

## ***PLANNING COMMITTEE***

### ***Agenda***

Date Wednesday 9 June 2021

Time 6.00 pm

Venue Queen Elizabeth Hall, Civic Centre, Oldham, West Street, Oldham, OL1 1NL.

The meeting will also be streamed live on the Council's website at <https://www.oldham.gov.uk/livemeetings>.

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@oldham.gov.uk](mailto: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, 4 June 2021.

4. ATTENDANCE DURING COVID-19 – due to current restrictions, a maximum of 24 members of the public are be able to attend the meeting, on a first come first served basis. Face coverings must be worn at all times and details for track and trace will be required on arrival. The meeting will be streamed live on the Council's website for the public to watch.

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.

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

Members of the public and the press may also record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a

private meeting is held.

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

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:  
Councillors Al-Hamdani, Brownridge, Davis (Vice-Chair), Dean (Chair), H. Gloster, Hobin, F Hussain, Ibrahim, Iqbal, Lancaster, Phythian, Surjan, Toor and Woodvine

Item No

- 1 Apologies For Absence
- 2 Urgent Business  
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest  
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time  
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 4)  
The Minutes of the meeting of the Planning Committee held on 21<sup>st</sup> April 2021 are attached for Members' approval.
- 6 FUL/345847/20 - Land at Cardwell Street bound by Dowry Street to the south and Groby Street to the east, Oldham (Pages 5 - 16)  
Full planning permission for 98 affordable dwellings, together with associated parking, landscaping, drainage, the layout of roads and footways and other associated works following demolition of existing structures.
- 7 FUL/345895/20 - Land at Buckley Street, Lees, Oldham, OL4 5AS (Pages 17 - 24)  
Erection of 4 no. residential dwellings.
- 8 FUL/346233/21 - Former Weavers Answer, 70-74 Milnrow Road, Shaw, Oldham, OL2 8ER, (Pages 25 - 30)  
Change of use from public house to supported accommodation



- 9 FUL/346270/21 - Vale Drive Estate, Vale Drive, Oldham (Pages 31 - 44)  
Full planning permission for the demolition of the existing buildings and erection of 88no. dwellings with access, landscaping, a public open space and associated works
- 10 HOU/346471/21 - Morley Bunkers, Tunstead Lane, Greenfield, Oldham, OL3 7NY, (Pages 45 - 50)  
Single storey side extension & alterations
- 11 LBC/346472/21 - Morley Bunkers, Tunstead Lane, Greenfield, Oldham, OL3 7NY (Pages 51 - 56)  
Single storey side extension & alterations
- 12 FUL/346666/21 - County Court, 122A Rochdale Road, Oldham, OL1 1NT (Pages 57 - 64)  
Change of use from the former County Court building to a residential building of 42no. apartments and alterations to external elevations, including insertion of new windows (Revision to PA/344948/20)
- 13 Planning Appeals Update (Pages 65 - 66)

This page is intentionally left blank



**Present:** Councillor Dean (Chair)  
Councillors Akhtar, Davis (Vice-Chair), H. Gloster, Harkness, Hewitt (Items 1-7), Phythian, Garry, Ibrahim (Items 1-5), Iqbal, Jacques, Surjan and Sheldon (Substitute)

Also in Attendance:

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

1           **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Malik.

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 17<sup>th</sup> March 2021 be approved as a correct record.

6           **MMA/344723/20 - LAND AT KNOWLS LANE, OLDHAM, OLDHAM**

APPLICATION NUMBER: MMA/344723/20

APPLICANT: Russell Homes UK Ltd

PROPOSAL: Variation of Conditions 8 (landscaping management) and amendments to approved plans within condition 13 (link road plans) to PA/343269/19 for up to 265 new homes (outline) and new link road between Knowls Lane and Ashbrook Road (full). Changes sought are; Condition 8 to be separated into two conditions one relating to the link road and one the outline residential development. Amendments to condition 13 to provide indicative location of speed tables provided within the proposed link road, and the inclusion of a separate cycleway and footway along the route of the proposed link road (no changes to alignment width or gradient of the proposed highway).

LOCATION: Land at Knowls Lane, Oldham, Oldham

It was MOVED by Councillor Phythian and SECONDED by Councillor Davis that the application be APPROVED, subject to the Conditions as set out in the report.



On being put to the vote 7 VOTES were cast IN FAVOUR OF the application and 4 VOTES were cast AGAINST, with 1 ABSTENTION.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report and to the requirements of the Section 106 agreement completed in respect of application PA/343269/19.

**NOTES:**

1. The Applicant, an Objector and a Ward Councillor attended the meeting and addressed the Committee on this application.
2. The Committee took into consideration the information contained in the late list.

7

**FUL/345659/20 - LAND TO THE WEST OF BROADWAY AND MILTON DRIVE, CHADDERTON, OLDHAM, OL9 9QS**

APPLICATION NUMBER: FUL/345659/20

APPLICANT: Mrs Amanda Oakden

PROPOSAL: Residential development of up to 160 dwellings with vehicular access onto Broadway and Milton Drive, car parking, roads, landscaping and associated works and infrastructure following demolition of existing buildings.

LOCATION: - Land to the west of Broadway and Milton Drive, Chadderton, Oldham, OL9 9QS

It was MOVED by Councillor Dean and SECONDED by Councillor Jacques that the application be APPROVED, subject to the Conditions as set out in the report and an additional Condition as follows:-

No development hereby approved shall commence until measures have been implemented in accordance a scheme submitted to and approved in writing by the Local Planning Authority to prevent construction vehicles emerging from the Foxdenton Lane temporary access exiting to the right (north-west). The approved measures shall remain in place for the duration of the construction works.

Reason – In order to minimise disruption resulting from construction access from Foxdenton Lane in the interests of highway safety and residential amenity having regard to Policies 5 and 9 of the Oldham Local Plan.

On being put to the vote the Committee decided unanimously IN FAVOUR OF the application.

DECISION: That the application be GRANTED subject to the applicant entering into a Section 106 agreement to secure the implementation of Phase 1 of the Linear Park and for an education contribution totalling £540,000; to the conditions as outlined in the report and the additional Condition.



**NOTES:**

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

8 **FUL/346233/21 - FORMER WEAVERS ANSWER, 70-74 MILNROW ROAD, SHAW, OLDHAM, OL2 8ER**

APPLICATION NUMBER: FUL/346233/21

APPLICANT: Ms Mehtab Shaukat

PROPOSAL: Change of use from public house to supported accommodation

LOCATION: Former Weavers Answer, 70-74 Milnrow Road, Shaw, Oldham, OL2 8ER

It was MOVED by Councillor Gloster and SECONDED by Councillor Dean that the application be DEFERRED for further information to be provided in relation to the management plan, including access to the premises and external provision.

On being put to the vote the Committee decided unanimously IN FAVOUR OF deferral.

DECISION: That the application be DEFERRED.

**NOTES:**

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

9 **PA/344187/19 - 148 MIDDLETON ROAD, ROYTON, OL2 5LL**

APPLICATION NUMBER: PA/344187/19

APPLICANT: Samrum Investments Ltd

PROPOSAL: Residential Development to form 14 no Residential Apartments (Use Class C3) following demolition of existing public house

LOCATION: 148 Middleton Road, Royton, OL2 5LL

It was MOVED by Councillor Dean and SECONDED by Councillor Davis that the application be APPROVED, subject to the Conditions as set out in the report.

On being put to the vote 10 VOTES were cast IN FAVOUR OF the application and 0 VOTES were cast AGAINST, with 1 ABSTENTION.

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

10            **PA/343870/19 - MAYFIELD PRIMARY SCHOOL, MAYFIELD ROAD, OLDHAM OL1 4LG**

APPLICATION NUMBER: PA/343870/19

PROPOSAL: Amendment to legal agreement

LOCATION: Mayfield Primary School, Mayfield Road, Oldham OL1 4LG

It was MOVED by Councillor Dean and SECONDED by Councillor Sheldon that the application be APPROVED, subject to the Conditions as set out in the report.

On being put to the vote the Committee decided unanimously IN FAVOUR OF the application.

DECISION: That Committee agreed the reduction in the required financial contribution to £9000 and issue of a refund of £4050.

11            **APPEALS**

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

12            **LATE LIST**

**RESOLVED** that the content of the Late List be noted.

The meeting started at 6.00 pm and ended at 8.39 pm



## **APPLICATION REPORT - FUL/345847/20 Planning Committee 9<sup>th</sup> June 2021**

**Registration Date:** 20th November 2020  
**Ward:** Alexandra

**Application Reference:** FUL/345847/20  
**Type of Application:** Full Application

**Proposal:** Full planning permission for 98 affordable dwellings, together with associated parking, landscaping, drainage, the layout of roads and footways and other associated works following demolition of existing structures.

**Location:** Land at Cardwell Street bound by Dowry Street to the south and Groby Street to the east, Oldham

**Case Officer:** Matthew Taylor

**Applicant:** c/o M.C.I Developments Limited

**Agent:** Mr Simon Pemberton

### **INTRODUCTION**

This application is presented to Planning Committee as a Major application and as a departure from the provisions of the Local Plan in accordance with the Scheme of Delegation.

### **RECOMMENDATION**

It is recommended that Committee resolves to grant permission subject to the conditions set out below:

### **THE SITE**

The application site previously accommodated Maple Mill, a cotton spinning mill comprising of two buildings. Due to several arson attacks in 2009 and 2016, following not being in commercial use for several years, both buildings have been demolished. As a result, the site is now largely cleared.

Overall, the site is approximately 1.87 ha in size and has a sloping topography from north to south. Surrounding land uses include a mix of residential and commercial properties.

### **THE PROPOSAL**

This application seeks planning permission for the demolition of all remaining structures on site and the erection of 98 affordable dwellings, together with associated parking, landscaping, roads and footways.

The proposed housing will comprise:

- 18 one-bedroom apartments,
- 6 two-bedroom apartments,
- 12 one-bed maisonettes,
- 24 two-bedroom family houses,

- 26 three-bedroom family houses, and,
- 12 four-bedroom family houses.

The development will be accessed off Cardwell Street. The access will link into the main internal estate road which loops round the site. All the proposed dwellinghouses will benefit from both front and rear gardens, whilst the proposed layout provides a mix of parking in the form of private driveways, shared driveways and a parking court for the apartment block.

Each dwelling has been provided with designated spaces for the storage of waste and recycling bins.

**RELEVANT PLANNING HISTORY:**

No relevant planning history.

**RELEVANT PLANNING POLICIES**

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

The site is located within a Business Employment Area on the Local Plan proposals map and is in a Coal Mining Referral Area.

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 14 – Supporting Oldham’s Economy
- Policy 18 - Energy
- Policy 20 – Design
- Policy 23 - Open space and sports

**CONSULTATIONS**

Environmental Health	Recommend both landfill gas and contaminated land conditions and informative notes.
Highways	Recommend conditions and informative notes to ensure adequate off-street parking facilities are provided and remain available so that parking does not take place on the highway to the detriment of highway safety.
Greater Manchester Ecology Unit	Recommend conditions and informative notes to address the treatment of invasive species, bats and biodiversity on site.
United Utilities	Recommend conditions and informative notes to address both drainage and the management and maintenance of Sustainable Drainage Systems.
Coal Authority	No objection subject to conditions to secure the undertaking of intrusive site investigations, prior to the commencement of development, to ensure that adequate

information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site.

Environment Agency	Recommend conditions to address the remediation strategy to deal with the risks associated with contamination of the site
LLFA/Drainage	Recommend a condition to address the Sustainable Drainage Systems for the site.
TFGM	No objection.
Greater Manchester Police	Recommend a condition to reflect the physical security specifications set out in Section 7 of the submitted Crime Impact Statement.

## **REPRESENTATIONS**

This application was publicised by site notice, neighbour notification letters and press notice. No representations have been received in response.

## **PLANNING CONSIDERATIONS**

### **Principle of development**

The application site is located within an area allocated for employment uses. It is therefore necessary to consider whether a satisfactory justification exists for the introduction of a non-conforming use.

### *Employment*

Policy 14 of the Local Plan sets out that uses not listed in the policy, such as residential, will be permitted on sites currently or most recently used for employment purposes, provided the applicant can clearly demonstrate that it is no longer appropriate or viable to continue the existing use. This can be demonstrated by the developer:

- a) through a marketing exercise that there is no market for the uses listed above. The marketing exercise should be agreed with the council before commencing and be of a professional standard; or
- b) through a viability exercise that the continued use/development of the site for the uses listed in the policy is unviable; or
- c) that the development of the site for alternative uses would benefit the regeneration areas identified by the council as being in need of investment or would benefit the community of an area.

In order to comply with Policy 14, an Employment Land and Viability Statement has been carried out. The scope of the report was agreed prior to submission of the application. The Employment Land and Viability Statement came to the following conclusions:

- When having regard to the supply and demand of employment uses in the area, the site is not suitable for office and industrial uses; and

- The site is not viable for industrial or office development. Two scenarios were considered and both appraisals returned a substantial negative land value.

Having regard to the information submitted and an assessment of the site and its location, it is considered that Policy 14 has adequately been met.

### *Housing*

Local Plan Policy 1 seeks to ensure the effective and efficient use of land and buildings by promoting the re-use and conversion of existing buildings prior to the use of greenfield sites. It also aims to meet Oldham's housing needs by focusing residential development in sustainable locations and to ensure that development respects Oldham's natural, built and historic environments.

The application site is identified within the Council's Strategic Housing Land Availability Assessment (SHLAA) as at 1st April 2020 as a Potential Site for 123 no. homes (ref SHA1606).

Policy 3 of the Local Plan sets out the Council's approach for managing the release of housing land and states that planning applications for residential development, in whole or as part of a mixed-use scheme, will be permitted where:

- a) The site is allocated for residential development or mixed-use and has come forward in line with the Council's approach to phasing, reflecting the residential distribution described within the policy;
- or
- b) The site is allocated for residential development or mixed-use and has come forward prematurely from the phasing set out in the Site Allocations DPD and does not undermine other national and local guidance and policies: and
  - i) A deliverable five-year supply of housing land cannot be demonstrated; or
  - ii) It contributes to the delivery of the borough's regeneration priorities; or
  - iii) It contributes to the delivery of affordable housing that meets the local affordable housing needs.

Proposals for residential development on a non-allocated site will be considered favourably where it meets the three criteria listed under b) above or it is for a small development, comprising a change of use or conversion or not identified in the SHLAA. These three criteria are considered in turn below:

- i) *Housing land supply position*

The SHLAA (as at 1 April 2020) identifies a baseline housing land supply of 10,706 dwellings, increasing to 11,263 when considering the small sites and clearance allowances. The Government has introduced a standardised methodology for assessing local housing need (LHN), based on household projections with an adjustment to take account of affordability. For Oldham, Local Housing Need (LHN) has recently changed to 693 homes per year. Based on the five-year supply identified within the SHLAA, the Council is unable to meet the borough's housing need at this time. As such, delivering housing on suitable sites is imperative to meeting local needs. The

proposed development site is included within the SHLAA and therefore has been assessed as being suitable, available and achievable for residential development in principle.

ii) *Delivery of the borough's regeneration priorities*

The application site is within 480m of 6 local services and is served by frequent public transport.

Policy 3 also states that the use of previously developed land and vacant or underused buildings is the Council's first preference for residential development.

iii) *Delivery of affordable housing to meet local affordable housing needs*

Policy 10 of the Local Plan sets the current target at 7.5% of the total development sales value to go towards the delivery of affordable housing, unless it can be clearly demonstrated to the Council's satisfaction that this is not viable. This affordable housing must be provided on-site unless there are exceptional circumstances. Evidence on housing mix, type and tenure is set out in the Council's Local Housing Needs Assessment prepared to support the Housing Strategy.

As per the submitted Affordable Housing Statement, the application proposes to provide 100% affordable housing. This would wholly satisfy Policy 10 of the Local Plan, providing much needed affordable housing in a sustainable location.

As such, for the reasons given above, it is considered that the principle of the proposal is acceptable.

### **Open Space**

Policy 23 of the Local Plan states that major residential development should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable. It goes on to state that regard will be given to the proposed development and the open space surpluses and deficiencies in the area (identified through the Council's Open Space Study) to determine where appropriate whether on-site or off-site new provision or enhanced existing provision or a financial contribution will be required.

The submitted Planning Statement sets out that, due to the provision of affordable housing and other development costs, it is not financially viable to provide a public open space contribution. In support of this statement the Economic Viability Assessment has been provided. This has been fully assessed by the Council, and it has been confirmed the scheme would not be viable with the open space requirement.

Therefore, in this instance, it is considered the scheme meets the exceptions stated within Policy 23.

### **Energy**

Policy 18 of the Local Plan states that all developments over 1,000 square metres or 10 dwellings and above are required to reduce energy emissions in line with set targets.

The submitted Energy Statement indicates that the proposed scheme's fabric first approach and energy efficient services design along with a PV system will achieve the 15% reduction in CO2 over Part L 2013, as required by Policy 18.

## **Design**

Local Plan Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment. Policy 9 requires that development does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape, nor should it cause significant harm to the amenity of neighbouring occupants. Policy 20 is also relevant, as it seeks to promote high quality design.

The amended layout of the proposed development has been designed in accordance with Policy 20 to avoid adverse impacts on the amenity of future occupants and the occupants of existing neighbouring properties.

The design and materials proposed for the dwellings has been designed to be in keeping with the design of the dwellings within the surrounding area.

The proposed hard and soft landscaping, that will form part of the development, is also considered to be acceptable, incorporating areas of green space, as well as landscaping forward of the front elevation of the proposed dwellings.

Overall, it is considered that the high-quality design of the proposed development would have a positive impact on the character of the area, in accordance with Policies 9 and 20 Local Plan.

## **Residential Amenity**

Policy 9 of the Local Plan requires that new development does not result in a significant, adverse impact on the visual amenity of the surrounding area or significantly harm the amenities of occupiers of existing or future neighbouring properties, whilst Policy 20 includes the requirement that development proposals should reflect local character.

### *Relationship with neighbouring properties:*

The amended layout does not result in any oppressive outlook/loss of privacy from the current and future occupiers of the existing neighbouring residential properties. The design includes both sufficient separation distances and a development of a similar scale to its surroundings.

### *Impact on the Future Occupiers:*

The development has been assessed against the 'Technical housing standard - nationally described space standards', March 2015. Given the scheme complies with these Standards, it is concluded that the development will provide appropriate living space for the future occupants of the development.

Therefore, the scheme is considered to comply with Policies 9 and 20 of the Local Plan.

## **Highway Safety**

Policy 5 of the Local Plan requires that developments do not compromise pedestrian or highway safety and Policy 9 of the Local Plan states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users.

The site is located close to established residential areas with good access to a wide range of amenities and public transport links.

The Council's Highway Engineer is satisfied that the amended internal layout of the site is acceptable and that there is adequate parking provision provided on the site. The amount of traffic generated by this development will not have a significant effect on the local highway network or be detrimental to highway safety. Furthermore, TfGM has raised no objection to the scheme. As such, the scheme is acceptable on highways grounds.

## **Trees**

Saved UDP Policy D1.5 'Protection of Trees on Development Sites' states that where trees are to be lost to development, the Council will require, as a minimum, replacement at a ratio of three new native trees for each mature or semi-mature tree lost. Where possible the replacement trees should be accommodated on or immediately adjoining the development site.

The submitted Arboricultural Impact Assessment notes that all seven existing trees and one group of trees on site are proposed to be removed. These are all either category 'C' or 'U' in quality and it is noted that the amended landscaping plan includes the planting of 42 no. replacement trees across the site.

Therefore, the loss has been adequately mitigated and the scheme accords with the requirements of saved UDP Policy D1.5.

## **Ecology**

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

The Greater Manchester Ecology Unit notes that the submitted ecological report appears to have used reasonable effort to survey the habitats on site and to assess their suitability to support protected/species of principal importance.

### *Bats*

The Report concludes that the site supports a number of buildings of low value to bat roosting. A Bat Method Statement (BMS) has been produced as the survey was undertaken too late in the season to undertake the necessary follow-up activity surveys. In general terms, this approach is to be avoided and is contrary to Defra Circular 06/2005. However, in this case and given the contents of the Bat Method Statement, GMEU is satisfied that the approach can be adopted.

It is important to note that the BMS places strict criteria on when the demolition works can take place, and this must be adhered to in order to avoid any likelihood of an offence. A condition to this effect has been attached.

### *Contributing to and Enhancing the Natural Environment*

Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment.

The BMS report also includes details of Biodiversity Enhancements in-line with the guidance of the NPPF. GMEU has confirmed that the proposed bat and bird box scheme should be implemented in full prior to the first occupation of the development (or each phase if it is to be developed in parcels). This has been addressed with an appropriately worded planning condition.

### *Invasive Non-Native Species*

The site contains Japanese knotweed. The presence of this species must be dealt with prior to implementation of any development. GMEU recommend that any planning proposals where this species is present is dealt with by a Control and Eradication Method Statement. This has been addressed with an appropriately worded planning condition.

### **Drainage**

Local Plan Policy 19 is concerned with ensuring that new developments do not result in an unacceptable flood risk or increased drainage problems by directing developments away from flood risk areas.

Therefore, in order to ensure the development complies with the above policy, the Council's Drainage Team and United Utilities have requested a condition requiring a sustainable drainage plan to be approved prior to the commencement of development, and that the development is implemented in accordance with the submitted Flood Risk Assessment.

### **Contamination and Landfill Gas:**

Paragraph 178 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Given the above, it is considered appropriate to impose a condition requiring intrusive site investigations and the submission of a remediation strategy before any development takes place. The need for such a condition is also identified by both the Council's Environmental Health section and the Environment Agency. Appropriately worded conditions have been recommended in this regard in order to ensure that the development does not conflict with the requirements of paragraph 178.

### **Coal Mining**

NPPF Paragraph 178 also requires the planning system to prevent new development from contributing to or being put at unacceptable risk from; or being adversely affected by land instability.

The application site falls within the defined Development High Risk Area which means within the application site and surrounding area there are coal mining features and hazards which need to be considered. The Coal Authority has confirmed that their records indicate that a thick coal outcrop crosses through the application site; this may have been subjected to probable unrecorded coal mine workings at shallow depth.



The application is supported by a Geo-Environmental Ground Investigation and Updated Coal Mining Risk Assessment. The report recommends that further intrusive site investigations should be undertaken. On that basis, the Coal Authority considers that further intrusive site investigations should be undertaken to determine the requirements for remediation works.

Accordingly, recommended conditions are attached in order to ensure the safety and stability of the development.

## **CONCLUSION**

With the above in mind, it is felt that the submitted scheme has addressed Policy 14 adequately and the site is in a sustainable location. It therefore concluded that this 100% affordable housing scheme, on a previously developed site, fully complies with Local Plan and is recommended 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 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. No dwelling shall be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan Ref (Dowry Street / Proposed Site Layout Rev K) and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

4. Excluding demolition works and site clearance works no development shall commence until full details of a scheme for a sustainable drainage system to serve the site, with separate foul and surface water systems, and the method of implementation, including arrangements to secure funding and maintenance for the lifetime of the development through an appropriate legally binding agreement, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved scheme.

REASON - To prevent the increased risk of flooding both on and off site and ensure satisfactory drainage facilities are provided to serve the site having regard to Policies 9 and 19 of the Oldham Local Plan.

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

REASON - In order to protect public safety, because the site is located within 250m of a former landfill site having regard to Policy 9 of the Oldham Local Plan.

6. No earthworks shall take place on site unless and until mitigation measures in the form of a Control and Eradication Method Statement for dealing with Japanese knotweed have been submitted to and approved in writing by the Local Planning Authority.

This Method Statement should include:

- Detailed mapping of the distribution of the plant across the site;
- Suitable signage and protection from vehicle tracking and/or earth moving;
- A Treatment programme;
- Biosecurity protocols for machinery and soil handling & storage. This should be cross-referenced and included within any Construction Method Statement; and
- Monitoring and retreatment programme for minimum of 5 years post site clearance.

REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works in the interests of the protection of the natural environment having regard to Policy 9 of the Oldham Local Plan.

7. Excluding demolition works and site clearance works, no development shall commence until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

REASON - To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site having regard to Policy 9 of the Oldham Local Plan.

8. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON - To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and

carried out before building works commence on site having regard to Policy 9 of the Oldham Local Plan.

9. No works to trees or shrubs shall take place 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 having regard to Policy 21 of the Oldham Local Plan.

10. Prior to occupation of the development all measures of outlined by the Bat Method Statement/Enhancement Plan by E3P (dated March 2021) and Drwg ref: Dowry Street /Bird & Bat Box Plan, Rev C shall be implemented on site.

REASON - In order to ensure the protection and enhancement of features and species of ecological interest having regard to Policy 21 of the Oldham Local Plan.

11. The affordable housing provision shall be provided in accordance with the approved Affordable Housing Statement, March 2021. This condition shall cease to apply (and shall be of no further effect) to any dwelling in respect of which the full equity has been acquired by the individual owner/purchaser and/or their mortgagee OR any dwelling in respect of which a statutory or voluntary right to buy or acquire has been exercised.

REASON - To ensure that the contribution towards affordable housing is delivered on the site in an appropriate manner which meets local need and to ensure that any affordable housing remains affordable having regard to Policy 10 of the Oldham Local Plan.

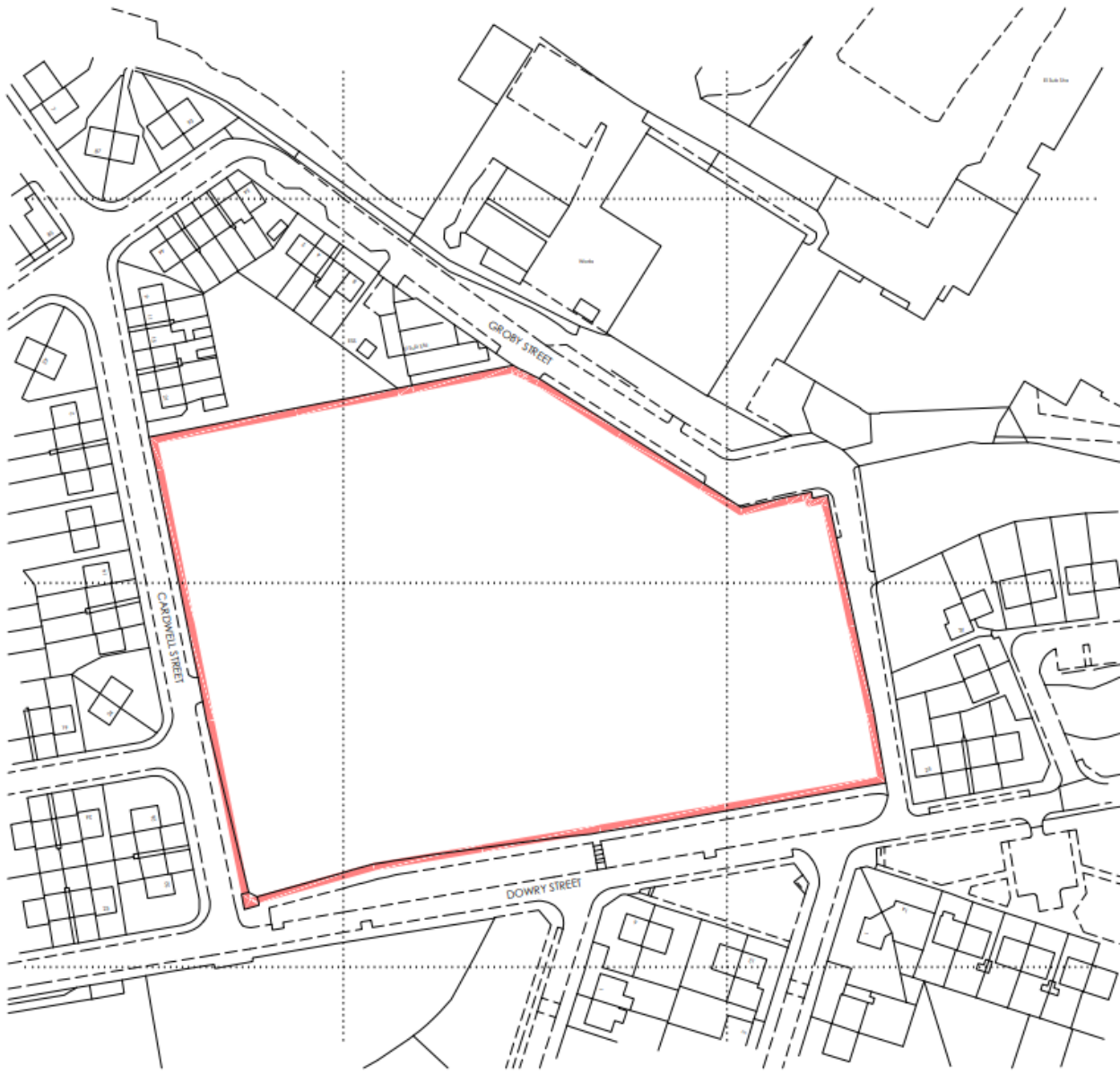
12. The development shall be implemented in full accordance with the Energy Statement submitted by PB Sustainability, dated October 2020, which details an average completed energy performance of 15% improvement on Part L of the Building Regulations and retained as operational thereafter.

REASON – In the interests of sustainability and to ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.

13. All planting, seeding or turfing comprised in the approved landscaping detail Drawing No: 6433.01, Rev C shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless, the Local Planning Authority gives written consent to any variation.

REASON - In order to avoid damage to trees/shrubs within the site, which are of important amenity value to the area having regard to saved UDP Policy D1.5 and Policy 20 of the Oldham Local Plan.

## **SITE LOCATION PLAN**



## **APPLICATION REPORT - FUL/345895/20 Planning Committee 9<sup>th</sup> June 2021**

**Registration Date:** 30th November 2020  
**Ward:** Saddleworth West And Lees

**Application Reference:** FUL/345895/20  
**Type of Application:** Full Application

**Proposal:** Erection of 4 no. residential dwellings.  
**Location:** Land at Buckley Street, Lees, Oldham, OL4 5AS, ,  
**Case Officer:** Sophie Leech  
**Applicant** Mr Rex Shepherdson  
**Agent :** HNA Architects Ltd.

### **INTRODUCTION**

Councillor Al-Hamdani has requested that this application is determined by Planning Committee as it involves the removal of public amenity, as well as potential issues with local parking.

### **RECOMMENDATION**

It is recommended that planning permission is granted subject to the conditions set out below.

### **THE SITE**

The application site relates to a parcel of land located off Buckley Street, Lees, within a mixed-use area consisting of residential and commercial properties. The site comprises a rectangular level plot of approximately 9,184 square metres. The site is close to High Street, Lees, and to local amenities and public transport. The site currently contains garages and there is tree cover across the site. The trees are not protected.

### **THE PROPOSAL**

This application seeks planning permission for 4 detached, two storey dwellings. The development will be linear in form and will comprise of identical dwellings with private gardens to the side and off-road parking for two vehicles. Waste bin storage will be provided for each dwelling within the plots.

The dwellings will measure approximately 8m x 8m in footprint and 6.9m in height and 3.8m in eaves height.

### **RELEVANT PLANNING HISTORY**

OUT/345454/20 – Outline application for erection of 4 no. dwellings. Withdrawn.

### **RELEVANT PLANNING POLICIES**

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

The site is unallocated on the Local Plan proposals map and lies outside the Lees Conservation Area.

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

Policy 05 - Promoting Accessibility and Sustainable Transport

Policy 09 - Local Environment

Policy 11 - Housing

Policy 20 – Design

Policy 24 Historic Environment

National Planning Policy Framework

## **CONSULTATIONS**

Highways Engineer	No objections
Environmental Health	No objections subject to land contamination report.
United Utilities	No objections
Trees Officer	No objections subject to a tree planting plan.

## **REPRESENTATIONS**

The application has been advertised by direct notification to neighbouring residents.

20 objections have been received which are summarised below:

- Loss of outlook/light;
- Loss of existing open space;
- Loss of privacy;
- Parking and highway issues;
- Overdevelopment;
- Not in keeping with area.

## **PLANNING CONSIDERATIONS**

### **Principle of Development**

The site lies within a sustainable location close to public transport and key services such as schools, retail and leisure. As such, the principle of housing in this location is acceptable.

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, for applications relating to the provision of housing, Oldham Local Plan Policies relating to housing are afforded “less weight” in the tilted balance.

### **Appearance, Layout and Scale**

Local Plan Policy 20 states that the council will promote high quality design and sustainable construction of developments that reflect the character and distinctiveness of local areas, communities and sites across Oldham. Development proposals must have regard to national and local guidance and policies on design.

There is no singular house type design adjacent to the site, with terraced housing on Brookway and West Street, and detached properties on Spring Lane in the immediate vicinity.

The proposed layout and house types have been specifically designed to take into consideration the narrow, elongated nature of the site, and the relationship to neighbouring properties.

The two storey dwellings are to be arranged in a linear layout with the garden areas and parking sited in between each dwelling, and the existing road leading around the site. The dwellings are considered to be appropriately spaced from one another and create a contemporary solution to the site's development which is similar to that of surrounding residential development.

The front elevations of the dwellings will all face onto Buckley Street when approaching from West Street, providing an active frontage when entering the site.

It is considered that the proposed layout respects the existing terraced development adjacent to the site, while also respecting the larger plots which are seen across on Spring Lane. Overall, the density of development is appropriate and the proposals, from a design perspective, do not result in overdevelopment of the site.

The off-road parking is to be positioned to the side of each dwelling and has been designed as tandem parking. The vehicles will be able to reverse or drive through the site to enter and exit. Additionally, private garden areas are to be provided to the side of the dwellings and a brick wall is proposed around the perimeter of the site to enclose the plots. This design is considered no different to existing boundary treatments seen around the site.

The dwellings are of contemporary design and do contrast with more traditional housing to the south-east. However, the area is very mixed with a variety of dwellings with regards to height, size and external material. The neighbouring buildings have a basic and traditional palette of materials, notably brick external walls and slate/concrete tile roofs; a mixture of timber and uPVC window frames are also prevalent. The proposal includes for brick external walls with grey concrete roof tiles, matching that of the surrounding properties and structures in both colour and appearance

As a result, the proposed development complies with Policy 20.

### **Residential Amenity**

Local Plan Policy 9 states that the council will protect and improve local environmental quality and amenity by ensuring development, amongst other things does not have an unacceptable impact on the environment; does 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 and security, noise, pollution, the visual appearance of an area, access to daylight or other nuisances; does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape; and minimises traffic levels and does not harm the safety of road users.

Although some concerns have been received at the loss of the open space, it should be noted that the site is in private ownership and any informal access could be removed at any time.

The separation distance from the rear of the new dwellings to the rear of properties on Brookway is approximately 13.5m. It is proposed to install one small first floor window on the elevation of the new dwellings which will face Brookway. This is a secondary bedroom window and can be obscurely glazed, thus avoiding any substandard overlooking, whilst ensuring adequate light to the new bedroom.

Similarly, two first floor windows will face Spring Lane at a separation distance of 15.5m. These windows will serve non-habitable rooms i.e. the top of the staircase and the bathroom. As a result, the distance is sufficient and would not harm the amenity of neighbouring occupiers.

Given the distance between both sites, it is considered that the separation distances between each dwelling and existing development are appropriate, therefore, resulting in no significant overlooking or loss of light.

The main bedroom and living/kitchen windows will be sited on one side elevation of each dwelling. This specific layout enables principal rooms to receive light and a view over each plot's own garden area, but without resulting in overlooking or loss of privacy. This is because each side elevation of the next dwelling has no windows to be affected. The view created is effectively a blank elevation on one side of each dwelling and windows on the other side elevation. As a result, this layout is considered acceptable and would not harm the amenity of future occupiers.

In addition, while the Council has no outdoor amenity standards, the proposed gardens for all proposed dwellings are sufficient to provide future occupiers with a private amenity space.

It is considered appropriate to remove Permitted Development rights for new windows, dormers and extensions to ensure that privacy is always maintained to existing residents. It is therefore considered that the proposed development would provide an appropriate level of amenity for future occupants of the development, whilst also maintaining the amenity of existing residents.

As a result, the proposed development complies with Local Plan Policy 9.

### **Parking and Highway Safety**

The Council does not have parking standards for new residential development; however Local Plan Policy 9 seeks to ensure that all new development minimises traffic levels and does not harm the safety of road users.

The proposed development would provide suitable level off-road parking which will be provided through allocated parking spaces outside each dwelling. The Highway Engineer has raised no objections to the proposed development in relation to the parking layout. The site is also within an established residential area with easy access to a wide range of local amenities. As a result, the proposed development complies with Policy 9.



## **Landscaping**

Policy D1.5 of the Saved UDP states that when determining a planning application for development of a site containing existing trees, or adjoining a site containing trees, the Council will only permit a proposal where:

- a. the development is designed, insofar as is reasonably practicable, to maximise the retention and continued health of the trees in question; and
- b. development comprising residential accommodation is positioned in relation to retained trees so as to avoid an unacceptable degree of overshadowing of both internal accommodation and garden areas.

In those cases where it is agreed that trees will be lost to accommodate the development, adequate replacement planting will be required as a condition of planning permission for the development.

Where trees are to be lost to development, the Council will require, as a minimum, replacement at a ratio of three new native trees for each mature or semi-mature tree lost. Where possible the replacement trees should be accommodated on or immediately adjoining the development site.

The proposed site layout plan shows sufficient space to plant eight new trees and a number of hedgerows and shrubs. The Council's Tree Officer has agreed that this is the most which can be achieved on site. A condition securing these details has been included which will ensure that careful species/variety and size/form selection of new planting/trees is achieved to ensure that the trees do not foreseeably encroach onto the proposed dwellings, drives, paths etc over time. A full planting plan and specification will be secured by condition. As a result, the proposed development complies with Saved Policy D1.5 of the UDP.

## **Ground conditions**

No objections have been raised by Environmental Health, subject to a pre-commencement condition to secure a land contamination report prior to development starting. This is in order to ensure the site's safety. As a result, the proposed development complies with Local Plan Policy 9 in this regard.

## **CONCLUSION**

The NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development, for which there is a presumption in favour, particularly having regard to the Council's lack of a 5-year housing land supply.

Given the above, there would be no adverse impacts 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 development should be restricted. In these terms, the NPPF advises that permission should be approved.

## **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 No development comprising the erection of any external walls shall take place until a specification for the materials to be used in the construction of the external surfaces of the development, including the roof and colour scheme for all external doors, windows and rainwater goods, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.

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

4 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 soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme. All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority, and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size.

REASON - Prior approval of such details is necessary as the site may contain features which require incorporation into the approved development, and to ensure that the development site is landscaped to an acceptable standard having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

5 Prior to the commencement of any part of the development hereby approved, details of the method of surface water and foul water drainage from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first occupation of the approved development and shall be maintained thereafter.

REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to ensure that the site is satisfactorily drained having regard to Policy 19 of the Oldham Local Plan.

6. The dwellings hereby approved shall not be occupied until the footway fronting the site and the parking area have been constructed, hard-surfaced, drained and marked out to enable all vehicles to enter and leave the application site in forward gear entirely in accordance with the approved plan Ref: 1190-P-000 Rev A, and thereafter the parking 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 having regard to Policies 5 and 9 of the Oldham Local Plan.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, AA, B, or C of Schedule 2 or Part 2 Class A shall be carried out unless permission is granted by the Local Planning Authority.

REASON - In order to protect the visual and residential amenity of the development having regard to Policy 9 and 20 of the Oldham Local Plan.

8. The proposed first floor window shown on the approved plan in the north-west and south-east elevations of the buildings shall be constructed and permanently glazed in obscure glazing to a minimum of level 3 on the Pilkington scale. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no additional windows or other openings shall be formed at first floor level in those elevations without the prior written approval of the Local Planning Authority.

REASON - To protect the amenity of occupiers of nearby property having regard to Policy 9 of the Oldham Local Plan.

#### **SITE LOCATION PLAN**



**APPLICATION REPORT - FUL/346233/21**  
Planning Committee 9<sup>th</sup> June 2021

**Registration Date:** 9th February 2021  
**Ward:** Shaw

**Application Reference:** FUL/346233/21  
**Type of Application:** Full Application

**Proposal:** Change of use from public house to supported accommodation  
**Location:** Former Weavers Answer, 70-74 Milnrow Road, Shaw, Oldham, OL2 8ER,  
**Case Officer:** Sophie Leech  
**Applicant:** Ms Mehtab Shaukat  
**Agent :** Mr Belal Rashid

## **ADDITIONAL INFORMATION**

Consideration of this application was deferred by members at the Planning Committee on 21st April 2021 to allow for additional information in relation to the management plan, including access arrangements to the premises and external facilities, to be provided, and for bedroom 7 to be improved.

### Management of the Unit

The applicant has provided the following information.

The operators already have several similar premises operating in Oldham borough and the Milnrow Road site will add to the numbers. The unit will provide supported housing where residents will receive the required support and life skills to live more independently in the community.

Residents will have their own keys and access to their rooms at all times. However, staff will be on site on a 24 hour basis and will have the assistance of CCTV.

### Entrance Door

Members were concerned that the main entrance door to the building would be directly behind the bus stop on the footway leading to the potential for occupants of the building to congregate around the door and bus stop and potentially the use of outdoor smoking in this area. Members were concerned this would pose an uncomfortable situation for members of the public passing and using the bus stop.

The agent has advised that the relocation of the door has been considered. However, this would have caused difficulty in regard to the layout required inside. It has been suggested that the moving the door would have a severe detrimental impact to the layout and functioning of the building.

No amendments have therefore been made and it is still the intention of the door behind the bus stop to be used as the main entrance for staff and residents. A small waiting room will then have direct access to the upper floor residential units. A separate access will lead directly to the ground floor administration and training rooms. This separation is important in order to

allow quiet areas on the ground floor where staff and residents can discuss issues and receive support and training without interruption.

Another separate staircase within the building allows residents access from the upper floor directly to the rear yard without passing through the ground floor meeting/training area. This is essential for the smooth running of the unit and will not be possible if the entrance door is moved to the other door opening.

The plans show a 1.6m separation distance between the rear of the bus shelter and the wall of the building. The agent is of the view that this is adequate for passing pedestrian use which is not heavy along this road. The access to the bus shelter is from the roadside and residents and staff entering and leaving the building will not interfere with the operating bus shelter or passing pedestrians.

In addition, a new smoking area and waste bin storage unit have been positioned in the rear yard area. This area has its own access door as described above.

### Bedroom 7

The layout of bedroom 7 has now been amended along with the positioning of the window to ensure that there is adequate day light received into the room. This is now acceptable.

## **RECOMMENDATION**

As previously, it is recommended that Committee resolves to grant permission subject to the conditions set out below.

## **THE SITE**

The application site is located on Milnrow Road, Shaw and is the former Weavers Answer public house. The building sits in a prominent corner position and is built of traditional stone with a slate roof. The area is mixed use with commercial uses along Milnrow Road and surrounding residential uses which lead off Milnrow Road. The area comprises traditional housing, therefore there is limited on street parking. There is a bus stop outside the site and the site is approximately 0.3 miles from the Metrolink stop at Shaw & Crompton.

## **THE PROPOSAL**

This application seeks planning permission from a change of use of public house to temporary sheltered accommodation, providing 9 single bedrooms.

The applicant provides care and emergency temporary accommodation to homeless and vulnerable individuals working with support agencies.

No changes to the roof are proposed. A number of new windows will be installed comprising the replacement of the existing front door with a matching window; new rear window to serve bedrooms 8 and 9.

## **RELEVANT PLANNING HISTORY :**

FUL/345796/20 - Change of use from public house to temporary emergency sheltered accommodation (18 bedrooms) including hip to gable roof; front and rear dormers and alterations to windows/doors. Refused 29/01/2021 on grounds of visual amenity impact due to the proposed roof additions.

## **RELEVANT PLANNING POLICIES**

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

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

Policy 5 - Promoting Accessibility and Sustainable Transport

Policy 9 - Local Environment

Policy 11 - Housing

Policy 20 - Design

## **CONSULTATIONS**

Highway Officer – No objections

Environmental Health - No objections. The property will be a licensable HMO and an application for a licence must be made before the property is occupied.

Greater Manchester Police Design for Security – No objections, but has recommended a number of measures to be installed

## **REPRESENTATIONS**

Councillor Chris Gloster has requested that the application should be determined by Planning Committee citing inadequate internal arrangements, fear of crime and anti-social behaviour, siting of the entrance next to a bus shelter, inadequate parking, and visual amenity.

55 letters of objections have been received on the following grounds

- The building is not big enough;
- Social issues will cause problems for existing residents;
- Parking is an issue in the area already;
- Anti-social behaviour will be a problem.

## **PLANNING CONSIDERATIONS**

### **Principle of Development**

The site lies within the sustainable settlement of Shaw; therefore, the principle of residential development is accepted, subject to compliance with relevant policies.

### **Design & Appearance**

The building occupies a prominent position on Milnrow Road and is sited within a street scene of buildings which vary in design and appearance. No alterations are proposed to the roof of the building, however there will be three new windows installed on the building. Two windows will match in design to the existing and a third window will be installed at a higher level and will be a square shape.

The replacement of a door with a window and the addition of two new windows are considered small scale changes which would not have a significant, adverse impact on the visual amenity of the building or surrounding area. As a result, the proposal complies with Policy 20.

### **Residential Amenity**

Local Plan Policy 9 (Local Environment) sets out that the Council will protect and improve local environmental quality and amenity by: ensuring development does not cause significant harm to the amenity of the occupants and future occupants; by ensuring there is no significant harm on neighbouring privacy and outlook, and lastly by ensuring there is no significant loss of light.

The Council's adopted 'Standards for Houses in Multiple Occupation' document dated October 2010 provides standards for all new HMO's in order to assist landlords and managing agents in the management and maintenance of houses in multiple occupation to ensure that tenants are provided with safe and suitable accommodation.

These standards are subject to change as legislation, standards and guidance are constantly updated but useful contacts and links to information sources are provided within this document. The Council's Environmental Health Department have advised that should the application be granted; the building would be a licensable HMO.

The proposed rooms have been measured in accordance with the standards.

The HMO standard for a kitchen diner where no separate lounge is provided is 19.5m<sup>2</sup>. the proposed kitchen measures 29.7m<sup>2</sup>, and therefore complies.

Bedrooms should be to a minimum of 10m<sup>2</sup> if no living room is provided. The bedroom dimensions range between 20.6 and 13.9m<sup>2</sup> and therefore also comply.

Following the concerns raised regarding the amount of adequate natural light which would be received to bedroom 7, the layout of the room has been amended to secure a satisfactory arrangement.

There will be two new first floor windows located on the rear elevation to serve two new bedrooms. These windows will have the same outlook as existing windows which will be across the rear gardens of properties on Chancery Lane and Gordon Street. The situation is no different to existing windows along Milnrow Road adjacent to the site which overlook other properties. As a result, there is considered to be no further harm in terms of overlooking.

The main entrance is to be sited at the front of the site, with two fire exits at the rear. The residents of the building would therefore access via the front entrance which is no different to the previous use of a public house. As a result, there is considered to be no further harm in terms of noise and disturbance.

In respect of activity associated with the proposal, given the previous use as a public house and the mixed commercial/residential character of the area, it is not considered that the proposal would harm local amenity.

### **Anti-Social Behaviour**

With regard to concerns of potential anti-social behaviour and social problems, whilst such considerations can represent material planning considerations, it is necessary for such concerns to be based on definitive evidence, and in the absence of such, refusal of the application on such grounds cannot be justified.

The Council's Community Safety Team and the Oldham Borough Local Policing Team have identified anti-social behaviour complaints. However, the information provided is for youths under the age of 18. There was one report of anti-social behaviour outside 82-84 Milnrow Road (HMO) in January 2021 and two further reports on Milnrow Road, however no address



has been logged. A report of anti-social behaviour was also logged outside the application site in September 2020.

### **Highways & Parking**

Local Plan Policy 5 (Promoting Accessibility and Sustainable Transport Choices) states that the Council will guide development in the most sustainable locations and will encourage the use of public transport, Metrolink, walking and cycling. The policy seeks to ensure that all development has access to public transport.

The Policy also seeks to ensure that development does not increase traffic levels and does not harm the safety of road users. Furthermore, Paragraph 109 of the NPPF also states that development should be refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Highways Engineer has raised no objections to the proposal. The site is in a sustainable location close to public transport and a wide range of local amenities. It is considered there would not be any significant increase in traffic or demand for on street parking in the area resulting from the development. As a result, the proposal would support Policy 5 and 9.

### **CONCLUSION**

The proposed development would result in an economic and social benefit from providing 9 temporary accommodation bedrooms. In terms of the environmental objective, the proposal would not harm any protected landscape features or habitats.

Given the above, there would be no adverse impacts 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 development should be restricted. In these terms, the NPPF advises that permission should be approved.

### **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. Prior to first occupation of the building for the use hereby approved, a scheme of crime prevention measures shall be implemented in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority. The measures shall be retained thereafter. REASON – In order to secure a safe environment having regard to Policy 9 of the Oldham Local Plan.

### **SITE LOCATION PLAN**



## **APPLICATION REPORT - FUL/346270/21 Planning Committee 9<sup>th</sup> June 2021**

**Registration Date:** 9th February 2021  
**Ward:** Coldhurst

**Application Reference:** FUL/346270/21  
**Type of Application:** Full Application

**Proposal:** Full planning permission for the demolition of the existing buildings and erection of 88no. dwellings with access, landscaping, a public open space and associated works

**Location:** Vale Drive Estate, Vale Drive, Oldham

**Case Officer:** Stephen Gill

**Applicant** N/A

**Agent** Katarzyna Gotlibowska

### **INTRODUCTION**

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 site currently comprises two existing blocks of apartments, Crossbank House and Summervale House. It occupies a highly sustainable location just outside Oldham Town Centre's western boundary and is situated in a key gateway location into the town adjacent to Manchester Street. The site forms part of the Vale Drive residential housing estate.

To the northern boundary of the site is the Richmond Academy. The southern boundary of the site adjoins Manchester Street and to the east is the Manchester Metrolink tram line and Oldham Way beyond. The western boundary where the site meets Vale Drive provides the principal vehicular access to the site which is also the location of adjoining commercial business uses including car related services and a cash and carry.

### **THE PROPOSAL**

The proposed development will deliver 88 new residential dwellings, including 26 houses and 62 apartments within a proposed 8 storey building with an access off Vale Drive. The proposed development comprises a wide mix of 2, 3, and 4 bedroom houses, and 1 and 2 bedroom apartments.

In addition, the proposal includes provision for an area of off-site open space at Broome Street, which will include a locally equipped area of play (LEAP).

### **RELEVANT PLANNING POLICIES**

The site is unallocated 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**

There is no relevant planning history.

## **REPRESENTATIONS**

The application has been publicised by neighbour notification and site notice. One representation has been received which relates primarily to issues associated with the objector's own property.

## **CONSULTATIONS**

Highways Engineer - The following comments have been made in respect of the development:

*The proposed development is situated in an established residential area close to Oldham Town Centre with the potential to access a wide range of amenities with excellent links to public transport hubs. There are already opportunities for walking and cycling in the area and links directly from the site to them will be required for full integration of the pedestrian and cycle infrastructure.*

*There is land available within the site for the Council to develop the cycle infrastructure as part of the Mayor's Bee Network programme providing a link from the A62 through to nearby amenities in Westwood including the Metrolink stop. The proposed open space within the site will also provide the opportunity for a green pedestrian and cycle link to be provided through to the A62 with links across the roundabout and into the town centre. In order for this link to be complete and attractive to use, the existing steps down from the A62 will require upgrading so that the link is perceived as safe to use. I have attached a condition to ensure that this is carried out before the development is brought into use.*

*A Transport Assessment has been submitted with this application and it raises no issues regarding any significant or additional traffic generation. Dedicated parking spaces are provided for the houses, and there are some additional spaces for residents and visitors of the apartments. The improvement of the pedestrian and cycle links and the provision of safe and usable cycle storage facilities are fundamental in order to promote more sustainable modes of travel to and from this site.*

*The site is located close to the town centre with good access to a wide range of amenities and public transport links. In order to maximise the benefits of the location, it should be ensured that the pedestrian and cycling environment, within and around the site, is designed to be as safe, attractive and convenient. Following discussions with the Applicant, the overall layout of the site now ensures that there are good pedestrian routes through the site.*

Drainage

No comments received.

Coal Authority	No objection subject to conditions.
Parks and Open Spaces	No objections
Tree Consultations	No objection subject to conditions
Transport for Greater Manchester	No objections subject to the implementation of scheme to improve pedestrian connectivity from the site on to the A62
Environmental Health	No objection subject to conditions.
Greater Manchester Ecology Unit	No objections subject to conditions.
Greater Manchester Police	No objections.

## **PLANNING CONSIDERATIONS**

### **Principle of the development**

In terms of the principle of development, the Council cannot presently demonstrate a 5-year housing land supply position. Therefore, as set out in NPPF Paragraph 11, the presumption in favour of sustainable development is engaged in this instance.

Policy 3 of the Local Plan sets out the council's approach for managing the release of housing land. Policy 3 states that planning applications for residential development on a non-allocated site for will be considered favourably where it meets the three criteria as follows:

- i) A deliverable five-year supply of housing land cannot be demonstrated;
- ii) It contributes to the delivery of the borough's regeneration priorities; or
- iii) It contributes to the delivery of affordable housing that meets the local affordable housing needs.

In terms of the above criteria, the application site is in an accessible and sustainable location, in close proximity to a range of local services and is also served well by public transport within 150m of the site. Local Plan Policy 3 also states that the use of previously developed land and vacant or underused buildings is the council's first preference for residential development.

In terms of affordable housing, the site qualifies for the Affordable Housing threshold, which applies to developments of 10 dwellings or above, as set out within NPPF and it should be noted that the proposal is for 100% affordable housing, which is a significant benefit of the scheme.

Therefore, based on the above, in principle, the development meets the criteria above, the site represents the redevelopment of a brownfield site, which is the Council's first preference. The site sits in a sustainable location and in principle would contribute to meeting housing need in the area. The development would also contribute to the Council's five-year housing land supply position and would deliver significant affordable housing. Therefore, the principle of housing development is accepted at the site.

### **Affordable Housing**

Local Plan Policy 10 states that all residential development of 15 dwellings and above will need to deliver affordable housing. The target is for 7.5% of the total development sales value to go towards the delivery of affordable housing.

As stated above, the scheme is for 100% affordable housing. First Choice Homes Oldham (FCHO) are a Registered Provider of affordable homes. They will own and manage any social or affordable rented units on this site and will be responsible for their future lettings and maintenance. The affordable home ownership units will be marketed for sale and will be part owned by FCHO until the point at which any future occupier decides to 'staircase' their ownership of the property until they own it outright.

In terms of renting and purchasing property, the options and process is set out in the applicant's Affordable Housing Statement. The Statement sets out that rent levels for the affordable rent units will be set at up to 80% of market rent. In addition, affordable home ownership options would include shared ownership, relevant equity loans, low cost homes for sale and rent to buy. FCHO will manage each of these options as the affordable housing provider until the occupier purchases the home through the determined route.

In conclusion, the scheme will be managed by a registered provider and presents a viable opportunity for home ownership in a sustainable location, using a range of affordable methods and this is a strong positive of the scheme and complies with NPPF Section 5 and Local Plan Policy 10.

### **Housing Tenure**

Local Plan Policy 11 states that the council will promote the delivery of a mixed housing stock, based on the findings of local evidence.

The scheme proposes a range of properties, including 2, 3 and 4 bed properties as well as 1 and 2 bed apartments. The proposal caters for a range of tenures, which are needed in the borough, which is a significant benefit of the scheme. Whilst the existing buildings do cater for more units, these are not considered fit for purpose and the proposed scheme offers a far greater level of tenure types and this contributes to addressing the identified needs. Therefore, the development complies with Local Plan Policy 11.

### **Design & Appearance**

In terms of scale and massing, the proposal includes 2 / 2.5 storey dwellings near existing 2 storey housing, which is considered acceptable. The scale and massing increases south of the site to an 8-storey block, which would face Manchester Street. The existing buildings on site are considered unsightly and do not add anything positive from a visual standpoint in the area.

The apartment building is the most prominent building proposed and in relation to design, the building is composed in different materials, to help break up the massing. The base of the building has a two-storey plinth of brick. Above this is the 'middle' section which gathers windows horizontally, but also creates visual interest by changing the window arrangement as the storey heights increase. Finally, the 'top' of the apartment block has a projecting brick detail which adds further interest. A mixture of brick types and cladding will be included on the elevational detail, with black grey upvc windows, with aluminium curtain walling.

In terms of house types, a mix is proposed including a mixture of brickwork and a metal seam cladding with detailing such as vertical stonework strips running through the front elevation and strips of projecting brickwork. All the house types propose to use grey upvc windows, doors and rainwater goods, which add to the contemporary appearance of the development.

The properties that immediately surround the site are terraced, with red brick, white upvc and grey slate tiled roofs, which is a standard approach to design. The proposal offers a

contemporary intervention to the area, which is welcomed, as it will offer a considerable visual improvement on what currently exists. The house types offer a variation in materials that will create visual interest in the area and will improve the visual outlook considerably from what currently exists.

The layout pepperpots each house type to add to the visual interest of the area and the positioning of the apartment block to the south is the best position for such a prominent building. Overall, the layout is well considered and the variation in materials add strongly to the proposal and therefore the development complies with Local Plan Policy 20 & NPPF Section 12.

### **Residential Amenity**

NPPF Paragraph 180(a) seeks to mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life. NPPF Paragraph 181 considers air quality and states that decision should consider any individual and cumulative impacts on air quality from development. In addition, Policy 9 seeks to ensure that development does not have an unacceptable impact on the environment or human health caused by air quality, odour, noise, vibration or light pollution

Firstly, in terms of occupier amenity, all the relevant rooms, including bathroom and bedrooms will meet the criteria set out in the National Described Space Standards (NDSS). Giving future residents enough space to achieve a good standard of living is a positive of scheme and is supported.

Considering separation distances, it is generally accepted that the standard is to achieve an approximate 21m distance from habitable room to habitable room and a 12m distance from habitable room to non-habitable room / blank gable. The development does not achieve these standards in some parts of the development. However, in this instance it is considered that the existing development on site is of a very high density, in a very urbanised environment.

The current scheme proposes a considerable reduction in density, in order to create a more modern mixed scheme that is fit for purpose. The applicant has tried to maximise the number of dwellings on site to account for the loss of units from the existing development, which is supported. In this instance, given the urban setting, and the existing properties that surround the site, which offer similar separation distances, and the overall improvement the development offers, these elements together are considered to off-set the shortfall in separation distances. In relation to garden depths, not all the proposed dwellings can offer a 10m garden depth, however, to help maintain the privacy of future occupants, a condition will be attached that will remove Permitted Development Rights for future extensions from the properties.

The Urban Design Guide SPD (Section 8), states that development proposals should provide for natural daylight and sunlight to illuminate the interior of buildings, reducing the need for artificial lighting. The proposed layout comprises of one apartment block to the south-east of the site and houses within the south-west part of the site. A sun path analysis has been included with the application which demonstrates that all rear gardens at some point throughout the day, receive some natural sunlight, which is important for the health and wellbeing of residents. However, it is clear from the sun path analysis that the apartment block, does have some impact on access to sunlight, especially in the early part of the day, however, this would ease in the afternoon as the sun tracks round to the west and it is at that point that the proposal gives adequate access to sunlight.

The submitted noise assessment concludes that appropriate internal noise levels can be achieved through facade treatments, such as appropriate acoustic glazing and ventilators. The Noise Assessment sets out what specification of glazing and ventilator is required, as some parts of the site are exposed to greater noise levels, depending on the position. In terms of the potential noise levels in external amenity areas, (such as garden spaces) these are likely to exceed the noise targets set out in BS 8233:2014 in some areas of the development. However, this is a site in a central location, in close proximity to a main highway network and it is reasonable to expect some noise in this area within the external amenity spaces (gardens).

Notwithstanding this, Environmental Health have reviewed the assessment and have no objection on noise grounds, which is considered acceptable.

In terms of air quality, the submitted Air Quality Assessment (AQA) concludes that during the construction phase of the proposal, there is the potential for air quality impacts as a result of dust emissions from the development. However, if appropriate dust control measures are implemented, the residual significance of these activities are predicted to be not significant. The AQA sets out a list of mitigation measures for each phase of development, to help protect air quality. The AQA also concludes that due to the reduction in anticipated vehicle trips from the site as a result of the proposals, road traffic exhaust impacts were predicted to be negligible.

Overall, based on the above, the development complies with the NPPF and Local Plan Policy 9.

### **Open Space**

Local Plan Policy 23 states that all residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable. It goes on to state that regard should be given to the proposed development and the open space surpluses and deficiencies in the area (identified through the Council's Open Space Study) to determine where appropriate whether on-site or off-site new provision or enhanced existing provision or a financial contribution will be required.

The area subject of the application has been identified in the Open Space Study as being sufficient in accessibility to all the required types of open space; however, there are deficiencies in quality and quantity for five typologies of open space, including parks and gardens, provision for young people, provision for children, outdoor sports facilities and natural/ semi-natural. There are also deficiencies in the quality of amenity greenspace. Where a site is identified as being deficient in at least one of the standards of open space provision (accessibility, quality and quantity), overall, the area is classed as being deficient in that typology of open space.

In addressing the above, the proposals will provide for an area of off-site open space at Broome Street, which will include a locally equipped area of play (LEAP), which will be situated approximately 200m west of the housing site. The LEAP confirms that this can accommodate 10 elements, including 7 types of play equipment (roundabout, spring rider, see saw, junior and toddler swing and 2 x multi play units), 2 benches and a bin. A low-level timber knee rail is proposed to maximise the security and the playground will be surrounded by soft landscaping features, including hedgerows. FCHO propose to manage the play area in perpetuity and this is considered acceptable.

The provision for off-site useable open space is a positive of the scheme and provides some much-needed recreational space for younger children in the area. It is also a significant benefit



of the scheme that FHCO will be managing the space for the lifetime of the LEAP. On that basis and overall, the development complies with NPPF Section 8 and Local Plan Policy 23.

## **Highways**

Guidance within Section 9 ('Promoting sustainable transport') of the NPPF is relevant, together with Local Plan Policies 5, 9, 13, and 20.

Parking associated with the development is provided at a rate of 1 space per dwelling in a driveway type arrangement. The apartment block will be served by an internal car park that provides seven spaces, including one disabled person's space. External parking spaces for apartment residents are also provided to the west of apartment block (three spaces), bringing the total apartment provision to ten spaces (15% provision). A further four spaces are provided on the western boundary of the site. In addition, cycle parking will be provided at a rate of 100% for the development and storage will be provided in the garden of each property and within the apartment building itself.

Whilst parking provision within the site may be considered less than expected on a housing development of this magnitude, it should be noted that the site sits in a very accessible location directly adjacent to the Town Centre. The site is within close proximity to bus stops on Manchester Street that operate very frequent services into Oldham and Manchester and within 800m of a metrolink stop (Westwood) north of the site. Based on the above, the site is considered as being 'very highly accessible' in accordance with Local Plan Policy 5.

In terms of walking, Oldham town centre can be accessed in a five-minute walk and all of the town centre is within a 15-minute walk of the site. Access can be gained in just over 10 minutes to the Sainsburys on Union Street. This coupled with the edge of town centre location of the site, means that there are good opportunities for residents to undertake their daily journeys without necessarily needing to use a car.

To ensure pedestrian linkages are enhanced within the site, the developer has agreed to submit a scheme to improve the existing stepped pedestrian link to the A62 Manchester Street, the details of which will need to be secured through a suitably worded condition. In addition, to further encourage residents to use alternative modes of transport (other than car), a cycle path will also be introduced south-west of the site. Therefore, based on the accessible nature of the site and the improvements proposed, it is considered that the reduced levels of parking provision proposed in this case are justified.

The Highways Engineer has reviewed the application and has no objections to the housing scheme or provision of the LEAP subject to conditions. A Stopping Up Order will be required on Broome Street to help deliver the LEAP scheme; however, this will be dealt with under the Highways Act.

In conclusion, given the site's high accessibility, and the improvements proposed to enhance cycle and walking linkages, the development on balance is considered to be acceptable and, on that basis, the development complies with NPPF Section 9, together with Local Plan Policies 5, 9, 13, and 20.

## **Trees and Ecology**

The application includes the submission of an Ecological Assessment. Greater Manchester Ecology Unit (GMEU) has reviewed the documents and confirmed that no objections are raised to the application. The report concluded that the site supports buildings of negligible value to bat roosting and the surrounding habitats within the site are of only local and in part limited value to biodiversity.

The Ecological Assessment recommends protection measures for retained hedgerows, trees and scrubs and the design of a suitable lighting scheme, particularly along the site boundaries, both of which can be secured by way of a suitably worded condition. The Ecological Assessment also indicates that the buildings may have suitable platforms for breeding peregrine and that a condition should be applied to ensure that demolition is carried out outside the breeding season (March- August).

Based on the above, GMEU has no objections to the application and the development complies with NPPF Paragraph 175d and Local Plan Policy 21.

Retained UDP Policy D1.5 states that development should maximise the retention of existing trees where practicable and in cases where it is agreed that trees will be lost to accommodate the development, adequate replacement planting will be required at a ratio of 3:1.

The Arboricultural Impact Assessment (AIA) has been submitted by the applicant and lists 17 trees to be removed. Therefore, on the basis of a 3:1 ratio of replanting, this would require at least 51 new trees.

The applicant has confirmed that 51 new trees will be planted as part of the new development. The specific position, species and type of trees will be agreed by condition. Therefore, the development complies with retained UDP Policy D1.5.

### **Flood Risk & Drainage**

National guidance within NPPF Section 14, the NPPF technical guidance document and Local Plan Policy 19 are relevant.

The site is not within an area identified as being at risk from flooding within the Environment Agency's Indicative Flood Maps and sits in Flood Zone 1. Given the site is less than 1ha, a Flood Risk Assessment is not required in this instance.

The Council expects that proposals for all new development will use Sustainable Urban Drainage Systems in accordance with the Surface Water Drainage Hierarchy. A Drainage Strategy Report has been submitted with the application. In terms of a proposed drainage strategy, this has been assessed in line with the Surface Water Hierarchy and concludes that infiltration and discharge to an existing waterbody are not possible, due to site conditions and therefore, the proposal is to discharge to the surface water sewer.

The site is a brownfield site and therefore, the site should also achieve a 50% betterment on the existing run off. The Drainage Strategy states that the development will achieve this betterment (from 71.1 l/s to 35.6 l/s) through the use of oversized pipes, manholes and a flow control device, situated in two separate areas of the site.

United Utilities has reviewed the proposed drainage details and confirmed the proposals are satisfactory in principle. A Condition has been requested for final details of the drainage strategy as some elements appear to be 'high level'. Therefore, subject to condition, the development complies with NPPF Section 14 and Local Plan Policy 19.

### **Landfill Assessment & Contaminated Land**

National guidance within NPPF paragraphs 178 and 179 and Local Plan Policy 9 are relevant, which seek to ensure that a site is suitable for its use, taking account of ground conditions, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The Environmental Health team has advised that having reviewed the application and the site history, there are no objections to the proposal subject to conditions requiring that a landfill gas investigation and contaminated land assessment is submitted before development commences on site.

## **CONCLUSION**

In conclusion, the proposed development is acceptable. The development contributes to addressing housing need in Oldham, by delivering much needed affordable housing in the form of a mixture of 2, 3 and 4 bed houses and 1 & 2 bed apartments in a highly accessible location.

The scheme replaces housing that is no longer fit for purpose and also in appearance and design terms is extremely poor. The proposal's proximity and siting mean neighbours' amenity would not be impacted to unacceptable levels and highway and pedestrian safety will be maintained. Therefore, the proposal satisfies relevant local and national planning policies.

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

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

4 Prior to the commencement of development hereby approved (excluding demolition and clearance), details of the method of surface water and foul water drainage from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first occupation of the approved development and shall be maintained thereafter.

REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to ensure that the site is satisfactorily drained having regard to Policy 19 of the Oldham Local Plan.

5 No development shall commence (excluding site clearance and demolition) until a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to

the development by past coal mining activity, and b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the proposed development. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

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

6 Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON - To mitigate against risks associated with coal mining having regard to Policy 9 of the Oldham Local Plan.

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

REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.

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

REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety having regard to Policy 9 of the Oldham Local Plan.

9 Notwithstanding the submitted scheme, prior to the first occupation of any dwelling hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the requirements of the submitted Ecological Assessment (dated March 2020) and replacement tree provision at a ratio of 3:1 and shall also include the following: -

- a. The exact location and species of all existing trees and other planting to be retained;
- b. All proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities per sq. m of all new planting;
- c. An outline specification for ground preparation;

- d. Details (supporting elevations and construction details) of any boundary treatments, retaining walls and structures;
- e. Details of materials and colours of all proposed hard landscape elements and pavings.
- f. The proposed arrangements and specifications for initial establishment maintenance and longer-term maintenance of all planted and/or turfed areas.
- g. Details of any external lighting proposed in relation to the scheme

The planting shall be wholly implemented in its finally approved form within the first available planting season following the substantial completion of development. Any tree or other planting which is lost, felled, removed, becomes diseased, or is substantially damaged within a period of five years thereafter shall be replaced in kind during the first available planting season following the date of loss or damage. All hardscaping boundary treatments shall be fully constructed in accordance with the approved scheme in accordance with timescales contained therein.

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

10 Prior to the commencement of any part of the development hereby approved, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, all existing retained trees and hedges on and adjacent to the site, other than those indicated for removal on the approved plans, shall be physically protected from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause as specified in the submitted Urban Green Arboricultural Impact Assessment dated April 2021. The fencing shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas.

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

11 No works to trees or shrubs shall take place 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, having regard to Policy 21 of the Oldham Local Plan.

12 No dwelling shall be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

13 The dwellings/apartments hereby approved shall not be occupied until a scheme for the provision of secure cycle parking has been implemented in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The approved facility shall remain available for users of the development thereafter.

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

14 No dwelling shall be occupied until a scheme of improvements to the existing stepped pedestrian link to the A62 Manchester Street, including an implementation timetable, has been submitted to and approved in writing by the local planning authority. The improvements shall be fully implemented in accordance with the approved scheme.

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

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

REASON - To ensure the development accords with sustainable transport policies having regard to Policy 5 of the Oldham Local Plan.

16 Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development under Parts 1 and 2 of Schedule 2 to that Order shall be carried out without the express permission of the local planning authority.

REASON - To protect the amenity of future residents having regard to the approved layout in accordance with Policy 9 of the Oldham Local Plan.

17 Prior to the commencement of any development hereby approved, including demolition and site clearance, the recommendations of the submitted Demolition Construction Environment Management Plan (D Hughes Demolition & Excavation Ltd Revision 1) shall be fully implemented and be maintained for the duration of the construction works.

REASON – To ensure local amenity is maintained throughout the demolition and construction phases of development in accordance with Policy 9 of the Oldham Local Plan.

18. Prior to the commencement of the construction of any external walls of the development hereby approved, details of the measures to be incorporated into that property to satisfy the recommendation of the submitted Noise Impact Report (27746/NIA1) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details.

REASON – To protect the amenity of future residents having regard to Policy 9 of the Oldham Local Plan.

19. Prior to the commencement of the construction of any external walls of the development hereby approved, a detailed scheme of measures to enhance and protect natural habitats within the site, such as nesting opportunities and control of external lighting, and the implementation programme for such measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details.

REASON – To protect the amenity of future residents having regard to Policy 9 of the Oldham Local Plan.

20. The development shall be managed in accordance with details submitted in the Broom Street LEAP Management Plan Version 1 (January 2021). The development shall be fully implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority

REASON – To ensure that the LEAP is managed and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

21. The Affordable Housing shall be delivered and managed in accordance with the details set out in the Affordable Housing Statement submitted by NJL Consulting. The development shall be fully implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON – To ensure an appropriate mix of dwellings is provided and remains affordable in perpetuity having regard to Policies 10 and 11 of the Oldham Local Plan.

### **SITE LOCATION PLAN**



This page is intentionally left blank



## APPLICATION REPORT - HOU/346471/21 Planning Committee 9th June 2021

**Registration Date:** 26th March 2021  
**Ward:** Saddleworth South

**Application Reference:** HOU/346471/21  
**Type of Application:** Householder

**Proposal:** Single storey side extension & alterations  
**Location:** Morley Bunkers, Tunstead Lane, Greenfield, Oldham, OL3 7NY,

**Case Officer:** Brian Smith  
**Applicant** Mr. Graham Sheldon  
**Agent :** Mr. Ken Waddington

### INTRODUCTION

In accordance with the Council's scheme of delegation, this application shall be determined at Planning Committee since the applicant is an elected member of the council.

### RECOMMENDATION:

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

### THE SITE

This application concerns a three storey former weavers cottage dating from the late 18th century which, together with the neighbouring Morley Cottage, was afforded listed status in July 1986. The building has been subject of numerous alterations and additions over the years comprising:

- (i) Early 19th century two storey addition at its northern end, which now forms the neighbouring cottage.
- (ii) Early 20th century two storey extension at its southern end featuring a lean-to roof, understood to be built prior to 1933.
- (iii) More recent addition of single storey extension forming hall and kitchen at the eastern end of the building together with alteration to existing openings.

### THE PROPOSAL

Permission is sought for a single storey side extension spanning the cumulative depth of the earlier extensions at the southern end of this dwelling forming a kitchen extension, cloaks/boot room and wc. In comparison with an earlier proposal which was refused and subsequently dismissed at appeal (see history section of this report) the width of the proposed extension has subsequently been reduced from approximately 4.1m to 2.4m. A dual pitched gable roof will key in with the roof of the earlier single storey extension. Matching materials are proposed throughout.

An associated application for Listed Building Consent is also included on this agenda

### RELEVANT PLANNING HISTORY

HH/344437/20 – Householder application in respect of single storey side extension and alterations – Refused 20th March 2020 and subsequently dismissed at appeal on the 17th December 2020.

LB/344436/20 – Listed Building Consent application in respect of single storey side extension and alterations – Refused 20th March 2020 and subsequently dismissed at appeal on the 17th December 2020.

PA/034110/96 - Listed Building Consent in respect of single storey extension forming wc, hall and kitchen together with alterations to existing openings - Approved 23/05/96

PA/034109/96 - Householder application in respect of a single storey extension forming wc, hall and kitchen together with alterations to existing openings - Approved 23/05/96

## **RELEVANT PLANNING POLICIES**

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

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

Policy 09 - Local Environment

Policy 20 - Design

Policy 22 - Protecting Open Land

Policy 24 - Historic Environment

National Planning Policy Framework

## **REPRESENTATIONS**

The application has been advertised by press and site notice, and by direct neighbour notification. No representations have been received.

Saddleworth Parish Council recommends that this latest proposal be approved.

## **CONSULTATIONS**

Highways Officer – No objections

## **PLANNING CONSIDERATIONS**

### **Design and impact on the character and setting of the listed building**

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that, in considering whether to grant permission for development that affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Oldham Local Plan Policy 24 reflects these objectives.

In terms of the provisions of Paragraph 193 of the National Planning Policy Framework, when considering the impact of a proposed development on the significance of a designated heritage asset, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance, great weight should be given to the asset's conservation and the more important the asset, the greater that weight should be.

With the above in mind, no features/fabric associated with the most historic element of the building would be directly affected, namely that dating from the 18th Century. Therefore, it is considered that the works subject of this application would result in less than substantial harm in this instance. NPPF Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Insofar as the earlier appeals are concerned, the Inspector concluded that the increased footprint of the property, and in turn the resultant elongation of the building, would detract from its historic core by reason of its strong vertical emphasis being diminished and involve unwelcome intrusion of its existing setting, thereby contributing to a rather squat addition that would have an uncomfortable relationship with the building's scale, proportions and form.

Furthermore, it was remarked that the excessive use of rooflights and the introduction of poorly proportioned structural openings, including modern bi-fold doors, and the substitution of a rear doorway with a 3-light window would fail to articulate the pattern of fenestration associated with the host property, thereby eroding the solidity of its appearance.

The latest plans propose a considerably smaller extension displaying much improved proportionality with the host building, thereby ensuring that its vertical emphasis is not unduly compromised in this instance. Furthermore, the omission of roof lights and the offending structural openings which formed part of the earlier scheme would further contribute to a much-improved extension.

Accordingly, notwithstanding the absence of any public benefits, insofar as the outcome of this application is concerned, it would seem reasonable to conclude that the harm caused in this instance should not be signify refusal of the application.

### **Implications for Green Belt**

NPPF Paragraph 145 stipulates that a local planning authority should regard the construction of new buildings as inappropriate forms of development within the Green Belt subject to a number of exceptions. One such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling.

For the purposes of this report, following examination of historic mapping, the aforementioned 20th Century lean-to-addition is considered to form part of the original building since it appears to pre-date 1st July 1948.

Accordingly, considering the cumulative volume of the proposed extension and the earlier single storey extension would not appear as a disproportionate extension over and above the size of the original dwelling, it is evident that the proposed extension would not represent an inappropriate form of development in this instance, thereby ensuring compliance with both local and national policies in this regard.

### **Residential Amenity**

Local Plan 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.

With the exception of the adjoining Morley Cottage, there are no immediate neighbouring properties. With this in mind, it is apparent that the siting of the proposed extension at the

southern end of Morley Bunkers and its subsequent low-lying nature would have no implications in this regard.

## **Conclusion**

To conclude, the implications in respect of the historic significance of the host building, residential amenity and the Green Belt would be acceptable, thereby ensuring compliance with the aforementioned local and national policies which concern such matters. As such, it is recommended that this application be approved.

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

REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policies 20 and 24 of the Oldham Local Plan

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

REASON - To protect both the character and appearance of the building and the area having regard to Policies 20 and 24 of the Oldham Local Plan.

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

REASON - To protect both the character and appearance of the building and the area having regard to Policies 20 and 24 of the Oldham Local Plan.

6 All rainwater gutters shall be in square section and coloured black and all rainwater pipes shall be in round section also coloured black. All such items to be kept so coloured unless otherwise approved in writing by the Local Planning Authority.

REASON - To protect both the character and appearance of the building and the area having regard to Policies 20 and 24 of the Oldham Local Plan.

7 The development hereby approved shall be erected without bargeboards to verges and fascia boards to eaves. All roof to wall joints shall be in a cement fillet and gutters shall

be supported by means of either stone corbels or cast-iron brackets, painted black and kept so coloured unless otherwise approved in writing by the Local Planning Authority.

REASON - To protect both the character and appearance of the building and the area having regard to Policies 20 and 24 of the Oldham Local Plan.

### SITE LOCATION PLAN



This page is intentionally left blank

## **APPLICATION REPORT - LBC/346472/21 Planning Committee 9th June 2021**

**Registration Date:** 26th March 2021  
**Ward:** Saddleworth South

**Application Reference:** LBC/346472/21  
**Type of Application:** Listed Building Consent

**Proposal:** Single storey side extension & alterations  
**Location:** Morley Bunkers, Tunstead Lane, Greenfield, Oldham, OL3 7NY,

**Case Officer:** Brian Smith  
**Applicant** Mr. Graham Sheldon  
**Agent :** Mr. Ken Waddington

### **INTRODUCTION**

In accordance with the Council's scheme of delegation, this application shall be determined at Planning Committee since the applicant is an elected member of the council.

### **RECOMMENDATION:**

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

### **THE SITE**

This application concerns a three storey former weavers cottage dating from the late 18th century which, together with the neighbouring Morley Cottage, was afforded listed status in July 1986. The building has been subject of numerous alterations and additions over the years comprising:

- (i) Early 19th century two storey addition at its northern end, which now forms the neighbouring cottage.
- (ii) Early 20th century two storey extension at its southern end featuring a lean-to roof, understood to be built prior to 1933.
- (iii) More recent addition of single storey extension forming hall and kitchen at the eastern end of the building together with alteration to existing openings.

### **THE PROPOSAL**

Permission is sought for a single storey side extension spanning the cumulative depth of the earlier extensions at the southern end of this dwelling forming a kitchen extension, cloaks/boot room and wc. In comparison with an earlier proposal which was refused and subsequently dismissed at appeal (see history section of this report) the width of the proposed extension has subsequently been reduced from approximately 4.1m to 2.4m. A dual pitched gable roof will key in with the roof of the earlier single storey extension. Matching materials are proposed throughout.

An associated application for planning permission is also included on this agenda.

### **RELEVANT PLANNING HISTORY**

HH/344437/20 – Householder application in respect of single storey side extension and alterations – Refused 20th March 2020 and subsequently dismissed at appeal on the 17th December 2020.

LB/344436/20 – Listed Building Consent application in respect of single storey side extension and alterations – Refused 20th March 2020 and subsequently dismissed at appeal on the 17th December 2020.

PA/034110/96 - Listed Building Consent in respect of single storey extension forming wc, hall and kitchen together with alterations to existing openings - Approved 23/05/96

PA/034109/96 - Householder application in respect of a single storey extension forming wc, hall and kitchen together with alterations to existing openings - Approved 23/05/96

## **RELEVANT PLANNING POLICIES**

The 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The site is located within the Green Belt. The following policies are relevant to the determination of this application.

Policy 09 - Local Environment

Policy 20 - Design

Policy 22 - Protecting Open Land

Policy 24 - Historic Environment

National Planning Policy Framework

## **REPRESENTATIONS**

The application has been advertised by press and site notice, and by direct neighbour notification. No representations have been received.

Saddleworth Parish Council recommends that this latest proposal be approved.

## **CONSULTATIONS**

Highways Officer – No objections

## **PLANNING CONSIDERATIONS**

### **Impact on the character and setting of the listed building**

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that, in considering whether to grant permission for development that affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Oldham Local Plan Policy 24 reflects these objectives.

In terms of the provisions of Paragraph 193 of the National Planning Policy Framework, when considering the impact of a proposed development on the significance of a designated heritage asset, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance, great weight should be given to the asset's conservation and the more important the asset, the greater that weight should be.

With the above in mind, no features/fabric associated with the most historic element of the building would be directly affected, namely that dating from the 18th Century. Therefore, it is considered that the works subject of this application would result in less than substantial



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

Insofar as the earlier appeals are concerned, the Inspector concluded that the increased footprint of the property, and in turn the resultant elongation of the building, would detract from its historic core by reason of its strong vertical emphasis being diminished and involve unwelcome intrusion of its existing setting, thereby contributing to a rather squat addition that would have an uncomfortable relationship with the building's scale, proportions and form.

Furthermore, it was remarked that the excessive use of rooflights and the introduction of poorly proportioned structural openings, including modern bi-fold doors, and the substitution of a rear doorway with a 3-light window would fail to articulate the pattern of fenestration associated with the host property, thereby eroding the solidity of its appearance.

The latest plans propose a considerably smaller extension displaying much improved proportionality with the host building, thereby ensuring that its vertical emphasis is not unduly compromised in this instance. Furthermore, the omission of roof lights and the offending structural openings which formed part of the earlier scheme would further contribute to a much-improved extension.

Accordingly, notwithstanding the absence of any public benefits, insofar as the outcome of this application is concerned, it would seem reasonable to conclude that the harm caused in this instance should not be signify refusal of the application.

## **Conclusion**

To conclude, the implications in respect of the historic significance of the host building would be acceptable, thereby ensuring compliance with the aforementioned local and national policies which concern such matters. As such, it is recommended that this application be approved.

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

REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policies 20 and 24 of the Oldham Local Plan

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

REASON - To protect both the character and appearance of the building and the area having regard to Policies 20 and 24 of the Oldham Local Plan.

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

REASON - To protect both the character and appearance of the building and the area having regard to Policies 20 and 24 of the Oldham Local Plan.

6 All rainwater gutters shall be in square section and coloured black and all rainwater pipes shall be in round section also coloured black. All such items to be kept so coloured unless otherwise approved in writing by the Local Planning Authority.

REASON - To protect both the character and appearance of the building and the area having regard to Policies 20 and 24 of the Oldham Local Plan.

7 The development hereby approved shall be erected without bargeboards to verges and fascia boards to eaves. All roof to wall joints shall be in a cement fillet and gutters shall be supported by means of either stone corbels or cast-iron brackets, painted black and kept so coloured unless otherwise approved in writing by the Local Planning Authority.

REASON - To protect both the character and appearance of the building and the area having regard to Policies 20 and 24 of the Oldham Local Plan.

## **SITE LOCATION PLAN**



This page is intentionally left blank

## **APPLICATION REPORT - FUL/346666/21 Planning Committee 9<sup>th</sup> June 2021**

**Registration Date:** 13th April 2021  
**Ward:** Coldhurst

**Application Reference:** FUL/346666/21  
**Type of Application:** Full Application

**Proposal:** Change of use from the former County Court building to a residential building of 42no. apartments and alterations to external elevations, including insertion of new windows (Revision to PA/344948/20)

**Location:** County Court, 122A Rochdale Road, Oldham, OL1 1NT,  
**Case Officer:** Jill Nixon  
**Applicant** Mr Jason Upton  
**Agent :** Andrew Titterton

### **INTRODUCTION**

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 application relates to 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**

Following the recent approval of planning permission for the conversion of the building into 43 apartments (PA/344948/20), this revised proposal seeks a total of 42 units. The changes have been made to the approved application to meet the specific requirements of Arcon Housing Association which will manage the accommodation.

The proposed accommodation would comprise of

29 x 1 bed, one person apartments  
3 x 1 bed, two person apartments  
5 x 2 bed, three person apartments  
5 x 2 bed, four person apartments

Minor alterations to the external elevations will be implemented.

A section of the bicycle storage indicated on the previous approved plans has been moved to an external secure storage area within the courtyard.

## **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/344948 – Change of use from the former County Court building (D1 use) to a residential building (C3(a) use) of 43no. apartments and alterations to external elevations including insertion of new windows. Approved 21 January 2021

PA/343007/19 - Change of use of former Oldham County Court with ancillary offices (Class D1) to offices (Class B1) Granted in March 2019.

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 in principle. However, it is considered that the cycle storage should all be provided in a secure building.

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

## **REPRESENTATIONS**

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

## **PLANNING CONSIDERATIONS**

### **Principle of the development**

The principle of conversion of the building to residential units has been established by virtue of the recent approval (PA/344948/20).

In addition, as 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.

As will be confirmed below, no such adverse impact has been identified and there are no specific policies that indicate that the development should be restricted.

### **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. The proposed windows will match the design and proportions of the existing windows

It is proposed to use materials that match the existing brickwork 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 and 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 introduction of additional residential accommodation in this location can assist with vitalisation of the town centre.

The internal layout is in part dictated by the existing fabric of the building. However, the applicant has confirmed that all of the residential units comply 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 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.

The Highway Engineer has nevertheless expressed concerns that the cycle storage will not be entirely located within a secure building. In response the applicant has advised that the amendments to the internal layout to accommodate the specific requirements of the occupier would not allow complete internal cycle storage space without compromising the scheme. It is also confirmed that the external provision will be within a locked, resident-access controlled area of the site.

Final details of these arrangements will be required by condition.

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

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 revised scheme has been designed to meet the specific needs of the applicant, a Housing Association, to provide a 100% affordable scheme which greatly exceeds the Local Plan policy requirement.

Whilst a financial contribution towards public open space would be required for a scheme of this nature and scale, the previously submitted viability information has indicated that such a contribution would adversely impinge on the viability of the scheme.

Having regard to this factor and the positive benefits of bringing this prominent town centre building back into long-term productive use, it is considered that adequate justification exists for not pursuing the public open space contribution.

### **CONCLUSION**

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

The assessment of the scheme indicates that 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 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.

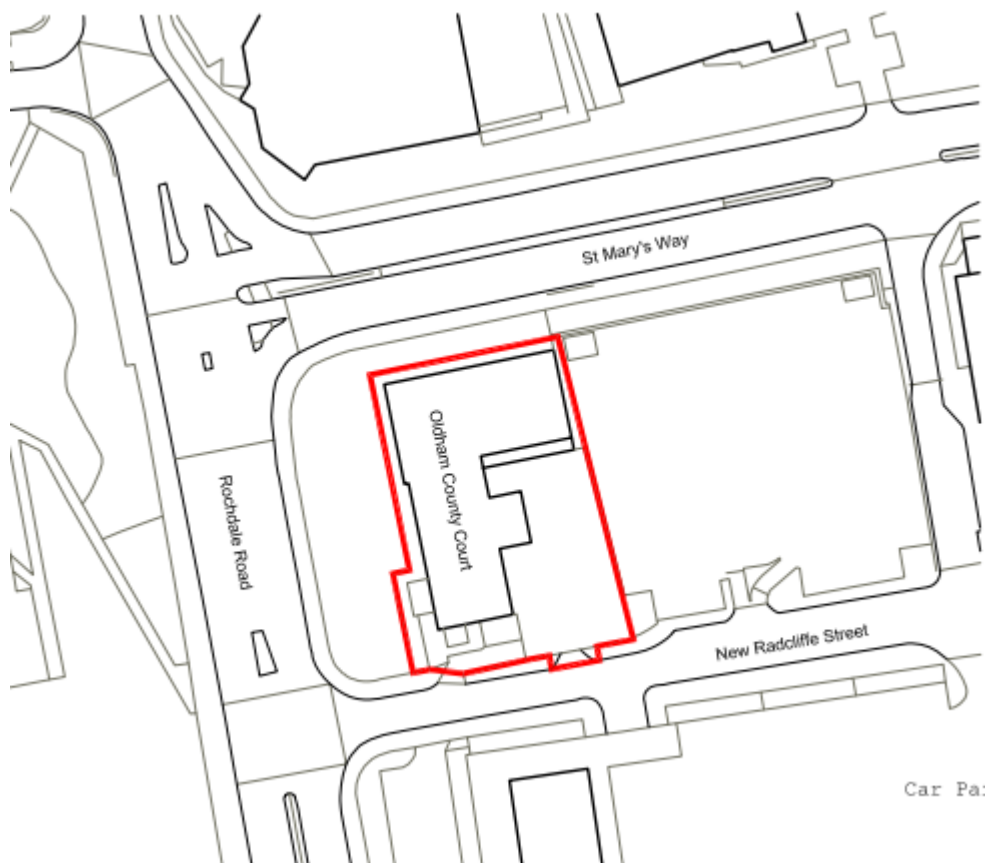
3 Notwithstanding the details indicated on the approved plans, the use of the building hereby approved shall not commence until full details of a scheme for the provision of secure cycle parking has been submitted to and approved in writing by the Local Planning Authority, and such approved details have been fully implemented.

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

4 Prior to the first occupation of any part of the development hereby approved, the proposed refuse storage shown on the approved plans shall be fully installed, including the provision of external timber screen fencing, and shall be 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.

### **SITE 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.

This page is intentionally left blank



# Planning Appeals Update

---

## **Planning Committee**

Report of Head of Planning and Infrastructure

### **DATE OF COMMITTEE**

**June 2021**

### **PLANNING APPEALS**

### **WRITTEN REPRESENTATION**

### **HEARINGS**

### **HOUSE HOLDER**

### **ADVERTISEMENTS**

### **APPEAL DECISIONS**

ADV/345361/20	173 Higginshaw Lane, Royton, Oldham, OL2 6HQ
<b>Appeal decision</b>	<b>Allowed</b>

**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

This page is intentionally left blank