that the proposal would be more noticeable and more distracting than the existing fixed illuminated display at a point where drivers need to exercise heightened road awareness.
9. Even though traffic speeds are limited in the locality, vehicles will still travel at speeds that could cause injury or worse to pedestrians or other road users. Thus, the proposed illuminated 48-sheet digital advertisement display is likely to have a negative effect on public and highway safety along this section of Shaw Road. Though the Crash Map³ provide by the appellant indicates a few examples of a few slight accidents on Shaw Road as compared to the volume of traffic, this statistic is likely to be exacerbated due to increased driver distraction by virtue of digital display.
10. The appellant has also provided two examples of digital advertisement located in the neighbouring authority area of Manchester City Council, which they contend mirror the Appeal site in terms of display units of similar dimensions and landscape orientation, and which exhibit the same operational characteristics of digital illumination and static images. These examples are supported by Crash Map road accident statistics, which appear to show that the

¹ Appellant's Appendix 14

² Transport for London guidance document entitled "Guidance for Digital Roadside Advertising and Proposed Best Practice (March 2013)"

³ Appellant's Appendix 13

accident levels before and after the installation of the digital displays have remained at a fairly consistent rate, and therefore it is inferred that they have not had a negative impact on road safety in the surrounding areas.

11. However, from the limited information the road junctions do not appear to be directly comparable. The image of the Rochdale Road site shows a much wider highway including bus lanes, with two side streets directly facing each other at the intersection, unlike the staggered and more complex junction arrangement at the appeal site. The Oldham Road site appears to be a traffic light-controlled junction where turning to and from the main highway will be regulated in a different way to the junctions at the appeal site which do not benefit from traffic lights. Consequently, the two examples are not directly comparable and the evidence provided in relation to those schemes does not alter my concern about the impact of a digital display at the appeal site.
12. I conclude, therefore, that the advertisement would have a harmful effect on highway safety. Whilst not decisive, the proposal would not meet with the objectives of the National Planning Policy Framework nor Policy 9 of the Oldham Local Development Framework Development Plan Document- Joint Core Strategy and Development Management Policies (2011) which amongst other things seeks to ensure that new development minimises traffic levels and does not harm the safety of road users.

Conclusion and Recommendation

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

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

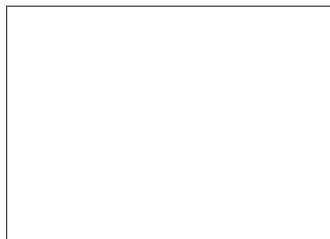
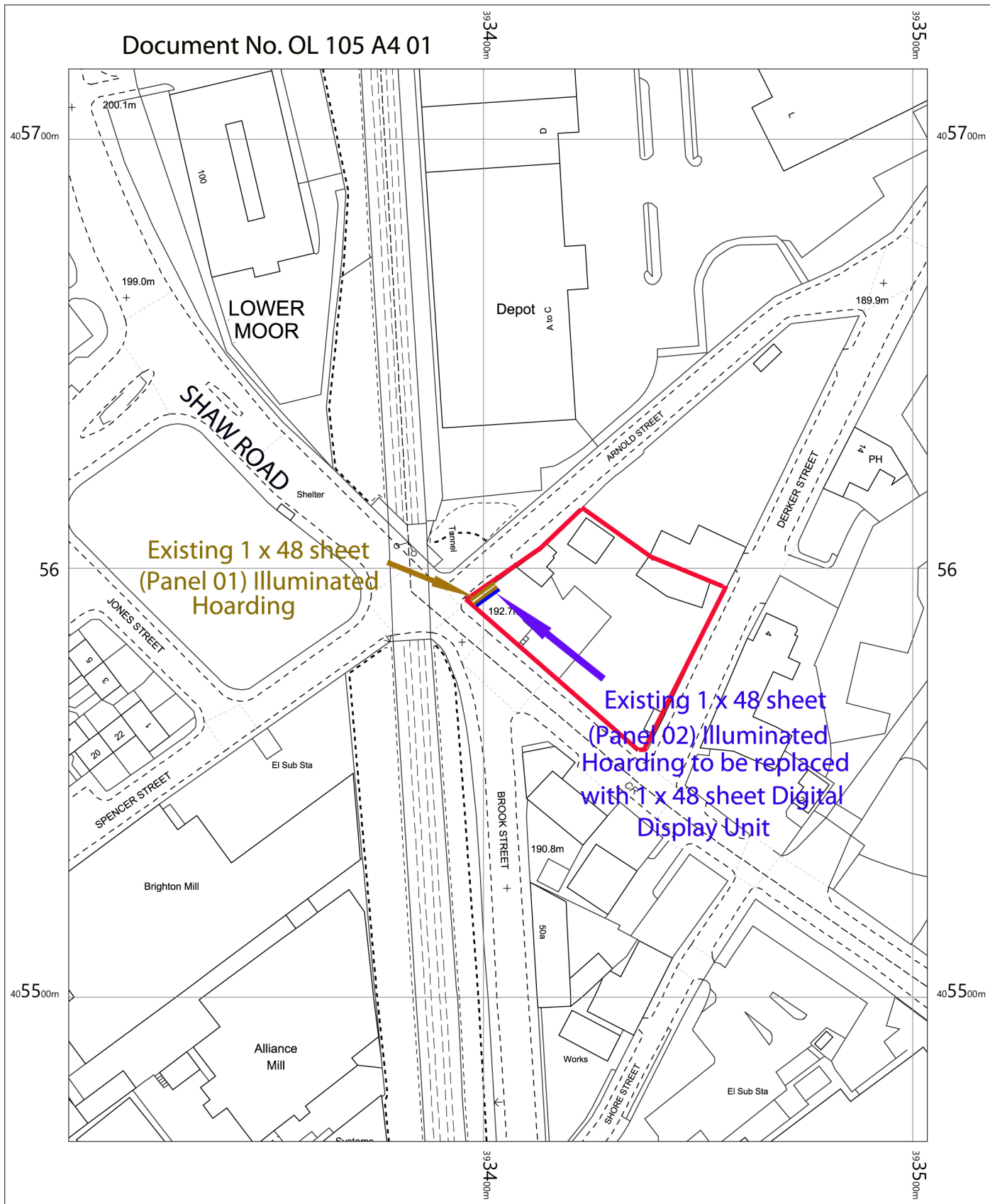
14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR

Location Plan Shaw Road

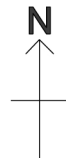
Document No. OL 105 A4 01



OS MasterMap 1250/2500/10000 scale
 Thursday, April 23, 2020, ID: BW1-00873464
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Appeal Decision

Site visit made on 8 September 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2020

Appeal Ref: APP/W4223/W/20/3248465 95 Failsworth Road, Failsworth M35 9NX

- 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 planning permission.
 - The appeal is made by Mr Tom Gilbert against Oldham Metropolitan Borough Council.
 - The application Ref HH/344267/19, is dated 6 December 2019.
 - The development proposed is described as 'a new single storey front roof, single storey side and rear extensions following the demolition of adjoining/party wall to neighbouring half of garage along with the conversion of loft space'.
-

Decision

1. The appeal is dismissed and planning permission for a new single storey front roof, single storey side and rear extensions following the demolition of adjoining/party wall to neighbouring half of garage along with the conversion of loft space is refused.

Procedural Matters

2. The description of development used in the banner heading and formal decision above is taken from the appeal form. I have used that wording for clarity in preference to the description on the original application form, which was longer and included technical information which was not descriptive of the development.
3. The Council had not determined the planning application prior to the appeal. However, it indicated that the application would have been refused due to the effect of the development on the character and appearance of the surrounding area.
4. Since the application was submitted, the Council has granted planning permission for an amended scheme ('the alternative permission')¹, and therefore the greater part of the appeal proposal in fact already has planning permission. The only substantial elements which form part of the appeal proposal which are not also part of the alternative permission are that part of the extended kitchen/dining/living room at the south east corner of the rear of the building, and that part of the pitched roof overhanging the proposed garage/store at south west corner of the front of the building. I have considered the differences between the two schemes in assessing the alternative scheme as a fallback position later in my decision.

¹ LPA Ref: HH/344267/19

5. At the time of my site visit, it was apparent that a considerable amount of building work to implement the alternative permission had already been carried out, and as a consequence, the 'existing' drawings provided in respect of the appeal before me no longer show the appeal property accurately.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal relates to a modern detached house and its garden, sitting alongside a similar pair of semi-detached houses. The prevailing form of development in the immediate surroundings is modern detached houses of various sizes and styles. Originally a two-storey dwelling, at the time of my site visit the appeal property was being altered under the alternative permission, and the loft had been converted to living accommodation by the addition of rooflights and tall windows at the apexes of the gable ends.
8. The appeal site lies within the Woodhouses Conservation Area (the Conservation Area). I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the National Planning Policy Framework (the Framework) states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196). The wider Conservation Area is characterised by linear terraces of small dwellings in both modern and traditional designs set back from the road with short front gardens, although the focus of the Conservation Area is Ashton Road and Medlock Road a short way to the south of the appeal site.
9. The proposed scheme as a whole would include a single storey wrap-around front, side and rear extension running across almost the full width of the plot, to create an expanded and remodelled kitchen/dining/living room where the previous garage stood. There would also be an infill at the south west corner to create a remodelled porch and a new small garage/store room. Most of the roof of the ground floor extension would be flat, and it would overhang the rear garden at an angle. The north side extension and the front and side porch/garage would have pitched roofs. The proposal also includes the aforementioned loft conversion, to create an additional bedroom with ensuite bathroom.
10. The development would result in a substantial increase in the property's built footprint and mass. At the rear, the ground floor extensions would be of such a size that the original house would be overwhelmed and, when seen from neighbouring properties it would appear lost in a sea of flat roof. From the front, the various heights and projections of the pitched roofs would give the property an ungainly and discordant appearance. The appellant describes the scheme as an attempt to 'slightly modernise' the house by adding some modern touches. I disagree with that assessment. The proposed extensions and alterations would dominate the original building, and would result in the dwelling appearing over-large for its modestly sized plot.

11. The loft conversion, which has in any event already been implemented under the alternative permission, is in keeping both with the scale, design and appearance of the host property and the wider area, and I consider that this part of the development would be acceptable. However, a lack of harm in this regard does not outweigh the other harm I have identified in considering the entirety of the proposal.
12. The alternative permission represents a fallback position for the appellant, and as the loft conversion element has already been built and preparatory work carried out for other parts of the scheme, there is clearly a very real prospect of it being built in full. However, the alternative permission is smaller at both front and rear than the scheme now before me, with a smaller area of flat roof at the rear, and a less prominent projecting pitched roof at the front south west corner. As a result, the development allowed by the alternative permission would be less substantial and less discordant, and so less harmful, than the proposal now before me. I therefore ascribe limited weight to this fallback position.
13. The appellant has referred to the presence of a house across the road from the appeal site which was approved and built three or more years ago and which he considers is not in keeping with the area. However, as further identifying details have not been provided and there are several large modern houses nearby, I cannot be entirely sure as to which property he is referring. In any case, I do not have information about how other developments in the area came to be approved, and I have of course reached my decision on the basis of the evidence before me.
14. Overall, the development would be detrimental to the character and appearance of the area, and therefore would not preserve or enhance the character and appearance of the Conservation Area. In the Framework's terms, the harm to the Conservation Area's significance as a designated heritage asset would be less than substantial, in view of the appeal site's location on the edge of the Conservation Area. However, there are no identified public benefits arising from the proposal which would outweigh this harm.
15. I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore conflict with Policies 9 and 24 of the 2011 Oldham Local Plan, which seek to ensure that development proposals do not have an adverse impact on the local townscape, and that heritage assets are protected, conserved and enhanced. For the same reasons, the proposal fails to accord with the provisions of the Framework which seek to protect and conserve heritage assets.

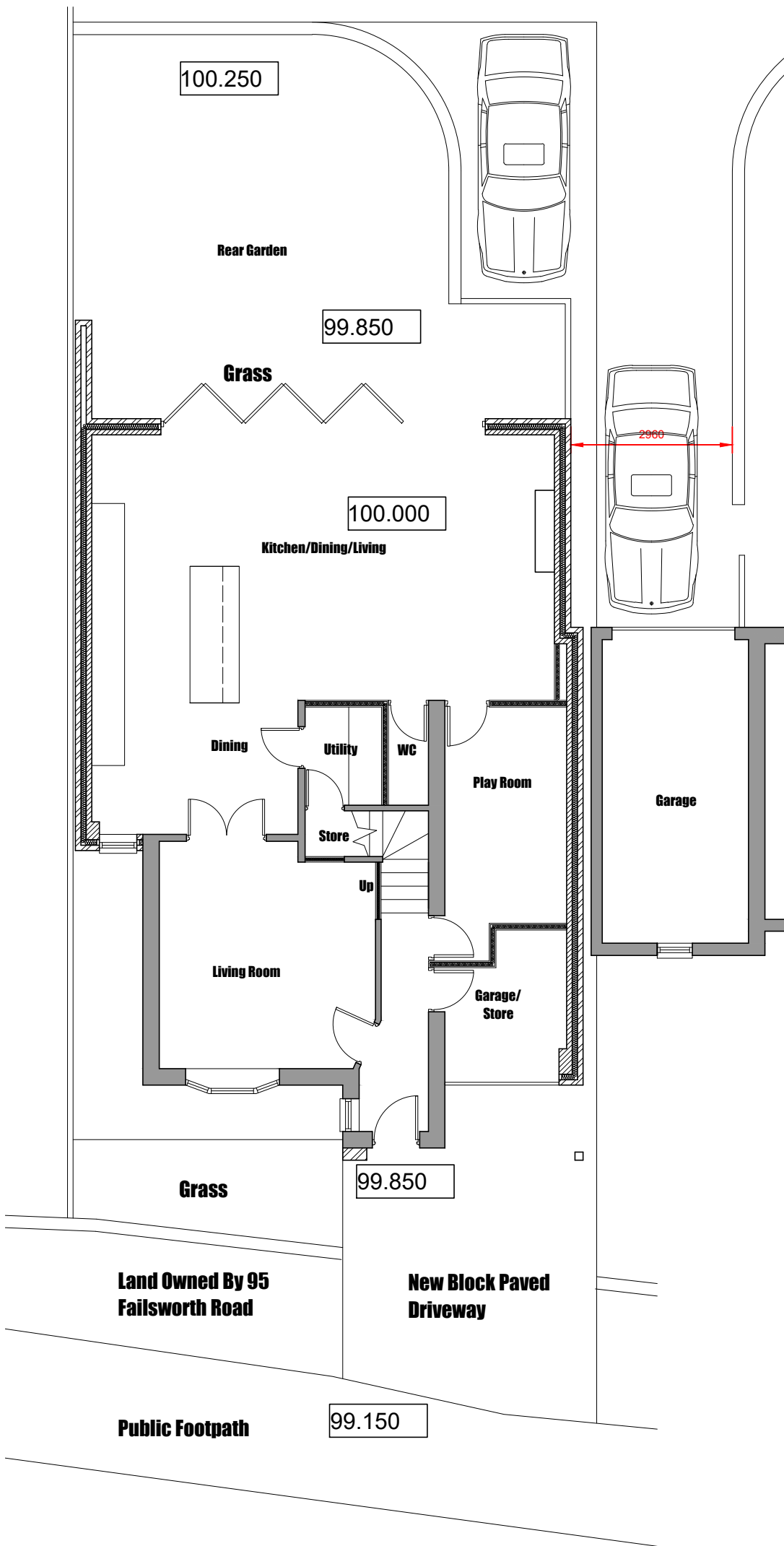
Conclusion

16. For the reasons given above the appeal is dismissed.

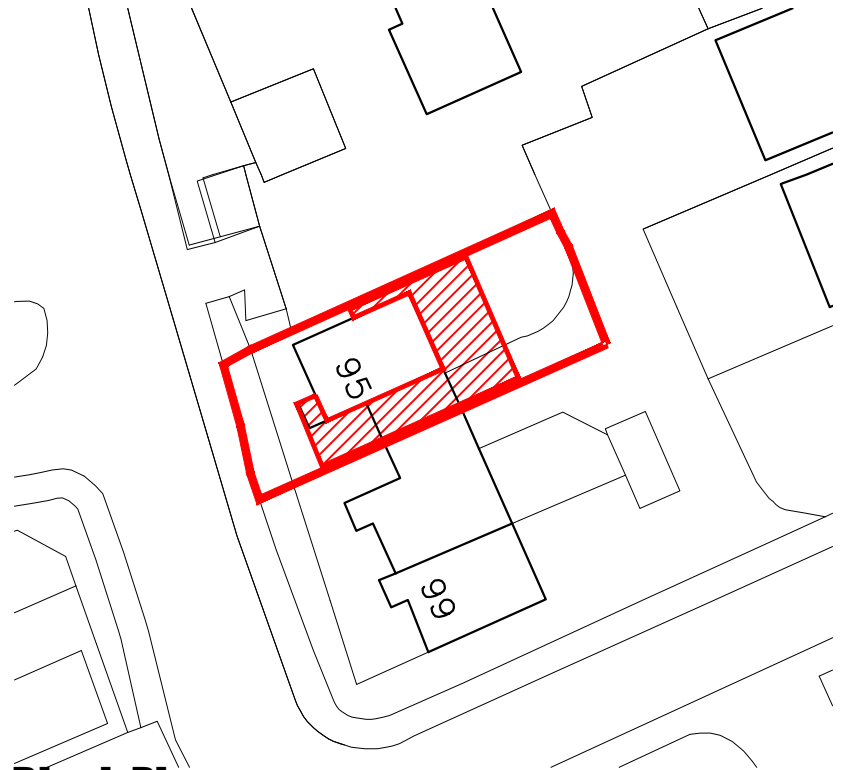
M Cryan

Inspector

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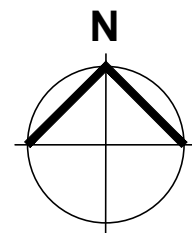
**Site Plan
Scale 1:100**



**Block Plan
Scale 1:500**



**Location Plan
Scale 1:1250**



6 Conway Close
Alkrington
Middleton
Manchester, M24 1EW

E: conway-design@outlook.com

JOB TITLE : Extension And Loft Conversion
ADDRESS : 95 Failsworth Road, Woodhouses
DRAWING TITLE : Proposed Site, Block And Location Plan
SCALE : As Noted @ A3
DRAWN : xxx DATE : 16.11.19



Appeal Decision

Site visit made on 9 June 2020

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2020

Appeal Ref: APP/W4223/X/19/3240762

Land at Harrop Green Lane, Diggle, Oldham

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Alan Broadbent against the decision of Oldham Metropolitan Borough Council.
 - The application Ref CL/335657/14, dated 23 June 2014, was refused by notice dated 4 September 2014.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is railway land.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The red outlined plan marked amended plans and dated 21 July 2014 accompanies the LDC application and on this basis the appeal is considered. The plan submitted 1e CL 335657 original does not delineate the application site and is not considered.

Main Issue

3. The main issue in this case is whether the decision to refuse the certificate was well founded.

Reasons

4. The appeal site comprises a grass and shrub embankment slope to the north-west of Harrop Green Lane and adjoining the gardens of dwellings on Clydesdale Rise and Fatherford Close.
5. In brief the appellant's case is that the land comprises operational land in relation to a statutory undertaker having been held in ownership by the railway undertaker historically and by virtue of carrying out operations and erecting buildings on the appeal land. The appeal land was purchased from the railway undertaker in 1997. A statutory declaration and plan identifying the appeal site has been provided from Francis James Gradwell from the Regional Sales Surveyor of Rail Property Limited.

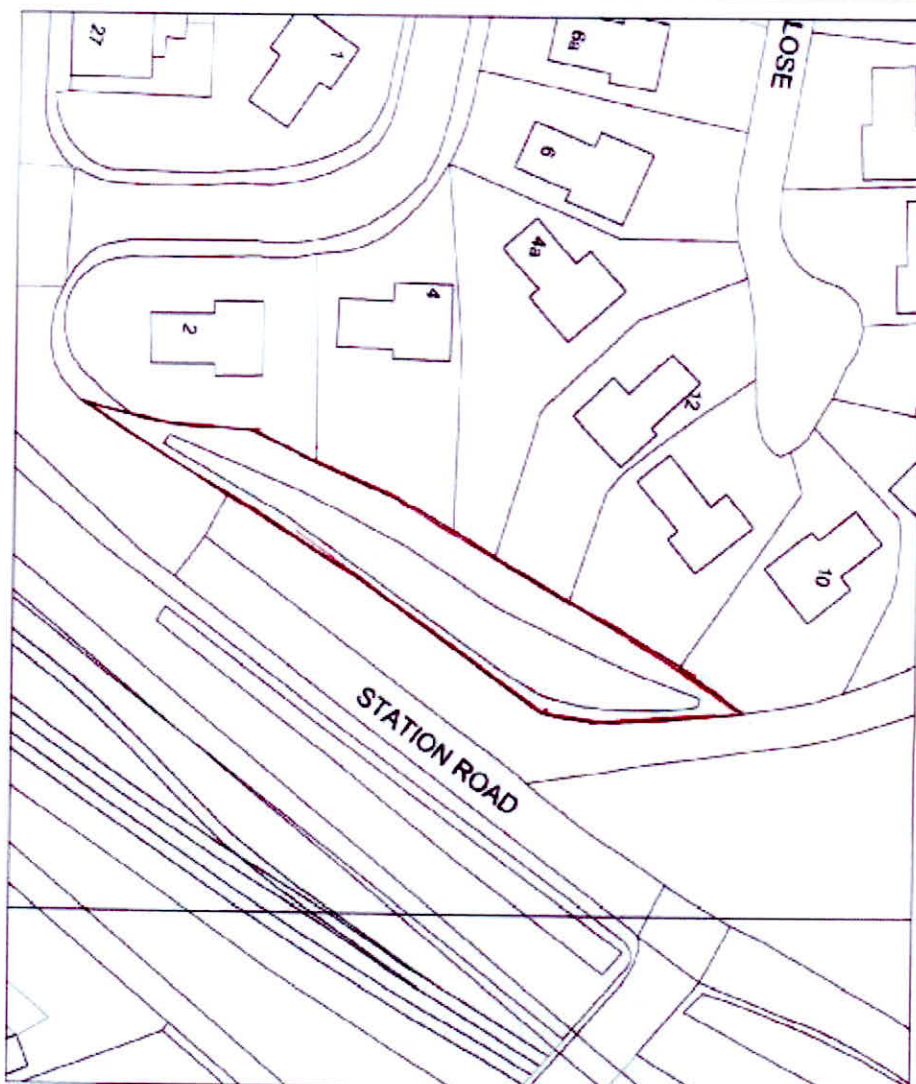
6. Section 263 of the Act as amended defines the meaning of operation land. Section 264 of the Act as amended sets out cases in which land is to be treated as not being operational land. Section 264 narrows the categories of operational land defined by Section 263, by excluding land acquired by a statutory undertaker since 6 December 1968, unless it has planning permission for operational development. Land acquired prior to 1968 by a statutory undertaker became operational land by virtue of its acquisition, or if land is used for the purpose of carrying on their undertaking.
7. Mr Gradwell's evidence is that he worked in the office responsible for the administration of land on behalf of British Railways Board. The declaration indicates that the appeal land as identified by the plan was part of the property of British Railways Board. However, he cannot offer an explanation as to why the Board have no conveyance in relation to the appeal land. He believes that the appeal land was within the railway boundary fence but does not specify the date as the declaration leaves this information blank. The declaration also specifies that 30 years before the declaration the Board or their predecessors have in their possession receipt of rent and profits from the land. Other than the agreement of the sale of the land, which is undated, Mr Gradwell knows no other agreement/contract or mortgage/lease that has a claim on the appeal land and is not aware of any question of doubt affecting the Board's previous ownership of the land.
8. However, the statutory declaration is not signed or dated or witnessed by an appropriate authority as set out in the 1835 Act. The declaration does not follow the form of words in the Schedule to the 1835 Act. Due to these omissions the document does not carry the weight of a statutory declaration. I therefore afford it limited weight in the consideration of this appeal. No evidence has been submitted on rent and profits as declared in the document and no date is specified as to when the appeal land was within the railway undertaker's ownership, the declaration leaves a space for a date to be inserted but it is left blank.
9. Based on the available evidence and on the balance of probabilities it has not been demonstrated that the appeal land was in effect part of the railway undertaker's ownership prior to 1968 for the purposes of establishing its operational land status under Section 263 of the Act as amended.
10. Turning to the issue of operations and buildings claimed to have been used for the purpose of carrying out the statutory undertaking, the appellant refers to two buildings and the modification of two boundary lines. Building A is identified on historical maps 1906, 1932 and 1949, but was removed by 1965. This building is claimed to have been within the red line site of the LDC application. However, this cannot be conclusively presumed from the scale of the maps/plan submitted that this is the case. Furthermore, there is no indication in the available evidence to what purpose this building was used for, even if it were within the LDC appeal site. Building B which is No. 2 is a separate dwelling and is clearly outside the LDC application site.
11. In relation to operations, it is claimed that a section of the site was used as the approach road for the new station and that the boundary line on the north-west boundary had been altered. As with the issue of the buildings these modifications/alterations do not form part of the red line LDC application and

are outside the scope of the certificate which must specify the land to which the LDC relates as set out in Section 191(5) of the Act as amended.

12. As indicated under Section 264 of the Act as amended acquisition of land for statutory undertakers after 1968 could not be conferred the status of operational land unless planning permission has been granted for operational development. I have no evidence to indicate that operational development has been granted on the appeal site. The permitted development rights referred to by the appellant flow from the operational land status of the appeal site and on the balance of probability this has not been established.
13. For the reasons given above, I conclude that the Council's decision to refuse the certificate was well founded. The appeal is therefore dismissed.

Iwan Lloyd

INSPECTOR



SITE PLAN scale 1: 500



LOCATION PLAN scale 1: 1250



335657

21 JUL 2014

REVISED PLANS



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