

## ***PLANNING COMMITTEE Regulatory Committee Agenda***

Date Wednesday 8 December 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 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, 3 December 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 10<sup>th</sup> November 2021 are attached for Members' approval.
- 6 FUL/347331/21 - 228 Ashton Road West, Failsworth (Pages 7 - 12)
- 7 FUL/344623/21 - Wrigley Head, Failsworth (Pages 13 - 26)
- 8 FUL/347717/21 - Salmon Fields, Royton (Pages 27 - 38)



**PLANNING COMMITTEE**  
**10/11/2021 at 6.00 pm**

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

Also in Attendance:

|                 |   |
|-----------------|---|
| Peter Richards  | Head of Planning                              |
| Alan Evans      | Group Solicitor                               |
| Wendy Moorhouse | Principal Transport Officer                   |
| Kaidy McCann    | Constitutional Services                       |
| Martyn Leigh    | Interim Development Management<br>Team Leader |
| Matthew Taylor  | Development Control                           |

1           **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2           **URGENT BUSINESS**

There were no items of urgent business received.

3           **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4           **PUBLIC QUESTION TIME**

There were no public question received.

5           **MINUTES OF PREVIOUS MEETING**

**RESOLVED** that the minutes of the Planning Committee held on  
13<sup>th</sup> October 2021 be approved as a correct record.

6           **FUL/346451/21 - GRANDPA GREENE'S, BRIDGE BANK,  
WARD LANE, DIGGLE, OLDHAM, OL3 5JT.**

Councillor Iqbal left the meeting for part of the discussion and  
took no part in the vote thereon.

APPLICATION NUMBER: FUL/346451/21

APPLICANT: Mr R Scholes

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

It was MOVED by Councillor Dean and SECONDED by Councillor F Hussain that the application be APPROVED.



**Oldham**  
Council

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.

**NOTES:**

1. That an Objector 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 11.

**7 FUL/346728/21 - LAND OFF RADCLIFFE STREET (SITE OF VERNON MILL), ROYTON, OL2 6RN.**

APPLICATION NUMBER: FUL/346728/21

APPLICANT: Kellen Homes

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.

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

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

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

Prior to commencement of any phase of development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of:

- Wheel wash facilities for construction vehicles;
- Any arrangements for temporary construction access;
- Contractor and construction worker car parking; and,
- Details of on-site storage facilities.

The development shall be carried out in accordance with the approved construction management plan.

REASON - In the interest of highway safety, in accordance with Policies 5 and 9 of the Local Plan.

**NOTES:**

1. That an Objector, the Applicant, and a Ward Member 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 11.

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**FUL/346850/21 - BADEN POWELL CENTRE, 12  
GLODWICK, OLDHAM, OL4 1AH**

APPLICATION NUMBER: FUL/346850/21

APPLICANT: Mr Wainwright

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

It was MOVED by Councillor Brownridge and SECONDED by Councillor F Hussain that the application be APPROVED.

On being put to the vote 9 VOTES were cast IN FAVOUR OF APPROVAL and 4 VOTES were cast AGAINST with 1 ABSTENTION.

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

**NOTES:**

1. That a Ward Councillor 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 11.

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**FUL/347138/21 - FORMER OLDHAM LIBRARY AND ART  
GALLERY, UNION STREET, OLDHAM**

At this point in the proceedings Councillor Al-Hamdani left the meeting and took no part in the discussion or vote thereon.

APPLICATION NUMBER: FUL/347138/21

APPLICANT: Mr Nigel Frasier (Oldham Borough Council)

PROPOSAL: Conversion of the former Oldham Library and Art Gallery to create a Heritage Page 3 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.

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

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

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

**NOTES:**

1. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 11

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**LBC/347139/21 - FORMER OLDHAM LIBRARY AND ART GALLERY, UNION STREET, OLDHAM**

APPLICATION NUMBER: LBC/347139/21

APPLICANT: Mr Nigel Frasier (Oldham Borough Council)

**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.

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

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

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

**NOTES:**

1. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 11



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**LATE LIST**

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

The meeting started at 6.00 pm and ended at 7.46 pm

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## **APPLICATION REPORT – FUL/347331/21 Planning Committee 8<sup>th</sup> December 2021**

**Registration Date:** 29 July 2021  
**Ward:** Failsworth East

**Application Reference:** FUL/347331/21  
**Type of Application:** Full Application

**Proposal:** Change of use from residential (Class C3) to an 8 bedroom/10 person HMO (sui generis), including external alterations.

**Location:** 228 Ashton Road West, Failsworth, Oldham, M35 9QB

**Case Officer:** Stephen Gill  
**Applicant:** Riverside Solutions NW Ltd  
**Agent:** Miss Rachel Webber

### **INTRODUCTION**

The application is referred to Planning Committee at the request of Councillor Hindle who has raised concerns about the impact of the HMO on residential amenity and the cumulative effect given there are already two such uses within close proximity.

### **RECOMMENDATION**

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

### **THE SITE**

The site subject of the application is an end terraced property, brick built, with garden spaces to the front and rear, with no parking provision within the curtilage of the dwelling. The site fronts onto Ashton Road West, with Partington Street running down the side of the property.

The immediate surroundings are characterised by other residential properties, similar in character, massing and design, with a medical centre opposite. The property sits very close to Failsworth centre, in a sustainable location, with Tesco a short walk from the property, bus stops, with services going to both Oldham and Manchester and various other shops and amenities, very close to the premises.

### **THE PROPOSAL**

The proposal is a full application seeking planning permission to change the use of the residential property to an 8-bedroom House of Multiple Occupation (HMO) for 10 persons, along with building work to accommodate the use, including a dormer extension at the rear, along with the demolition of an existing conservatory, and erection of a single storey rear extension.

## Outbuilding

The original description of development included the conversion of an existing storage unit in the rear garden to a self-contained apartment. This element of the proposal was not considered to be acceptable, and, on that basis, the applicant has removed this from the scheme, and with that considered, it will not be considered any further in this report.

## **RELEVANT PLANNING HISTORY**

There is no planning history relevant to this application.

## **RELEVANT PLANNING POLICIES**

The 'Development Plan' is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is designated in the Local Plan as being in a Business Employment Area.

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

Policy 1 - Climate Change and Sustainable Development;  
Policy 3 - An Address of Choice;  
Policy 5 - Promoting Accessibility and Sustainable Transport;  
Policy 9 - Local Environment;  
Policy 11 – Housing; and,  
Policy 20 – Design.

National Planning Policy Framework (NPPF).

## **CONSULTATIONS**

Highways Engineer: No objections subject to a condition relating to the provision of cycle parking

Environmental Health: No objection

## **REPRESENTATIONS**

The application has been publicised by means of neighbour notification letters and a site notice. In response, 23no. representations have been received in objection to the proposals raising the following (summarised) comments:

- The proposal will weaken community cohesion, as long-term residents move out of the area and are replaced by individuals looking for short term accommodation.
- The proposed development is inappropriate and unnecessary and there is not enough demand for these types of properties.
- The overdevelopment of the site will be difficult to reverse, and the area will lose another family home.
- The approval of too many HMO developments results in a scenario contrary to the aims of local policy and the NPPF.

- The proposal will cause a strain on existing community facilities in the area, including GP and dentist availability.
- Parking in the area is at a premium, with many residents being forced to park on the Tesco carpark.
- There are too many HMO's in Failsworth.
- Detailed plans on how Oldham council will monitor and act on any related anti-social behaviour should be submitted before, yet another HMO is considered.
- HMOs are unhealthy in terms of hygiene and sanitation and this has been proven to affect physical and mental health.
- On average HMO properties have a 16% higher crime rate than standard rented properties.
- The proposal is not in keeping with the area.
- The proposal will impact on the value of the existing properties that surround the site.
- The proposal will cause nuisance, anti-social behaviour and noise issues.
- The intensification of the property for an HMO will cause issues for drainage and overdevelopment.

## **PLANNING CONSIDERATIONS**

### **Principle of development**

Policy 1 promotes development which supports the vitality and viability of designated Centres such as Failsworth and residential uses in these areas can help support the shops and services they host. Furthermore, Policies 3 and 5 aim to ensure residential uses are located in highly sustainable locations in respect of access to key services and public transport options. In this regard, the site is located in close proximity to the Metrolink and bus services operating between Oldham Town Centre and Manchester City Centre and, for the purposes of Policy 5, the site is considered to be 'very highly accessible'.

Policy 11 states that houses in multiple occupancy will not be permitted unless it can be demonstrated that the proposal does not adversely affect the local character of the area, the residential and workplace amenity of current, future and neighbouring occupants, and traffic levels and the safety of road users. Consideration of these matters is provided below. However, having regard to the requirements of policies 1, 3 and 5, the principle of the proposed development is considered to be acceptable.

### **Residential Amenity**

The effect on amenity is considered under Policy 9. This policy states that development should not adversely affect neighbouring land uses or cause significant harm to the amenity of occupants and future occupants through impacts including loss of privacy, safety and security, noise, pollution, access to daylight or other nuisances. Furthermore, the development should not have a detrimental impact on the visual appearance of an area.

Considering the units as HMOs, there are 6 units proposed for 1 single person, and 2 units are proposed for 2 persons. The sizes of the rooms are in excess of the Council's minimum standards for Houses in Multiple Occupation (October 2010), which sets out that a room for a single bedroom with no shared living room provided should demonstrate a room size of no less than 10m<sup>2</sup> and for two persons no less than 15m<sup>2</sup>. The room sizes are as follows (excluding en suites):

Bedroom 1 – 14.3m<sup>2</sup>

Bedroom 2 – 12.7m<sup>2</sup>

Bedroom 3 – 10.7m<sup>2</sup>  
Bedroom 4 – 16.1m<sup>2</sup> (2 bed)  
Bedroom 5 – 13.3m<sup>2</sup>  
Bedroom 6 – 15.5m<sup>2</sup> (2 bed)  
Bedroom 7 – 12.5m<sup>2</sup>  
Bedroom 8 – 10.4m<sup>2</sup>

The Council's HMO standards also set out that dining / kitchen areas to be used by 6 – 10 persons should be at least 19.5m<sup>2</sup>. The kitchen / dining area proposed in this instance exceeds this requirement at 21.1m<sup>2</sup>. The Council's Environmental Health section has been consulted on the application who have confirmed they have no objection on amenity grounds. Therefore, the proposal is considered to comply with policy 9.

## **Design**

Considering design, the proposal does include some additions to the property, such as a dormer extension and a single storey addition to the rear. Turning to the dormer proposal first, this would be situated at the rear of the property and is a large addition, with three window openings, and an inset at eaves level. The design looks to be a fairly standard approach to a dormer proposal, although, it should be noted, that Partington Street runs down the side of property and passed the rear, which would make the dormer addition a very visible addition to the street scene.

Given that the dormer is situated at the rear, and does not form part of the principal elevation, permitted development rights need consideration in this case. Under the General Permitted Development Order 2015 (As Amended) Schedule 2 Part 1 Class B (extensions to a roof), an occupant can expand the roof space by up to 40m<sup>3</sup> in the case of a terraced property, including any previous enlargements of the roof space. The dormer at the closest point to the eaves must not be less than 0.2m and must not extend beyond the original house and the materials must closely match the existing. In this case, the dormer is under 40m<sup>3</sup>, with a total volume of 22.84m<sup>3</sup>. In addition, the distance from the eaves measures 0.3m and the applicant has confirmed that the materials will closely match. Therefore, significant weight must be attached to the fact the applicant could undertake these works without planning permission, and therefore, considering all matters together including the design and permitted development rights, the dormer is acceptable.

The application also proposes the demolition of a conservatory and the erection of a single storey rear addition, with a hipped roof design. The hipped roof design is supported and lessens the appearance of the massing. The plans state that the brick and roof materials will match the existing, which is considered acceptable.

The depth of the extension still allows for garden space at the rear and is not considered to dominant the curtilage to an unacceptable extent. The extension would only be visible from the street scene above the boundary fence in the same way the conservatory is now. Therefore, the single storey rear extension is considered to meet the requirements of Policy 20.

The remaining changes are internal to reconfigure the layout to accommodate the proposed use and these do not require planning permission.

## **Impact on local character**

In relation to impacts on local character, these are not considered to be adverse. The external changes proposed at the property are at the rear, with the dormer considered to be permitted development and the replacement rear extension, largely shielded from the street scene. The

site sits in an area characterised by residential properties and it is considered that the appearance of the property and the use proposed are appropriate for to the surrounding area. Given that the use is in line with a residential type of use, it is not considered that neighbours amenity will be impacted to an unacceptable extent. Therefore, it is considered that the proposal complies with Policy 11.

## **Highways**

The Highways Engineer has reviewed the application and does not object to the proposal. In terms of car parking, HMOs are notable for having low car ownership amongst occupants and this view is shared by the Highways Engineer. With that considered, high levels of car parking provision are not required for these developments. In addition to this, the site sits in a very sustainable location, with strong links to public transport options, and a wide range of local amenities and opportunities for walking and cycling. Therefore, considering the use and the highly sustainable location, no objection is raised on the grounds of car parking provision.

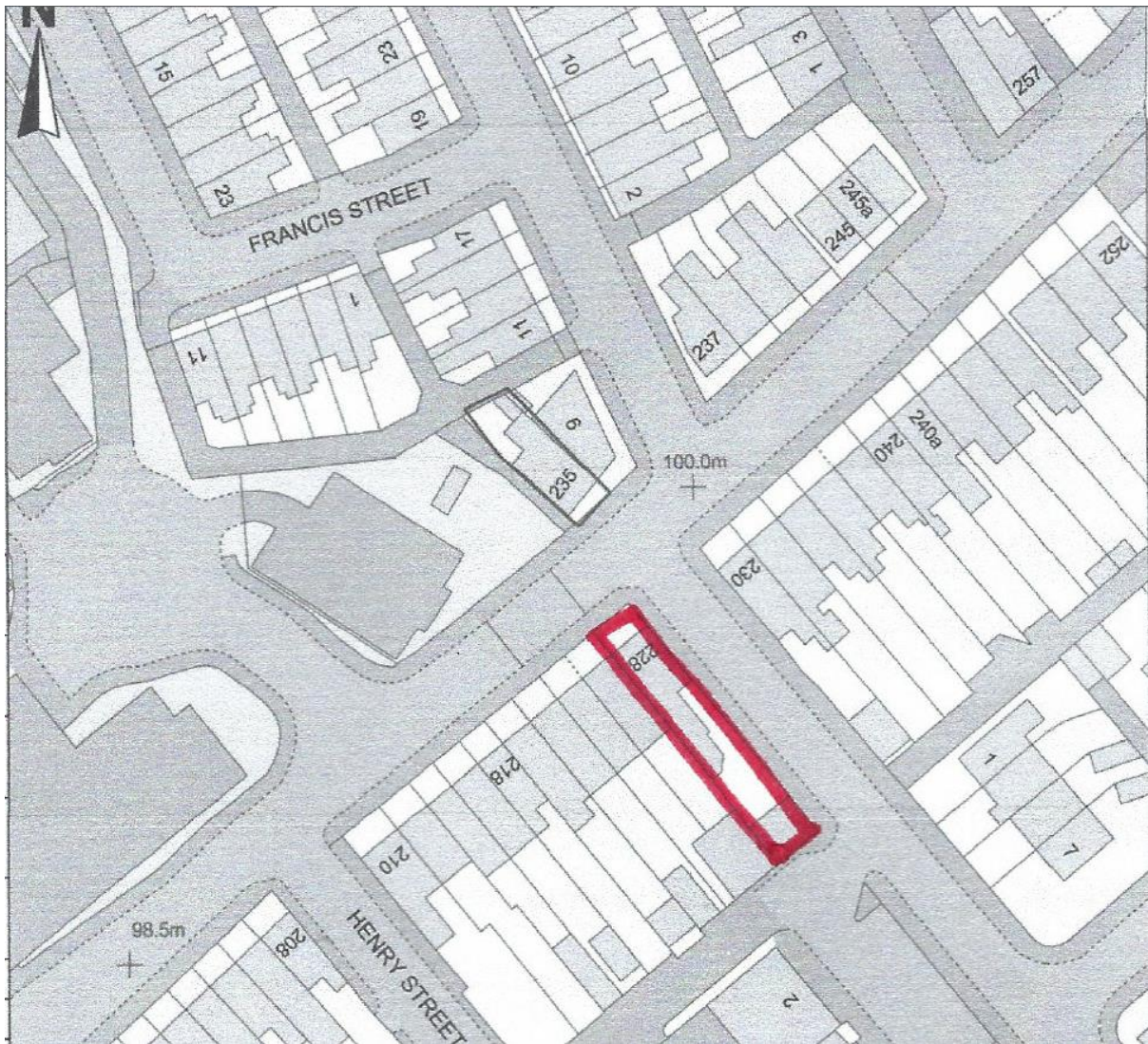
Overall, the Highways Engineer does not envisage any additional significant increase in traffic generation to the detriment of highway safety, and the proposal complies with Policy 5.

## **RECOMMENDATION:**

It is recommended that the application is approved 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall be consistent in terms of colour, size and texture with those used in the existing building. REASON - To ensure that the appearance of the existing building is acceptable having regard to Policy 20 of the Oldham Local Plan.
4. Prior to first occupation of the unit hereby approved, a scheme for the provision of secure cycle parking shall be 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.

**LOCATION PLAN (NOT TO SCALE)**



**APPLICATION REPORT - PA/344623/20**  
**Planning Committee: 8<sup>th</sup> December 2021**

**Registration Date:** 5th March 2020  
**Ward:** Chadderton South

**Application Reference:** PA/344623/20  
**Type of Application:** Full Application

**Proposal:** Proposed development of a 0.89 MWp solar farm comprising ground-mounted solar PV Array and all associated works and necessary infrastructure.

**Location:** Land at Wrigley Head, Failsworth

**Case Officer:** Dean Clapworthy  
**Applicant:** Mr Andrew Hunt (Oldham Council)  
**Agent:** Mr Pablo Feito

## INTRODUCTION

The application has been referred to Planning Committee since it represents a Major development pertaining to a site with an area greater than 1 hectare.

## RECOMMENDATION

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

## THE SITE

The site comprises 1.5 hectares of land at Wrigley Head, Failsworth. It consists of partial hardstanding and an area of non-native birch trees and is bounded by the Metrolink line to the east, the Rochdale Canal to the west, Meadowbank Business Park to the north and an unnamed and unadopted access road at the south that provides a pedestrian route from Wrigley Head to New Moston across the Rochdale Canal. Historically, the land was previously developed, but given the passage of time and the vegetation recolonisation, there is little evidence of this aside from partial areas of hardstanding.

The site has no designation or allocation on the Proposals Map pertaining to the Oldham Local Plan.

Whilst there are informal routes across the site there are no formal Public Rights of Way (PRoW).

## THE PROPOSAL

The application seeks planning permission for the construction of a 0.89 MWp solar farm for a temporary period of 30 years from the first exportation of electricity. The solar farm would comprise of rows of solar PV panels (approximately 2,700 in total) laid out in an east/west orientation and facing south at approximately 20 degrees from the horizontal (to maximise efficiency). The PV panels would be mounted on a rack comprising of metal poles mounted on a concrete base or a screwed pile, at a maximum height of 2.4m. Rows would be spaced 1.85m.

Associated infrastructure would include:

- A permanent vehicle access track constructed of Grass Geomesh (or similar) running to the south of the site and extending the existing unadopted road from Wrigley Head under the Metrolink line. Within the site a new internal access road and a temporary laydown area is proposed (to be removed after construction).
- String inverters, combiner boards, switchgear and transformer cabin, underground cabling connecting to the National Grid, CCTV cameras, laydown area and 2.4m high boundary security fencing and access gate.
- Landscaping would include the tree clearance, compensatory replanting and wildflower meadows that seeks to enhance the overall biodiversity on site.

## **RELEVANT PLANNING HISTORY**

PR/344124/19: EIA Screening Opinion for solar farm. (EIA not required).

## **RELEVANT PLANNING POLICIES**

In this case 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:**

Saved UDP Policy D1.5 - Protection of Trees on Development Sites;  
Policy 01 - Climate Change and Sustainable Development;  
Policy 06 - Green Infrastructure;  
Policy 09 - Local Environment;  
Policy 18 – Energy;  
Policy 19 - Water and Flooding;  
Policy 20 – Design;  
Policy 21 - Protecting Natural Environmental Assets; and,  
National Planning Policy Framework (NPPF).

## **CONSULTATIONS:**

Environmental Health: No objection, subject to conditions relating to noise, landfill gas and land contamination.



|                            |  |
|----------------------------|--|
| Environment Agency:        | No objection, subject to conditions relating to prevention of contamination and verification report, piling, surface water and drainage systems.                             |
| Canal and River Trust:     | No objection.  |
| LLFA:                      | No objection.  |
| Natural England:           | No objection.  |
| GMEU                       | No objection, subject to conditions relating to trees, implementation in accordance with the bat survey recommendations, protection of ground nesting birds and the fencing. |
| GMP (Design for Security): | No objection.  |
| Ramblers:                  | No objection.  |
| Manchester City Council:   | No objection.  |
| TfGM:                      | No objection, subject to a conditions, including requiring a screen fence to prevent glint and glare to Metrolink trams.   |
| Arboricultural Officer:    | No objection, subject to a condition requiring an Arboricultural Method Statement.   |
| Manchester Airport:        | No objections.   |
| Highway Engineer:          | No objection, subject to condition requiring a scheme for the prevention of mud and debris onto the adopted highway network  |

## **REPRESENTATIONS**

The application has been advertised by means of neighbour notification letters, site notice and press notice. However, no representations have been received in response.

## **PLANNING CONSIDERATIONS**

### **Principle of Development**

The proposal is for a renewable energy facility to be positioned on unallocated and undesignated land within the urban area of Oldham.

Policy 18 of the Oldham Development Plan Document (DPD) states that where suitable and appropriate, proposals for low carbon, decentralised and renewable energy, including any ancillary infrastructure, will be permitted in accordance with national and local policies and must be acceptable taking into account the number, size, scale, siting and cumulative impacts of the scheme in relation to a number of criteria.

The NPPF states that achieving sustainable development means that the planning system has three overarching objectives - economic, social and environmental. The environmental objective includes mitigating and adapting to climate change, including moving to a low carbon

economy. The NPPF builds on this principle and defines renewable energy in the following way:

*'Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).'*

Paragraph 158 of the NPPF states:

*When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable.*

The proposal is for a decentralised renewable energy scheme that is proposed to be installed on disused land in the urban area that is unallocated in the Local Plan. Given the position set out in the Local Plan and the NPPF, it is considered that the proposal would be acceptable in principle, subject to consideration of the subsequent matters.

## **Visual Impacts**

Policy 18 of the Oldham DPD states that proposals for decentralised and renewable energy will be assessed in terms of the visual amenity of the local area, including the sensitivity of the local landscape character, through the number, scale, size and siting of renewable energy infrastructure. Policy 20 seeks to encourage high quality design that reflects the character and distinctiveness of the local area.

Paragraph 130 of the NPPF states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore, it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

Paragraph 131 notes that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards) and that existing trees are retained wherever possible.

The application site is not covered by any landscape-related designations. However, the site is partly covered by trees and other vegetation, whilst there are also elements of hardstanding. The site is located within the urban area and largely enclosed by existing built form including the Metrolink line (which is on raised banking), industrial development to the north, residential development to the west (on the opposing bank of the Rochdale Canal) and mature trees to the south of the site.

The proposal is not supported by a Landscape and Visual Impact Assessment. However, the supporting Planning Statement considers the design, landscape and visual impacts of the proposal, and supporting viewpoint illustrations (from the canal towpath and from the footpath leading from Wrigley Head) demonstrate views of the main development would be limited from the canal and open from the footpath to the south. However, such open views would be confined to this very limited area and would therefore be very localised. The wider context of the site is urban, with the principal backdrop being the Metrolink line, industrial and residential development.

Whilst existing tree cover would be partially removed, additional replacement planting would soften the perimeters of the site and the boundary weldmesh fencing, which would be the most prominent feature in localised views from outside of the site. The fencing would be finished in dark green to aid and enable assimilation of the site when viewed locally. Due to the containment of the site as described above, the proposed development would not feature prominently outside of the immediate locality. Passengers on the Metrolink could experience a glimpse when travelling north and recreational users of the canal and path to the south would have limited views of the boundary.

Given the above, it is considered that the proposal would not harm visual amenity and would therefore comply with the relevant Local Plan policies and the NPPF.

### **Trees and ecology**

Policy 21 of the Oldham DPD sets out a commitment from the Council to value, protect, conserve and enhance the local natural environment and its functions and provide new and enhanced Green Infrastructure. The policy further states that a balancing act is required between the need for new development and protecting, conserving and enhancing the local natural environment. Development proposals are required to maintain, extend or link existing green corridors and links, including strategic recreational routes, where appropriate.

The content of paragraph 180 of the NPPF is applicable as it states that in dealing with planning applications, local planning authorities must consider the harm of a scheme on biodiversity. Some harm to biodiversity is allowed, but it states that significant harm should be avoided, adequate mitigation should be provided or if this is not possible the loss should be compensated for. If none of this above is possible then permission should be refused.

Although the application site is not designated for its nature conservation value and is not known to support any priority habitats for conservation, it is adjacent to the Rochdale Canal Special Area for Conservation (SAC), and a Site of Biological Importance (SBI) which is a designation owing to the important populations of aquatic plants.

The application is supported by a number of ecological assessments, which include measures to minimise any potential harm to habitats and species. The habitats of value that will be lost include some areas of semi-improved grassland, scrub, scattered trees and tall ruderal vegetation. To compensate for the loss, the application proposes wildflower planting between the rows of panels and trees and hedgerow planting in areas along the application site boundary. Perimeter fencing would feature access points to allow the passage of small mammals and to maintain ecological connections between the site and other habitats. Furthermore, the submitted Habitat Regulations Assessment (HRA) concludes that the development would not cause any likely significant effects on the special nature conservation interest of the Rochdale Canal SAC.

GMEU advise that the proposal would not have any harmful effects on the nature conservation interests of the Rochdale Canal SAC or on the adjacent Priority Habitat (the woodland to the

north of the site). Furthermore, whilst some tree removal would be required, the proposed compensatory and enhancement planting would mitigate these impacts.

The Greater Manchester Ecology Unit (GMEU) and the Canal and River Trust (CRT) have raised no objection to the proposal, advising that appropriate conditions should be attached.

Having regard to the requirements of Saved UDP Policy D1.5 the Council's Tree Officer has no objection to the proposal but advises that an Arboricultural Method Statement (AMS) should be agreed prior to determination in order to avoid unacceptable damage to retained trees and their root protection areas (RPAs). However, the submitted Arboricultural Impact Assessment (AIA) states that '*these features (which could potentially impact upon trees, such as fence posts and CCTV towers) should be adjusted to be positioned as far from tree stems as possible and excavations in RPAs are to be undertaken by hand with footings to avoid significant tree roots*'. On this basis, it is considered that works could be successfully adapted to ensure minimal damage to retained trees and that an AMS at the pre-commencement stage would be satisfactory.

Therefore, subject to appropriate conditions as advised by consultees which are included on the recommendation set out below, it is considered that the proposal would not have any unacceptable impacts upon ecological interests and trees.

### **Highways & Metrolink**

The Planning Statement sets out that the construction would take approximately 2-3 months with an anticipated 20 two-way movements daily for construction staff, with additional movements for deliveries. During the operational phase, trips to the site would be on an ad-hoc basis and limited in frequency, but the impact on the highway network is expected to be negligible. Importantly, existing public rights of way close to the site would be unaffected.

The Council's Highway Officer has raised no objection to the proposal, subject to a condition requiring the provision of wheel cleaning facilities for vehicles leaving the site and this is attached to the recommendation.

The application is supported by a Glint and Glare Study which assesses the possible effects from the proposed PV panels on the tramline receptors due to concerns raised by Metrolink. This showed that an unscreened geometric reflection would be possible for two locations but would only affect trams travelling from Hollinwood to Failsworth and would only be expected to occur between 17:48 and 18:16 from mid-March to mid-September, lasting for a maximum of 10 minutes per day. Various factors indicate that the impact is expected to be low and that mitigation would not be required but that screening could be implemented to further reduce the impact.

Whilst initially objecting to the proposal, Transport for Greater Manchester (TfGM) are satisfied that the proposal, with the installation of screen fencing on Metrolink land, would provide the necessary mitigation.

Given the above, the proposal would not have any unacceptable impacts upon the highway or public transport networks.

### **Residential Amenity**

Policy 9 of the Oldham DPD seeks to protect and improve local environmental quality and amenity and promote community safety by ensuring development would not have an adverse impact on neighbouring land uses.

Noise impacts from the development could occur at both the construction and operational phases of the development. As noted previously, the construction phase would be limited to a 2-3 month period. The submitted Noise Assessment notes that construction would involve low noise and vibration, due to a limited requirement for excavation. In relation to the final operational plant and equipment, specifications are not available (as is typical for development of this nature). Potential noise sources would be from the solar pv plant (e.g. inverters, transformers) and associated battery storage plant (e.g. cooling units and transformers) and the on-site substation. The Noise Assessment advises that operational noise limits would be designed to achieve appropriate operational limits consistent with the requirements of BS 4142 (i.e. below the ambient background levels).

The site would be screened from nearest residential properties by enhanced tree cover to the western and northern boundaries and the Metrolink line, which is raised significantly above the site and intervening between the residential properties to the south-east. The pv panels would be orientated south, away from the dwellings to the west on the opposing side of the Rochdale Canal, at an acute angle to the Metrolink line. Given these circumstances, there would be no issues in relation to glint and glare for any nearest neighbouring sensitive receptors (e.g. dwellings) or any general impacts on amenity in the area.

The Council's Environmental Health Officer has not objected to the proposal, subject to a condition to ensure that operational noise does not exceed background noise levels.

Given the above, the proposal would not have any unacceptable impacts upon residential amenity.

#### **Other matters**

Ground conditions – The Environmental Health Officer and Environment Agency advises that subject to the imposition of conditions relating to ground contamination and landfill gas, the proposal would not have any unacceptable impacts upon ground conditions.

Drainage – The site falls within Flood Zone 1 which relates to areas with the lowest risk of flooding and neither the Environment Agency or Lead Local Flood Authority has raised any objection in relation to drainage at the site.

#### **CONCLUSION**

The proposal relates to a disused parcel of land within the urban area. It would meet the requirements for energy generation as set out at paragraph 158 of the NPPF and the environmental part of the tests for sustainable development.

Having regards to benefits of the proposal, and the scale and form of the development, it is considered that this scheme should be supported as it would make a positive contribution towards clean energy generation which would help to reduce greenhouse gas emissions, whilst also helping to produce energy to meet future energy consumption needs.

The impact of the proposal has been assessed as being acceptable on the character and appearance of the wider area, to users of public rights of way, footpaths and highway network in the area and in relation to residential amenity. Furthermore, the proposal would not have any unacceptable impacts on ecology, trees or residential amenity (subject to the mitigation measures set out in the conditions included on the recommendation)

As such, the proposal meets the requirements of the stated Local Plan policies and the NPPF and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal is recommended for approval.

## **RECOMMENDATION**

It is recommended that the application is approved subject to the imposition 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. This permission is given for a temporary period of 30 years from when the site becomes operational. The applicant shall notify the Council in writing of this exact date no later than 14 days before the date when the site first becomes operational. At the end of the 30 year period, the solar array and the ancillary equipment shall be removed from the site and returned to its former agricultural condition in line with a decommissioning strategy which shall include the method of control of vehicle movements to and from the site and shall be submitted to and agreed in writing by the Local Planning Authority prior to the site first becoming operational.

REASON - By virtue of its construction, appearance and method of energy generation, the solar array is not considered suitable as a permanent structure on the site, which is presently open and undeveloped, and to minimise the effects of the decommissioning works on the users of the Rochdale Canal and the surrounding public rights of way network, having regard to policies 9 and 18 of the Oldham Local Plan.

4. Prior to the expiry of the temporary 30 year period consented for this scheme, should the solar array cease to be operational for a continuous period of 12 months, the solar array and its ancillary equipment shall be removed from the site in line with the requirements of the agreed decommissioning strategy and the land returned to its previous condition within 6 months of the end of the 12 month period.

REASON - To ensure that the redundant solar array and ancillary equipment is removed from the site before it becomes dilapidated or degraded to the detriment of the appearance of the surrounding area and to minimise the effects of the decommissioning works on the users of the Rochdale Canal and the surrounding public rights of way network, having regard to policies 9 and 18 of the Oldham Local Plan.

5. Prior to the commencement of any works on site, full details of the foundation system and layout of the solar array, type of solar panels to be used on site, together with full details of any associated substation, switchgear and transformer cabin, temporary laydown area and permanent vehicle access track, shall be submitted to and agreed

in writing by the Local Planning Authority. The solar array and associated infrastructure shall only be erected and installed in accordance with that approved.

REASON - For the avoidance of doubt and to ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to policies 19 and 20 of the Oldham Local Plan.

6. Prior to the commencement of any works on site, full details of the temporary laydown area to be used during the construction phase of the site, together with a timescale for its removal shall be submitted to and agreed in writing by the Local Planning Authority. The temporary laydown area shall be installed on site in accordance with the details and the timescale agreed and also removed from site in accordance with the agreed timescale.

REASON - For the avoidance of doubt and to minimise the impact of the scheme during the construction phase on the character and appearance of the surrounding area, having regard to policies 9 and 18 of the Oldham Local Plan.

7. 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 the Oldham Council, the Local Planning Authority (approval to be in consultation with Transport for Greater Manchester). The approved CMP shall include agreed safe methods of working adjacent to the Metrolink Hazard Zone and shall be adhered to throughout the construction period. The CMP shall provide for: loading and unloading of plant and materials; storage of plant and materials used in constructing the development; construction and demolition methods to be used; including the use of cranes (which must not oversail the tramway); measures to control the emission of dust and dirt during construction; and root protection plan to protect trees that are to be retained.

REASON - 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 Policy 5 of the Oldham Local Plan.

8. No development shall take place until an Electro Magnetic Compatibility (EMC) Control Plan has been submitted to, and approved in writing by the Local Planning Authority, to confirm that there are no EMC impacts from the proposed development. The developer shall be wholly responsible for any Electro Magnetic Compatibility protection measures that are found to be required as a result of the introduction of the approved substation.

REASON - In the interests of safeguarding Metrolink infrastructure, having regard to Policy 5 of the Oldham Local Plan.

9. No development shall take place until full details of the boundary treatment adjacent to the Metrolink tramway have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the fence shall be erected in full accordance with the approved details and retained as such for the lifetime of the development.

REASON - To ensure that a safe and secure boundary treatment is installed on the boundary of the Metrolink tramway, having regard to Policy 5 of the Oldham Local Plan.

10. No development shall take place until a plan for undertaking joint dilapidation surveys of the Metrolink underpass structure has been submitted to, and approved in writing by, the Local Planning Authority. This plan shall allow for pre and post construction surveys and annual surveys thereafter. These surveys will be at the cost of the developer.

REASON - In the interests of safeguarding Metrolink infrastructure, having regard to Policy 5 of the Oldham Local Plan.

11. No development shall take place unless and until a scheme to minimise dazzle (as informed by the Solar Photovoltaic Glint and Glare Study by PagerPower dated August 2020) to tram drivers due to reflected light has been fully implemented in accordance with a scheme that has been submitted to, and approved in writing by, the Local Planning Authority. The scheme must also include provision for a 12 month review period and for any further mitigation work, should the dazzle issue not be fully addressed by the initial mitigation measures.

REASON - In order to ensure the safe operation of the tramway, having regard to Policy 5 of the Oldham Local Plan.

12. 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 written report and recommendation have been submitted to and approved by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

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

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

14. The level of noise emanating from the site shall not exceed the background level at any time as measured from properties to the south-western side of Waters Edge.

REASON - To minimise the impact of noise having regard to Policy 9 of the Oldham Local Plan.

15. During the construction period adequate wheel cleaning equipment, the details of which shall be submitted to and approved by the Local Planning Authority, shall be installed on the site. Prior to leaving the site all vehicles, which have travelled over a non-tarmac surface, shall use the wheel cleaning equipment provided, such that they are in such a state of cleanliness that they do not foul the highway with mud or other material. The equipment shall, for the duration of the construction works, be maintained



in good working order and shall not be removed unless agreed by the Local Planning Authority.

REASON - In the interests of highway safety having regard to Policy 9 of the Oldham Local Plan (It is an offence under the Highways Act 1980 to deposit mud on a public highway)

16. Before development commences a full Arboricultural Method Statement, shall be submitted to and approved in writing by the Local Planning Authority which shall address the order and phasing of operations, tree works, tree protective fencing, ground protection, site storage and facilities, movement of people, plant and materials, enabling works, installation of new services, perimeter security fencing and/or diversion of existing services. The works shall be implemented in accordance with the approved details.

REASON - To preserve trees on the site in the interests of visual amenity and the character of the area, having regard to saved Policy D1.5 of the Unitary Development Plan.

17. No works to trees or shrubs shall take place between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

REASON - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981 having regard to Policy 21 of the Oldham Local Plan.

18. Prior to its installation, full elevational details of the proposed security fencing, together with colour and surface treatment, shall be submitted to and be subject to the approval of the Local Planning Authority, and the works implemented in accordance with the approved details and thereafter so retained. For the avoidance of doubt, the fencing shall include gaps at the base as described in section 5.2 of the Ecological Mitigation and Habitat Enhancement Plan submitted with the application and dated February 2020.

REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area and the protection of species of ecological interest having regard to policies 20 and 21 of the Oldham Local Plan.

19. No development shall take place until full details of soft landscape works and habitat enhancement measures with an associated implementation plan, have been submitted to and approved in writing by the Local Planning Authority. Such works shall be based on the Indicative Landscape Plan (Dwg No. 60617252-SHT-20-MAN-O-100 B) and the recommendations of section 6 of the Ecological Mitigation and Habitat Enhancement Plan dated February 2020 and shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of wildflowers/grasses, plants and trees, noting species, plant/tree sizes, proposed numbers/densities ecological enhancement measures and an implementation programme. All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority, and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are

removed during the maintenance period shall be replaced with specimens of an equivalent species and size. Ecological enhancement measures shall be retained for the lifetime of the development.

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 and that ecological enhancements are embedded in the scheme, having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

20. The development shall be carried out in accordance with the measures and additional precautions and control measures detailed in the Invasive Species Management Plan dated February 2020.

REASON - To ensure the removal/check to the spread of species that are listed as invasive non-native species under the Wildlife and Countryside Act 1981, in order to safeguard the biodiversity of the site and its surroundings, having regard to Policy 21 of the Oldham Local Plan.

21. Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which identifies:
  - all previous land uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on the prior information collected providing information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON - To protect the underlying Principal Aquifer, Secondary A aquifer, Hole Bottom Brook, Moston Brook and the Rochdale Canal. To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely

affected by, unacceptable levels of water pollution, having regard to Policy 9 of the Oldham Local Plan and paragraph 174 of the National Planning Policy Framework.

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

REASON - To ensure that the underlying Principal Aquifer, Secondary A aquifer, Hole Bottom Brook, Moston Brook and the Rochdale Canal is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, having regard to Policy 9 of the Oldham Local Plan and paragraph 174 of the National Planning Policy Framework.

23. Prior to any part of the development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON - To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, having regard to Policy 9 of the Oldham Local Plan and paragraph 174 of the National Planning Policy Framework.

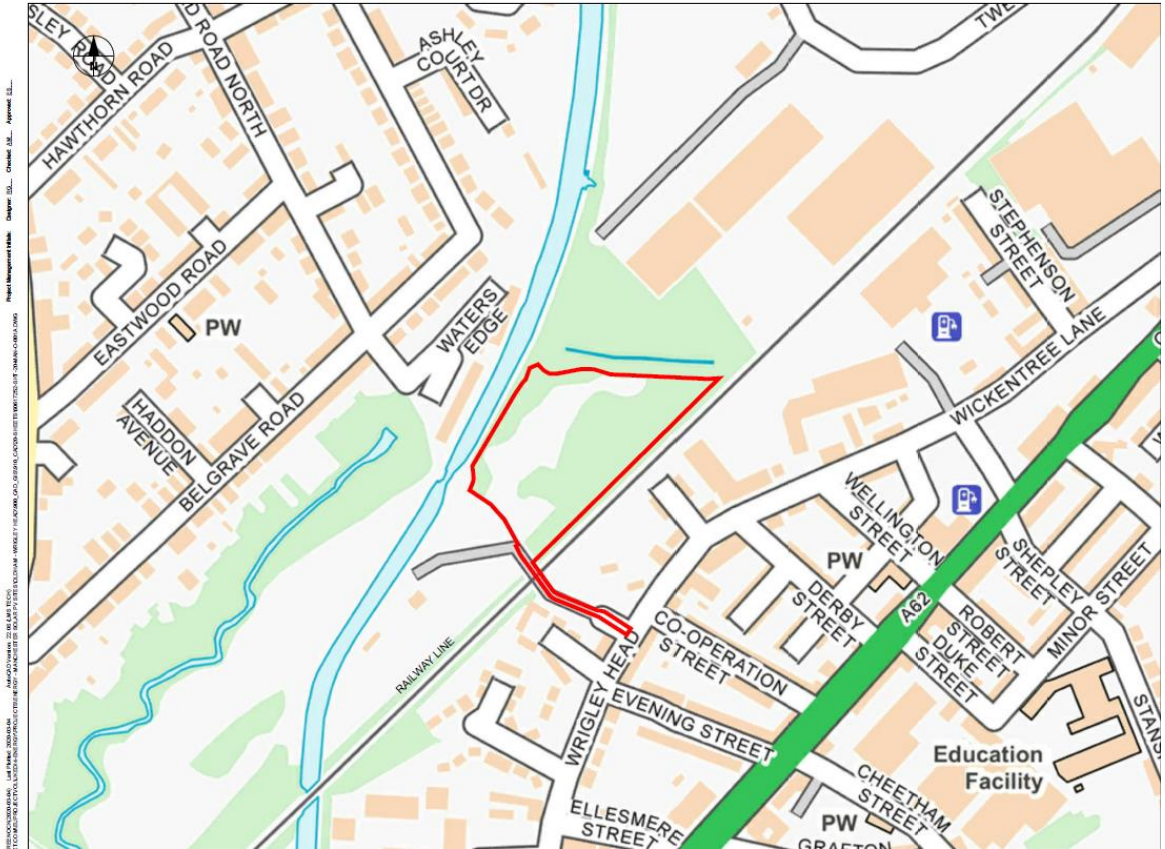
24. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved detail.

REASON - To ensure that any proposed piling does not harm groundwater resources, having regard to Policy 9 of the Oldham Local Plan and paragraph 174 of the National Planning Policy Framework.

25. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

REASON - To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants and to protect the underlying Principal Aquifer, Secondary A Aquifer, Hole Bottom Brook, Moston Brook and the Rochdale Canal, having regard to Policy 9 of the Oldham Local Plan and paragraph 174 of the National Planning Policy Framework.

## LOCATION PLAN (NOT TO SCALE)



## **APPLICATION REPORT - FUL/347717/21 Planning Committee – 8<sup>th</sup> December 2021**

**Registration Date:** 20th October 2021  
**Ward:** Royton South

**Application Reference:** FUL/347717/21  
**Type of Application:** Full Application

**Proposal:** The erection of a Community Diagnostic Hub consisting of a single storey hub building with three associated scanning units with associated access, car parking and landscape for a temporary period of up to five years.

**Location:** Vacant land to the north of Salmon Fields, Royton, Oldham.

**Case Officer:** Graham Dickman  
**Applicant:** n/a  
**Agent:** Miss Rebecca Crockett

### **INTRODUCTION**

This planning application is referred to Planning Committee at the discretion of the Head of Planning on the grounds of transparency given the Council owns the land to which the application relates and since the proposal forms the first phase of a larger development.

### **RECOMMENDATION**

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

### **THE SITE**

This application relates to a section of a large, presently vacant, parcel of land located between Salmon Fields to the south and Turf Lane to the north, with existing commercial buildings to either side. The site generally comprises unkempt grassland with tree cover to the external boundaries.

### **THE PROPOSAL**

This is a full application for erection of a Community Diagnostic Hub consisting of a hub building with three associated scanning units with associated access, car parking and landscape for a temporary period of up to five years.

The Community Diagnostic Hub (CDH) has been designed in three phases, with this application representing the first phase of development. 61no. parking spaces are required to meet staff and patient demand, 6no. of which will be allocated to EV charging and 3no. accessible spaces for disabled motorists will be provided.

The proposal includes a single storey 998m<sup>2</sup> modular complex comprising of the main entrance, waiting facilities and reception, interview, consultation and examination rooms, spirometry, staff facilities, clinical facilities, office facilities, MRI scanner, X-Ray and critical adjacent facilities. The mobile PET CT scanning unit will be to the west side of the main hub.

## **RELEVANT PLANNING HISTORY**

No relevant applications

## **RELEVANT PLANNING POLICIES**

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

The site is located within a Business Employment Area on the Proposals Map.

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

Policy 1 – Climate Change and Sustainable Development;  
Policy 2 – Communities;  
Policy 5 – Promoting Accessibility and Sustainable Transport Choices;  
Policy 9 – Local Environment;  
Policy 18 – Energy;  
Policy 19 – Water and Flooding;  
Policy 20 – Design;  
Policy 21 – Protecting Natural Environmental Assets; and,  
Policy 22 – Protecting Open Land

Saved UDP Policy D1.5 - Protection of Trees on Development Sites

## **CONSULTATIONS**

Highways Officer – No objections subject to conditions in respect of provision of the approved access and parking, appropriate wheel cleaning equipment during construction, and a green travel plan.

Environmental Health – No objections subject to conditions in relation to the need for an assessment of groundwater contamination and landfill gas, noise mitigation, and waste storage.

Trees Officer – No objection in principle, however, mitigation for tree loss will be required.

G M Ecology Unit – No significant ecological features have been identified on the site. However, the development will result in a loss of biodiversity which will require mitigation.

Coal Authority – The site is not within a Coal Mining High Risk Area. The development should have regard to the authority’s Standing Advice.

G M Police – Recommend incorporation of all measures as set out in the Crime Impact Statement, including erection of secure boundary treatment.

United Utilities – No objection subject to a condition requiring submission of a sustainable drainage scheme.

## **REPRESENTATIONS**

The application has been publicised by site notice and individual notification letters. No written representations have been received.

## **PLANNING CONSIDERATIONS**

### **Principle of development**

The application site is located within a designated Business and Employment Area (BEA7) which aims to assist the delivery of a range of sites to support the local economy.

Local Plan Policy 14 sets out the types of development which would ordinarily be appropriate in such areas. However, this does not include development of the type proposed in this case. The Policy goes on to state that developments other than those listed will not be permitted unless one of the following can be demonstrated:

*(a) through a marketing exercise that there is no market for the uses listed above. The marketing exercise to 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 above is unviable; or*

*(c) that the development of the site for alternative uses would benefit the regeneration areas identified by the council as being in need of investment or would benefit the community of an area.*

In respect of criterion (a), the Council has previously marketed the site through local agents. There was a lot of interest in the site and a number of bids were received, however, site disposal did not progress. During this period, the initial enquiry for the current proposed use came forward and, whilst it took some time for the preferred site to be formally selected, the site was temporarily held to help facilitate the project having regard to the importance of the development for the local community and to improve access to diagnostic facilities for the residents of Oldham and beyond. Nevertheless, it has to be concluded that this criterion alone has not been satisfied, although it is acknowledged that the development will generate employment opportunities (33 FTE positions).

Criterion (b) is not applicable to this case.

With regard to criterion (c), alternative development can be considered appropriate where that development would benefit the community of an area.

### **Assessment of community benefit**

Amongst the primary objectives of Local Plan Policy 2 is the improved health and well-being of the community, and in this regard the Council will support the development of new and improved health-related facilities. The following supporting information has been presented.

The proposals form part of the development of Community Diagnostic Hubs as a key focus of national NHS strategy, recognising the need for significant future expansion of diagnostic infrastructure and workforce to keep pace with forecast future demand and achieve comparable levels with other OECD countries.

Nationally, it is recognised that the CT scanning capacity in the NHS in England needs to nearly double over the next 5 years. The national policy is clear that the vast majority of this diagnostic growth should take place away from main acute hospitals. It is considered that the current model is too hospital-centric, with unnecessary visits to acute hospital sites and a poor separation between scanning facilities for emergency patients/in-patients and planned out-patient scans. This causes delay and cancellation and often a poor patient experience.

The national policy reconciles very closely with the local diagnostic strategy of the Northern Care Alliance (NCA). In this there is a clear strategic ambition to:

1. Diagnose disease (e.g. cancers, cardio-respiratory) at an earlier stage where it is more treatable, with better outcomes.
2. Improve access to patients, especially those from socio-economically disadvantaged groups.
3. Improve patient experience and transform care pathways, with 'multiple tests on the same day' models of care.
4. Reduce congestion, pollution, and unnecessary journeys to acute hospital sites.
5. Achieve national performance standards.

The NCA is recognised to be at the forefront of thinking in Greater Manchester and the wider NHS and is in the first-wave of the 5-year national Community Diagnostic Hub programme. The CDH in Oldham will be therefore one of the first in the region, securing improvement in access, experience, and outcomes for the people of Oldham and the wider Pennine area.

In this context, it is clear that the development offers substantial community benefits whilst not undermining the employment objectives of the Local Plan (given that it will generate employment opportunities).

### **Highway issues**

The application is accompanied by a robust Transport Assessment which considers the likely traffic generation and sustainability of the site, and explores the accessibility of the site, opportunities to travel by more sustainable modes of transport, and the likely effects of the development on the local highway network.



The Highways Officer has reviewed the submission and does not anticipate that the development will result in an adverse or significant impact on the network to the detriment of highway safety.

A new access will be constructed within the existing adopted highway and will include the re-kerbing and reinstatement of the nearby footway. On-site provision includes secure cycle parking, and provision of both accessible parking spaces and electric recharging facilities. On this basis, there are no concerns in relation to highway matters.

### **Ecological issues and biodiversity**

The application is accompanied by an Extended Phase 1 Habitat Survey & Preliminary Ecological Impact Assessment. The site is not subject to any statutory or local nature conservation designations. No on-site activity by protected species has been identified. Nevertheless, this cannot be entirely discounted, and conditions will be required to ensure up-to-date surveys are undertaken before any work commences.

The site itself is characterised as comprising naturally vegetated, previously disturbed ground with blocks of trees primarily around the margins.

NPPF Paragraph 174(d) requires that development should minimise the impacts on and provide net gains for biodiversity. GMEU has commented that the present proposals will result in a net loss of biodiversity and recommends that mitigation should be provided for the loss of approximately 0.5ha of primarily moderate ecological value habitat and loss of bird nesting opportunities. Furthermore, the Council's Trees Officer requires that additional detail on the impact of tree loss is submitted, and that adequate compensation for any loss is accommodated.

In ecological terms, the agreed baseline position is the current vegetation cover, which is of limited ecological value, and that the main issue is nesting birds.

The proposed layout, whilst including some soft landscaping, is primarily hardstanding and buildings. There will therefore be a net loss at the site level in terms of habitats, though there are likely opportunities to provide nest boxes on the new build or adjacent trees just off site to mitigate for impacts to nesting birds.

The Environment Act has recently obtained Royal Assent and includes provision for mandatory Biodiversity Net Gain (BNG), albeit that provision will only come into force in 2023. Whilst some mitigation for the loss on site is achievable, the proposals will not achieve net gain.

The response from GMEU sets out how compensation could be required off-site. At this stage the precise value is unknown, and to establish this value would require significant work and negotiation, with limited adopted policy guidance to apply to agreeing this calculation.

The applicant has indicated that, in order to secure the necessary NHS funding to bring this scheme to fruition, it has to be operational by March 2022. As such there is a programme risk to ultimately losing the NHS funding to deliver this scheme with significant public disbenefit.

The applicant therefore contends that the overall public benefits of delivering this scheme significantly outweigh the loss of an area which holds limited ecological value. In this context, requiring a financial contribution towards such loss would therefore not be appropriate as it

would diminish the overall budget available for the building, and ultimately bring the delivery of the scheme at risk of not receiving the necessary funding for it to be implemented.

Nevertheless, in order to ensure mitigation of any ecological loss, a further assessment of how ecological compensation can be accommodated within the overall site, including replacement tree planting, and having regard to the wider development aspirations for the facility, will be subject to condition of the approval.

### **Design and appearance**

Given the temporary nature of the development, the proposed buildings are of a functional form and appearance only. They will be set back from Salmon Fields and retained / additional tree planting will ensure limited prominence from outside the site. It is also noted that neighbouring developments comprise similarly functional industrial buildings of generally greater scale.

In view of these factors, the form of development is considered to be acceptable in this instance.

### **Amenity issues**

As noted above, the immediate environs have a commercial character. The nearest residential properties are adjacent to Thomas Street to the north of the site at a minimum separation of 90 metres. Subject to conditions requiring details of the acoustic properties of plant and equipment, floodlighting, and measures to reduce potential disturbance during construction, all of which are capable of adequate mitigation, no adverse issues in respect of amenity are anticipated.

### **Ground conditions**

The Coal Authority (CA) has confirmed that the application site does not fall within the defined Development High Risk Coal Area and therefore there is no requirement for a Coal Mining Risk Assessment to be submitted. An informative note will be required to direct the developer to CA's Standing Advice.

The Environmental Health team has requested that a landfill gas site investigation and assessment should be undertaken, and a watching brief for potential groundwater and/or ground gas carried out.

### **Drainage and flooding**

The site is identified as being situated within Flood Zone 1 on the Environment Agency's fluvial flood zone map. Similarly, the site is shown as having a low probability of pluvial (surface water) flooding.

A report setting out the proposals for management of surface water drainage has been submitted. This identifies feasible SUDS methods to ensure satisfactory discharge rates. United Utilities is satisfied with the principles of the proposals. Therefore, there are no objections subject of approval of those details by condition.

## CONCLUSION

The proposed development, whilst not one of the uses specifically listed in Policy 14, is nevertheless considered acceptable having regard to the provisions of the exceptions criteria given the significant weight attached to the community benefits it would deliver. Furthermore, it would provide employment opportunities and secure early development on the site.

It is also noted that the development will result in a moderate loss of biodiversity. This, however, must be weighed alongside the wider, long-term community benefits arising from the provision of the facility.

On balance, it is considered that the overall benefits outweigh any localised harm in this instance.

## RECOMMENDATION

It is recommended that the application is approved 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. This permission shall be for a limited period only expiring FIVE years from the date of approval, by which date the buildings and ancillary plant hereby permitted shall be removed from the site. 6 months prior to this date, a scheme for any necessary reinstatement of the land shall be submitted for the written approval of the Local Planning Authority. The duly approved measures shall be implemented within 2 months of the substantial completion of the removal of all approved buildings from the site.

REASON - The approval is acceptable for a temporary period only having regard to the specific circumstances of the proposal having regard to Policies 14, 20 and 21 of the Oldham Local Plan.

3. 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.

4. No development shall commence, other than site clearance, 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 as the site is located within 250m of a former landfill site, having regard to Policy 9 of the Oldham Local Plan.

5. In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this.

REASON - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected, and appropriate remedial action is taken in the interests of public safety having regard to Policy 9 of the Oldham Local Plan.

6. The building and/or externally mounted plant and equipment shall be insulated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. Any work implementing the scheme shall be completed before use commences and shall be retained at all times thereafter. The level of insulation to be provided and/or noise permitted from externally mounted machinery shall aim to be such that the rated level of noise emitted from the development is below the existing background level by at least 10dB(A).

REASON - To ensure the protection of nearby premises having regard to Policy 9 of the Oldham Local Plan.

7. Any floodlighting or security lights within the curtilage of the proposed development shall be positioned and operated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lights shall only be brought into use in accordance with the approved details.

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

8. Prior to the commencement of any development, other than site clearance and access creation, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s. Surface and foul water shall be drained on separate systems. 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 having regard to Policy 19 of the Oldham Local Plan.

9. A scheme for ecological mitigation, including replacement tree planting and

compensation for habitat loss, along with a proposed timescale for implementation and future management/maintenance, 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 in accordance with the approved details and timescales.

REASON - To ensure positive enhancement of the site having regard to Policy 21 of the Oldham Local Plan and saved Policy D1.5 of the Oldham Unitary Development Plan.

10. The development hereby approved shall not be brought into use until the access to the site, turning areas, and car parking spaces have been provided in accordance with the approved plan Ref:20-0001 Enlarged Site Plan, and with the details of construction, levels and drainage which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

11. Notwithstanding the requirement of Condition 10, the development hereby approved shall not be brought into use until the footway on Salmon Fields adjacent to the access has been re-kerbed and reinstated in accordance with details that shall have been submitted to and approved in writing by the local Planning Authority prior to the construction of the footway and access.

REASON - To ensure adequate access for drivers and pedestrians exists having regard to Policies 5 and 9 of the Oldham Local Plan.

12. The use of the development hereby approved shall not commence until a scheme for the provision of secure cycle parking has been implemented in accordance with the approved plan Ref: 20-0102 Rev L. The facility shall remain available for all 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.

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

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

14. Prior to the commencement of the construction period, adequate wheel cleaning equipment, the details of which shall be submitted to and approved in writing by the Local Planning Authority, shall be installed on the site. Before leaving the site all vehicles, which have travelled over a non-tarmac surface, shall use the wheel cleaning

equipment provided, such that they are in such a state of cleanliness that they do not foul the highway with mud or other material. The equipment shall, for the duration of the construction works, be maintained in good working order, and shall not be removed unless approved in writing by the Local Planning Authority.

REASON - Prior approval is necessary since the facility is fundamental to the initial site preparation works in the interests of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

15. 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 approved 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 regard to Policy 9 of the Oldham Local Plan.

16. Prior to commencement of any earthworks, a re-survey of the site, and within 30m thereof where feasible, for badger setts shall be carried out by a suitably qualified ecologist, and the findings submitted to the Local Planning Authority for written confirmation. Where badger setts are identified within the development area, or would be affected by the development, no works shall commence until protective measures have been implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

REASON - To ensure no harm to protected species having regard to Policy 21 of the Oldham Local Plan and to comply with the developer's statutory responsibilities.

17. No development hereby approved shall be commenced until an accurate tree survey, including any measures to protect trees identified as worthy of protection, has 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.

18. 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.

19. No works to trees or shrubs shall take place between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

REASON - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981 having regard to Policy 21 of the Oldham Local Plan.

**LOCATION PLAN (NOT TO SCALE)**

