

PLANNING COMMITTEE Regulatory Committee Agenda

Date Wednesday 15 September 2021

Time 6.00 pm

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

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

2. CONTACT OFFICER for this Agenda is Constitutional Services Tel. 0161 770 5151 or email Constitutional.Services@oldham.gov.uk

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Friday, 10 September 2021.

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

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

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, K Phythian, Surjan, Toor and Woodvine

Item No

- 1 Apologies For Absence
To receive any 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 Thursday, 2nd September 2021 are attached for Members' approval.
- 6 HOU/347304/21 - 6 Pool Fold, Failsworth, Oldham, M35 9GT (Pages 5 - 8)
Planning Committee to consider an application for the removal of existing conservatory and construction of single storey extension to the rear, and new bay window construction to the front elevation at 6 Pool Fold, Failsworth, Oldham, M35 9GT
- 7 FUL34710021 - 298 Moston Lane East, Manchester, M40 3HZ (Pages 9 - 20)
Planning Committee to consider an application for a change of use of residential dwelling (Class C3) to residential institution (Class C2), single storey and first floor rear extensions at 298 Moston Lane East, Manchester, M40 3HZ.
- 8 RES34669821 - Land at Haven Lane, Moorside, Oldham, OL4 2QH (Pages 21 - 28)
Planning Committee to consider Reserved matters application for appearance, landscaping, layout and scale pursuant to PA/338917/16 for 23 dwellings - Land off Haven Lane, Moorside, Oldham OL4 2QH



PLANNING COMMITTEE
02/09/2021 at 6.00 pm

Present: Councillor Dean (Chair)
Councillors Al-Hamdani, Davis (Vice-Chair), H. Gloster, Hobin,
F Hussain, Ibrahim, Iqbal, Lancaster, Surjan, Toor, Woodvine
and Garry (Substitute)

Also in Attendance:

Graham Dickman	Major Projects Development Lead
Alan Evans	Group Solicitor
Martyn Leigh	Development Manager
Wendy Moorhouse	Principal Transport Officer
Peter Richards	Head of Planning
Christine Wood	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors
Brownridge and Phythian K

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 MEETINGS**

The minutes of the previous meetings held on 7th July 2021 and
22nd July 2021 were approved as a correct record subject to the
following amendments:

7th July 2021- Councillor Ibrahim to be removed from the
attendance section.

22nd July 2021- Councillor Ibrahim to be included in the
apologies section.

6 **APPOINTMENT OF NEW OFFICERS IN PLANNING**

The Chair welcomed and introduced recently appointed officers
in the Planning team, Peter Richards, Head of Planning, Martyn
Leigh, Development Manager. The Chair also advised that
Graham Dickman, an existing member of the planning team
would now be responsible for major projects in his new role as
Major Projects Development Lead.

DEFERRED APPLICATIONS

The Chair referred to the minutes of the Planning Committee on 7th July 2021 in which Councillor Hobin had expressed concern in relation to the processing of deferred applications.

The Chair informed the Committee that advice had been sought in relation to this issue and proposed that future deferred applications presented to the Committee be regarded as new applications to enable all Members of the Committee to consider and determine applications, regardless of whether they had attended the previous meeting when the application was discussed. Applicants and objectors would also be permitted to speak again for or against the application. The Chair also advised that this was the usual practice of most Local Authorities when determining applications.

RESOLVED – That with immediate effect, applications that are deferred by the Planning Committee, will be resubmitted to the Committee as new applications.

PLANNING APPLICATIONS

The Committee considered the following planning applications:

RES/346214/21 - ST CUTHBERTS CHURCH, TANNERS FOLD, OLDHAM, OL8 2NN

APPLICATION NUMBER: RES/346214/21

APPLICANT: Mr Walker

PROPOSAL: Application for approval of reserved matters including appearance, landscaping, layout and scale following outline planning permission ref PA/344067/19 for 24 dwellings.

LOCATION: St Cuthbert's Church, Tanners Fold, Oldham, OL8 2NN

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

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

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

NOTES:

1. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at item 6C.

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FUL/346827/21 - VACANT LAND, CHADDERTON WAY/FARM STREET, CHADDERTON, OLDHAM

APPLICATION NUMBER: FUL/346827/21

APPLICANT: Mr David Smyth

PROPOSAL: Erection of a motor dealership, incorporating showroom, workshop, and offices, valet building, vehicle access, associated parking, and landscaping (Revision to approved application No. PA/340499/17).

LOCATION: Vacant land, Chadderton Way/Farm Street, Chadderton, Oldham.

It was **MOVED** by Councillor Dean and **SECONDED** by Councillor Al-Hamdani that the application be **APPROVED**.

On being put to the vote the Committee decided unanimously **IN FAVOUR** of the **APPLICATION**.

DECISION: That the application be **GRANTED** subject to the conditions as outlined in the report and subject to the additional condition detailed in the Late List.

NOTES: In reaching its decision, the Committee took into consideration the information as set out in the Late List as attached at Item 6C.

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LATE LIST

RESOLVED – That the information contained in the Late List be noted.

The meeting commenced at 6pm and ended at 6.32pm



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APPLICATION REPORT - HOU/347304/21

Planning Committee: 15 September 2021

Registration Date: 26th July 2021
Ward: Failsworth East

Application Reference: HOU/347304/21
Type of Application: Householder

Proposal: Removal of existing conservatory and construction of single storey extension to the rear, and new bay window construction to the front elevation.

Location: 6 Pool Fold, Failsworth, Oldham, M35 9GT

Case Officer: Abiola Labisi

Applicant: Mr. Ellis Garry

Agent : Mr. Joe Jennings

RECOMMENDATION

It is recommended that the Committee resolves to grant planning permission, subject to the conditions set out in this report.

INTRODUCTION

This planning application is referred to Planning Committee because the applicant, Mr. Ellis Garry, is the son of Councillor Elaine Garry. As such, in accordance with the Council's Scheme of Delegation and in the interests of transparency, the application requires a planning committee determination.

THE SITE

The application site is located at 6 Pool Fold, Failsworth. The site forms part of a modern residential development of relatively large two storey detached dwellings of various designs within a cul-de-sac configuration. The site is located at the end of the cul-de-sac and is well set back from the public highway.

THE PROPOSAL

This application seeks planning permission for the demolition of an existing conservatory and its replacement with the erection of a single storey rear extension. However, the application also includes a proposed ground floor front elevation bay window.

The proposed rear extension would utilise the footprint of the existing conservatory and would be approx. 3.5m in ridge height. The proposed bay window would project beyond the front wall by approx. 0.3m with a width of approx. 2.1m.

In terms of external finish materials, the rear extension would be built using facing brick for the walls and interlocking concrete tiles for the roof. The bay window would also have its base finished in facing brick.

PLANNING CONSIDERATIONS

The main issues to consider are:

1. The design of the proposed extensions and whether this integrates with the character of the surrounding area; and,
2. The impact of the proposals on the amenity of the occupiers of neighbouring properties.

Design, appearance, and integration with local character

Policies 9 and 20 of the Oldham Local Plan require that developments are visually attractive as a result of good architecture, layout and are sympathetic to local character and history, including the surrounding built environment. This approach is echoed by paragraph 130 of the National Planning Policy Framework.

The proposed rear extension would not lead to any significant increase in footprint and would be of a scale that is considered to be proportionate to the host property. Furthermore, it would be located to the rear of the building where it would not feature within the street scene thus limiting any potential impact on visual amenity. It would be built using external finish materials that are similar to those of the existing dwelling and a condition requiring this is attached to the recommendation.

The proposed bay window would not project significantly from the front wall and would be set back from the public highway. This, coupled with its width, would minimise any potential impact on street scene. In any case, there are properties in the area with similar bay window features, and therefore this element of the proposal would not be contrary to the general pattern of development in the area.

Residential Amenity

Policy 9 of the Oldham Local Plan provides that development should not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on privacy, safety, security, noise, visual appearance of an area and access to daylight amongst others.

Having regard to its scale and location in relation to neighbouring properties the proposed rear extension would not lead to any significant adverse overbearing or overshadowing effect. There would also be no overlooking of neighbouring private amenity areas as a result of the rear extension proposed.

Similarly, by virtue of its location and scale, the proposed bay window would not lead to any significant adverse impact on the residential amenity of the occupiers of neighbouring properties.

CONCLUSION

Having regard to its scale and design, it is considered that the proposal would not lead to any significant adverse impact on the character of the area neither would it detract significantly from the amenity of the occupiers of neighbouring properties.

The proposal would therefore be in accordance with relevant provisions of Oldham Local Plan Policies 9 and 20, as well as relevant provisions of Section 12 of the National Planning Policy Framework.

RECOMMENDED CONDITIONS

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

REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

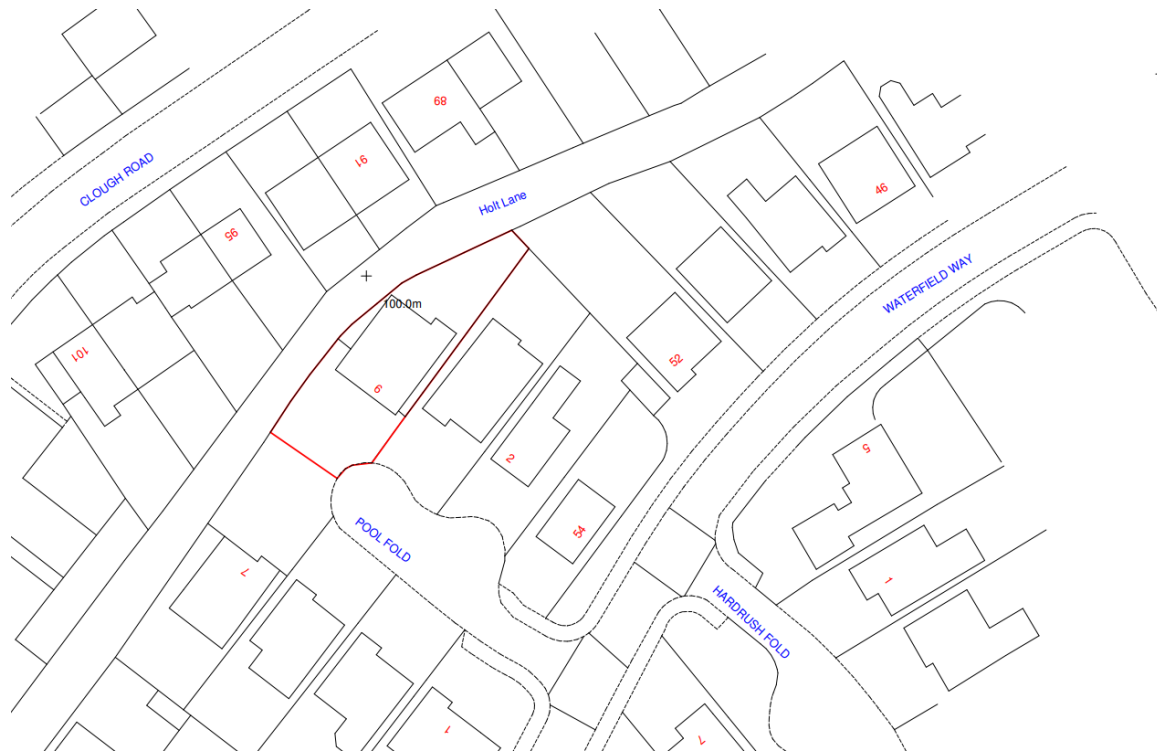
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice.

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be consistent in terms of colour, size and texture with those used in the existing building.

REASON - To ensure that the appearance of the existing building is acceptable having regard to Policy 20 of the Oldham Local Plan.

SITE LOCATION PLAN



APPLICATION REPORT - FUL/347100/21
Planning Committee: 15th September 2021

Registration Date: 18th June 2021
Ward: Chadderton South

Application Reference: FUL/347100/21
Type of Application: Full application

Proposal: Change of use of residential dwelling (Class C3) to residential institution (Class C2), single storey and first floor rear extensions.
Location: 298 Moston Lane East, Manchester, M40 3HZ
Case Officer: Osian Perks
Applicant: Mr Naheem
Agent : Mr Nick Howard

RECOMMENDATION

It is recommended that the Committee resolves to grant planning permission, subject to the conditions set out in this report.

INTRODUCTION

This planning application is referred to Planning Committee at the request of Councillor Shuttleworth who has raised concerns that the development constitutes overdevelopment, will result in traffic, and cause noise and disturbance to nearby residents.

THE SITE

This application relates to a semi-detached residential property in a predominately residential area in Chadderton. The property is one of a group of similarly designed detached and semi-detached residential properties in Moston Lane East. It has previously been significantly extended with a large single storey rear extension parallel to the boundary with No.296 Moston Lane East. It is understood the property is currently vacant.

THE PROPOSAL

The application is a resubmission of a previously refused proposal (PA/344668/20) which was subsequently dismissed at appeal. Essentially, the revised application still seeks the change of use of the property to a residential institution (Use Class C2), alongside an extension to the existing single storey rear extension parallel to no.296 Moston Lane East. A first floor rear extension, single storey side extension, and a single storey rear extension (adjacent to no.300 Moston Lane East) are also proposed.

A notable amendment to the previously refused application is the reduction in the projection of the single storey rear extension alongside the boundary with no.300 Moston Lane East from 6m to 4m.

The Design & Access Statement submitted with the application states:

'The proposal seeks to offer 24-hour support to people within a home environment within their own personal spaces. During the night, this support can consist of waking support workers to supervise and provide support, depending on the needs of the clients. The services provided will be for people with complex challenges who have a diagnosis of mental health and/ learning disability aged 18 years and over, who require additional support to re-integrate them into society and to live Independently'

and,

'The residents will have their own 'Support / Care Package', which is tailored to meet their individual needs. Great emphasis is placed on social inclusion and the development of living skills, whilst at the same time promoting independence and self-confidence whilst they are resident.'

Eight full time residents would occupy the property. The development would create 6 to 8 full time staff with two staff at the property at all times and no shift changes at night.

RELEVANT PLANNING HISTORY:

PA/344668/20 - 1) Change of use from dwelling (use class C3) to institution (use class C2). 2) erection of single storey side and rear extensions. 3) Erection of a first-floor rear extension. Refused for the following reasons:

1. It is proposed that there will be up to 9 residents on site and 6 members of staff at the property at any one time. In addition to this, it is likely visitors would be attending the site. The concentration of people on site and the coming and going of visitors to and from the site are likely to cause significant increased levels of activity and unacceptable noise disturbance to the occupiers of neighbouring properties, contrary to Policy 9 of the Oldham Local Plan.
2. The proposed single storey extension adjacent to the boundary with the adjoining No. 300 Moston Lane East would in combination with the existing single storey outrigger at No.300 create a significant 'tunnelling effect' when viewed from the rear facing patio doors of the adjoining property which will have an oppressive impact and result in a significant loss of light. As such the proposal would fail to accord with Policy 9 of the Oldham Local Plan.

HOU/345998/20 - Erection of single storey side and rear extensions and erection of a first-floor rear extension. Refused for the following reason:

1. The proposed single storey extension adjacent to the boundary with the adjoining No. 300 Moston Lane East would in combination with the existing single storey outrigger at No.300 create a significant 'tunnelling effect' when viewed from the rear facing patio doors of the adjoining property which will have an oppressive impact and result in a significant loss of light. As such the proposal would fail to accord with Policy 9 of the Oldham Local Plan.

RELEVANT PLANNING POLICIES

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

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

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; and,
Policy 20 – Design.

CONSULTATIONS

Lead Local Flood Authority – No objections received.

Highways Officer – No objection subject to conditions.

Environmental Health – Raise objections to the application on the grounds that the proposed use has the potential to cause noise disturbance from those using the property and the comings and goings to it by staff and visitors. They consider that the property is not a suitable location for a C2 use and recommend that the application be refused due to the potential impact on residential amenity.

Manchester City Council – No comments received.

REPRESENTATIONS

Neighbour notification letters were sent to the occupiers of the neighbouring properties and a site notice was erected in order to publicise the application. In response, 24no. representations have been received raising the following (summarised) concerns:

- Outbuildings and extensions have been built at the property without planning permission;
- The design of the development and use proposed is out of character in this location;
- A similar institution nearby has issues with increased burglaries and shouting and screaming in the evening;
- Due to the number of people within the proposed development, the nature of the use and the comings and goings of people to and from the site, the development will lead to increased noise disturbance experienced by local residents;
- There is insufficient parking on-site and it is currently difficult for local residents to park along the highway. The parking issues experienced by neighbours will be exacerbated by vehicles associated with this development parking along the highway;
- The development will lead to increased levels of traffic in the location, to the detriment of highway safety;
- Vehicles leaving the site in a reverse gear and delivering to the site pose a risk to pedestrians and highway traffic and will cause congestion;

- Neighbouring occupiers will have to walk further to and from their cars if on-street parking spaces are occupied by vehicles associated by this development. This will put these residents at greater risk of crime;
- Adults and school children near the development could be put at risk by occupiers of the development;
- It is queried as to whether the staffing levels proposed are accurate;
- The development doesn't accord with Oldham's Suicide Prevention Strategy & Action Plan and the National Government's 'Preventing suicide in England' document due to its close proximity to motorway bridges, canals and tram/train stations.
- Concern has been raised that the institution will be managed poorly;
- Industrial bins on site will be difficult to store and move through the site and will smell which will impact the amenities enjoyed by neighbours;
- Anti-social behaviour has been associated with the application site and the development would increase resident's fear of crime;
- Notification from the Council hasn't been received by some residents;
- Additional time for neighbours to lodge objections is required;
- A public meeting is necessary for the application to be discussed;
- There will be an increase in pollution resulting from the development;
- Nearby properties will be overlooked by the property and will experience an undue loss of light;
- The application property could be rented out as a family home. The loss of its use as a family home would not accord with policy 11 of the Oldham Local Plan;
- The site has previously been used for nothing other than a private dwelling, not as indicated within the planning statement submitted;
- Increased water usage is likely to result in localised flooding; and,
- The development doesn't accord with the Winterbourne View Concordat regarding care homes.

PLANNING CONSIDERATIONS

The main issues to consider are:

1. Whether the principal of the development is acceptable.
2. The impact on residential amenity;
3. The design and appearance of the proposed extensions;
4. Highway safety;
5. Waste storage; and,
6. Other issues.

Principle of Development

Policy 2 of the Oldham Local Plan states that the Council will support appropriate development that contributes towards creating sustainable communities and promotes community cohesion across the borough, supports the transformation of education and skills, and contributes to improved health and well-being of people in Oldham.

Paragraph 5.32 accompanying the policy indicates that supported accommodation, such as that proposed, constitutes a community facility. The policy states it will support proposals for new and improved community facilities that meet an identified need. The Council's Local Housing Need

Assessment (2019) indicates that between 2019 and 2030 there will be an increase in the number of adults with disabilities in the borough and more specifically an increase in the number of both older people and other adults with learning disabilities. There will also be an increased need for residential (C2) care for older people within the borough. As such, it is considered that there is an identified need, which this development would contribute towards thus complying with the requirements of Policy 2.

Policy 5 states as a minimum, new minor development should achieve 'low accessibility'. This is defined as being within approximately 400 metres of a bus route with a service, or combination of services. The proposed development would be a short walk from multiple bus stops and as such is considered to be a sustainable location and in considered to meet the requirements of this policy.

Policy 11 stipulates that all residential developments must deliver a mix of appropriate housing types, sizes and tenures that meet the needs and demands of the borough's urban and rural communities. Whilst the policy does indicate the need to build dwellings which are three bedrooms and there is an identified housing need in the borough, the policy does not restrict the change of use of existing residential properties to other uses.

Given the nature of the development, and its sustainable location, it is considered that the principle of the proposed development is acceptable.

Residential Amenity

Policy 9 seeks to protect the amenities of the occupants of residential properties by ensuring adequate outlook, levels of natural light and privacy.

In this case it is extremely important to give significant weight to a recent appeal decision which is relevant as a *material planning consideration*. The previous planning application on this site (reference PA/344668/20) similarly proposed a change of use to a residential institution (Use Class C2) with extensions to the property to accommodate it. That application was refused on 25 November 2020 on the basis that the use would be associated with activities resulting in noise disturbance for local residents and that the scale of the proposed single storey extension would cause an oppressive impact and cause loss of light to the occupiers of no.300 Moston Lane East.

The decision on this previous application was subsequently the subject of an appeal to the Planning Inspectorate (APP/W4223/W/20/3264993). Although the appeal was dismissed the Inspector made the following comments in her report:

"Given the appeal property is located on a relatively busy through road, and there are a variety of commercial uses that attract customers in the vicinity, during the day at least noise and disturbance from traffic is significant. As a result, whilst the proposal may create more noise and disturbance than if the property were used as a dwelling, I am not persuaded that this would adversely affect the living conditions of nearby residents."

and,

"I consider that the proposed development would not have a detrimental impact on the living conditions of nearby residents with regard to noise and disturbance."

In coming to their judgement, the Planning Inspector, within their report, indicated that movements to and from the development are likely to be largely within daytime hours and stated that the development '*would be an appropriate use within a residential area*'.

and,

"although there would be up to 8 residents in the property, I am satisfied that the use of the garden would not create significantly more noise than if the property were to be occupied as a family home."

Having regard to the Inspector's assessment, it is considered that the proposed development would not have such a detrimental impact upon the living conditions of nearby residents in regard to noise and disturbance as to justify refusal of the application. However, there remains concerns that vehicles arriving and leaving the site during the night may disturb neighbouring residents. To prevent this a condition is attached to the recommendation restricting staff shift changeovers so that they do not occur between the hours of 2200 and 0800. Subject to the imposition of this condition it is considered that the development would accord with the residential amenity aims of Policy 9.

As such, having regard to the appeal decision, and given that the policy considerations and site circumstances remain materially unchanged, it is considered that the application can no longer reasonably be refused on the grounds of noise or disturbance to nearby residents despite the continued objection from Environmental Health providing the conditions referred to above are included on any approval.

The previous application included a single storey extension adjacent to the shared boundary with no.300 Moston Lane East which projected 6 metres. The Inspector commented on this in her report as follows:

"Given the depth and the solid nature of the extension it would have an overbearing impact and would dominate the outlook from the patio doors on the adjacent property."

and,

"In combination with the existing outrigger on No 300, the proposed extension would create a tunnelling effect and would make this rear room very dark."

As such, it was primarily for this reason that the Inspector dismissed the appeal.

No. 300 Moston Lane East has patio doors that are close to the common boundary. These serve a habitable room and are the only windows serving the room. To the other side of these is a single storey outrigger. At present a high fence is located along the common boundary between the No 300 and No 298.

The single storey extension proposed adjacent to the boundary with no.300 would project approximately 4m from the rear elevation of the house, over 2m less than that of the extension previously proposed. Whilst this would cause some loss of light during the very earliest part of the day it is considered it would not cause an unacceptable loss of light, cause an overbearing impact, nor dominate the outlook from the patio doors on the adjoining property. It is therefore considered that the amendments to the proposal have adequately addressed the Inspectors' concerns in this regard.

The proposed single storey element located close to the boundary with 296 Moston Lane East would have a size similar to that of the existing extension. By virtue of its height and the distance of separation between the two properties it remains to be considered that this element of the development would not have an overbearing impact upon or result in a significant loss of light to the occupiers of the neighbouring property.

By virtue of its design, and the distance of separation between it and neighbouring dwellings, it is considered that the first floor extension proposed would not cause an unacceptable loss of light or privacy to nearby dwellings.

External lighting can be important within the grounds of a residential institution to ensure safe use of the site by residents. In a residential area of this density, poorly designed external lighting has the potential to disturb residents, illuminating bedrooms in the evening. Whilst details of external lighting have not been submitted a condition is attached to the recommendation requiring details of lighting to be submitted to and agreed by the local planning authority prior to their installation.

Design & Appearance

DPD Policy 9 'Local Environment' states that it is necessary to consider how a proposed development impacts on the visual appearance of the existing building. DPD Policy 20 requires such proposals to respond positively to the environment, contribute to a distinctive sense of place, and make a positive contribution to the street scene.

Whilst the proposed extensions would be of a substantial size they would be situated towards the rear of the application property and would not feature prominently in the street scene. The single storey elements would be built with a flat roof which would not be in keeping with the application property. However, they would not appear as prominent additions by virtue of their height and siting. The first floor extension would be constructed with a hipped roof mirroring that of the application property.

A substantial area of amenity space would remain for the recreational use of occupants.

In summary, it is considered that the proposed development would appear of appropriate scale and design that would accord with the visual amenity aims of DPD policies 9 and 20.

Highways

DPD Policy 9 indicates that development should protect and improve local environmental quality and amenity by ensuring that development will minimise traffic levels and do not harm the safety of road users. Paragraph 111 of the National Planning Policy Framework states:

“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Given the nature of the development it is not expected that the car ownership of the residents will be high. The agent has confirmed that is likely to be a maximum of eight full time members of staff employed, working shifts which will include overnight. The current parking arrangements will not change with three spaces provided. The development is located in a highly sustainable location being approximately 360m from Moston Train Station and a short walk from bus stops on

four separate bus routes. It is considered that given the nature and scale of the development and the high sustainability of the location the on-site parking provision proposed is adequate.

Whilst some vehicles associated with the development may be parked on the highway, given the scale of the development, it is considered that the level of on-street parking would be similar to that of a domestic property and the development would not have a significant impact upon the on-street parking available to nearby residents.

Given that parking arrangements would not change as a result of the development, it is not expected that vehicles manoeuvring to leave and enter the development would pose any greater risk to the safety of pedestrians and highway traffic.

No objections have been received by the Highways Officer and given the scale of development it is not considered that the development would have an unacceptable impact upon highway safety nor would the impacts upon the highway network be severe. As such, in accordance with paragraph 111 of the National Planning Policy Framework, it is considered that the application could not reasonably be refused on highways grounds.

Waste Storage

Poorly designed waste storage facilities can produce unpleasant smells, attract vermin and have an adverse visual impact upon the character of an area, failing to accord with policies 9 and 20 of the Oldham Local Plan.

The plans submitted indicate that there would be ample room for the storage of waste bins, stored outside public view not immediately abutting windows of adjacent properties. As such, it is considered that the waste storage area on site would be sufficient and would not result in neighbouring properties being adversely impacted upon by waste odours. As such the development would accord with the aims of policy 9 and 20 of the Oldham Local Plan.

Other issues

Objections have been received indicating that the users of the development could pose a threat to local residents and could cause anti-social behaviour. The proposal is for an assisted living facility supporting those with mental health concerns and learning disabilities. It is not considered that there is reasonable evidence to suggest that the proposed use would adversely impact upon local residents in the way suggested.

Objections have been received which cite Oldham's Suicide Prevention Strategy and Action Plan and the Governments' Preventing Suicide in England document and indicate that the development would fail to comply with these due their proximity to railway stations/metrolink stops and the M60 motorway. These documents do not limit the proximity of residential institutions such as the one proposed to railway stations/metrolink stops and such distances are not stipulated in any adopted planning policies which is what must be considered when considering and determining a planning application.

An objection has been received which relates to the Department of Health's Winterbourne View Review Concordat: Programme of Action. This document relates to the need improve the care of children, young people and adults. Whilst this may be relevant to care providers it does not constitute planning policy that would hold significant weight in the decision making process.

A resident objecting to the development has highlighted previous drainage issues close to the site and has raised concerns about the intensification of the use of the site. No details have been provided in regard to drainage by the applicant. Given the scale of the development, and its location in an area considered to have a low susceptibility to surface water flooding, it is considered unreasonable to require further details from the applicant although drainage details are required to ensure a development accords with building regulations.

CONCLUSION

It is considered that this revised planning application fully addresses the concerns raised by the Planning Inspector who independently appraised the refusal of the previous planning application. This must be regarded as a material planning consideration in the assessment of the current application and be afforded significant weight alongside the planning policies in the Local Plan and the guidance in the National Planning Policy Framework.

Altogether, it is considered that the benefits of the development outweigh any harm caused and the development accords with the Oldham Local Plan and the National Planning Policy Framework. As such, it is recommended that the application is approved subject to the imposition of the conditions referenced below.

RECOMMENDED CONDITIONS

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

REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice.

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be consistent in terms of colour, size and texture with those used in the existing building.

REASON - To ensure that the appearance of the existing building is acceptable having regard to Policy 20 of the Oldham Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, prior to the installation of any external lighting, a detailed scheme showing all external lighting proposed shall be submitted to and approved in writing by the Local Planning Authority. No additional lighting shall be erected without the prior approval of the Local Planning Authority.

REASON - To protect neighbouring residential properties from unacceptable levels of light pollution which may have an adverse effect upon their amenity.

5. No more than eight residents shall live at the application property at any one time.

REASON: To ensure the intensity of the use of the site does not result in any unacceptable disturbance of nearby residents.

6. No staff shifts shall start or end between the hours of 2200 and 0800 on any day.

REASON - To ensure neighbouring residents are not unacceptably disturbed during night-time hours by the development in accord and with policy 9 of the Oldham Local Plan.

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

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

Site Location Plan



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APPLICATION REPORT - RES/346698/21 Planning Committee 15th September 2021

Registration Date: 16th April 2021
Ward: Saint James'

Application Reference: RES/346698/21
Type of Application: Reserved Matters

Proposal: Reserved matters application for appearance, landscaping, layout and scale pursuant to PA/338917/16 for 23 dwellings.

Location: Land off Haven Lane, Moorside, Oldham OL4 2QH

Case Officer: Graham Dickman

Applicant: Mr Simon Broster

Agent : Miss Ellie Philcox

RECOMMENDATION

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

THE SITE

The application relates to a 0.91 hectare parcel of land to the east side of Haven Lane which is characterised by rough grassland. Ground levels rise in a general easterly direction across the site where it abuts a wide expanse of open farmland beyond its eastern boundary. To the north are the rear garden of semi-detached properties on Haven Lane and Haugh Hill Road. To the south-west is a development of detached houses on the cul-de-sac of Havenside Close. Five of these properties face out across the site in an easterly direction.

The site boundaries are formed by a combination of dry stone walls to Haven Lane and the rear of properties on Haugh Hill Road. A hedgerow runs along the boundary with the entrance to Havenside Close and continues in a fragmented form to the rear of nos. 1-5 Havenside Close backing onto the site. A row of mature trees is located on adjoining land flanking the southern boundary and screens the site from a single storey nursery building set on higher ground beyond. The eastern perimeter is marked by low post-and-wire fencing.

Surrounding uses are predominantly residential and include a mix of detached, semi-detached, and terraced dwellings of various eras laid to differing densities.

THE PROPOSAL

This is a Reserved Matters application pursuant to PA/338917/16 for the appearance, landscaping, layout, and scale of a development of 23 detached dwellings. A previous Reserved Matters application for 23 dwellings was approved in June 2019.

The site is accessed via Haven Lane in accordance with the access layout that was approved under the original outline permission. This includes the need for traffic calming measures on Haven Lane.

The present proposal largely reflects the layout previously approved. The access road from Haven Lane enters the site in an easterly direction serving properties on both its southern and northern sides. It then turns south to follow the eastern boundary of the site to serve the remaining properties.

The development comprises 1no. three-bedroom dormer bungalow, 6no. three-bedroom houses, and 16 no. four-bedroom houses as previously.

To the south side of the access road the proposed public open space area remains as previously. Beyond this the two houses to the north of Havenside Close have been re-positioned to front the access road, with rear gardens separating them from Havenside Close, and neighbouring plots have been re-configured to improve the internal site relationships.

The dormer bungalow at the entrance is unchanged. Similarly, the siting of houses along the northern boundary remains unchanged, with the exception that garages to 5 of the plots have been removed. Each property retains two off-street parking spaces.

To the east of Havenside Close changes have been made to the site levels in order to create a satisfactory drainage system following discussions with United Utilities. This has resulted in the raising of finished floor levels by between 2 and 3 metres.

PLANNING HISTORY

PA/342449/18 - Reserved matters application (for appearance, landscaping, layout, and scale) pursuant to PA/338917/16 for 23 three and four-bedroom detached dwellings. Approved 6 June 2019.

PA/338917/16 - Outline application for residential development of up to 23 dwellings (Use Class C3) with all matters reserved except access. The scheme was granted outline planning permission on appeal in November 2017 with costs awarded against the council for unreasonable behaviour in refusing this application.

PA/336723/15 – Outline application for 29 no. dwellings. Access to be considered. All other matters reserved (Re-submission of PA/336309/14) – Refused 13th July 2015.

PA/336309/14 – Outline application for the erection of 30 dwellings with access and layout to be considered. Appearance, landscaping, and scale to be reserved – Refused 12th February 2015.

RELEVANT PLANNING POLICIES & GUIDANCE

The 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is unallocated by the Proposals Map associated with this document.

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

Policy 1 - Climate Change and Sustainable Development;
Policy 3 – An Address of Choice;
Policy 5 – Promoting Accessibility and Sustainable Transport Choices;
Policy 9 - Local Environment;
Policy 11 – Housing;
Policy 19 - Water and Flooding; and,

REPRESENTATIONS

The development has been advertised by press notice and by direct notification to adjacent residents. Objections have been received from 14 addresses in the vicinity of the site on the following grounds:

- Unsuitable, dangerous access, and its closeness to other junctions which has led to the suggestion of raised tables, but this has not been discussed in a TRO meeting;
- Loss of light and privacy;
- Local infrastructure cannot cope with more development;
- Loss of view;
- Design not in keeping;
- Increased anti-social behaviour;
- Building would cause more flooding;
- General objection to previous decision;
- Piling could affect the house foundations;
- Noise and dust during construction; and,
- High levels of radon gas.

Issues in relation to the impact of the proposed appearance, landscaping, layout, and scale on the amenity of the neighbouring residents is considered below.

With regard to issues of principle of development and highway access arrangements, these issues were addressed at outline stage. Similarly, conditions relating to drainage, construction impacts, and ground conditions/contamination are matters addressed under the outline conditions.

CONSULTATIONS

Highways Engineer – No objections to the proposed reserved matters.

United Utilities – Object to the development until an acceptable drainage scheme has been agreed.

Trees Officer – No objection to the landscaping plan, implementation of which should be subject to condition.

PLANNING CONSIDERATIONS

Principle of the development

The principle of the development has already been established under outline approval PA/338917/16 following the outcome of the aforementioned appeal.

The access to the site formed part of that approval and is therefore not open for re-assessment as part of this application. Therefore, the only matters to be determined under this application are the appearance, landscaping, layout, and scale for the 23 dwellings.

It is noted that a number of the objections reference the suitability of the site, including the access and availability of infrastructure and services. It must be reiterated that these are not issues open for further consideration at this Reserved Matters stage.

Design and Layout

The proposed layout of the development, along with the scale and design of the house types, continues to reflect that previously approved and deemed acceptable. The local area contains a mix of property types and therefore the development will be capable of being readily assimilated into its surroundings.

The most distinctive change relates to the raising of floor and ground levels of the properties which occupy the eastern portion of the site to the rear of Havenside Close. As previously proposed the ground levels at the eastern boundary would have been lowered, creating a gradual slope across the site. In order to achieve satisfactory drainage, it is now proposed to elevate the dwellings in this area with the floor level reflecting that at the boundary involving a rise of up to 3 metres. The rear gardens will consequently need to be stepped down towards Havenside Close. The revised site levels will be achieved through the reconfiguration of existing site materials and no importation of fill material is envisaged.

Landscaping, Trees and Ecology

Two areas of public open space are proposed, one of which is located at the site entrance and will be utilised as part of the sustainable drainage (SUDS) strategy for the development. A further area is proposed along the eastern edge of the site. The boundary of the site to the east will be grassed and enclosed by a timber post and rail fence. Dry stone walling provides a feature entrance to the site.

The submitted Arboricultural Impact Assessment and Method Statement has been considered by the Council's Trees Officer who is satisfied that the proposal will include both measures to protect existing trees and is accompanied by a landscaping plan which includes the planting of additional extra-heavy standard trees. The proposals will therefore assist in assimilating the development into its setting.

Residential Amenity

The relationship to the adjacent properties on Haven Lane and Haugh Hill Road will remain as previously. The removal of garages from some of the plots will reduce the amount of development within the adjoining garden areas. Proposed floor levels are slightly reduced from those previously proposed and separation distances of a minimum of 22 metres will remain.

The one exception is the proposed dormer bungalow style property on the estate entrance. The proposed property abuts directly up to 162 Haven Lane at a 45 degree angle. It is considered that, due to the bungalow style adopted, the impact would be minimal (as previously approved), and a solar study has been submitted to reflect that conclusion.

Nevertheless, it is recognised that future development under permitted development rights to these properties could lead to a loss of privacy or overshadowing of neighbouring properties in the future. Therefore, it is recommended that such rights are removed. This does not imply that all such extensions would be inherently unacceptable; however, it would afford the local planning authority the opportunity to carefully assess the resultant relationship.

In respect of the properties to the rear of Havenside Close, the proposed change comparative to the previous scheme would be more apparent given the resultant change in levels. This is

demonstrated on the proposed section drawings. Nevertheless, it is necessary to consider whether the changes would result in an adverse impact on amenity to a degree where refusal could be sustained.

The applicant has been requested to consider whether the garden levels could be lowered and has submitted the following comments.

One of the options considered was to have a 3m deep terrace, immediately to the rear of Plots 18-23, with access provided to the lower garden area via an external staircase. This option however was considered not to be a desirable proposal for the following practical reasons:

1. Separating the terrace from the main garden area, by a full flight of stairs, would not be desirable to families with young children due to safety reasons i.e. risk of falling down the stair and visual separation from the ground floor accommodation down to the lower garden.
2. Considerable additional costs associated with creating up to a storey height of retaining structure to support the terraces along with associated balustrading and external staircases.
3. The proposed 2.1m high, close boarded timber boundary fence ("Secured by design" standard) would obscure the view of the rear gardens of Plots 18-23 from even the first-floor windows at the rear of the Havenside Close properties (protecting the privacy of each property on either side of the fence respectively). Therefore, the rear garden design/section of Plots 18-23 would have no visual impact on the existing neighbours.

These factors have been taken into account, along with the minimum separation distance of 27 metres which would be retained between the properties, with the relatively elevated rear garden at a minimum distance of 10 metres from the boundary.

Whilst it is recognised that the outlook from Havenside Close will consequently be altered, given the degree of separation, this would not be overly significant.

In respect of the proposed properties themselves, the internal layouts of the dwellings would meet the Nationally Described Space Standards (NDSS).

Flood risk and drainage

As indicated above, the applicant is presently in negotiation with United Utilities in respect of the site drainage proposals, this matter is subject to approval of conditions in relation to the outline application.

Highways and Traffic

The principle of the highways impact of the scheme on the highway network and surrounding area was established with the outline consent. Members will be aware that the highways arrangements were the subject of the appeal and the Planning Inspector considered the scheme acceptable in highways terms, despite residents' and members' concerns.

A separate consultation process will be necessary in respect of the required traffic calming measures on Haven Lane.

In relation to the internal layout of the development, there have been no objections raised by the Highways Officer in relation to the reserved matters.

The layout provides for at least two off-street spaces per dwelling, and some of the properties also benefit from an additional integral garage. Therefore, taking account of the scale and nature of the development and the technical advice given by the Council's Highways Officer, it is considered that there would be adequate access, servicing, circulation, and car parking arrangements and that the proposal would not have any detrimental impacts upon pedestrian or highway safety.

CONCLUSION

The proposal has been fully assessed against national and local planning policy guidance. It is considered that the proposal is acceptable in terms of the appearance and impact upon the visual amenity of this site and surrounding area.

The approval will continue to remain subject to the conditions imposed on the outline approval PA/338917/16.

RECOMMENDED CONDITIONS:

1. 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.

2. No development comprising the erection of any external walls shall take place until a specification of the materials to be used in the construction of the external surfaces of the development, including the roofs, 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.

3. All hard and soft landscape works shall be carried out in accordance with the approved plan Ref: 189 02 Rev G; prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Thereafter any trees or shrubs which die, are removed, or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number, and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

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

4. 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: 18053 1102 Rev B; and the details of construction, levels, and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the

commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

5. 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 Class A, AA, B, C or E of Part 1 of Schedule 2 shall be carried out unless permission is granted by the Local Planning Authority.

REASON - In order to ensure any development within those Classes does not result in an adverse impact on the amenity of neighbouring properties having regard to Policies 9 and 20 of the Oldham Local Plan.

Site Location Plan

