

## ***PLANNING COMMITTEE***

### ***Agenda***

Date Wednesday 10 November 2021

Time 6.00 pm

Venue Council Chamber, 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](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, 5 November 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.

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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
- 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 - 6)  
The Minutes of the meeting of the Planning Committee held on 13<sup>th</sup> October 2021 are attached for Members' approval.
- 6 FUL/346451/21 - Grandpa Greene's, Bridge Bank, Ward Lane, Diggle, Oldham, OL3 5JT. (Pages 7 - 18)  
Change of use of domestic garden ground to form flagged outside seating area for customers of Grandpa Greene's.
- 7 FUL/346728/21 - Land Off Radcliffe Street (Site of Vernon Mill), Royton, OL2 6RN. (Pages 19 - 34)  
Full planning application for a residential development, 99 dwellings (Use Class C3) with associated infrastructure, landscaping and access from Radcliffe Street.
- 8 FUL/346850/21 - Baden Powell Centre, 12 Glodwick, Oldham, OL4 1AH (Pages 35 - 42)  
Change of use of the former scout/guide hall (Use Class F2(b)) to one 5 bed HMO and one 6 bed HMO and landscaping and associated infrastructure.
- 9 FUL/347138/21 - Former Oldham Library and Art Gallery, Union Street, Oldham (Pages 43 - 56)  
Conversion of the former Oldham Library and Art Gallery to create a Heritage Centre, including alterations to floor slabs, infilling of sub-basement, removal of sections of flooring, walls and staircases around the building, formation of new entrances to side elevation, new lift pit, air vent, plaster removal, alterations to fenestration, PV panels to southern roof and change of proposed roofing from zinc to aluminium, proposed roof access and plant position updated, and landscape plans



- 10 LBC/347139/21 - Former Oldham Library and Art Gallery, Union Street, Oldham  
(Pages 57 - 68)

Conversion of the former Oldham Library and Art Gallery to create a Heritage Centre, including alterations to floor slabs, infilling of sub-basement, removal of sections of flooring, walls and staircases around the building, formation of new entrances to side elevation, new lift pit, air vent, plaster removal, alterations to fenestration, PV panels to southern roof and change of proposed roofing from zinc to aluminium, proposed roof access and plant position updated, and landscape plans.

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**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 15<sup>th</sup> 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.



Oldham  
Council

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.

7

**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.

8

**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) **Page 5** of 5 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.

9

**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

**APPLICATION REPORT - FUL/346451/21**  
**Planning Committee: 10<sup>th</sup> November 2021**

Registration Date: 12th March 2021  
Ward: Saddleworth North

Application Reference: FUL/346451/21  
Type of Application: Full Application

Proposal: Change of use of domestic garden ground to form flagged outside seating area for customers of Grandpa Greene's.

Location: Grandpa Greene's, Bridge Bank, Ward Lane, Diggle, Oldham, OL3 5JT.

Case Officer: Dean Clapworthy  
Applicant: Mr R Scholes  
Agent: Mr Mark Jones

## **THE SITE**

No. 5 Ward Lane comprises a three-storey detached house with an extensive curtilage extending northwards from Ward Lane with a lengthy boundary fronting onto the Huddersfield Narrow Canal. The applicant's business is a café bar and ice cream parlour (Use Class E (b)), trading as Grandpa Greene's, and operates from a timber building to the rear of the house.

Either side of this are existing open air customer seating areas. Customers access the premises via a gated entrance fronting the canal footpath or via a ramp down from the car park to the north, which was installed in 2018.

Double yellow lines have been installed along Ward Lane.

## **THE PROPOSAL**

The application is made on a retrospective basis and seeks the retention of an extension to the outdoor seating area into the former garden ground adjacent to the pedestrian ramp leading from the car park.

The area measures approximately 18m x 5m. It is unclear what levels pertained prior to the implementation of the access ramp approved under PA/341262/18. However, the approved landscaping plan to PA/341262/18 clearly indicates that the area would be level (with the bottom of the ramp) as a result of that development.

At the time the application was submitted, the area was bounded by glazed fencing akin to the fencing relating to the existing business (having replaced close boarded timber fencing), and an outside bar was installed. However, these elements have since been removed and do not form part of this application. It is proposed to demarcate the site from the canal towpath with

planters. Moveable tables and chairs would provide for the seating of around 30 additional covers on the level area surfaced with reconstituted stone flags.

#### **RELEVANT PLANNING HISTORY:**

PA/341262/18 - 1) Change of use of domestic garden to form 24 car park spaces 2) Erection of disabled person's access ramp for use by members of the public and customers of Grandpa Greene's. Approved 21/03/2018.

PA/339675/17 - Change of use of land to form 24 space car park and erection of disabled person's access ramp for use by members of the public and customers of Grandpa Greene's. Refused 20/04/2017.

PA/333726/13 - Change of use of domestic workshop to provide sheltered customer seating. Approved 22/05/2013.

PA/333206/12 -1) Removal of canopy 2) Retention of customers seating areas and covered passageway 3) Provision of portable toilet building. Approved 23/01/2013.

PA/331008/11 - 1) Retention of existing covered passageway and seating areas 2) Alterations to existing boundary 3) Erection of a portable building to provide a wc. Refused 06/10/2011 (subsequently dismissed at appeal).

PA/330659/11 - 1) Variation of condition 2 of planning permission PA/049571/05 for extension of opening hours from 9am to 7pm 7 days a week. 2) Variation of condition 3 of planning permission PA/049571/05 to allow sale non-alcoholic hot and cold beverages, confectionary, sandwiches and snacks in addition to continued sale of ice cream. (Resubmission of PA/330218/11). Approved 28/07/2011.

PA/330218/11 - 1) Variation of condition 2 of planning permission PA/049571/05 for extension of opening hours. 2) Variation of condition 3 of planning permission PA/049571/05 to allow sale non-alcoholic hot and cold beverages, confectionary, sandwiches and snacks in addition to continued sale of ice cream. 3) Provision of portaloo and retention of covered seating area for customer use. Refused 13/05/2011.

PA/049571/05 - Erection of shed for the sale of ice cream. Approved 11/08/2005.

#### **RELEVANT PLANNING POLICIES AND GUIDANCE**

The application site is located in the Green Belt having regard to the Proposals Map associated with the Joint Development Plan Document. As such, the following policies are considered relevant:

Policy 01 - Climate Change and Sustainable Development

Policy 09 - Local Environment

Policy 20 - Design

Policy 22 - Protecting Open Land

National Planning Policy Framework

#### **CONSULTATIONS**

Canal and River Trust No objection. There is a risk that litter could enter the canal. It is recommended that a litter management plan is secured. It has been

observed that customers have been using the towpath areas to queue, which causes issues for other users of the network, especially when adhering to social distancing guidelines. Suitable waiting areas on site are advised.

Highways  
Engineer

No objection. Due to previous problems in the immediate area caused by indiscriminate parking the Council introduced waiting restrictions in the affected areas. Customers arriving by private vehicle will have the option of using the dedicated car park or of finding a safe and legal space nearby. The risk of indiscriminate parking has been removed.

Environmental  
Health

No objection.

## REPRESENTATIONS

- 105 support comments have been received.
- 0 neutral comments have been received
- 108 objection comments have been received

The representations received raising objections can be summarised as follows:

### Highways

- There is congestion, speeding traffic and indiscriminate parking in the local and wider area and on footways, causing damage to roads, which are not suitable for the traffic levels generated, and adverse impacts on highway safety. Approval of planning permission will attract more visitors, placing more pressure on the local highway network.
- The car park at the business is inadequate for the numbers of customers attracted to the premises.
- The congestion has restricted access for emergency vehicles and restricts movement of disabled persons.

### Green Belt/Open space/visual amenity

- Adverse impact upon the openness of the Green Belt and a visual impact upon open space (contrary to Local Plan Policy 22 and 23), and there are no very special circumstances that would outweigh the harm nor does it constitute infill development. The fall back as a domestic garden would be unlikely to include a similar level of installations, fencing and activity.
- The design and materials of the fences/structures are not in keeping with the character and appearance of the surrounding area and the adjacent canal.
- The proposal represents an overdevelopment of the site and is disproportionate.

### Amenity

- There has been an increase in litter and vehicle congestion/pollution, a large influx in visitors and loud music/noise nuisance has had an adverse impact upon residential amenity.
- Reports of anti-social and criminal behaviour from customers.
- When the new Saddleworth School is operating the site would become more congested.

#### Canal/ecology

- Towpaths, grass verges and other public infrastructure have been severely eroded due to the significant increase in footfall and an increase in litter/dog fouling causes an environmental hazard.
- The tranquillity of the canal has been undermined.

#### Other matters

- The site was developed without planning permission.
- No site notices were not posted in or around the site.
- The proposal has an unacceptable impact on the setting of the listed canal bridge and associated subway.
- The bench seating alongside the canal is a safety hazard.
- The business has not been responsible throughout the COVID-19 pandemic, putting people at risk and was required to close at weekends.
- The welfare facilities at the site are inadequate for the number of visitors.
- The proposal will lead on to live entertainment licensed premises with late night opening.
- The proposal is causing mental health problems.
- Not all the area that the business is sited upon is their land and they have excavated an area and removed trees.
- The business needs to find alternative premises as it has outgrown the site, as it has become a destination in itself and visitors do not contribute to the rest of Diggle. Diggle is not a theme park.

The representations received supporting the proposal can be summarised as follows:

- The alterations that have taken place improve the appearance of the site.
- Once the pandemic restrictions are lifted the congestion is likely to settle down.
- The proposal would not impact on the openness of the Green Belt.
- Outside seating is sensible given the pandemic and keeps customers safe.
- A successful small business that operates professionally, employs so many people and supports local suppliers should be supported, particularly when so many are struggling coming out of the pandemic.
- The business brings a great amount of positive publicity for Saddleworth and Oldham
- The business conducts litter picks.
- Refusal of the application would displace customers onto the canal towpath.

## **PLANNING CONSIDERATIONS**

The application was referred to Planning Committee by former Councillor Harkness, due to concerns about impacts on the Green Belt and highway safety. However, given the level of

public interest in the application evident by the number of representations received, the application is referred to the Planning Committee for determination at the discretion of the Head of Planning.

The main material considerations are:

1. Principle of the development;
2. Impact on the openness of the Green Belt;
3. Visual impact;
4. Residential amenity; and,
5. Highway safety.

### **Principle of Development**

DPD Policy 1, in the context of this application, seeks to ensure the effective and efficient use of land and buildings by promoting the reuse and conversion of existing buildings, and development on previously developed land, prior to the use of greenfield sites. Policy 1 states that development should promote economic prosperity and meet the needs of existing and new businesses by providing employment land in areas that are accessible by public transport.

Although DPD Policy 22 is relevant for development in Green Belt it places heavy reliance on the position set out in the National Planning Policy Framework (NPPF). Paragraph 149 of the NPPF sets out the exceptions and paragraph 150 refers to forms of other development which is not considered inappropriate in Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, including engineering operations.

The application site comprises land that was not previously developed. The proposed development does not constitute any of the exceptions or other forms of development which are not considered inappropriate. It therefore represents inappropriate development in the Green Belt. As such, paragraph 148 of the NPPF is engaged and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Having regard to the above, the principle of the proposed development will only be acceptable if any harm caused to the Green Belt is clearly outweighed by other considerations. These are discussed below.

### **Effect upon openness of the Green Belt**

The assessment of the impact of the proposal on openness of the Green Belt is multi-faceted and would include the present (former in this case due to this being a retrospective application) condition of the land and the visual impact, as well as any increase in the level of development of the site.

In considering the assessment on the openness of the Green Belt, the proposal includes the surfacing of a previously approved levelled area that was screened by close-boarded fencing. As domestic garden, the owner would have been able to undertake paving without requiring planning permission. Furthermore, the area subject to the planning application has been divorced from the remainder of the curtilage associated with the dwelling by the implementation of the car park, access ramp and the existing business premises. The extent of surfacing is relatively modest and is backdropped (from views from the canal) by the access ramp and car park and other existing buildings at Grandpa Greene's, which were previously granted planning permission.

Given the above circumstances, it is not considered that the proposed development, by virtue of its scale and extent would have an extremely low impact on the openness of the Green Belt.

### **Visual impact**

In this case, the proposed development would be seen from short distance views from both sides of the canal. The proposed planters, whilst relatively formal in appearance, would serve to soften the appearance of the paved area. However, the presence of customers assembled at moveable tables and chairs would be clearly perceptible.

However, previous planning permission PA/341262/18 approved the re-profiling of this area of land (to create a levelled area) in association with the construction of the access ramp. Whilst that planning permission removed domestic permitted development rights to erect outbuildings within the curtilage of 5 Ward Lane, the owner would be free to remove fencing and place non-operational domestic paraphernalia upon this area, such as tables and benches and store domestic items. Thus, the differentiation between the proposed use by customers and the continued domestic use of the site could be negligible in terms of visual impact.

This fall-back position is a material consideration of significant weight. Use of the area as an outdoor seating area in the manner proposed would have a negligible impact on the visual openness of the Green Belt.

The use of the area would be seasonal, and it is indicated that during autumn/winter the tables and chairs would be stored elsewhere at the business and the site would revert back to a flagged level area unencumbered by commercial paraphernalia (aside from the single, fixed full-length bench that is set against the banking below the access ramp). However, given the above assessment, even if the furniture was in situ and in use all year round, it would still only have a negligible impact on the visual openness of the Green Belt. The proposed soft landscaping of the boundary to the canal with planters would serve to soften the appearance of the site.

Given the above, it is not considered that the proposed development would have a materially detrimental impact on the visual openness of the Green Belt in this location and context.

### **Residential Amenity**

DPD Policy 9 outlines that new development proposals must not have a significant adverse impact upon the occupiers of neighbouring properties. In this regard it is important to consider the impact on the neighbouring property at 5 Ward Lane, the applicant's property.

Whilst it can be reasonably concluded that the applicant would not object to the application, the Local Planning Authority has a duty, under the provisions set out on DPD Policy 9, to consider the impact of development proposals on future occupiers who may, in the future, occupy the associated property independently of the business.

In this instance, it is not considered that the proposed development would have a significant impact on the amenity of neighbouring dwellings due to the separation distance and the existing intervening business.

Objections refer to a number of matters concerning noise impacts, litter and anti-social behaviour. It would seem that the site was particularly busy during the national lockdown in the earlier part of 2021, but that this has since settled to more typical levels of patronage. Regardless, it should be noted that what is being considered are additional covers to an already operating and successful existing business.



Concerns relating to anti-social behaviour do not relate to activities at the site and raise a more general concern about the actions of individuals away from the site during the national lockdown, when activity locally appeared to be especially buoyant. The proposal is to extend the outdoor seating capacity at an existing cafe/restaurant at a canal side location. Such incidents, if they have occurred, could not be said to have been directly related to, or caused by, the proposal to extend the outdoor seating area or necessarily this business.

Playing music at the premises, if this does occur, is a licencing issue and regardless would relate to the existing venue and would not be directly linked to the proposal under consideration.

The business operates a waste management scheme and this could be formalised to agree such a scheme by condition, as is recommended by the Canal and River Trust.

It is considered that the impact on neighbouring amenity is acceptable in accordance with DPD Policy 9, subject to the inclusion of an appropriate condition for the times at which the outdoor seating area could be used.

### **Highway Safety**

Objections significantly relate to concerns about parking, congestion and highway safety on Ward Lane and on the wider local network. It is clear from the objections that this was at least partially related to the period of the national lockdown and that activity at the site has since calmed to more typical levels of patronage.

The Council's Highway Officer acknowledges that there have been problems in the past on Ward Lane and the immediate area caused by indiscriminate parking by visitors to the area, including Grandpa Greene customers. In response to this, and the danger to highway safety, the Council has introduced waiting restrictions in the affected areas.

The Highway Officer considers that customers visiting Grandpa Greene's now have the option of using the dedicated car park at the business or of finding a safe, legal space to park nearby, if they choose to drive, and therefore considers that the risk of indiscriminate and unsafe parking has been removed with the introduction of waiting restrictions. The Highway Officer does not therefore object to planning permission being granted.

Given the above, it is concluded that vehicular movements associated with the proposal would not warrant an objection and that the proposal to extend the outdoor seating area would be in compliance with DPD Policy 9.

### **Other matters**

Concerning other matters raised in representations objecting to the proposal, the Canal and River Trust (CRT) have not raised an objection or concerns about the erosion of adjacent canal infrastructure. The Trust actively promotes canal and river infrastructure for tourism and recreation. It would appear that any congestion on the canal with pedestrians was a unique occurrence related to the national lockdown and also related to the particular popularity of the existing business as a local facility during this period (as opposed to the additional area subject to this application). However, referring to the specific concern raised by the Trust and objections about pedestrian congestion, customers are able to queue to be served within the site.

The CRT have also raised a concern about the potential risk of litter entering the canal and recommend that a litter management plan is secured. The proposal represents an addition to

the existing canal side business. The applicant has submitted a Waste Management Plan which outlines the present refuse and litter management regime at the site. The existing business is served by 6no. trade waste bins and litter prevention include the provision of up to 6no. private bins for customer/public waste (these are placed on the canal premises and outside of the site subject to the application), which are regularly emptied alongside which staff litter picks in the surrounding area are undertaken.

Given that the risk of litter emanates from the existing business (in addition to the proposed outdoor seating area) and that the waste management regime includes the provision of waste receptacles and litter picks outside of the application site on CRT land a condition requiring adherence to the submitted Waste Management Plan would not meet the 6 tests for attaching a condition set out in National Planning Practice Guidance. However, it is acknowledged that the business considers the issue of litter management in the wider area to be an important issue and takes considerable steps to reduce occurrences.

The proposal is to utilise the existing area for outdoor seating, without any buildings or operational development proposed (only moveable tables and seating) and the site falls further north than the intervening existing business. The proposal would not therefore have a harmful impact on the character, appearance or setting of the listed canal bridge and associated subway to the south of the site.

Despite objections that the bench seating alongside the canal is a safety hazard, this area is not subject to the planning application. This would be a matter for the Canal and River Trust (they have not referred to this being an issue in their consultation response).

Concerns have been raised about Covid-19 regulations, the level of welfare facilities at the site, and encroachment of the business onto third party land. These are not material planning considerations that can be afforded any weight as part of the assessment and determination of the application.

There have also been a significant number of representations supporting the proposal, largely relating to the success of the business and the benefits of job creation and also stating that the additional outdoor seating does not impact on the openness of the Green Belt or unacceptably impact on the appearance of the area.

## **Conclusion**

The proposed development represents 'inappropriate' development in the Green Belt. However, the impact upon openness and the visual amenity of the Green Belt has been assessed as being extremely low. Continued domestic use could have an equal or greater impact. The proposal would enable a successful local business to expand in a responsible manner and in a way that would reduce potential obstruction to the adjacent canal network.

Thus, it is considered that the extremely low harm would be clearly outweighed by other considerations and that these amount to very special circumstances. The proposal therefore accords with the requirements set out in the NPPF and the relevant Local Plan policies. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval subject to the imposition of conditions referenced below.

## **RECOMMENDATION:**

It is recommended that the Planning Committee resolves to grant permission, subject to the following conditions:

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

REASON - To comply with the provisions of 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 use of the development hereby permitted shall not be open to customers outside the hours of 09.00 to 19.00 - Seven days a week.

REASON - To protect the amenities of occupiers of nearby properties.

**LOCATION PLAN (NOT TO SCALE)**





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## **APPLICATION REPORT - FUL/346728/21 Planning Committee 10<sup>th</sup> October 2021**

Registration Date: 17th May 2021  
Ward: Royton South

Application Reference: FUL/346728/21  
Type of Application: Full Application

Proposal: Full planning application for a residential development, 99 dwellings (Use Class C3) with associated infrastructure, landscaping and access from Radcliffe Street.

Location: Land Off Radcliffe Street (Site of Vernon Mill), Royton, OL2 6RN.

Case Officer: Matthew Taylor  
Applicant: C/o Agent  
Agent: Miss Louisa Fielden

### **THE SITE**

The application site is the former Vernon Works, Royton, Oldham, which is located just outside Royton Town Centre. The site was previously occupied by a detached five-storey cotton mill and single storey warehousing/industrial facilities. These buildings are currently being demolished pursuant to the approval of a Prior Approval application (Ref: DEM/346658/21).

The site is rectangular in shape and measures 2.26 ha in overall area. It is bordered by terraced dwellings on High Barn Street to the south, Radcliffe Street to the north, commercial units and Orchard house Day Hospital on Milton Street to the west, and Royton Hall Primary School to the east.

The site is located within a Business Employment Area (BEA) and falls within Flood Zone 1 on the Environment Agency's Flood Risk Maps.

### **THE PROPOSAL**

Full planning permission is sought for the redevelopment of the site for a residential scheme comprising the erection of 99 dwellings, associated infrastructure, landscaping, and with access to the development obtained from Radcliffe Street.

The scheme includes the provision of approximately 50% (49 plots) as affordable housing units proposed as follows:

Affordable units:

- 2 bed dwellings - 23no. plots;
- 3 bed dwellings – 22no. plots; and,
- 4 bed dwellings - 4no. plots

The remaining units (50no. dwellings) would be provided for market sale and comprises:

- 2 bed dwellings - 6no. plots;
- 3 bed dwellings - 37no. plots; and,
- 4 bed dwellings – 7no. plots.

Each dwelling will benefit from front and rear gardens and off street car parking provision as indicated on the Proposed Site Plan.

## RELEVANT PLANNING HISTORY

DEM/346658/21 - Demolition of Mill – Prior Approval Required and Granted 21.05.21.

## RELEVANT PLANNING POLICIES

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

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

Joint Development Plan Document:

Policy 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 21 - Protecting Natural Environmental Assets;  
 Policy 23 - Open space and sports; and,  
 Policy 25 – Developer Contributions.

National Planning Policy Framework (NPPF)

## CONSULTATIONS

Environmental Health	Recommended both landfill gas and contaminated land conditions and informative notes.
Highways	Recommended both conditions and informative notes.
Greater Manchester Ecology Unit	Recommended conditions and informative notes to address the treatment of bats, birds and biodiversity on site.
United Utilities	Recommended conditions and informative notes to address both drainage and the management and maintenance of Sustainable Drainage Systems.



Greater Manchester Architectural Liaison Unit	Police	Recommended that a condition to reflect the physical security specifications set out in the submitted Crime Impact Statement be attached.
Drainage		Are reviewing the amended details submitted and it is expected such details will be provided prior to the date of the Planning Committee and an update will be provided on the Late List.
TFGM		No objection.
Trees		Recommended a condition to address that the AIA/AMS including Tree protection Plan and the proposed landscape proposals can all be conditioned.

## REPRESENTATIONS

The application has been advertised by means of neighbour notification letters, site notice, and press notice. In response, the following representations have been received:

- 1 support comments have been received;
- 0 neutral comments have been received; and,
- 26 objection comments have been received.

### SUMMARY OF OBJECTIONS:

- Residents on Thorndale Close already have access issues due to RASCA and it is considered this development will exacerbate the problem;
- Radcliffe Street is not suitable to serve the access of the development as it's not even wide enough for the traffic that currently uses it;
- Existing residents of Radcliffe Street have no off street car parking provision, the proposed scheme will result in the loss of on street parking in that area;
- There is an existing site entrance on High Barn Street, the developer should consider keeping that entrance open once demolition is complete;
- Given Radcliffe Street is narrow, emergency services will not be able to access all the houses on the street or on the adjoining Thorndale Close;
- There is no provision for a 30 metre turning circle or indeed parking facilities for existing residents;
- Radcliffe street already has major issues with traffic due to parents at the after school club;
- The crossroads at Milton Street and Radcliffe Street is already a busy junction where many accidents have occurred and with the increased traffic will be more dangerous, especially now that Royton Park is more popular with the recent improvements;
- Royton is very badly catered for with the public transport system, poor bus services, no tram or train station so private cars are necessary to get about;
- Development will result in addition pressure on the existing community facilities
- Loss of heritage due to demolition of the Vernon Mill;
- Increased pollution due to additional 200 cars in the area;
- Scheme represents overdevelopment of the site/area; and
- Noise nuisance associated with demolition and development works will result in a reduction in residential amenity.

## **PLANNING CONSIDERATIONS**

The main planning issues for consideration are as follows:

1. Principle of Development;
2. Developer Contributions;
3. Energy;
4. Highway safety;
5. Design;
6. Residential Amenity;
7. Trees;
8. Ecology;
9. Drainage;
10. Contamination and Landfill Gas; and,
11. Conclusion.

### **Principle of development**

#### *Loss of Employment*

Policy 14 of the Local Plan sets out that uses other than those 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.

The Planning Statement submitted draws reference to the requirements of Policy 14 and an Employment Use Viability Appraisal (Ref: April 2021) has been submitted by Grasscroft Development Solutions. This appraisal is considered to be thorough and is noted to have evidenced the following:

Both the refurbishment and redevelopment of the site for continued employment were fully considered, these are addressed in three options within the report, which are as follows:

- Option 1: Refurbishment of Existing
- Option 2: Demolition and Redevelopment as Industrial
- Option 3: Demolition and Redevelopment as Office

In addition, a Marketing Strategy by Davis Harrison, as previously agreed with the LPA, was provided as supporting evidence.

Each of the three options listed above, when benchmarked against the profit on cost target of 20%, would all generate a significant deficit resulting in viability concerns.

With the above in mind, it is considered the applicant has provided sufficient evidence to satisfy criterion a) to c) of Policy 14, as it has been clearly demonstrated that the continued use of the site for employment purposes would be unviable.

### *Development for Housing*

DPD 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. Policy 3 of the Local Plan sets out the council's approach for managing the release of housing land.

It 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 on a non-allocated site for residential development 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 Council's Strategic Housing Land Availability Assessment (SHLAA).

These three criteria are considered in turn below:

### *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 over the next five years at this time under the adopted Development Plan for the borough. 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.

### *Delivery of the borough's regeneration priorities*

The application site is located within 480m of Royton town centre, which host a variety of services serving local need, and of frequent public transport links that run along both Rochdale Road and High Barn Street.

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.

#### *Delivery of affordable housing to meet local affordable housing needs*

The capacity of the proposed site qualifies for the Affordable Housing threshold, which applies to developments of 10 dwellings or above, as set out within NPPF.

As per the affordable housing statement, the application proposes to provide 50% (49no. units) as affordable housing. This matter is fully addressed in more detail in the next section of this report.

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

### **Developer Contributions**

#### *Affordable Housing*

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 must be provided on-site unless there are exceptional circumstances that would justify off-site provision within the locality or a financial contribution in lieu of provision. Evidence on housing mix, type and tenure is set out in the council's Local Housing Needs Assessment prepared to support the Housing Strategy.

The application proposes to provide 50% (49no. units) as affordable housing which would wholly satisfy the requirements of Policy 10 of the Local Plan, providing much needed affordable housing in a sustainable location.

#### *Education*

Policy 25 of the Local Plan requires infrastructure contributions to be sought from developers to provide appropriate infrastructure to support it and / or to mitigate the impact of the development. It continues to outline that whilst negotiating developer contributions, the council will have regard to the nature and scale of the proposed development and its financial viability.

The applicant is aware of the policy requirement for an education contribution having regard to the availability of school places at the time of determination. Contributions can only be used by the Council towards the provision of school places to meet the need generated from the development and for no other purpose. This has been calculated by the Education Department and provided to the applicant during negotiations.

#### *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 continues 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.

As the scheme does not provide public open space on site, to be compliant with Policy 23 the applicant must make off-site new provision or enhanced existing provision. Following an assessment of the proposal and needs of the local area a cost has been calculated for off-site public open space provision and provided to the applicant during negotiations.

### *Financial viability*

In respect of the total developer contributions generated by the development the applicant has provided economic viability information purporting the scheme cannot sustain a full contribution towards off site Public Open Space and Education. However, the viability report taking into account development costs, a reasonable rate of return and provision of 50% (49no. units) as affordable units. This information and its findings have been independently appraised on behalf of the Council and a total contribution of £140,000.00 has been agreed. Officers therefore consider the scheme is unviable if the full amount of contribution is required to address Policy 10, 23 and 25 of the Local Plan. To this end, it is recommended to Members that the Council enters into a Section 106 Agreement for the applicant to contribute £140,000 towards the enhancement of existing Open Space provision within the locality.

### **Energy**

Policy 18 of the Local Plan states that all developments over 1,000m<sup>2</sup> or 10 dwellings and above are required to reduce energy emissions in line with set targets. To address the requirements of this policy the applicant has provided a 'Sustainability Statement by Award Energy Consultants', dated April 2021, which notes the development will achieve the 15% reduction in CO<sup>2</sup> over Part L 2013, as required.

### **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.

It is noted above that the application site is located close to an established residential area and the Royton Town Centre, with good access to a wide range of amenities and public transport links. To this end, the Council's Highway Engineer does not anticipate that there will be any adverse or significant increase in traffic generation or any additional demand for on street parking to the detriment of highway safety. Moreover, they have worked with the Applicant/Agent to ensure that there are good pedestrian links along Radcliffe Street, with adequate parking provision and an internal layout which is acceptable to the local Highway Authority.

Therefore, it is considered that amended layout (Drwg No. KH/VW/HWL/01 Rev I, received on 22<sup>nd</sup> October 2021) is in accordance with Policies 5 and 9 of the Local Plan.

### **Design**

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.

From the submitted Design and Access Statement it is noted consideration of the sites surroundings has been a key consideration in the build-up of the overall layout. In addition, the High Barn Street access to the original Mill was not supported by the appropriate legal

titles/easements to be utilised as an access. To this end, the key outward frontage of this development is Radcliffe Street, which includes the access to the spine road to the development. The amended layout of the development has been designed to avoid adverse impacts on the amenity of future occupants and the occupants of existing neighbouring properties, whilst also including an active street scene that will fit well with the existing built surroundings.

Whilst the scale/massing and materials proposed for the house types have been designed to be in keeping with the surrounding area, it is noted they have modern fenestration details that will provide the estate its own overall character and sense of place.

The proposed hard and soft landscaping, that will form part of the development, is considered to be acceptable, incorporating 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 of the 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.

#### *Impact on the dwellings on existing dwellings on High Barn Street:*

It is noted the rear elevations of the proposed units along the south boundary of the site are set approximately 21m from the rear elevations of these neighbouring properties. As such, it is considered the development would not appear overly oppressive and would not result in a significant loss of light to the habitable rooms of these neighbouring properties.

#### *Impact on the dwellings on existing dwellings on Radcliffe Street:*

It is noted these neighbouring residential units are set on the opposite side of Radcliffe Street and are set on a higher ground level. To this end, given the separation distances it is considered the development will not unduly impact on the amenity currently enjoyed by occupiers of these neighbouring dwellings.

#### *Impact on the future occupiers of the Milton Street Site:*

It is clear the submitted amended layout does not result in any oppressive outlook/loss of privacy from the current and future occupiers of these proposed neighbouring residential properties as the design includes sufficient separation distances and it is noted the units within the applicant's site are set on a higher ground level.

#### *Impact on the future occupiers:*

Policy 9 of the Oldham LDF states that the council will ensure development does not cause significant harm to the amenity of the occupants and future occupants of the development. To this end, 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 be provided appropriate living space for the future occupants of the development.

## Trees

Having considered the originally submitted information it is noted that no justification had been provided for the loss of trees as a result of the proposed development. Saved UDP Policy D1.5 'Protection of Trees on Development Sites', which states the following:

*'In 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. In exceptional circumstances (e.g. certain small infill sites), where it is agreed that on-site replacement planting is not practicable, arrangements must be made for the planting of replacement trees on a suitable site in the wider locality through a section 106 planning obligation.'*

The Arboricultural Impact Assessment (AIA) and Method Statement (AMS), produced by tba dated March 2021, outlines that all seven existing groups and five single existing trees are proposed to be removed. These are all either category 'C' or 'U' in quality and it is noted the original landscaping plan includes the planting of 40no. trees across the site. Moreover, it is clear the AIA/AMS include an acceptable Tree Protection Plan, as such the Council's Arboricultural Officer has raised no objection subject to conditions that address the implementation of the submitted tree protection measures and the provision of proposed replacements.

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

## Ecology

Policy 6 and Policy 21 of the Oldham LDF Joint DPD are concerned with protecting, conserving and enhancing our local natural environments.

*Contributing to and Enhancing the Natural Environment:*

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site currently only has very low ecological value with no species constraints. The proposed layout includes gardens that are likely to achieve an overall enhancement of the site, as such it has been recommend that this is maximised through inclusion of small native tree species and some bird boxes.

The Greater Manchester Ecology Unit has been consulted and consider that the development is unlikely to raise any significant ecological issues. However, it is considered that issues relating to bats, nesting birds and biodiversity enhancement measures can be resolved via the imposition of suitably worded conditions and/or informative notes for inclusion on the decision notice in the event that the application is approved.

*Bats:*

From GMEU's records it is clear bats were dealt with under the granted prior approval demolition notice (Ref: DEM/346558/21) and that they broadly accepted the assessment but recommended reasonable avoidance measures be applied. To this end, they have recommended at least one emergence survey prior to demolition, assuming the Mill has not already been demolished. Given that the Mill is already in advanced stages of removal it is considered this condition is not required, in this instance.

*Nesting Birds:*

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. Given the scheme include the removal of existing trees a condition to address the protection of birds has been attached to the recommendation.

*Invasive Species:*

Derelict sites such as this are moderate to high risk for invasive species such as Japanese Knotweed and Himalayan Balsam. However, given the general lack of bare ground to colonise on the site, GMEU are satisfied this matter can be addressed via condition.

*Contributing to and Enhancing the Natural Environment:*

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site currently only has very low ecological value with no species constraints. The proposed layout includes gardens that are likely to achieve an overall enhancement of the site, as such it has been recommend that this is maximised through inclusion of native or wildlife attracting trees and shrubs and the provision of bird and bat box/brick scheme across the site, this matter has been addressed by way of an appropriately worded planning condition.

**Drainage**

Policy 19 of the Oldham LDF Joint DPD 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.

The Council's Drainage Team are reviewing the amended details submitted and it is expected such details will be provided prior to the date of the Planning Committee and an update will be provided on the Late List.

*United Utilities:*

United Utilities have reviewed the Flood Risk Assessment and Drainage Management Strategy submitted with the application and have raised no objection to the application in principle. However, they note that surface water is proposed to be discharged to a culverted watercourse which will need to be agreed with the Lead Local Flood Authority, and on this



basis recommend the imposition of a condition requiring a drainage scheme to be submitted for surface water and a requirement that foul and surface water are discharged to separate systems.

### **Contamination and Landfill Gas**

Paragraph 183 of the NPPF states that the planning decisions should ensure that a site is suitable for its proposed use taking account of ground contamination and risk.

The Council's Environmental Health section have recommended both a landfill gas and contaminated land conditions, requiring intrusive site investigations and the submission of a remediation strategy before any development takes place, be attached in order to ensure that the development does not conflict with the requirements of the paragraph 183 of NPPF.

### **CONCLUSION**

For the reasons set out above it is considered that the submitted scheme complies with all relevant planning policies and material planning considerations. It will provide a significant and positive contribution towards the Council's identified housing needs in a highly sustainable location on a previously developed site and, together with the mitigation to be secured through the imposition of conditions and a Section 106 agreement to secure £140,000 towards open space improvements, comprises sustainable development and is therefore recommended for approval.

### **RECOMMENDATION**

It is recommended that the Planning Committee resolves to grant permission, subject to the agreement of a Section 106 Agreement covering the above contribution towards open space improvements in the locality, and the inclusion of the following conditions:

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

REASON - To comply with the provisions of 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 A scheme for the Biodiversity Enhancement Measures, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the construction of any buildings hereby approved. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the Local Planning Authority) and shall be retained thereafter.

REASON - To ensure positive enhancement of the site having regard to Policy 21 of the Oldham Local Plan.

- 4 Prior to any earthworks a survey for invasive plant species including Japanese Knotweed and Himalayan Balsam will occur and the finding supplied to and agreed in writing by the Local Planning Authority. If any invasive species are present a method statement detailing avoidance, control and eradication measures should also be supplied to and agreed in writing by the Local Planning Authority, prior to any earthworks.

REASON - In the interests of the protection of the natural environment having regard to Policy 9 of the Oldham Local Plan.

- 5 No works to trees or shrubs shall occur or demolition commence 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.

- 6 The development hereby approved, shall be carried out in accordance with the submitted Sustainability Statement by Award Energy Consultants, dated April 2021, and/or any other future improvements in Building Regulations.

REASON - To accord with policy 18 (Energy) of the Joint DPD and to future proof any of the new dwellings that will be subject to future changes in Building Regulations.

- 7 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 on accordance with the hereby approved Arboricultural Impact Assessment and Method Statement (Rev D), produced by tba dated March 2021 and Dwg No. 6510.04 Rev. D. The protective measures 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.

- 8 All planting, seeding or turfing comprised in the approved landscaping detail Drawing No's: 6510.01 rev E and 6510.02 rev E 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 Plan.

- 9 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 and having regard to requirements of the paragraph 183 of National Planning Policy Framework.

- 10 No development shall commence 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 - In order to protect public safety and the environment, having regard to requirements of the paragraph 183 of National Planning Policy Framework.

- 11 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 received on 22<sup>nd</sup> October 2021 (Ref: KH/VW/HWL/01 Rev I) 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.

- 12 No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

REASON - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

- 13 Foul and surface water shall be drained on separate systems.

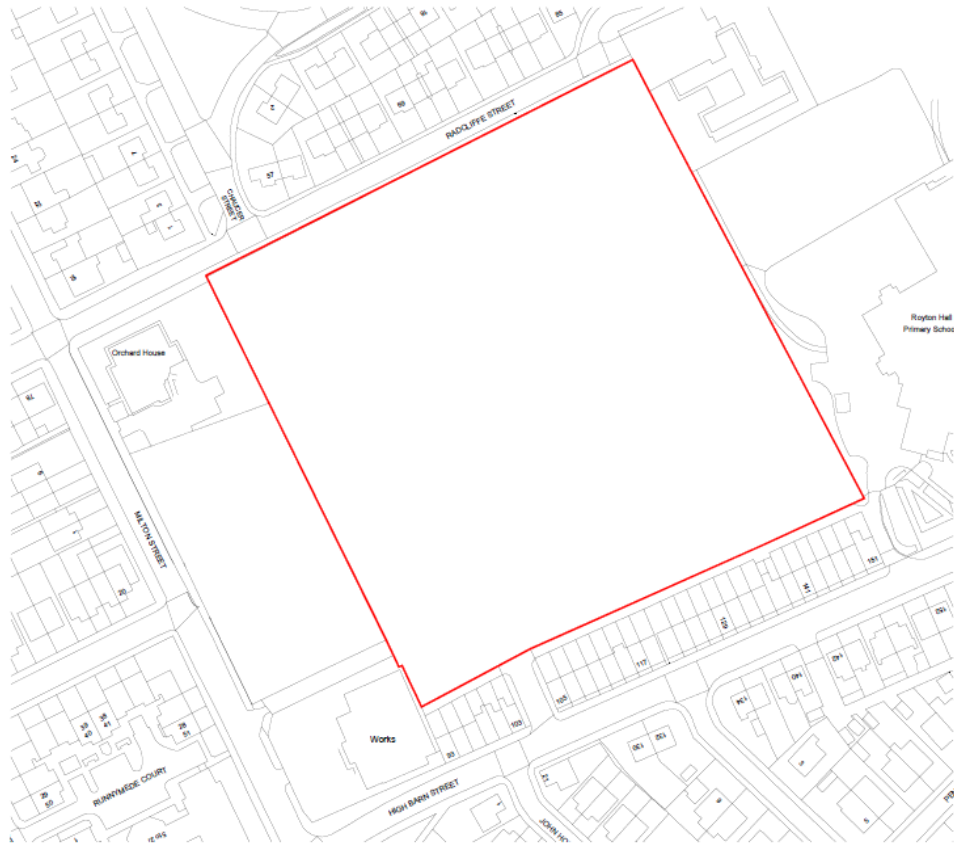
REASON - To secure proper drainage and to manage the risk of flooding and pollution.

- 14 The affordable housing provision shall be provided in accordance with the approved Affordable Housing Statement (within the Planning Statement), April 2021 and Affordable Layout Dwg no. KH/VW/ALP/01 Rev L. This condition shall not be binding on a mortgagee or chargee (or any receiver including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver ) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver.

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 put forward by the applicant is delivered on the site in an appropriate manner which meets local need and to ensure that any affordable housing remains affordable in perpetuity in accordance with the requirements of Joint Core Strategy and Development Management Policies Development Plan Document Policy 10 and the National Planning Policy Framework.

**SITE LOCATION PLAN (NOT TO SCALE)**



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**APPLICATION REPORT - FUL/346850/21**  
**Planning Committee: 10<sup>th</sup> November 2021**

**Registration Date:** 14<sup>th</sup> May 2021  
**Ward:** Alexandra

**Application Reference:** FUL/346850/21  
**Type of Application:** Full application

**Proposal:** Change of use of the former scout/guide hall (Use Class F2(b)) to one 5 bed HMO and one 6 bed HMO and landscaping and associated infrastructure.

**Location:** Baden Powell Centre, 12 Glodwick, Oldham, OL4 1AH

**Case Officer:** Osian Perks  
**Applicant:** Mr Wainwright  
**Agent:** Mrs Carol Clarke

## INTRODUCTION

This planning application is referred to Planning Committee at the request of Councillor Salamat who has raised concerns relating to insufficient on-street car parking spaces being available to residents of the proposed development due to the high demand already placed upon such provision by existing residents and an MOT centre/garage on the opposite side of Brompton Street.

## THE SITE

The application site comprises a detached two storey building located on a corner plot created by the junction of Glodwick Road and Brompton Street. The principal elevation of the building faces Glodwick Road. The building includes a large single storey outrigger to the rear the side elevation of which fronts on to Brompton Street. It has a small area of green space within its curtilage which is currently overgrown and enclosed by palisade fencing.

The building is currently vacant but was last occupied as a scout/girl guides community use.

Directly facing the site, fronting Brompton Street is an MOT centre/garage. The remainder of Brompton Street is categorised predominantly by red brick, terraced, residential properties lining the highway. Adjacent to the site, fronting Glodwick Road and Waterloo Street, are a group of buildings currently in retail use.

## **THE PROPOSAL**

Planning permission was originally sought for the use of the building to provide:

- 3 x self contained studio flats;
- 1 x 3-bed House in Multiple Occupation (HMO); and,
- 1 x 5-bed House in Multiple Occupation (HMO).

However, following the consideration of the application, it has been amended and now proposes:

- 1 x 5-bed House in Multiple Occupation; and,
- 1 x 6-bed House in Multiple Occupation.

The proposed 5-bed HMO would be accommodated within the single storey outrigger whilst the 6-bed HMO would be located in the two-storey part of the building.

## **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 2 – Communities;  
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**

Highways – The car ownership rates for houses of multiple occupation are generally expected to be low. The site is in a sustainable location within an established residential area with access to a range of local amenities. There are no dedicated car parking facilities proposed and any future resident and their visitors will be required to find a safe and legal place to park in the same way as any other resident/visitor in the area. A condition is suggested necessary to ensure that safe, usable cycle storage facilities are provided for the residents of the proposed accommodation.

It is not expected there will be any significant additional generation of traffic as a result of the proposed development. As such, the highway engineer raises no objection to the planning application on highway safety grounds.

Environmental Health – No objection



Tree Officer – No objection

Drainage – No comments received.

## **REPRESENTATIONS**

Neighbour notification letters were sent to the residents of nearby properties and a site notice was erected outside the site. In response, 41no. representations have been received raising the following (summarised) comments:

- There is a shortage of on-street parking space with residents needing to park a considerable distance from their homes. The development will result in an increased demand for parking spaces
- Vehicles on the street are sometimes damaged and there are incidents of anti-social behaviour. This will be exacerbated by proposed development.
- Some residents feel they have not been consulted correctly and should have received a letter.
- The change of use from a community centre to a HMO is not appropriate.
- The development will result in further noise and fume pollution.
- Having HMOs so close to nearby schools is not safe.
- The site is not well connected to local amenities.
- Residents of the development may not have access to adjacent the alley gate or may leave it open.
- There is no vehicular access to the site via Brompton Street.
- No arboricultural method statement was submitted with the application.
- The noise assessment was carried out during the covid-19 lockdown and is therefore likely to be inaccurate.
- Bin storage and collection has not been appropriately looked at.
- The proposal does not address existing littering/fly-tipping issues.
- The site and the alleyway adjacent are used by children and nearby residents.

## **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; and,
4. Highway safety (including car parking).

### **Principle of Development**

Having regard to Policy 2 of the Oldham Local Plan, the former use of the building as a scout/girl guides base is regarded as a community facility. Although the loss of a community facility must weigh against the scheme it must be acknowledged that the building is currently vacant and that the supporting text to Policy 2 makes provision for this where the proposal would achieve broader planning objectives.

Any vacant building has the potential to cause negative environmental and social impacts for local communities and prolonged harm to the character of an area. The active and sustainable use of any building helps to ensure its upkeep. This application seeks approval to use the building to accommodate Houses in Multiple Occupation which would increase the level of choice of residential accommodation in the area.

Whilst the proposals would result in the loss of a (former) community use there are plentiful other community uses in the vicinity including Barley Clough Medical Centre, Glodwick Primary Care Centre, Glodwick Pool, Glodwick Infant and Nursery School, Pitt Street Mosque, and Alexandra Park. There is no shortage of community facilities in the surrounding area but, irrespective of this, the extent of the harm caused by the loss of a potential community use is considered to be outweighed by the benefits associated with providing the type of residential accommodation proposed. As such, there is no conflict with the overarching aims and objectives of Policy 2.

Local Plan Policies 1, 3 and 5 aim to guide development to the most accessible locations and promote and encourage sustainable transport methods.

Policy 1 seeks to ensure the effective and efficient use of land and buildings by promoting the re-use and conversion of existing buildings and development on previously developed land. It also aims to ensure developments are sited within sustainable and accessible areas within the built-up area.

Policy 3 of the Local Plan stipulates that minor residential development should have access to at least two key services. As a guide, 'access' is defined within the policy as being '*within approximately 480 metres or approximately ten minutes' walk time of a key service.*' Key services include areas of employment, major retail centres (such as Oldham Town Centre, the borough's other centres and large-scale foodstores), local shopping parades, health-related facilities and services (such as doctors' surgeries and hospitals), secondary schools, primary schools, post offices and community uses (such as libraries, theatres). As noted above, the site is located in close proximity to a number of community uses which are regarded as key services having regard to this policy.

Policy 5 states that as a minimum, new minor development should achieve '*low accessibility*' which is defined as being within approximately 400 metres of a bus route with a service, or combination of services. The proposed development is within close proximity to multiple bus routes running along Glodwick Road and therefore meets this criteria.

In summary, 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.

Extensions are not proposed as part of this development and as such it is not considered that it would have an oppressive impact upon or cause an unacceptable loss of light to the occupants of neighbouring dwellings. By virtue of their siting, it is not considered that the additional window and door openings proposed would cause an unacceptable loss of privacy to the occupiers of neighbouring properties.

Each bedroom and living area proposed is considered to be of sufficient size for use by future occupants and the garden area is of a size considered suitable to ensure that occupants receive a standard of amenity higher than typical for a development of this type.

In light of the above, it is considered that the proposal would accord with the residential amenity aim of Policy 9 of the Oldham Local Plan.

### **Design & Appearance**

Policy 9 states that it is necessary to consider how a proposed development impacts on the visual appearance of the existing building. 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.

The proposed alterations are modest in scale and nature and are not considered to have an adverse impact upon the existing character of the application property or that of the wider area. As such, the proposal would accord with the visual amenity aims of Policies 9 and 20 of the Oldham Local Plan.

### **Highways**

Policy 9 indicates that development should protect and improve local environmental quality and amenity by ensuring that development will minimise traffic levels and does not harm the safety of road users. However, consideration must also be afforded to paragraph 111 within the National Planning Policy Framework which 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.”*

Concern has been raised with regard to the lack of parking provision on Brompton Street and the increase in demand for parking spaces following the proposed conversion of the building. In accordance with the comments received by the Highways Officer, it is considered that the site is located in a sustainable location, near local amenities and close to public transport routes. It is also considered that by virtue of its scale, the development would not cause a significant level of additional traffic, and cycle parking is proposed on site with details to be secured via the imposition of a condition which is attached to the recommendation.

Following the amendments to the proposal (omitting 3no. self-contained units but keeping the total number of bedrooms unchanged (11 split across two HMOs)), the applicant's highways consultant (Axis) amended their appraisal of the car parking provision (Highways Technical Note) report. The update explains that car ownership amongst HMO occupiers is generally less than the occupiers of apartments and that the revised scheme is expected to generate less parking demand than would be generated by the lawful use of the building (if occupied).

In light of the above, it is not considered that the impact of the development upon the road network would be severe or that impact upon highway safety would be unacceptable. As such, it is considered that the application would satisfy paragraph 111 of the National Planning Policy Framework and Policy 9 of the Oldham Local Plan.

## **CONCLUSION**

The benefits associated with the permanent and active use of the building, and the provision of additional choice of residential accommodation in the area, must be regarded as material planning considerations in support of the proposal. This must then be balanced against harm which arises from the loss of potential for the building to accommodate another community use. However, given there are a number of other community uses in the surrounding area it is considered that this harm is outweighed by the benefits.

It is acknowledged there is no dedicated car parking provision for future residents. However, the site is in a highly sustainable location in respect of key services and public transport options, and car ownership amongst those residing in HMO accommodation is often low. Although there is high demand for on-street car parking in the surrounding area it is not considered the proposals would result in a severe impact on highway safety (i.e. the key test set out in the National Planning Policy Framework). Furthermore, it must also be acknowledged that whilst the building is currently vacant, it could be occupied by another community use potentially creating higher demand for parking provision than the use which is now proposed.

As such, subject to the imposition of conditions listed below, it is concluded that the proposals are acceptable having regard to the policies, guidance, and other considerations referenced in this report.

## **RECOMMENDATION**

It is recommended that the Planning Committee resolves to grant permission subject to the following conditions:

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

REASON - To comply with the provisions of 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 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.

4. No development comprising the erection of any external walls or surfacing 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. 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.

**SITE LOCATION PLAN (NOT TO SCALE)**



## **APPLICATION REPORT - FUL/347138/21 Planning Committee: 10<sup>th</sup> November 2021**

Registration Date: 25<sup>th</sup> June 2021  
Ward: Coldhurst

Application Reference: FUL/347138/21  
Type of Application: Full Application

Proposal: Conversion of the former Oldham Library and Art Gallery to create a Heritage Centre, including alterations to floor slabs, infilling of sub-basement, removal of sections of flooring, walls and staircases around the building, formation of new entrances to side elevation, new lift pit, air vent, plaster removal, alterations to fenestration, PV panels to southern roof and change of proposed roofing from zinc to aluminium, proposed roof access and plant position updated, and landscape plans.

Location: Former Oldham Library and Art Gallery, Union Street, Oldham.

Case Officer: Paula Stebbings  
Applicant: Mr. Nigel Fraser (Oldham Borough Council)  
Agent: Mr Chris Smallwood (EWA)

### **THE SITE**

This application relates to the former Oldham Central Library and Art Gallery, which is located on Union Street, Oldham. The site, rectangular in plan, is bounded by Southgate Street to the east, Union Street to the north, 84 Union Street (former post office) to the west and Gallery Oldham to the southwest.

There are two principal areas which form the application site. The first is the formal garden adjacent to 84 Union Street that provides soft landscaping and outdoor seating interconnecting Union Street to the front entrance and public realm area to Gallery Oldham. The second area comprises a Grade II Listed Building, formerly Oldham's Central Library. The building, constructed in 1883, is a high two-storey, symmetrically planned civic structure with central gable entrance and flanked blocks.

The building is finished in a rustic rubble, course and square in small blocks with a tiled roof and clerestory windows serving the top floor. The flanks are punctuated by tall segmentally arched mullioned and transomed windows many of which retain the original stain glass sections. Internally, the building is subdivided on the basement, ground and first floor, adapted over time for the previous library use, but retaining a significant number of original features.

### **BACKGROUND**

In 1996 the Council produced plans to create a cultural quarter in Oldham Town Centre. The initial work to the project resulted in the completion of Gallery Oldham and the Lifelong Learning Centre with a view of further developing the Central Library building to complement

the established uses. Similarly, the Coliseum Theatre Trust were exploring options for a new location due to the existing building on Fairbottom Street being in poor condition and restricting the future potential of the group.

To facilitate both the interests of the Council and the Theatre Trust, the Oldham Coliseum Theatre and Heritage Centre (OCTHC) project was formed to work collaboratively to develop the site. Having secured funding from the Heritage Lottery Fund and Arts Council England Fund, the project strives to relocate the Coliseum theatre, museum, archives, local studies, and stores to a dedicated part of the town centre and, in combination with the existing Gallery Oldham, to develop Oldham's wide cultural offering and preserve the lasting legacy of the heritage of Oldham.

Listed building consent and planning permission (LB/336342/14 and PA/336343/14) were granted in 2015 for the adaption of the existing library and the erection of a new theatre building with interconnecting link. In 2016, Listed building consent and planning permission (LB/339478/16 and PA/339479/16) were granted for a revised design that also entailed remodelling of the external areas to coincide with the Council's aspiration in creating a cultural quarter in the town centre. Further to this, a Listed Building Consent and Variation of Conditions application (Approved Plans Condition) (LB/340858/17 and PA/340857/17) were granted in 2018 for further alterations required to progress the redevelopment of the building.

## **THE PROPOSAL**

Planning permission and the associated listed building consent have been sought in relation to proposed changes to the extant planning permission and LBC (PA/340857/17 and LB/340858/17). These granted approval for the alterations to the Former Oldham Library to create a Heritage Centre with internal, external, and public realm changes.

Following the grant of these previous applications, subsequent surveys and investigations have been undertaken in the building which have identified several additional alterations required to progress the re-development of the building.

Specifically, the proposed works to be assessed as part of this application and the associated listed building consent application consist of the following:

- Removal of the first and second floor slab in the southern block and replacement with a composite slab;
- Removal of the ground floor slab for soft strip replacement;
- Lowering of the first-floor slab to provide level access;
- Sub-basement infill;
- Removal of sections of flooring, walls, and staircases around the building;
- Formation of a new lift pit;
- Air vents added to public realm for lower ground Plant Room;
- Plaster removal due to condition;
- Fenestration alterations to strategy;
- PV panels to southern roof;
- Changes of proposed roofing from zinc to aluminium;
- Proposed roof access and plant position updated; and,
- Landscape plans updated to reflect latest scheme.

The previous applications have been lawfully implemented, however, it is the intention of the owners of the site, Oldham Council, to follow the below strategy:



- The existing listed building consent and planning approvals will be utilised for the delivery of the Priority Works programme where these proposals form part of the Approved scheme. Outstanding Condition Discharge submissions will be made by the appointed works contractor.
- Where the Priority Works programme deviates from the original approved scheme this application covers these specific changes.
- Any further decisions regarding the further changes to the building would result in additional listed building consent and planning proposals (as required) for approval covering the fit-out proposals.

## **RELEVANT PLANNING HISTORY**

LB/340858/17- Listed Building Consent for the conversion of the former Oldham Library and Art Gallery to create a Heritage Centre facility including 1) removal of part of the first floor slab and replacement with a composite slab 2) replacement plant basement 3) removal of sections of flooring and staircases throughout the building 4) formation of new entrance to side elevation 5) removal of lift 6) alternative flooring in exhibition areas 7) insertion of staircases and lifts 8) air vent added to public realm for LV Room. Granted 13 April 2018.

PA/340857/17- Variation of Condition No. 2 attached to PA/339479/16 for 1) removal of part of the first floor slab and replacement with a composite slab (above restaurant) 2) replacement plant basement 3) removal of sections of flooring and staircases throughout the building 4) formation of new entrance to side elevation 5) removal of lift 6) alternative flooring in exhibition areas 7) insertion of staircases and lifts 8) air vent added to public realm for LV Room 9) removal of a tree. Granted 13 April 2018

LB/339478/16 – Adaptation and re-use of the former Oldham Library and Art Gallery to create a Heritage Centre Facility, along with associated public realm works and improvements. Granted 20 April 2017.

PA/339479/16 – Adaptation and re-use of the former Oldham Library and Art Gallery to create a Heritage Centre Facility, along with associated public realm works and improvements. Granted 20 April 2017.

PA/336343/14 - 1) Adaption, extension and re-use of the former Oldham Library and Art Gallery to create a Heritage Centre facility 2) Construction of new link extension 3) Erection of a new theatre building 4) Associated public realm works and improvements. Granted 12 March 2015.

LB/336342/14 - 1) Adaption, extension and re-use of the former Oldham Library and Art Gallery to create a Heritage Centre facility 2) Construction of new link extension 3) Erection of a new theatre building 4) Associated public realm works and improvements. Granted 12 March 2015.

PA/336341/14 - Creation of access doors and associated works. Granted 10 March 2015.

LB/335726/14 - Installation of external lighting to the Union Street elevation. Granted 19 August 2014.

PA/042356/01 – New Access Staircase. Granted 21 February 2002.

PA/040704/00 - Landscaping works to library garden including new disabled ramp. Granted 11 January 2001.

CA/040723/00 - Demolition of stone wall, railings and steps to Union Street, brick wall to Ashworth Street, steps and retaining wall to Library service yard. Granted 11 January 2001.

PA/040183/00 - High level pedestrian link bridge between proposed Oldham Cultural Quarter Project (Phase 1) Art Gallery and existing Oldham Library and Art Gallery. Granted 24 August 2000.

LB/040184/00 - Alterations to rear elevation to take high level link bridge from proposed new gallery at Ashworth Street. Granted 29 August 2000.

PA/040706/00 - Pedestrianisation and landscaping of Ashworth Street, Oldham. Granted 11 January 2001.

PA/039082/99 - Reserved matters application for proposed Art Gallery, siting, design, external appearance (including materials) and means of access to be considered. Landscaping to be reserved. Granted 29 November 1999.

PA/038411/99 - Outline application for proposed art gallery and library development; conversion of existing library to museum, all matters reserved. Granted 23 June 1999.

PA/033197/95 - Works to roofs including replacement of glazing and erection of a steel scaffold maintenance rail. Granted 4 August 1995.

PA/033196/95 - Works to roofs including replacement of slates with tiles and replacement glazing. Granted 4 August 1995.

LB/030989/93 - Listed building consent for advertisement sign. Granted 7 January 1994.

PA/028449/92 - Change of use to temporary carpark. Granted 30 January 1992.

## **RELEVANT PLANNING POLICIES AND GUIDANCE**

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning 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.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that with respect to conservation areas special attention should be paid to the desirability of preserving or enhancing the character or appearance of the area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is located in the town centre boundary by the Proposals Map associated with this document and is part included in Oldham Town Centre Conservation Area.

The following DPD Policies are relevant:

Policy 24 – Historic Environment

Relevant SPD:

Oldham Town Centre Conservation Area Appraisal and Management Plan (Adopted August 2019)

The Former Oldham Library and Art Gallery is located within the Cultural Quarter and identified as a positive contributor to the conservation area.

## CONSULTATIONS

Arboriculturist:	Raises no objection to the application providing that condition(s) are attached requiring further information to ensure that adequate measures are put in place to protect existing trees from the propose construction works. These would require the submission of an Arboricultural Impact Assessment and an Arboricultural Method Statement.
Greater Manchester Ecology Unit:	No objections subject to condition
United Utilities:	No objections subject to conditions
Environmental Health	No objections subject to conditions
National Grid:	No objections subject to informative
GMP (Design for Security):	No objections
Transport for Greater Manchester:	No objections
Metrolink:	No objections subject to conditions
Joint Committee of The National Amenity Society:	No comments received.
Highways:	No comments received
Regeneration:	No comments received
Electricity North West Limited:	No comments received
Education:	No comments received
Historic England:	No comments received
Drainage:	No comments received

## REPRESENTATIONS

The proposed development has been advertised by means of individual consultation letters sent to the occupiers of the neighbouring properties, a Press Notice, and a Site Notice being erected adjacent to the site. As a result of the publicity, no representations have been received.

## PLANNING CONSIDERATIONS

This application follows the previous approvals and is proposing additional alterations, identified through surveys and investigations, that are required to progress the re-development of the building. Therefore, the main issue to consider is the impact of the proposals on the listed building and conservation area.

In respect to Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Governance and Legal Director of English Heritage ('Legal Developments' Conservation Bulletin Issue 71: Winter 2013) states that the courts have said that these statutory requirements operate as 'a paramount consideration' and 'the first consideration for a decision maker'.

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see above) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.

The NPPF puts 'a presumption in favour of sustainable development' at its heart and identifies sustaining and enhancing the historic environment as a key element. It sets out a requirement within paragraph 199 to apply 'great weight' to the assets conservation when considering the impact of a proposed development on the significance of a designated heritage asset. In paragraph 190(a) it also advises that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

The NPPF at paragraph 194 states:

'...In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance...'

### **Level of Significance**

The works relate to the Grade II listed library building situated in a prominent location within Oldham Town Centre Conservation Area. The building was formally opened in 1883 and extended in 1894 to accommodate a Lecture Hall and further reading rooms/gallery spaces. Its style is described as 'vaguely Gothic' by the Buildings of England series. It has a highly symmetrical style, avoiding elaborate ornamentation and thus characterising the robust nature of the Town and the instigators of the project, who intended to build this addition to encourage the development of its residents.

The information included within this application contains an extensive assessment of the development of the building. It demonstrates that while the exterior of the building has retained much of its character, with the loss of the roof over the 1894 extension being the main change. The interior has lost several features and been greatly altered over the years. This has included the loss of the original Victorian library fixtures and fittings, the insertion of a floor within the former Lecture Hall and the infilling of the void within the top floor.

Despite the changes, this building plays an important role within the Oldham Town Centre Conservation Area. It is situated on the edge of the area and forms an appropriately strong introduction to the high-status buildings located in this part of Union Street, which is considered Oldham's principal street. Its prominence and architectural quality contribute to the significance of this part of the town centre, where it enhances the setting of several other high quality listed buildings.

The building is experiencing a steady decline, worsened by its failing roof. Resulting in high levels of water egress into the building, this can be seen in the deterioration within the plasterwork on the walls to the point that 90% of it now need replacing. The signs of deterioration highlight the need of a use which will secure its long-term conservation.

The building will be refurbished to provide new facilities for Oldham Council as part of the regeneration of the Cultural Quarter of the town. The existing building is of great heritage significance to Oldham and is Grade II listed with Historic England. As part of this proposal the stated intention is to restore several elements of the original layout of the building and make alterations which would allow the new use to be accommodated in a building with appropriate environmental controls.

### **Alteration and Impact**

Officers are supportive of the new proposed circulation routes around the building to bring this building into use through its conversion to a heritage and arts centre. The impact of the works will result in the loss of elements of significant fabric and in instances large scale changes to the building. The NPPF requires any harm or loss to a heritage asset to have clear and convincing justification (para 200).

The removal of the first and second floor slab in the southern block and replacement with composite slabs; the removal of the ground floor slab for soft strip replacement; and the lowering of the first-floor slab to provide level access, are justified by the public benefits associated with bringing these parts of the building into a positive use. Along with the management of these changes in such a way that will allow the services and structural supports to be less intrusive. Therefore, no objections are raised to these elements of the proposal and it is considered that all realistic options for these areas have been considered.

As explained in the Heritage Overview section of the submitted Design and Access Statement, the heritage fabric of the sub-basement area, which is to be in-filled to provide lateral support for the existing walls, are to be retained and the fill works are fully reversible, therefore no major concerns are raised to this element of the proposal.

The removal of certain staircases around the building, including the lecture hall gallery steps, were questioned by the Conservation Officer/Case Officer, prior to carrying out the site visit. However, it is considered that clear and convincing justification was provided on site that ensured that although the removal of the lecture hall gallery steps, which gives clues to the story of the original format of this second phase of the building, leading to the gallery level now lost; this story can also be read through the railing, the Dado feature and skirting which also follow the original line. This removal is further justified through enabling the previously approved proposal for the relocation of the Plant Room to the basement, which provides additional benefits that offsets this loss.

As part of this relocation of the Plant Room, new louvre openings are proposed to the south façade with a ventilation well to be added to the west façade. These elements of the proposal will remove a small area of existing stonework; however, these facades are of the lowest quality of any of the facades and part of the later extensions. Other options have been discussed to serve adequate ventilation to the modern plant room, together with the necessary air handling systems, however this approach is considered as the least intrusive.

The excavation of a new lift pit, to allow for a central glass lift, would avoid the foundations of the cast iron columns. The previous approved schemes have the first floor opened to extend the atrium downwards giving a greater feeling of accessibility to all parts of the building whilst also providing light to this dark enclosed central space. Additionally, the new wall openings on the second floor, to either side of the atrium space and the opening of the currently infilled entrance to the spine wall of the south block, along with this new central lift, would allow better access and visibility throughout the building, providing a sense of movement to the space, supported by officers.

The plaster within the old library building is largely original. However due to persistent damp issues through the deterioration of the building, the plaster is generally in very poor condition. Detailed inspections have been carried out to determine the extent of plaster repairs which have confirmed that most of the flat work will require removal and replacement. However, many of the plaster moulded features remain affixed to the building and where possible these will be retained for future use. The plaster detailing will be reinstated to match the original detailing and only areas of defected plaster will be removed. Therefore, these works will result in less than substantial harm to the heritage significance of the building.

Further fenestration changes, including the opening lights to windows will not require the fitting of secondary glazing, approved in the previous application, allowing the windows appearance to be kept true to their original forms. Additionally, the additional glazing replacing the louvres to the second floor will allow daylight to enter the second-floor area, improving the aesthetics as well as contributing to a more usable/accessible space. The Heritage Overview section of the submitted Design and Access Statement also states that the change to glazing rather than louvres has no heritage impact on the building as the new roof construction above the Lecture replicates the original lost roof profile in modern materials.

Alterations to the roof, including replacement ventilators, relocation of the plant deck and access hatches and mainly the change of materials from zinc (approved in previous scheme) to aluminium are justified as there is little difference in aesthetic appearance and therefore there is no perceived impact to the heritage significance of the building.

Finally, the updated landscaping plans, submitted as part of this application, differ to those previously approved. This application includes the proposed removal of three trees and the replanting of only four new trees. Subject to Saved Unitary Development Plan Policy D1.5, a minimum of 3:1 planting ratio is required, therefore this part of the proposal does not suffice. Additionally, a further and more adequate Tree Survey, Arboricultural Impact Assessment and an Arboricultural Method Statement, all to BS5837:2012, have been requested by the council's Arboriculturist, to ensure that all works are undertaken in such a manner to ensure the protection and long-term retention of the trees to be retained. Thus, aiming to preserve and enhance the character of the conservation area and setting of the listed building. Therefore, as the principal of the planting scheme is acceptable, it is considered that the further information required can be requested and satisfied through the discharge of conditions.

## **CONCLUSION**

The building is mainly disused with signs of deterioration and needs a use which will secure its long-term conservation.

The current proposal is to convert the building to a Heritage and Arts Centre. As part of this proposal the stated intention is to restore several elements of the original layout of the building and make alterations which would allow the new use to be accommodated in a building with appropriate environmental controls. Paragraph 202 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

Officers have considered the requirement for clear and convincing justification for any harm or loss to the significance of the heritage assets and carefully considered the alterations proposed to the building and its setting. It is considered that the proposals will cause 'less than substantial harm' to the heritage asset.

In this instance, it is considered that the individual and cumulative impact of the works has been fully explored within the application and any harm is justified by the public benefits which will result in bringing this building back into full use. The application asserts that the works will result in increased accessibility and its long-term preservation, and therefore deliver considerable public benefits. It is considered that the level of intervention and loss has been justified and the design of the new interventions will have an overall positive impact on the building and the conservation area. Therefore, subject to the imposition of planning conditions, to allow the further assessment of the detailed information unavailable at this time, the development is considered acceptable in this respect.

## **RECOMMENDATION**

It is recommended that the Planning Committee resolves to grant permission, subject to the following conditions:

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

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 works listed in A - P below for the Grade II Listed Library Building shall be carried out unless and until detailed sections, elevations, samples and specifications, where applicable, for that item have been submitted to and approved in writing by the Local Planning Authority:

- A. Balustrades and handrails;
- B. Ceilings and covings – existing and proposed;
- C. Damp proofing, tanking and rot treatment, including any suspended timber floors;
- D. Doors - proposed and existing;
- E. Floors – alterations, finishes, raised floors, removals;
- F. Internal and external stonework;
- G. Ironmongery;
- H. Ironwork;
- I. Mechanical ventilation and Electrical Installations – existing and proposed;
- J. New internal lifts;
- K. New roof and lantern roof;
- L. Provisions of insulation
- M. Staircases - existing and proposed
- N. Structural supports;
- O. Walls, plastering, panelling and finishes; and,
- P. Windows including secondary glazing, tinted glass, blinds and louvres.

Thereafter the development shall not be brought into use until the works have been completed in accordance with the approved scheme.

Reason - The Local Planning Authority considers it expedient in order to protect the

historic fabric of the listed building and to protect amenity, having regard to Policies 20 and 24 of the Oldham Local Plan.

4. The development hereby permitted shall not be occupied unless and until full plans and a detailed specification of a comprehensive lighting scheme within the curtilage of the proposed development have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall not be brought into use unless and until the Local Planning Authority has approved the scheme in writing. The lighting shall be operated in full accordance with the approved scheme and maintained thereafter.

Reason - To ensure the appearance of the development is acceptable in the interests of the visual amenity of the area within which the site is located and to protect the historic fabric of the listed building. Having regard to Policies 20 and 24 of the Oldham Local Plan.

5. No removal of or works to any trees or shrubs shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to 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.

6. 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. This shall be achieved by the erection of 2.3 m high fencing using vertical and horizontal scaffolding poles, or other stout fencing to Local Authority approval with the uprights driven well into the ground, erected in accordance with BS5837:2005, outside the canopy. 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.

7. No landscaping works shall be commenced until an accurate tree survey, including any measures to protect trees identified as worthy of protection, have been submitted to and approved in writing by the Local Planning Authority and all proposed protection measures have been implemented in full. The survey details shall be at a scale of not less than 1:500, indicating species, position, height, girth, crown spread, health, condition, structural defects, life expectancy and desirability for retention of all existing trees, shrubs and hedgerows within the site and on land adjacent to the development which may be affected by it. On the plan shall be marked the positions of spot heights, changes of levels, all proposed buildings, hard landscaping, roads, service trenches and footpaths. The plan shall indicate all trees, shrubs and hedgerows it is proposed to prune or remove, to BS3998.



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.

8. No landscaping works shall take place until a full Arboricultural Impact Assessment and a Arboricultural Method Statement, authorised by an Arb specialist and complying with BS5837:2012, have been submitted to and approved in writing by the local planning authority.

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.

9. The development hereby approved shall not be brought into use unless and until details of facilities for the storage and removal of refuse and waste materials have been submitted to and approved in writing by the Local Planning Authority and the agreed scheme has been fully implemented. Thereafter approved facilities shall at all times remain available for use.

Reason - To ensure that the site is not used in a manner likely to cause nuisance to occupiers of premises in the surrounding area. Having regards to Policy 9 of the Oldham Local Plan.

10. 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 paragraphs 183 and 184 of the National Planning Policy Framework.

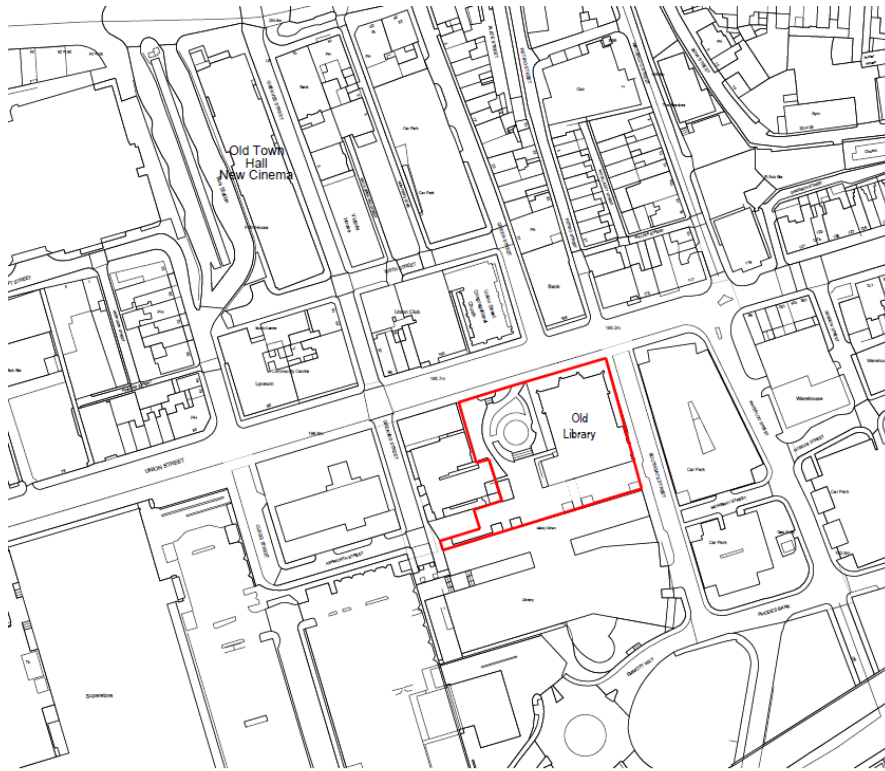
11. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to, and approved in writing by Oldham Council (approval to be in consultation with Transport for Greater Manchester). The CMP shall include:

- safe methods of working adjacent to the Metrolink Hazard Zone;
- provision for the parking of vehicles of site operatives and visitors;

- provision of 24hr access to trackside equipment cabinets and chambers for the low voltage power, signalling and communications cables for Metrolink;
- arrangements for loading, unloading and storage of plant and materials;
- details of construction and demolition methods to be used (including the use of cranes);
- details of the provision for the erection and maintenance of scaffolding and security hoarding; and,
- measures to control the emission of dust and dirt during construction.

Reason: In the interests of highway safety, to safeguard the amenities of the locality, and to ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system. Having regard to Policies 5 and 9 of the Oldham Local Plan and paragraphs 183 and 184 of the National Planning Policy Framework.

# SITE LOCATION PLAN (NOT TO SCALE)



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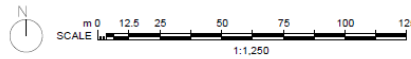
Rev	Date	Notes	By	CHK
01	08.08.21	Planning Issue	CS	EWK

**elliswilliams**  
ARCHITECTS

Project Number: 2877  
Project Name: Old Library

Drawing Status: Planning  
Drawing Number: OL- EWA- ZZ- DR- A- 10001  
Drawing Name: LOCATION PLAN

Date: 08.08.21  
Drawn By: CS  
Rev: P1  
Scale: 1:1250 @ A3



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## **APPLICATION REPORT - LBC/347139/21 Planning Committee: 10<sup>th</sup> November 2021**

Registration Date: 25<sup>th</sup> June 2021  
Ward: Coldhurst

Application Reference: LBC/347139/21  
Type of Application: Listed Building Consent

Proposal: Conversion of the former Oldham Library and Art Gallery to create a Heritage Centre, including alterations to floor slabs, infilling of sub-basement, removal of sections of flooring, walls and staircases around the building, formation of new entrances to side elevation, new lift pit, air vent, plaster removal, alterations to fenestration, PV panels to southern roof and change of proposed roofing from zinc to aluminium, proposed roof access and plant position updated, and landscape plans.

Location: Former Oldham Library and Art Gallery, Union Street, Oldham.

Case Officer: Paula Stebbings  
Applicant: Mr. Nigel Fraser (Oldham Borough Council)  
Agent: Mr Chris Smallwood (EWA)

### **THE SITE**

This application relates to the former Oldham Central Library and Art Gallery which is located on Union Street, Oldham. The site, rectangular in plan, is bound by Southgate Street to the east, Union Street to the north, 84 Union Street (former post office) to the west and Gallery Oldham to the southwest.

There are two principal areas which form the application site. The first is the formal garden adjacent to 84 Union Street that provides soft landscaping and outdoor seating interconnecting Union Street to the front entrance and public realm area to Gallery Oldham. The second area comprises a Grade II Listed Building, formerly Oldham's Central Library. The building constructed in 1883 is a high two storey symmetrically planned civic structure with central gable entrance and flanked blocks. The building is finished in a rustic rubble, course and square in small blocks with a tiled roof and clerestory windows serving the top floor. The flanks are punctuated by tall segmentally arched mullioned and transomed windows many of which retain the original stain glass sections. Internally, the building is subdivided on the basement, ground and first floor adapted over time for the previous library use but retaining a significant number of original features.

### **BACKGROUND**

In 1996 the Council produced plans to create a cultural quarter in Oldham Town Centre. The initial work to the project resulted in the completion of Gallery Oldham and the Lifelong Learning Centre with a view of further developing the Central Library building to complement the

established uses. Similarly, the Coliseum Theatre Trust were exploring options for a new location due to the existing building on Fairbottom Street being in poor condition and restricting the future potential of the group.

To facilitate both the interests of the Council and the Theatre Trust the Oldham Coliseum Theatre and Heritage Centre (OCTHC) project was formed working collaboratively to develop the site. With the securing of a Heritage Lottery Fund and Arts Council England Fund the project strives to relocate the Coliseum theatre, museum, archives, local studies, and stores to a dedicated part of the town centre and in combination with the existing Gallery Oldham to develop Oldham's wide cultural offering and preserve the lasting legacy of the heritage of Oldham.

Listed building consent and planning permission (LB/336342/14 and PA/336343/14) were granted in 2015 for the adaptation of the existing library and the erection of a new theatre building with interconnecting link. In 2016 LBC and planning permission (LB/339478/16 and PA/339479/16) were granted for a revised design which also entailed remodelling of the external areas to coincide with the Council's aspiration in creating a cultural quarter in the town centre. Further to this a Listed Building Consent and Variation of Conditions application (Approved Plans Condition) (LB/340858/17 and PA/340857/17) were granted in 2018 for further alterations required to progress the redevelopment of the building.

## **THE PROPOSAL**

Listed building consent and planning permission have been sought in relation to proposed changes to the extant listed building consent and planning permission (LB/340858/17 and PA/340857/17). These granted approval for the alterations to the Former Oldham Library to create a Heritage Centre with internal, external, and public realm changes.

Following the grant of these previous applications, subsequent surveys and investigations have been undertaken in the building which have identified several additional alterations required to progress the re-development of the building.

Specifically, the proposed works to be assessed as part of this LBC and the associated planning application consist of the following:

- Removal of the first and second floor slab in the southern block and replacement with a composite slab;
- Removal of the ground floor slab for soft strip replacement;
- Lowering of the first-floor slab to provide level access;
- Sub-basement infill;
- Removal of sections of flooring, walls, and staircases around the building;
- Formation of a new lift pit;
- Air vents added to public realm for lower ground Plant Room;
- Plaster removal due to condition;
- Fenestration alterations to strategy;
- PV panels to southern roof;
- Changes of proposed roofing from zinc to aluminium;
- Proposed roof access and plant position updated; and,
- Landscape plans updated to reflect latest scheme.

The previous applications have been lawfully implemented, however, it is the intention of the owners of the site, Oldham Council, to follow the below strategy:

- The existing listed building consent and planning approvals will be utilised for the delivery of the Priority Works programme where these proposals form part of the Approved scheme. Outstanding Condition Discharge submissions will be made by the appointed works contractor.
- Where the Priority Works programme deviates from the original approved scheme this application covers these specific changes.
- Any further decisions regarding the further changes to the building would result in additional listed building consent and planning proposals (as required) for approval covering the fit-out proposals.

## **RELEVANT PLANNING HISTORY**

LB/340858/17- Listed Building Consent for the conversion of the former Oldham Library and Art Gallery to create a Heritage Centre facility including 1) removal of part of the first floor slab and replacement with a composite slab 2) replacement plant basement 3) removal of sections of flooring and staircases throughout the building 4) formation of new entrance to side elevation 5) removal of lift 6) alternative flooring in exhibition areas 7) insertion of staircases and lifts 8) air vent added to public realm for LV Room. Granted 13 April 2018.

PA/340857/17- Variation of Condition No. 2 attached to PA/339479/16 for 1) removal of part of the first floor slab and replacement with a composite slab (above restaurant) 2) replacement plant basement 3) removal of sections of flooring and staircases throughout the building 4) formation of new entrance to side elevation 5) removal of lift 6) alternative flooring in exhibition areas 7) insertion of staircases and lifts 8) air vent added to public realm for LV Room 9) removal of a tree. Granted 13 April 2018

LB/339478/16 – Adaptation and re-use of the former Oldham Library and Art Gallery to create a Heritage Centre Facility, along with associated public realm works and improvements. Granted 20 April 2017.

PA/339479/16 – Adaptation and re-use of the former Oldham Library and Art Gallery to create a Heritage Centre Facility, along with associated public realm works and improvements. Granted 20 April 2017.

PA/336343/14 - 1) Adaption, extension and re-use of the former Oldham Library and Art Gallery to create a Heritage Centre facility 2) Construction of new link extension 3) Erection of a new theatre building 4) Associated public realm works and improvements. Granted 12 March 2015.

LB/336342/14 - 1) Adaption, extension and re-use of the former Oldham Library and Art Gallery to create a Heritage Centre facility 2) Construction of new link extension 3) Erection of a new theatre building 4) Associated public realm works and improvements. Granted 12 March 2015.

PA/336341/14 - Creation of access doors and associated works. Granted 10 March 2015.

LB/335726/14 - Installation of external lighting to the Union Street elevation. Granted 19 August 2014.

PA/042356/01 – New Access Staircase. Granted 21 February 2002.

PA/040704/00 - Landscaping works to library garden including new disabled ramp. Granted 11 January 2001.

CA/040723/00 - Demolition of stone wall, railings and steps to Union Street, brick wall to Ashworth Street, steps and retaining wall to Library service yard. Granted 11 January 2001.

PA/040183/00 - High level pedestrian link bridge between proposed Oldham Cultural Quarter Project (Phase 1) Art Gallery and existing Oldham Library and Art Gallery. Granted 24 August 2000.

LB/040184/00 - Alterations to rear elevation to take high level link bridge from proposed new gallery at Ashworth Street. Granted 29 August 2000.

PA/040706/00 - Pedestrianisation and landscaping of Ashworth Street, Oldham. Granted 11 January 2001.

PA/039082/99 - Reserved matters application for proposed Art Gallery, siting, design, external appearance (including materials) and means of access to be considered. Landscaping to be reserved. Granted 29 November 1999.

PA/038411/99 - Outline application for proposed art gallery and library development; conversion of existing library to museum, all matters reserved. Granted 23 June 1999.

PA/033197/95 - Works to roofs including replacement of glazing and erection of a steel scaffold maintenance rail. Granted 4 August 1995.

PA/033196/95 - Works to roofs including replacement of slates with tiles and replacement glazing. Granted 4 August 1995.

LB/030989/93 - Listed building consent for advertisement sign. Granted 7 January 1994.

PA/028449/92 - Change of use to temporary carpark. Granted 30 January 1992.

## **RELEVANT PLANNING POLICIES AND GUIDANCE**

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning 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.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that with respect to conservation areas special attention should be paid to the desirability of preserving or enhancing the character or appearance of the area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is located in the town centre boundary by the Proposals Map associated with this document and is part included in Oldham Town Centre Conservation Area.



The following DPD Policies are relevant:

Policy 24 – Historic Environment

Relevant SPD:

Oldham Town Centre Conservation Area Appraisal and Management Plan (Adopted August 2019)

The Former Oldham Library and Art Gallery is located within the Cultural Quarter and identified as a positive contributor to the conservation area.

## CONSULTATIONS

Arboriculturist:	Raises no objection to the application providing that condition(s) are attached requiring further information to ensure that adequate measures are put in place to protect existing trees from the propose construction works. These would require the submission of an Arboricultural Impact Assessment and an Arboricultural Method Statement.
Greater Manchester Ecology Unit:	No objections
United Utilities:	No objections
Environmental Health:	No objections
National Grid:	No objections
GMP Design for Security:	No objections
Transport for Greater Manchester:	No objections
Metrolink:	No objections
Joint Committee of The National Amenity Society:	No comments received
Highways:	No comments received
Regeneration:	No comments received
Electricity North West Limited:	No comments received
Education:	No comments received
Historic England:	No comments received
Drainage:	No comments received

## REPRESENTATIONS

The proposed development has been advertised by means of individual consultation letters sent to the occupiers of the neighbouring properties, a Press Notice, and a Site Notice being erected adjacent to the site. As a result of the publicity, no representation has been received.

## PLANNING CONSIDERATIONS

In respect to Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Governance and Legal Director of English Heritage ('Legal Developments' Conservation Bulletin Issue 71: Winter 2013) states that the courts have said that these statutory requirements operate as 'a paramount consideration' and 'the first consideration for a decision maker'.

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see above) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.

The NPPF puts 'a presumption in favour of sustainable development' at its heart and identifies sustaining and enhancing the historic environment as a key element. It sets out a requirement within paragraph 199 to apply 'great weight' to the assets conservation when considering the impact of a proposed development on the significance of a designated heritage asset. In paragraph 190(a) it also advises that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

The NPPF at paragraph 194 states:

'...In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance...'

### **Level of Significance**

The works relate to the Grade II listed library building situated in a prominent location within Oldham Town Centre Conservation Area. The building was formally opened in 1883 and extended in 1894 to accommodate a Lecture Hall and further reading rooms/gallery spaces. Its style is described as 'vaguely Gothic' by the Buildings of England series. It has a highly symmetrical style, avoiding elaborate ornamentation and thus characterising the robust nature of the Town and the instigators of the project, who intended to build this addition to encourage the development of its residents.

The information included within this application contains an extensive assessment of the development of the building. It demonstrates that while the exterior of the building has retained much of its character, with the loss of the roof over the 1894 extension being the main change. The interior has lost several features and been greatly altered over the years. This has included the loss of the original Victorian library fixtures and fittings, the insertion of a floor within the former Lecture Hall and the infilling of the void within the top floor.

Despite the changes, this building plays an important role within the Oldham Town Centre Conservation Area. It is situated on the edge of the area and forms an appropriately strong introduction to the high-status buildings located in this part of Union Street, which is considered Oldham's principal street. Its prominence and architectural quality contribute to the significance of this part of the town centre, where it enhances the setting of several other high quality listed buildings.

The building is experiencing a steady decline, worsened by its failing roof. Resulting in high levels of water egress into the building, this can be seen in the deterioration within the plasterwork on the walls to the point that 90% of it now need replacing. The signs of deterioration highlight the need of a use which will secure its long-term conservation.

The building will be refurbished to provide new facilities for Oldham Council as part of the regeneration of the Cultural Quarter of the town. The existing building is of great heritage significance to Oldham and is Grade II listed with Historic England. As part of this proposal the stated intention is to restore several elements of the original layout of the building and make alterations which would allow the new use to be accommodated in a building with appropriate environmental controls.

## **Alteration and Impact**

Officers are supportive of the new proposed circulation routes around the building to bring this building into use through its conversion to a heritage and arts centre. The impact of the works will result in the loss of elements of significant fabric and in instances large scale changes to the building. The NPPF requires any harm or loss to a heritage asset to have clear and convincing justification (para 200).

The removal of the first and second floor slab in the southern block and replacement with composite slabs; the removal of the ground floor slab for soft strip replacement; and the lowering of the first-floor slab to provide level access, are justified by the public benefits associated with bringing these parts of the building into a positive use. Along with the management of these changes in such a way that will allow the services and structural supports to be less intrusive. Therefore, no objections are raised to these elements of the proposal and it is considered that all realistic options for these areas have been considered.

As explained in the Heritage Overview section of the submitted Design and Access Statement, the heritage fabric of the sub-basement area, which is to be in-filled to provide lateral support for the existing walls, are to be retained and the fill works are fully reversible, therefore no major concerns are raised to this element of the proposal.

The removal of certain staircases around the building, including the lecture hall gallery steps, were questioned by the Conservation Officer/Case Officer, prior to carrying out the site visit. However, it is considered that clear and convincing justification was provided on site that ensured that although the removal of the lecture hall gallery steps, which gives clues to the story of the original format of this second phase of the building, leading to the gallery level now lost; this story can also be read through the railing, the Dado feature and skirting which also follow the original line. This removal is further justified through enabling the previously approved proposal for the relocation of the Plant Room to the basement, which provides additional benefits that offsets this loss.

As part of this relocation of the Plant Room, new louvre openings are proposed to the south façade with a ventilation well to be added to the west façade. These elements of the proposal will remove a small area of existing stonework; however, these facades are of the lowest quality of any of the facades and part of the later extensions. Other options have been discussed to serve adequate ventilation to the modern plant room, together with the necessary air handling systems, however this approach is considered as the least intrusive.

The excavation of a new lift pit, to allow for a central glass lift, would avoid the foundations of the cast iron columns. The previous approved schemes have the first floor opened to extend the atrium downwards giving a greater feeling of accessibility to all parts of the building whilst also providing light to this dark enclosed central space. Additionally, the new wall openings on the second floor, to either side of the atrium space and the opening of the currently infilled entrance to the spine wall of the south block, along with this new central lift, would allow better access and visibility throughout the building, providing a sense of movement to the space, supported by officers.

The plaster within the Old library building is largely original. However due to persistent damp issues through the deterioration of the building, the plaster is generally in very poor condition. Detailed inspections have been carried out to determine the extent of plaster repairs which have confirmed that most of the flat work will require removal and replacement. However, many of the plaster moulded features remain affixed to the building and where possible these will be retained for future use. The plaster detailing will be reinstated to match the original

detailing and only areas of defected plaster will be removed. Therefore, these works will result in less than substantial harm to the heritage significance of the building.

Further fenestration changes, including the opening lights to windows will not require the fitting of secondary glazing, approved in the previous application, allowing the windows appearance to be kept true to their original forms. Additionally, the additional glazing replacing the louvres to the second floor will allow daylight to enter the second-floor area, improving the aesthetics as well as contributing to a more usable/accessible space. The Heritage Overview section of the submitted Design and Access Statement also states that the change to glazing rather than louvres has no heritage impact on the building as the new roof construction above the Lecture replicates the original lost roof profile in modern materials.

Alterations to the roof, including replacement ventilators, relocation of the plant deck and access hatches and mainly the change of materials from zinc (approved in previous scheme) to aluminium are justified as there is little difference in aesthetic appearance and therefore there is no perceived impact to the heritage significance of the building.

Finally, the updated landscaping plans, submitted as part of this application, differ to those previously approved. This application includes the proposed removal of three trees and the replanting of only four new trees. Subject to Saved Unitary Development Plan Policy D1.5, a minimum of 3:1 planting ratio is required, therefore this part of the proposal does not suffice. Additionally, a further and more adequate Tree Survey, Arboricultural Impact Assessment and an Arboricultural Method Statement, all to BS5837:2012, have been requested by the council's Arboriculturist, to ensure that all works are undertaken in such a manner to ensure the protection and long term retention of the trees to be retained. Thus, aiming to preserve and enhance the character of the conservation area and setting of the listed building. Therefore, as the principal of the planting scheme is acceptable, it is considered that the further information required can be requested and satisfied through the discharge of conditions.

## **CONCLUSION**

The building is mainly disused with signs of deterioration and needs a use which will secure its long-term conservation.

The current proposal is to convert the building to a Heritage and Arts Centre. As part of this proposal the stated intention is to restore several elements of the original layout of the building and make alterations which would allow the new use to be accommodated in a building with appropriate environmental controls. Paragraph 202 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

Officers have considered the requirement for clear and convincing justification for any harm or loss to the significance of the heritage assets and carefully considered the alterations proposed to the building and its setting. It is considered that the proposals will cause 'less than substantial harm' to the heritage asset.

In this instance, it is considered that the individual and cumulative impact of the works has been fully explored within the application and any harm is justified by the public benefits which will result in bringing this building back into full use. The application asserts that the works will result in increased accessibility and its long-term preservation, and therefore deliver considerable public benefits. It is considered that the level of intervention and loss has been justified and the design of the new interventions will have an overall positive impact on the building and the conservation area. Therefore, subject to the imposition of planning conditions, to

allow the further assessment of the detailed information unavailable at this time, the development is considered acceptable in this respect.

## **RECOMMENDATION**

It is recommended that the Planning Committee resolves to grant permission, subject to the following conditions:

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

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 works listed in A - P below for the Grade II Listed Library Building shall be carried out unless and until detailed sections, elevations, samples and specifications, where applicable, for that item have been submitted to and approved in writing by the Local Planning Authority:

- A. Balustrades and handrails;
- B. Ceilings and covings – existing and proposed;
- C. Damp proofing, tanking and rot treatment, including any suspended timber floors;
- D. Doors - proposed and existing;
- E. Floors – alterations, finishes, raised floors, removals;
- F. Internal and external stonework;
- G. Ironmongery;
- H. Ironwork;
- I. Mechanical ventilation and Electrical Installations – existing and proposed;
- J. New internal lifts;
- K. New roof and lantern roof;
- L. Provisions of insulation
- M. Staircases - existing and proposed
- N. Structural supports;
- O. Walls, plastering, panelling and finishes;
- P. Windows including secondary glazing, tinted glass, blinds and louvres

Thereafter the development shall not be brought into use until the works have been completed in accordance with the approved scheme.

Reason - The Local Planning Authority considers it expedient in order to protect the historic fabric of the listed building and to protect amenity, having regard to Policies 20 and 24 of the Oldham Local Plan.

4. The development hereby permitted shall not be occupied unless and until full plans and a detailed specification of a comprehensive lighting scheme within the curtilage of the proposed development have been submitted to and approved in writing by the Local Planning

Authority. The lighting scheme shall not be brought into use unless and until the Local Planning Authority has approved the scheme in writing. The lighting shall be operated in full accordance with the approved scheme and maintained thereafter.

Reason - To ensure the appearance of the development is acceptable in the interests of the visual amenity of the area within which the site is located and to protect the historic fabric of the listed building. Having regard to Policies 20 and 24 of the Oldham Local Plan.

5. No removal of or works to any trees or shrubs shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to 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.

6. 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. This shall be achieved by the erection of 2.3 m high fencing using vertical and horizontal scaffolding poles, or other stout fencing to Local Authority approval with the uprights driven well into the ground, erected in accordance with BS5837:2005, outside the canopy. 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.

7. No landscaping works shall be commenced until an accurate tree survey, including any measures to protect trees identified as worthy of protection, have been submitted to and approved in writing by the Local Planning Authority and all proposed protection measures have been implemented in full. The survey details shall be at a scale of not less than 1:500, indicating species, position, height, girth, crown spread, health, condition, structural defects, life expectancy and desirability for retention of all existing trees, shrubs and hedgerows within the site and on land adjacent to the development which may be affected by it. On the plan shall be marked the positions of spot heights, changes of levels, all proposed buildings, hard landscaping, roads, service trenches and footpaths. The plan shall indicate all trees, shrubs and hedgerows it is proposed to prune or remove, to BS3998.

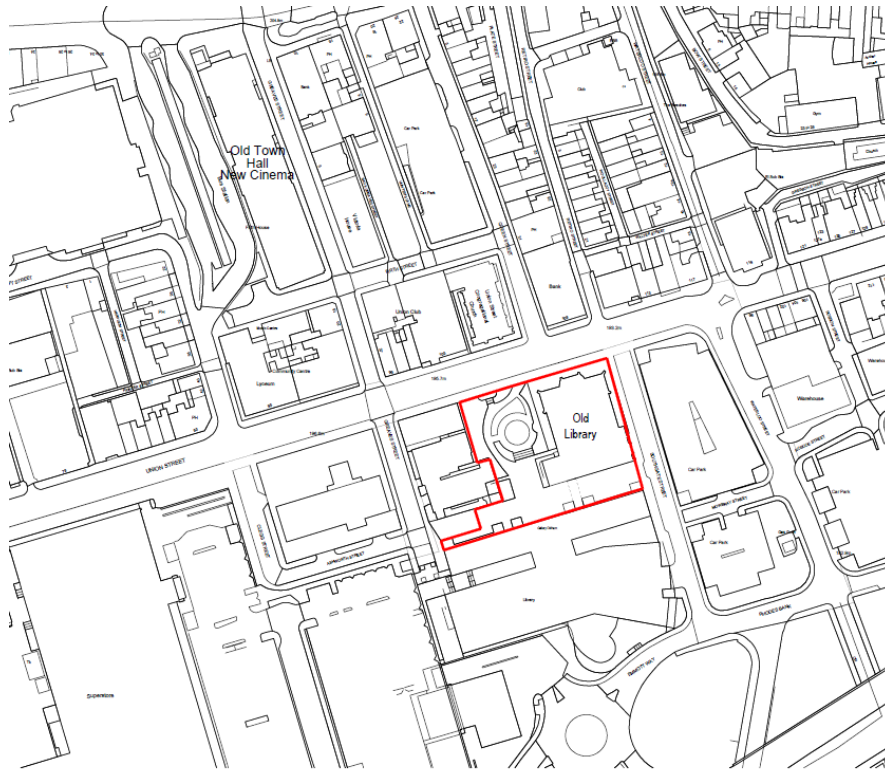
Reason - Prior approval of such details is necessary as the site may contain features which require incorporation into the approved development, and to ensure that the development site is landscaped to an acceptable standard having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy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

8. No landscaping works shall take place until a full Arboricultural Impact Assessment and a Arboricultural Method Statement, authorised by an Arb specialist and complying with BS5837:2012, have been submitted to and approved in writing by the local planning authority.

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.

# SITE LOCATION PLAN (NOT TO SCALE)



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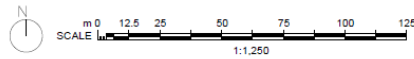
Rev	Date	Notes	By	Cnk
P1	15/06/21	Planning Issue	CS	EWK

**elliswilliams**  
ARCHITECTS

Project Number: 2877  
Project Name: Old Library

Drawing Status: Planning  
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Drawing Name: LOCATION PLAN

Date: 08.08.21 Rev: P1  
Drawn By: CS Scale: 1:1250 @ A3



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