

PLANNING COMMITTEE Regulatory Committee Agenda

Date Wednesday 20 January 2021

Time 6.00 pm

Venue <https://www.oldham.gov.uk/livemeetings>. The meeting will be streamed live as a virtual meeting.

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

2. CONTACT OFFICER for this Agenda is Constitutional Services email constitutional.services@oldham.gov.uk

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, 15 January 2021.

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, 20 January 2021. 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.

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)

Item No

- 1 Apologies For Absence
- 2 Urgent Business
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 2)
The Minutes of the meeting of the Planning Committee held on 9th December 2020 are attached for Members' approval.
- 6 PA/344948/20 - Oldham County Court, 122A Rochdale Road, Oldham OL1 1NT (Pages 3 - 26)
Change of use from the former County Court building (D1 use) to a residential building (C3(a) Use) of 43 no. apartments and alterations to external elevations including insertion of new windows
- 7 Appeals (Pages 27 - 30)
Appeals



PLANNING COMMITTEE
09/12/2020 at 6.00 pm

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

Also in Attendance:

Simon Rowberry	Interim Head of Planning
Alan Evans	Group Solicitor
Graham Dickman	Development Management Team Leader
Kaidy McCann	Constitutional Services
Sian Walter-Browne	Principal Constitutional Services Officer
Matthew Taylor	Development Control

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Hudson
and Councillor Iqbal.

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 11th November 2020 be approved as a correct
record.

6 **MMA/344478/20 - LAND TO THE REAR OF THE DOG AND
PARTRIDGE PH, MEDLOCK ROAD, FAILSWORTH,
OLDHAM, M35 9NP**

APPLICATION NUMBER: MMA/344478/20

APPLICANT: Mr Sheridan

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

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

On being put to the vote 7 **VOTES** were cast **IN FAVOUR OF** and 0 **VOTES** were cast **AGAINST** with 1 **ABSTENTIONS**.

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

7 **PA/344685/20 - LAND BEHIND THE DOG AND PARTRIDGE P H, MEDLOCK ROAD, FAILSWORTH, OLDHAM, M35 9NP**

APPLICATION NUMBER: PA/344685/20

APPLICANT: Sheridan Group Ltd.

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

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

On being put to the vote 9 **VOTES** were cast **IN FAVOUR OF APPROVAL** and 0 **VOTES** were cast **AGAINST** with 1 **ABSTENTIONS**.

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

8 **APPEALS**

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

The meeting started at 6.00 pm and ended at 6.41 pm

APPLICATION REPORT – PA/344948/20 Planning Committee

Registration Date: 5th June 2020
Ward: Coldhurst

Application Reference: PA/344948/20
Type of Application: Full Application

Proposal: Change of use from the former County Court building (D1 use) to a residential building (C3(a) Use) of 43 no. apartments and alterations to external elevations including insertion of new windows
Location: Oldham County Court, 122A Rochdale Road, Oldham OL1 1NT
Case Officer: Jill Nixon
Applicant: Mr Jason Upton
Agent : Mr Andrew Titterton

The application is presented to Planning Committee as a Major application in accordance with the Scheme of Delegation.

RECOMMENDATION

It is recommended that the application is approved subject to the conditions set out below.

THE SITE

The vacant former Oldham County Court building located between the junction of Rochdale Road, with New Radcliffe Street and St Mary's Way.

The application site has a car park associated with the existing use. It is accessed by vehicle and on foot from the New Radcliffe Street entrances.

THE PROPOSAL

Permission is sought for the change of use from the former County Court building to 43 no. apartments and alterations to external elevations including insertion of new windows.

The proposed accommodation would comprise of

- 4 x Studio apartments
- 29 x One bedroomed apartments
- 10 x Two bedroomed apartments

RELEVANT PLANNING POLICIES

The site is unallocated within the town centre on the Joint Development Plan Document 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
Policy 9 - Local Environment
Policy 10 – Affordable Housing
Policy 14 - Supporting Oldham's Economy
Policy 20 – Design
Policy 23 - Open Spaces and Sports
Policy 25 -- Developer Contributions

RELEVANT PLANNING HISTORY

PA/343007/19 - Change of use of former Oldham County Court with ancillary offices (Class D1) to offices (Class B1) Granted in March 2019 but not implemented

PA/341769/18 - Temporary change of use from County Court (D1 Non-Residential Institutions Use Class) to large HMO (Sui Generis Use Class) until August 2019. Refused September 2018

CONSULTATIONS

Highway Engineer – No objection subject to provision of secured cycle storage.

Environmental Health – No objection subject to provision of refuse storage.

Transport for Greater Manchester – No objection

Greater Manchester Police - No objection subject to securing the recommendations of the Crime Impact Assessment

REPRESENTATIONS

The application has been advertised by means of site notice and neighbour notification letter. No representations have been received.

PLANNING CONSIDERATIONS

The main planning issues to consider are:

- i. Principle of the development
- ii. Design and Impact on the character of the area;
- iii. Impact on Amenity;
- iv. Highway issues.
- v. Public Open Space & Affordable Housing Provision

Principle of the development

The Council cannot currently demonstrate a five-year supply of deliverable housing land. Paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Given the present Housing Land Supply position, the most relevant Local Plan policies for determining housing applications are afforded “less weight” in the tilted balance. An assessment of the proposal against relevant policies within the NPPF is undertaken in the following sections of the report.

Design and Impact on the character of the area

NPPF paragraph 127 as well as Local Plan Policies 9 and 20 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.

There are no proposed extensions to the existing building. The proposal includes the installation of roof lights and some additional windows on all floors. The proposed windows will match the design and proportions of the existing windows

It is proposed to use materials that match the existing brick work and roof tiles and to upgrade windows and doors so that both existing and proposed will match

There is no existing soft landscaping within the application site although it does benefit from the setting of soft landscaping fronting onto Rochdale Road. This proposal includes the installation of raised planters that will be visible from the rear and side

It is considered that the scale of the proposed external alterations is relatively minimal but in keeping with the building and character of the wider area.

Impact on Amenity

NPPF paragraph 127 requires that new development should ensure a high standard of amenity for existing and future users, whilst Local Plan Policy 9 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.

The site is located in Oldham Town Centre in a predominantly commercial area. However, it is not unusual for apartments to be located in town centres as they provide a highly sustainable location.

The Internal layout is in part dictated by the existing fabric of the building however the additional windows ensure that all of the residential units benefit from adequate light and amenity. The applicants have amended the plans to ensure that every unit complies with the Government's Nationally Described Space Standard

As such, it is considered that the amenity of proposed occupiers would be satisfactory.

Highway Issues

NPPF Paragraph 108 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.

The proposal uses the existing car park area and will accommodate eight parking spaces, two of which will be disabled person's spaces. The proposed cycle storage will be located within the ground floor of the building.

The Town Centre location of the proposal is highly sustainable and well served for public transport. In this context, the Council's Highway Engineer has raised no objection to the scheme from a highway safety and capacity point of view.

Public Open Space and Affordable Housing Provision

Local Plan Policy 23 sets out the Council's approach to Open Space and Sports Recreation provision for new residential developments. Major new residential developments such as this are expected to contribute towards the provision of new or enhancement of existing open space unless they can prove it is not financially viable

The NPPF threshold for affordable housing provision is 10 or more residential units and Local Plan Policy 10 states that developments should contribute 7.5% of sales value to the provision of Affordable Housing unless the applicant's evidence it is not financially Viable.

The application was supported by a Viability report setting out a justification for no provision of both Public Open Space and Affordable Housing. The Viability Report has been assessed by Council's Officers who are satisfied the findings of the report are robust and reasonable. If this proposal is supported there would therefore be no contribution towards Public Open Space or Affordable Housing provision

On balance it is considered that the provision of residential units that brings a prominent building within the town centre back into use are benefits that do outweigh the absence of Public Open Space and Affordable Housing.

CONCLUSION

It is considered that the proposal complies with relevant National and Local Planning Policies

Whilst limited weight had been assigned to the relevant policies within the Local Plan given the Council's five year housing land supply situation, the assessment of the scheme as shown above indicates that in any event there would be no adverse impact of approving the development that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole and there are no specific policies that indicate that the development should be restricted.

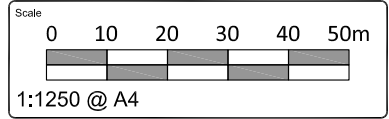
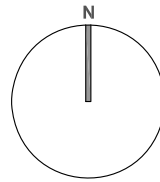
RECOMMENDED CONDITIONS

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

3 Prior to first occupation of any part of the development hereby approved, the proposed refuse storage shown on the approved drawings shall be fully installed and retained at all times thereafter. REASON - In order to ensure waste bins are stored in a screened location in order to protect the appearance of the street scene having regard to Policies 9 and 20 of the Oldham Local Plan.

4 Prior to first occupation of any part of the development hereby approved, the cycle storage on the ground floor shall be fully installed and retained at all times for the use of the occupiers thereafter. REASON - In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.



Notes

Figured dimensions are to be used in all cases.

Dimensions should not be scaled from drawing unless for planning application purposes.

All existing dimensions should be checked on site before commencement of the works.

Land Registry and ownership boundaries are produced by Studio KMA using all reasonable endeavours. Studio KMA cannot be held responsible for scale discrepancies in plans supplied by others.

Any discrepancies in dimensions should be clarified with the Architect at the address below prior to commencement of the works.

No deviation from this drawing will be permitted without the prior written consent of the Architect.

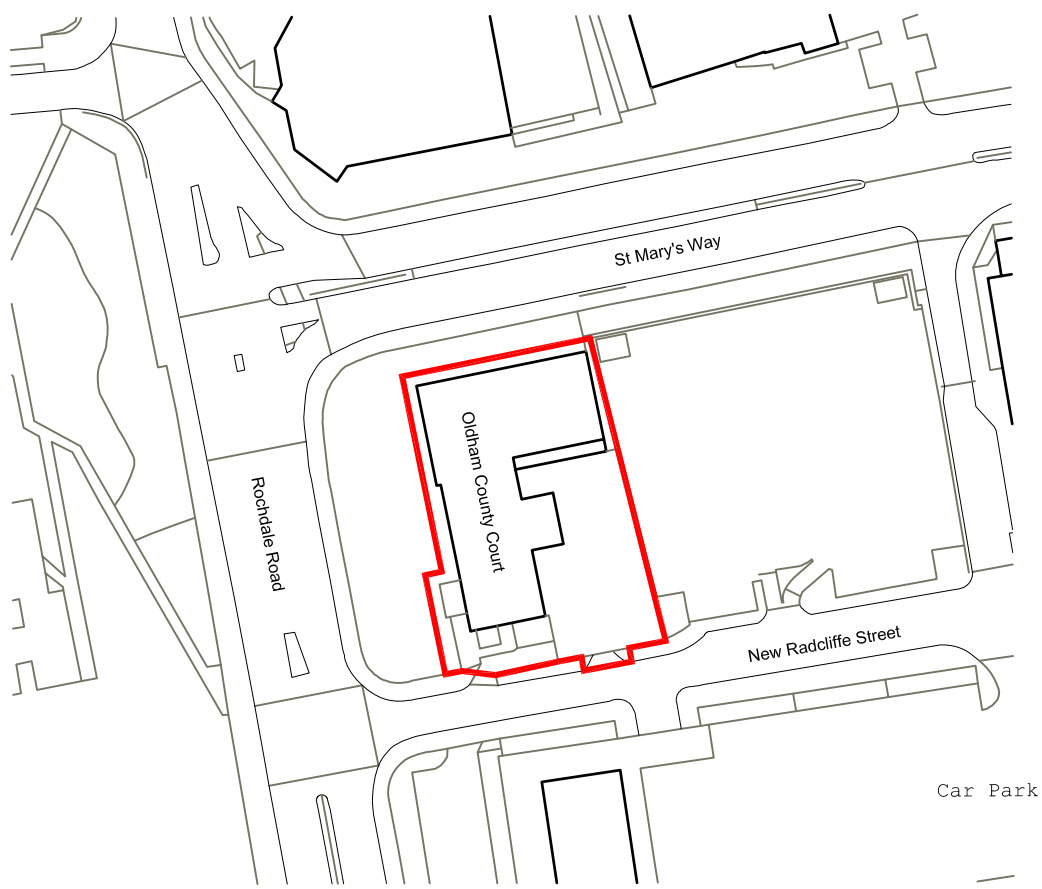
This drawing is to be read in conjunction with all the relevant Mechanical and Electrical drawings.

This drawing is to be read in conjunction with the relevant Structural Engineer's drawings, structural calculations and recommendations.

This drawing is to be read in conjunction with the relevant Fire Safety Strategy drawings.

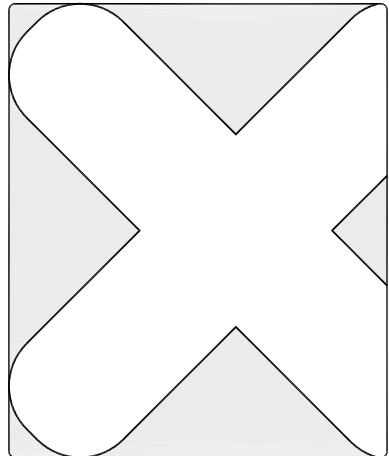
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Revision Notes

Rev.	Date	Revision Description	Drawn	Checked
P1	19.05.20	Initial Issue	RH	AT



Project Name
Oldham
County Court

Drawing Title
Location Plan

Drawing Number
OCC-KMA-XX-ZZ-DR-A-7000

Project Number T0885	Status A3 Planning	Revision P1
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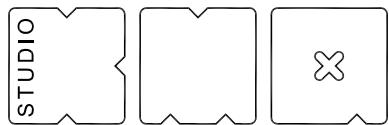
Drawn by RH	Authorised by AT	Date 19.05.20
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PLANNING COMMITTEE - BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING AND INFRASTRUCTURE

PLANNING AND ADVERTISEMENT APPLICATIONS

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

THE BACKGROUND PAPERS

1. **The appropriate planning application file:** This is a file with the same reference number as that shown on the Agenda for the application. It may contain the following documents:
 - The application forms
 - Plans of the proposed development
 - Certificates relating to site ownership
 - A list of consultees and replies to and from statutory and other consultees and bodies
 - Letters and documents from interested parties
 - A list of OMBC Departments consulted and their replies.
2. **Any planning or advertisement applications:** this will include the following documents:
 - The application forms
 - Plans of the proposed development
 - Certificates relating to site ownership
 - The Executive Director, Environmental Services' report to the Planning Committee
 - The decision notice
3. Background papers additional to those specified in 1 or 2 above or set out below.

ADDITIONAL BACKGROUND PAPERS

1. The Adopted Oldham Unitary Development Plan.
2. Development Control Policy Guidelines approved by the Environmental Services (Plans) Sub-Committee.
3. Saddleworth Parish Council Planning Committee Minutes.
4. Shaw and Crompton Parish Council Planning Committee Minutes.

These documents may be inspected at the Access Oldham, Planning Reception, Level 4 (Ground Floor), Civic Centre, West Street, Oldham by making an appointment with the allocated officer during normal office hours, i.e. 8.40 am to 5.00 pm.

Any person wishing to inspect copies of background papers should contact Development Management telephone no. 0161 770 4105.

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Planning Committee Meeting 20th January 2021

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PA/344948/20 Change of use of former County Court building (D1 Use) to a residential building (C3(a) Use) of 43 No. apartments and alterations to external elevations including insertion of new windows

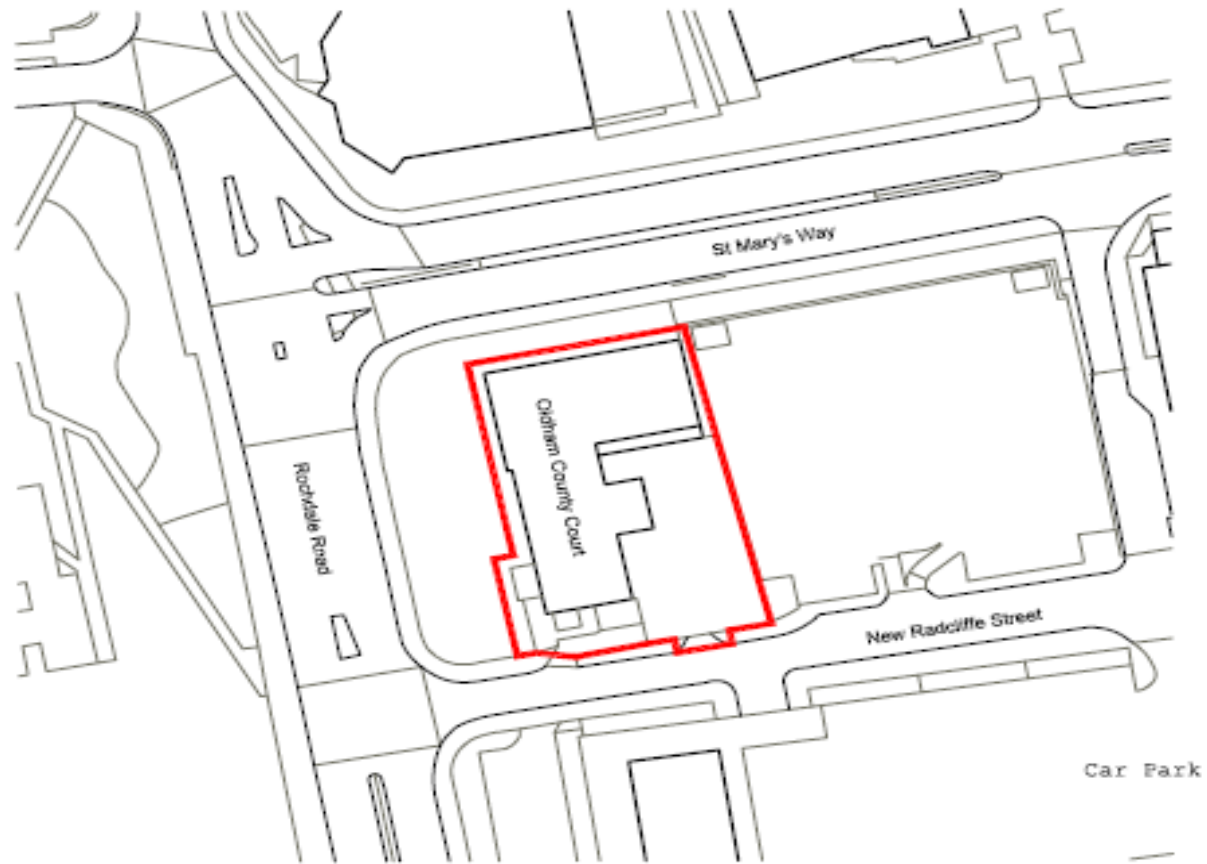
Oldham County Court, 122 Rochdale Road



Oldham
Council

Site Location Plan

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Aerial View



Page 13

Front Elevation

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Rear Elevation

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Side Elevation (St. Marys Way)

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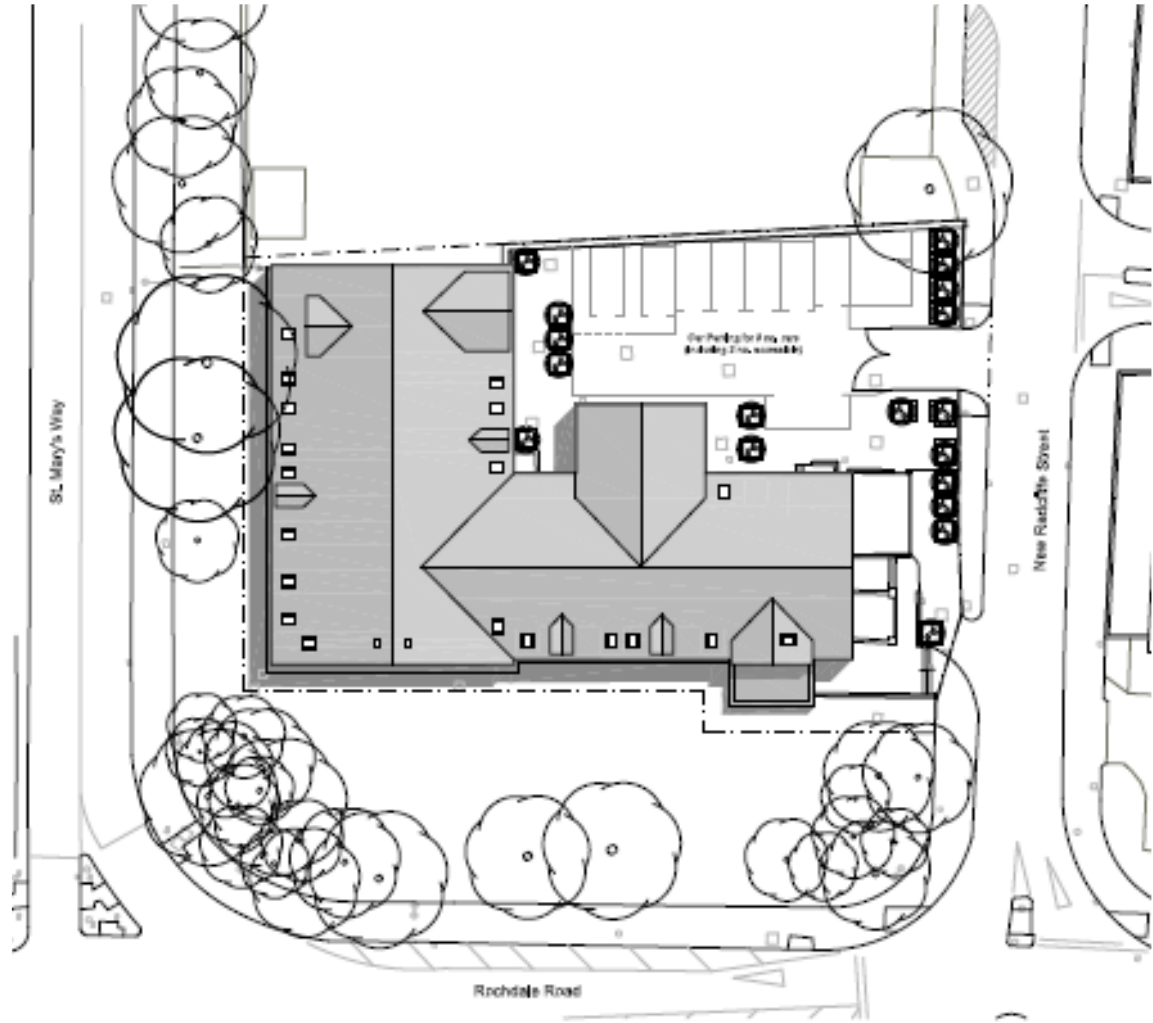


Side Elevation (New Radcliffe Street)

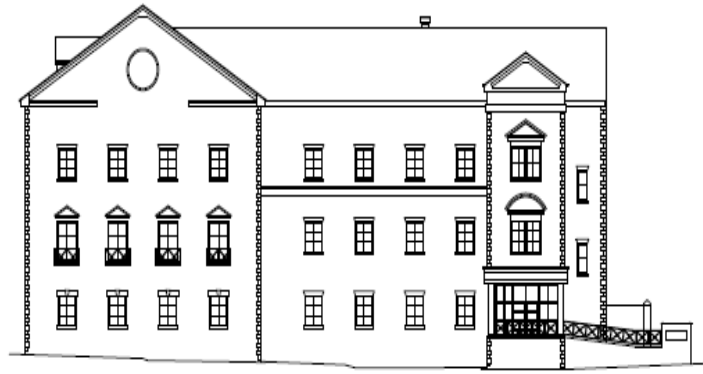
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Proposed Site Plan



Existing & Proposed Front Elevation

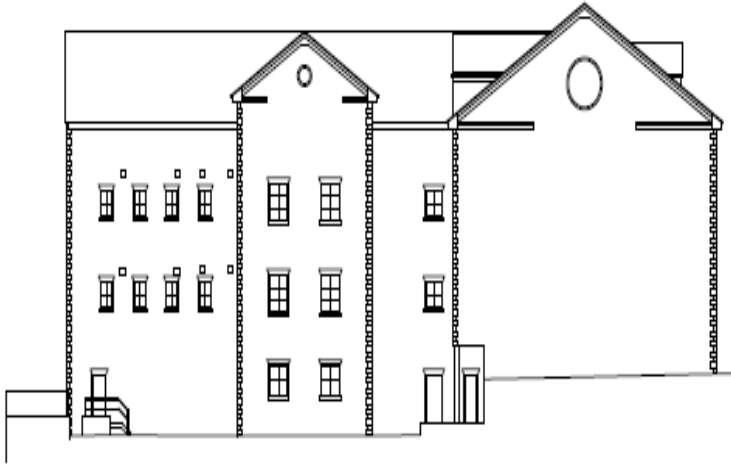


Existing Front Elevation (West)



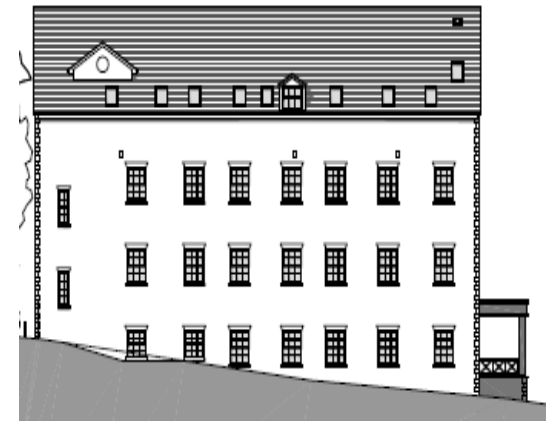
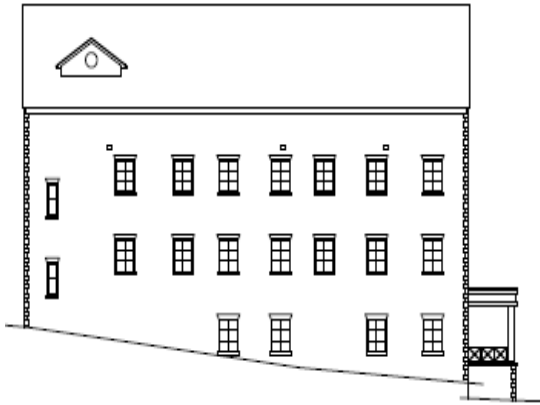
Existing & Proposed Rear Elevation

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Existing & Proposed Side Elevation (St Marys Way)

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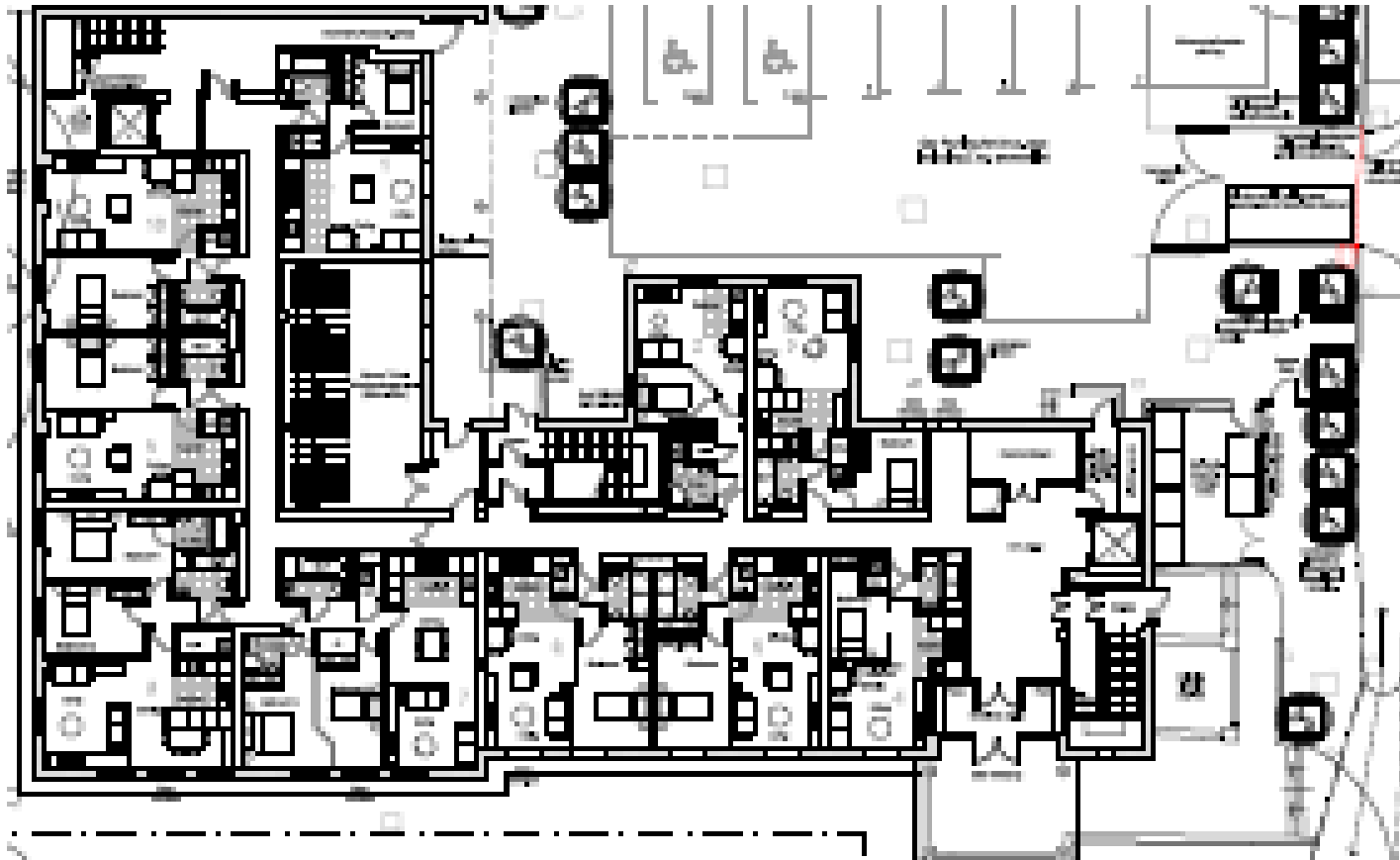
Existing & Proposed Side Elevation (New Radcliffe Street)

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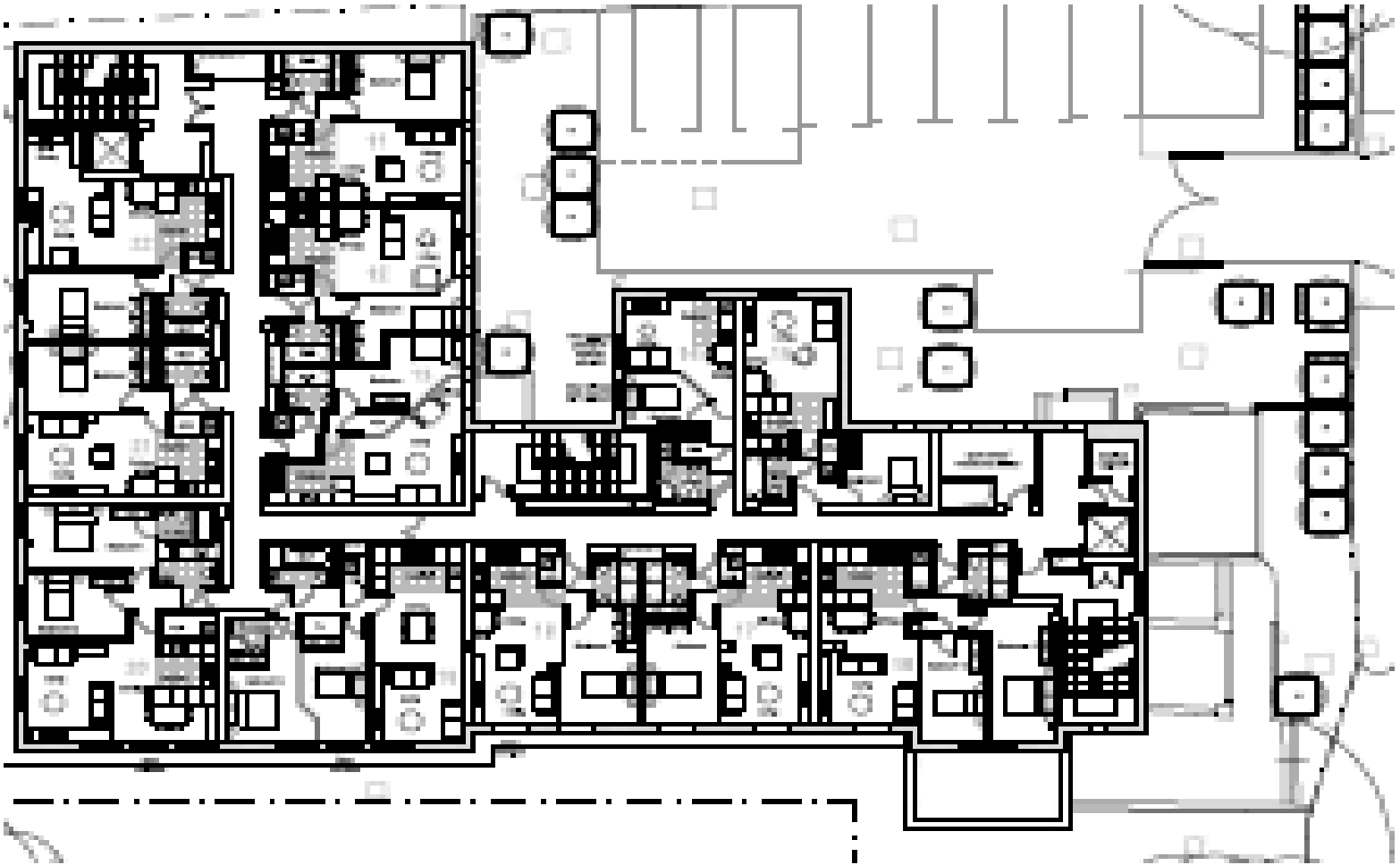
Proposed Ground Floor

Page 23

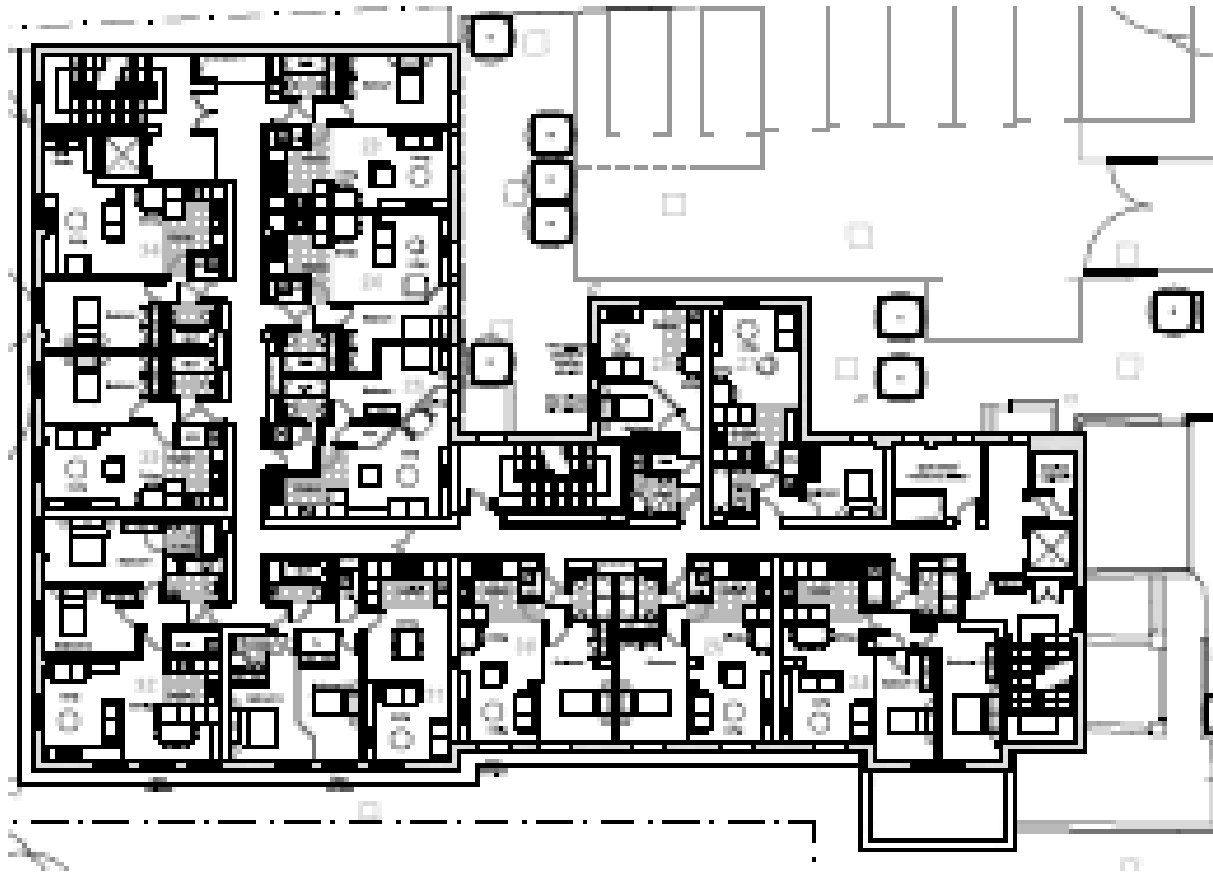


Proposed First Floor

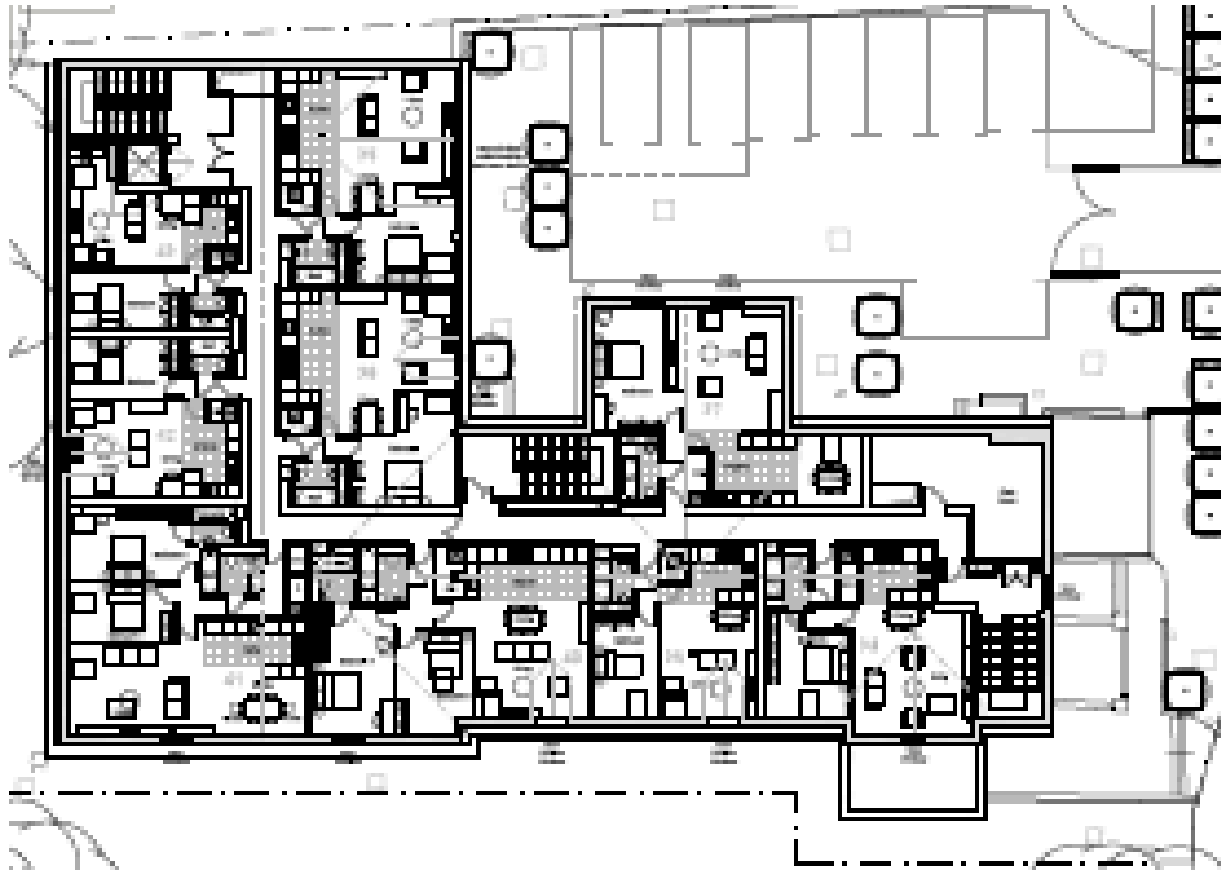
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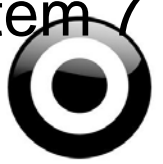


Proposed Second Floor



Proposed Third Floor





Planning Appeals Update

Planning Committee

Report of Head of Planning and Infrastructure

DATE OF COMMITTEE

January 2021

PLANNING APPEALS

WRITTEN REPRESENTATION

PA/343659/19 – KS Oils Ltd, Green Lane, Failsworth, M35 0PP

HEARINGS

HOUSE HOLDER

HH/344957/20 – 46 Taunton Road, Chadderton, OL9 0BE

ADVERTISEMENTS

APPEAL DECISIONS

LB/344789/20 – 61 Chew Valley Road, OL3 7JG
Appeal decision - Allowed

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 9 November 2020

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 4th December 2020

Appeal Ref: APP/W4223/Y/20/3257055

61 Chew Valley Road, Greenfield, OL3 7JG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Deborah Hill against the decision of Oldham Metropolitan Borough Council.
 - The application Ref LB/344789/20, dated 24 April 2020, was refused by notice dated 15 June 2020.
 - The works are described as the removal, relocation and rebuilding of the stone boundary wall to the front of the listed building and a new driveway.
-

Decision

1. The appeal is allowed and listed building consent is granted for the removal, relocation and rebuilding of the stone boundary wall at 61 Chew Valley Road, Greenfield, OL3 7JG in accordance with the terms of the application Ref: LB/344789/20 dated 24 April 2020.

Procedural Matters

2. Listed Building Consent applies to physical works to a Listed Building. The garden is not part of the Listed Building and therefore, I have no power to consider the hardstanding (driveway) as part of the scheme. In addition, the Listed Building consent regime does not include consideration of the setting of the listed building or any effect on the character and appearance of the area. Those are matters to be considered when determining an application for planning permission.
3. Any grant of Listed Building Consent is separate to the grant of planning permission. There is no related appeal before me to determine whether or not the wall or the hardstanding requires planning permission or whether either should be granted planning permission. These are matters for the Council and the appellant to resolve in the first instance.
4. The wall has already been relocated.

Main Issue

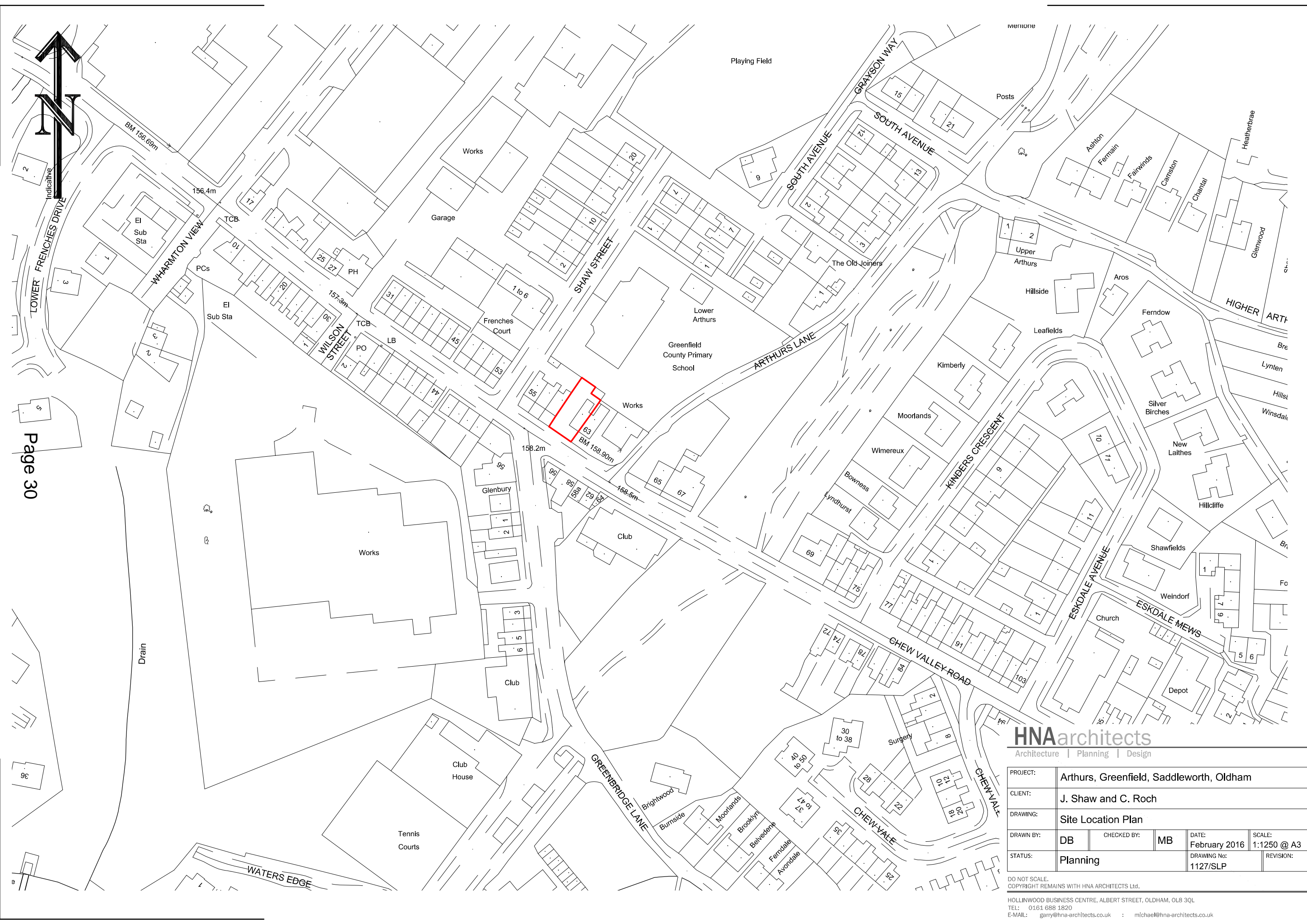
5. Given the procedural matters above, the main issue is the effect of the relocation of the wall on the special architectural and historic interest of the Grade II Listed Building.

Reasons

6. The appeal site is one half of a pair of semi-detached dwellings which were constructed circa 1830. The dwellings were built alongside a road which cut through the 13-acre estate owned by the builder of the houses. They are three storeys high and would have had workspace on the second floor accommodating looms, spinning wheels and a charcoal stove. The front elevation of the pair of dwellings is faced in dressed stone and they have stone mullioned windows to the back, front and side. It is the former use of the dwellings and their architectural features that are of particular significance and special interest.
7. For the purposes of the Act, a listed building includes any structure that is within its curtilage which has existed since before 1st July 1948. The stone boundary wall dated from before then and would therefore have been listed.
8. There is dispute between the parties as to whether the wall was original to the appeal house. The appellant considers that it is a later addition and that the house was originally open to the turnpike road without a garden or a boundary wall. In her view, the wall was a later addition to separate the later Chew Valley Road and its footpath from the house. The Council has not produced any convincing evidence to contradict that or to demonstrate that it played any role in terms of the special architectural or historic interest or the heritage significance of the building.
9. Moreover, there is little difference in the amount of wall that remains as a result of its relocation so it is neither here nor there where along the front boundary it is constructed, especially as the Council says that it appears that the foundations of an "original" wall were hidden under the hedge where the demolished wall has been rebuilt.
10. I conclude that the removal, relocation and rebuilding of the wall has not harmed, and has therefore preserved the special historic interest of the listed building. Therefore, I find no conflict with Oldham Local Plan Policies 9, 20 and 24. Taken together they seek, amongst other things, to ensure that proposals protect heritage assets and do not harm the visual amenity of the area.
11. As the wall has already been constructed there are no planning conditions attached to this consent.
12. The appeal is, therefore, allowed.

Siobhan Watson

INSPECTOR



HNAarchitects
 Architecture | Planning | Design

PROJECT:	Arthurs, Greenfield, Saddleworth, Oldham			
CLIENT:	J. Shaw and C. Roch			
DRAWING:	Site Location Plan			
DRAWN BY:	DB	CHECKED BY:	MB	DATE: February 2016
SCALE:	1:1250 @ A3			
STATUS:	Planning		DRAWING No:	1127/SLP
			REVISION:	

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 TEL: 0161 688 1820
 E-MAIL: garry@hna-architects.co.uk : michael@hna-architects.co.uk