

PLANNING COMMITTEE
13/10/2021 at 6.00 pm



Present: Councillor Dean (Chair)
Councillors Al-Hamdani, Brownridge, Hobin, F Hussain, Iqbal,
Lancaster, Surjan, Woodvine, Garry (Substitute) and Williamson
(Substitute)

Also in Attendance:

Peter Richards	Head of Planning
Alan Evans	Group Solicitor
Kaidy McCann	Constitutional Services
Martyn Leigh	Development Management Team Leader
Stephen Gill	Planning Officer

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Davis, H
Gloster, Ibrahim, K Phythian and Toor.

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**

A public question had been received from Pearl Unsworth which
was as followed:

I would like to ask if there is a fine and if so how much the fine is
that OCC would have to pay if the outcome of an application
does not agree with the Planning Inspectorates' decision?

The following response was provided:

“Planning applications are submitted to the Local Planning
Authority for consideration and determination.

Planning law requires that, to the extent that development plan
policies are material to an application, the decision must be
taken in accordance with the development plan unless there are
material planning considerations that indicate otherwise. This is
set out in the Town and Country Planning Act 1990 and in the
Planning and Compulsory Purchase Act 2004.

If any planning application is refused by the Local Planning
Authority the applicant has a right of appeal. They can fulfil this
right by submitting their appeal to the Planning Inspectorate who
is independent of the Council. As part of the appeal process an
appellant may, if they consider that the Local Planning Authority

has behaved unreasonably in arriving at its decision, apply for an award of costs.

Unreasonable behaviour can take many forms but may include disregard to any known material planning considerations which were relevant to the planning application. This could potentially include disregard of an appeal decision on the same site (or at another site where the planning issues are comparable).

Where an application is made for an award of costs the Planning Inspector must first determine whether this is allowed (either in part or in full). If it is, the appellant would be invited to submit a claim to the Local Planning Authority for the reimbursement of any money spent or lost as a result of its unreasonable behaviour.

The extent of any costs would depend upon how much unnecessary expense was incurred by the appellant in preparing for, submitting, and being involved in the appeal process. Such costs may include examples such as consultancy fees, travel costs, and reimbursement for lost income, but would vary on a case-by-case basis. In some cases the extent of costs can be significant, especially when an appeal is heard at a Public Inquiry where an appellant is more likely to have legal representation or be required to call upon expert witnesses to present evidence.

However, it is important to clarify that an award of costs is different to a fine. A fine is usually given as a penalty for breaking a law.”

A public question had been received from Pearl Unsworth which was as followed:

How much weight do OCC attach to the above whilst making recommendations?

The following response was provided:

“All appeal decisions must be afforded weight as material planning considerations when they are thought to be relevant in the assessment of any subsequent planning application. This would especially be the case where the appeal decision relates to the same (or similar) development on the same site. However, an appeal decision may still be considered relevant even where it relates to a proposed development at a different site but where the planning issues are clearly comparable.

The weight given to such appeal decisions will depend on various factors on a case-by-case basis. For example, how relevant the appeal decision is to the subject matter of any subsequent planning application, and how recently the appeal decision was made and whether site circumstances, planning policies, or national guidance, have materially changed since that appeal decision was made.

The extent of the weight given to an appeal decision by the Local Planning Authority will form part of the overall 'planning balance' whereby the benefits and impacts of development are considered having regard to adopted policies and other material planning considerations."



A public question had been received from Gary Boyle which was as followed:

Can I ask who scrutinises, or is responsible for photographs and drawing plans in planning applications to ensure they are a true physical representation of what is actually in place on any property concerned.

The following response was provided:

"An applicant is ultimately responsible for ensuring that any plans submitted with their application are accurate.

The assessment of a planning application by the Local Planning Authority is based on the drawings submitted and not necessarily what might have been constructed on site. However, if, during the consideration of the application it becomes apparent that there are errors in the drawings or other information supplied, this would be raised with the applicant to address.

Sometimes planning applications are made on a retrospective basis whereby they seek to retain existing development. In such cases the plans must still reflect what has been constructed unless the application seeks permission to amend it in some way.

In the event that planning permission is granted a condition would be attached listing the approved drawing numbers. If there is any subsequent breach of planning controls whereby development on a site has deviated from any approved plans, and this has been brought to the attention of the Local Planning Authority, this would be investigated as a planning enforcement complaint."

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Planning Committee held on Wednesday 15th September 2021 be approved as a correct record.

6 **FUL.347100.21 - 298 MOSTON LANE EAST,
MANCHESTER, M40 3HZ**

APPLICATION NUMBER: FUL/347100/21

APPLICANT: Mr Naheem

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

It was MOVED by Councillor Brownridge and SECONDED by Councillor Garry that the application be REFUSED against Officer recommendations.

On being put to the vote 8 VOTES were cast IN FAVOUR OF REFUSAL and 0 VOTES were cast AGAINST with 3 ABSTENTIONS.

DECISION: That the application be REFUSED for the following reasons:

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 Joint Development Plan Policy 9 of the Oldham Local Plan.
2. The scale and nature of the proposed extensions to the existing rearward projection alongside the boundary with 296 Moston Lane East is disproportionate in size and would be out of character within a residential setting to the detriment of residential amenity. This is an impact exacerbated by its proximity to the boundaries of the application site. As such the proposal would fail to accord with Joint Development Plan Policy 9 of the Oldham Local Plan.
3. The application has failed to make adequate provision for the storage and collection of waste (including recycling) that would appropriately cater for the proposed use. As such the proposal would fail to accord with Joint Development Plan Policy 9 of the Oldham Local Plan which, amongst other matters, requires that development does not cause significant harm to the visual appearance of the area.
4. The proposed C2 use would result in the loss of a large family home at a time when the Council is unable to demonstrate a five-year housing land supply. Furthermore, as a result of the scale of the proposed use, it would not make a positive contribution towards creating sustainable communities and promoting community cohesion across the borough. As such the proposal is contrary to the requirements of Joint Development Plan Policies 2 and 11.

5. The proposed use of the property as a Residential Institution would, given the scale of the accommodation proposed and the likely increase in activity and movements associated with the use when compared with a Dwellinghouse, result in additional noise and disturbance to surrounding residents. This would cause significant harm to the amenity of surrounding residents which would conflict with the requirements of Joint DPD Policy 9 and paragraph 185 in the National Planning Policy Framework.

NOTES:

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

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**FUL.347329.21 - FIRBANK PRIMARY SCHOOL,
GRASMERE ROAD, ROYTON, OLDHAM, OL2 6SJ**

APPLICATION NUMBER: FUL/347329/21

APPLICANT: Mr Andrew Hall

PROPOSAL: Erection of new single storey nursery classroom and ancillary spaces following demolition of attached outbuilding.

LOCATION: Firbank Primary School, Grasmere Road, Royton, Oldham, OL2 6SJ

It was MOVED by Councillor Dean and SECONDED by Councillor Brownridge that the application be APPROVED subject the addition of the word "building" after the word "nursery" in condition 5.

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

DECISION: That the application be GRANTED subject to the conditions as outlined in the report and subject to the addition of the word "building" after the word "nursery" in condition 5.

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**OUT/346784/21- LAND AT BROADWAY GREEN BUSINESS
PARK, FOXDENTON LANE, CHADDERTON**

APPLICATION NUMBER: OUT/346784/21

APPLICANT: Aldi Stores Ltd

PROPOSAL: Hybrid planning application for mixed-use development comprising: (1) Detailed planning permission

sought for the erection of a Use Class E foodstore with internal vehicular access road, car parking, servicing area, and hard and soft landscaping; and, (2) Outline planning permission (with all matters reserved) sought for a flexible-use commercial unit capable of operating within Use Classes E(a) and / or E(b).



LOCATION: Land At Broadway Green Business Park,
Foxdenton Lane, Chadderton

It was **MOVED** by Councillor Dean and **SECONDED** by Councillor Iqbal that the application be **DEFERRED**.

On being put to the vote, the Committee was **UNANIMOUSLY** in **FAVOUR** of **DEFERRAL**.

DECISION: That the application be **DEFERRED** until such a time that the late representations raising objections to the proposals have been fully considered.

NOTES:

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

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LATE LIST

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

The meeting started at 6.00 pm and ended at 7.38 pm