

PLANNING COMMITTEE

Agenda

Date Wednesday 6th July 2022

Time 6.00 pm

Venue Council Chamber, Civic Centre, 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 the Constitutional Services team in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Mark Hardman Tel. 0161 770 5151 or email markhardman1@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 12.00 noon, Friday, 1st July 2022.

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:
Councillors Al-Hamdani, Dean (Chair), H. Gloster, Hobin, F Hussain, Lancaster, Surjan, Woodvine, Cosgrove, A Hussain, S Hussain, Islam, Nasheen and C. Phythian

Item No

1 Apologies for Absence

2 Declarations of Interest

To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.

3 Urgent Business

Urgent business, if any, introduced by the Chair

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 8th June 2022 are

attached for Members' approval.

6 RES/347759/21 - Land off Knowls Lane, Lees (Pages 7 - 24)

A Reserved Matters application for the erection of 234 dwellings, with associated vehicular access and parking, private amenity space, and landscaping, pursuant to hybrid planning permission MMA/344723/20.

7 FUL/347294/21 - Land adjacent to Maltby Court, Lees (Pages 25 - 44)

For the construction of 40 residential properties with associated access, landscaping and ancillary works.

8 Planning Appeals Update (Pages 45 - 48)

A list of appeals submitted and decisions taken on appeals received between 29th May and 22nd June 2022, is attached, which is recommended to be noted by the Committee.

9 Planning Appeal - Costs Decision (Pages 49 - 52)

10 Appeal Decision (Pages 53 - 58)



PLANNING COMMITTEE
08/06/2022 at 6.00 pm

Present: Councillor Dean (Chair)
Councillors Al-Hamdani, H. Gloster, Hobin, Lancaster, Surjan
(Vice-Chair), Woodvine, Cosgrove, Harrison (Substitute),
A Hussain, S Hussain, Islam and Nasheen

Also in Attendance:

Peter Richards	Head of Planning
Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Transport Officer
Graham Dickman	Special Projects Development Lead
Kaidy McCann	Constitutional Services
Martyn Leigh	Development Management Team Leader
Laila Chowdhury	Constitutional Services

1 **ELECTION OF VICE-CHAIR**

RESOLVED that Councillor Surjan be elected Vice-Chair for the
Municipal Year 2022-2023.

2 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors F
Hussain and C Phythian.

3 **URGENT BUSINESS**

There were no items of urgent business received.

4 **DECLARATIONS OF INTEREST**

Councillor Dean declared a non-registrable interest at item 8
and took no part in the discussion or vote thereon.

5 **PUBLIC QUESTION TIME**

There were no public questions received.

6 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Meeting held on 6th April
2022 be approved as a correct record.

7 **FUL/348415/22 - SPINDLES TOWN SQUARE SHOPPING
CENTRE, HIGH STREET, OLDHAM**

APPLICATION NUMBER: FUL/348415/22

APPLICANT: Oldham Council

PROPOSAL: Comprehensive redevelopment of the Spindles
Town Square Shopping Centre comprising the rationalisation of
the existing Upper Mall floorspace to create new flexible high

quality office use including co-working space (Use Class E), Change of use of part of the existing Upper Mall and car park to create a new archive space (Sui generis) and construction of a new market hall (Use Class E) and event space (Sui generis) including rooftop terrace, together with external alterations, cycle storage and changing facilities, roof mounted solar photovoltaic panels, public realm improvements, and other associated works.

LOCATION: Spindles Town Square Shopping Centre, High Street, Oldham, OL1 1JD

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

On being put to the vote, it was UNANIMOUSLY cast IN FAVOUR OF APPROVAL.

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

NOTES:

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

8 **FUL/346141/21 - THORNHAM MILL, OOZEWOOD ROAD, ROYTON**

Councillor Dean left the meeting for this item and took no part in the discussion or vote thereon.

APPLICATION NUMBER: FUL/346141/21

APPLICANT: Mr. Ian Shorrocks

PROPOSAL: Demolition of existing derelict mill to be replaced with the proposal of a 5 storey, 60 unit residential development with under-croft parking and shared landscaped amenity.

LOCATION: Thornham Mill, Oozewood Road, Royton, Oldham

It was MOVED by Councillor Islam and SECONDED by Councillor S Hussain that the application be APPROVED.

On being put to the vote 11 VOTES were cast IN FAVOUR OF APPROVAL and 1 VOTE were cast AGAINST with 0 ABSTENTIONS.

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

9 **FUL/346918/21 - THE VESTACARE STADIUM, WHITEBANK ROAD, OLDHAM**

APPLICATION NUMBER: FUL/346918/21

APPLICANT: AVRO Junior Football Club

PROPOSAL: Siting of an ancillary food kiosk (mobile catering van) and provision of sheltered seating areas (including within a converted steel container).

LOCATION: The Vestacare Stadium, Whitebank Road, Oldham

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

On being put to the vote 12 VOTES were cast IN FAVOUR OF and 0 VOTES were cast AGAINST with 1 ABSTENTIONS.

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

10 **FUL/348308/22 - BEE MILL, SHAW ROAD, ROYTON, OLDHAM**

APPLICATION NUMBER: FUL/348308/22

APPLICANT: W Lynock

PROPOSAL: Retrospective application for erection of storage building.

LOCATION: Bee Mill, Shaw Road, Royton, Oldham, OL2 6EH

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

On being put to the vote 12 VOTES were cast IN FAVOUR OF APPROVAL and 0 VOTES were cast AGAINST with 1 ABSTENTIONS.

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

11 **FUL/348446/22 - 6 POLE LANE, FAILSWORTH, OLDHAM**

APPLICATION NUMBER: FUL/348446/22

APPLICANT: Mr M Blum

PROPOSAL: Change of use from C3 to Sui Generis (7 no. bedroom/9 person Houses of Multiple Occupation) including external alterations.

LOCATION: 6 Pole Lane, Failsworth, Oldham, M35 9PB

During the debate of the application, Members noted the proposed plans included an intention to remove overgrown shrubs at the front of the property. Members requested that this is replaced with an appropriate hedge in keeping with the character of the conservation area.

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

On being put to the vote 8 VOTES were cast IN FAVOUR OF APPROVAL and 1 VOTES were cast AGAINST with 4 ABSTENTIONS.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report and with an informative note added to the planning decision notice relating to the replacement appropriate hedge.

NOTES:

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

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HOU/348488/22 - 1A LOWER TUNSTEAD, TUNSTEAD LANE, GREENFIELD

APPLICATION NUMBER: HOU/348488/22

APPLICANT: Mr David Sheldon

PROPOSAL: Single storey rear extension

LOCATION: 1A Lower Tunstead, Tunstead Lane, Greenfield, OL3 7NT

It was MOVED by Councillor Woodvine and SECONDED by Councillor Hobin that the application be APPROVED

On being put to the vote, it was UNANIMOUSLY cast IN FAVOUR OF APPROVAL.

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

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LBC/348487/22 - 1A LOWER TUNSTEAD, TUNSTEAD LANE, GREENFIELD

APPLICATION NUMBER: LBC/348487/22

APPLICANT: Mr David Sheldon

PROPOSAL: Single storey rear extension

LOCATION: 1A Lower Tunstead, Tunstead Lane, Greenfield, OL3 7NT

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

On being put to the vote, it was **UNANIMOUSLY** cast **IN FAVOUR OF APPROVAL**.

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

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APPEALS UPDATE

RESOLVED that the Appeals Update be noted.

The meeting started at 6.00 pm and ended at 8.07 pm

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APPLICATION REPORT - RES/347759/21 Planning Committee 6th July 2022

Registration Date:	8th November 2021
Ward:	Saddleworth West And Lees
Application Reference:	RES/347759/21
Type of Application:	Reserved Matters
Proposal:	Reserved Matters application for the erection of 234 dwellings, with associated vehicular access and parking, private amenity space, and landscaping, pursuant to hybrid planning permission MMA/344723/20
Location:	Land off Knowls Lane, Lees
Case Officer:	Graham Dickman
Applicant	N/A
Agent:	Mr Dan Ingram

INTRODUCTION

This application is presented to Planning Committee as a Major development.

RECOMMENDATION

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

THE SITE

The site comprises an irregular shaped area of land on the south eastern edge of Lees surrounded primarily by existing development to the west, north, and east. Knowls Lane and Thornley Lane demark the southern boundary with open land and scattered development to the south-east.

Most of the site to which this application specifically relates comprises vacant open grassland which was historically used for agricultural purposes.

The wooded valley of Thornley Brook runs through the north of the site, alongside which runs public footpath 26 OLDH. Further public footpaths 25 OLDH and 27 OLDH also traverse the site north to south.

Part of the wider site to the north of the proposed residential development area has been designated by Natural England as Ancient Woodland. However, this does not include the development area to which this application relates.

THE PROPOSAL

Background

A Hybrid Planning Application (PA/343269/19) comprising a Full Planning Application for the development of a new link road between Knowls Lane and Ashbrook Road and associated works, and an Outline Planning Application for the development of up to 265 dwellings, open space, and landscaping, with all matters reserved except for access was approved on 5th December 2019. An application for amendment to conditions attached to that approval (MMA/344723/20) was approved on 23rd April 2021.

Present application

The present application seeks approval of the Reserved Matters of Appearance, Landscaping, Layout, and Scale only in respect of the Outline Planning Application. In particular, the present proposals relate specifically to the area of the site identified for residential development.

The proposals envisage the construction of 234 dwellings, 53 of which are designated as affordable properties.

This includes a mix of 3, 4, and 5 bedroom detached houses, 2, 3 and 4 bedroom semi-detached properties, and 3 and 4 bedroom townhouses.

Environmental Impact Assessment

The proposal represents "Schedule 2" development as defined in the EIA Regulations. That fact does not imply that an Environmental Impact Assessment is invariably required, but that the proposal must be screened under the selection criteria in Schedule 3 of the Regulations.

A screening opinion has been issued in respect of the application. This confirms the Local Planning Authority's opinion that Environmental Impact Assessment is not required. This confirmation reflects previous determinations, including that issued by the Planning Inspectorate on 15th May 2019 that in the opinion of the Secretary of State "whilst there may be some impact on the surrounding area as a result of this development, the proposal would not be of a scale and nature likely to result in significant environmental impact. EIA is not required"

As with the previous application MMA/344723/20, the latest Screening Opinion takes into consideration the subsequent designation by Natural England of part of the wider site as Ancient Woodland. The proposed residential layout set out in this application does not specifically impinge on those areas.

It is noted that an objector has indicated that the Secretary of State has been requested to issue a further Screening Direction. However, the Council has not been advised that any Directive has been issued contrary to the established position that EIA is not required.

Taking all these material factors into consideration; it is concluded that the development continues not to require submission of an Environmental Impact Assessment in line with previous determinations by the Council and the Secretary of State.

RELEVANT PLANNING HISTORY

CND/348316/22 - Discharge of conditions 2 (culvert/ river corridor details), 3 (embanked road/culvert details), (Landscape and Ecological Management Plan), 5 (Invasive Species), 6 (Bat and Badger Surveys), 7 (Construction Environmental Management Plan), 8 (Surface Water), 10 (Gas Risk), 11 (Contamination) and 13 (Archaeology) relating to app no. MMA/344723/20. Pending determination

CND/348141/21 - Discharge of condition no's 5 (Invasive Species), 6 (Bat and Badger Surveys), 7 (Construction Environment Management Plan), 9 (Foul and Surface Water), 10 (Gas Risk), 11 (Site Investigation and Access), 13 (Archaeology), and 14 (Landscape Management Plan) relating to app no. MMA/344723/20. Pending determination

MMA/344723/20 - Section 73 application. Variation of Conditions 8 (landscaping management) and amendments to approved plans within condition 13 (link road plans) to PA/343269/19 for up to 265 new homes (outline) and new link road between Knowls Lane and Ashbrook Road (full). Changes sought are: Condition 8 to be separated into two conditions one relating to the link road and one the outline residential development. Amendments to condition 13 to provide indicative location of speed tables provided within the proposed link road, and the inclusion of a separate cycleway and footway along the route of the proposed link road (no changes to alignment width or gradient of the proposed highway). Approved 23rd April 2021

Hybrid Planning Application (PA/343269/19) comprised of "Part A - Full Planning Application for the development of a new link road between Knowls Lane and Ashbrook Road and associated works, and Part B - Outline Planning Application for the development of up to 265 dwellings, open space and landscaping, with all matters reserved except for access." Approved 5th December 2019 subject to a Section 106 legal agreement, following a determination by Planning Committee at its meeting on 1st July 2019.

That decision was subject to a legal challenge on the grounds that officers wrongly advised Planning Committee of the weight to be afforded to landscape harm and the status of the Council's 'Other Protected Open Land' (OPOL) policy; a failure to have regard to the statutory duty in respect of impact on heritage assets; and a failure to have regard to the Council's policy in respect of Energy (Policy 18).

On all grounds, Mr Justice Julian Knowles rejected the challenges, thereby upholding the planning approval. The period for further legal challenge to the permission has now passed.

A Hybrid Planning Application (PA/340887/17) comprising of "Part A - Full Planning Application for the development of a new link road between Knowls Lane and Ashbrook Road and associated works, and Part B - Outline Planning Application for the development of up to 265 dwellings, open space and landscaping, with all matters reserved except for access." Refused on 7th December 2018 following determination by Planning Committee.

RELEVANT PLANNING POLICIES

The western part of the site is allocated as Phase 2 Housing land. The eastern parcel of the site is identified as Other Protected Open Land (OPOL) on the Council's development proposals map.

The following local plan 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
Policy 6 - Green Infrastructure
Policy 9 - Local Environment
Policy 10 - Affordable Housing
Policy 11 - Housing
Policy 14 - Supporting Oldham's Economy
Policy 18 - Energy
Policy 19 - Water and Flooding
Policy 20 - Design
Policy 21 - Protecting Environmental Assets Natural
Policy 22 - Protecting Open Land
Policy 23 - Open Spaces and Sports
Policy 24 - Historic Environment
Policy 25 - Developer Contributions

CONSULTATIONS

Highway Engineer:	No objection to the revised layout plan. Note that formal diversion orders will be required for the changes to existing Rights of Way across the site.
Environmental Health:	No objection subject to measures to control construction noise.
Ramblers:	Recommend a slight move to the revised route of public footpath 25 OLDH away from the adjacent drive. The existing paths should not be closed until construction in those areas commences.
United Utilities:	Confirmed no objection to the revised drainage scheme as required by condition discharge application CND/348141/21.
Environment Agency:	No objections in principle to the submitted drainage scheme for the residential development site.
G M Ecology Unit:	No objection in principle subject to detailed matters identified under the Condition Discharge applications.
Trees Officer:	The proposed replacement and additional planting scheme is acceptable. Measures will need to be implemented to protect retained trees during construction.

Coal Authority: Further site investigations are required in respect of coal mining legacy features in order to discharge the relevant planning condition.

REPRESENTATIONS

The application has been advertised by press notice, site notice and direct notification letters to neighbours and those who commented on the previous application. Initial letters were sent out in November 2021, with subsequent notifications in February and April 2022 in response to the submission of amended plans.

63 representations have been received objecting to the proposal on the grounds below.

The following comments of significance to the present Reserved Matters application are addressed in the report below.

- Accessways do not have turning facilities for refuse vehicles;
- Lack of safe pavements on Knowls Lane and driveways directly off Knowls Lane;
- Insufficient car parking;
- There should be a landscape buffer to Knowls Lane along the site's southern boundary;
- The proposed play facilities are inappropriately proposed and insufficient to meet the needs of a full range of children and teenagers;
- Homes being built with gas boilers and method of energy efficiency are not shown;
- The proposed dwelling mix focusses on large properties and does not reflect the house needs in the area as identified in the Council's figures;
- Insufficient landscaping with small trees;
- Confirmation of compliance with the National Space Standards is required;
- Noise and loss of privacy, including overlooking of neighbouring property;
- Plans show a mine shaft close to houses;
- The developer has carried out unauthorised works.

Saddleworth Parish Council objects on the grounds that there is a lack of information on drainage; a lack of parking; the housing is predominantly large properties; the scheme's green credentials are questioned; one of the public rights of way is proposed to be a footpath down the side of a road which is completely inappropriate; and consideration should be given to improving the pedestrian and cycle access from the development to Grotton.

Other general comments received relate to the principle of the link road and the residential development, including traffic generation and emissions, loss of a greenfield site, impact on

ecology and woodlands, flood risk, drainage, appearance and design of the link road, and impact on local services.

These matters of principle have been considered in assessment of the previous Hybrid/Outline approval. They are not therefore directly pertinent to the consideration of the present application.

The Hybrid/Outline approval was also granted subject to a number of conditions. These include ecological mitigation, submission of updated ecological surveys, a Landscape and Ecological Management Plan, a Construction Management Plan, drainage details, and land contamination/gas investigations.

These matters will be dealt with under the separate condition discharge approval process. This process must be completed before development can commence and consideration of those applications is presently on-going. These are not specific Reserved Matters for the present application's consideration.

PLANNING CONSIDERATIONS

Principle of the development

As noted earlier within this report, the application relates to approval of the Reserved Matters of the previously approved residential development site only. Consideration is therefore limited to those matters.

The Hybrid/Outline approval allowed up to 265 houses to be constructed. The indicative layout demonstrated that the development would deliver larger family housing and higher-value housing to meet local needs and aspirations.

The present layout includes a reduction to 234 houses. This includes a pro rata provision of affordable housing in accordance with the terms of the previous legal agreement which will allow for these properties to be secured.

The principle of the development is not open for further determination. Similarly, matters of principle or requirements which go beyond those which are specifically included at Outline stage cannot be imposed.

National Planning Practice Guidance states that "The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters. Conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted"

Furthermore, conditions imposed on the Hybrid/Outline application cannot be reimposed at the Reserved Matters stage.

Nor are matters associated with the detailed planning approval for the proposed link road pertinent to the application to be assessed.

The reserved matters for which approval is sought are focussed on the acceptability of the layout and design of the properties. This includes the spatial aspects of the layout and scale of

buildings and their relationships within and external to the site, along with the appearance of buildings and landscaping of the development in the context of its setting.

Layout

The residential development site is largely located to the east of the previously approved link road extending across to the valley formed by Thornley Brook which adjoins the eastern boundary.

Although primarily comprising a gently undulating landscape, this is also cut through by a north-south tributary of the brook. Consequently, the proposed layout splits into two main sections either side of the tributary. This divide forms an important feature within the site.

This area of the development site is served by a single access road emerging from the previously approved link road and serving a mix of cul-de-sacs and an internal circular route within the easternmost portion. Properties are designed to largely provide active principal frontages onto the street scene, and where buildings turn corners, dual aspects are used to avoid prominent blank elevations. The layout avoids lengthy straight runs of properties. Landscaping is incorporated along street frontages and to the site boundaries.

The access road configuration and siting of properties ensures the avoidance of monotonous street scenes and is appropriate to the form of development proposed.

Properties are largely orientated to face out across the retained and adjacent open spaces from where open public views are obtained. This also avoids views into the site being dominated by tall screen fencing. Along the north-western boundary, properties present gable walls to the site boundary. However, in these areas, public views are restricted by established tree cover.

The proposed diverted public footpaths through the site follow the edges of the watercourse valleys providing a sense of openness to users.

A small number of properties are located to the west of the link road served by a single cul-de-sac. Existing and proposed tree planting adjoins these areas.

With the exception of a small group of properties fronting Knowls Lane between existing built frontages, green spaces demarcate the main site boundaries and provide a visual break to existing built development. The properties fronting Knowls Lane are sited in accordance with the previous indicative layout for the site and therefore do not conflict with the established principles for the development area defined in the Hybrid/Outline application.

In this overall context, the proposed layout ensures satisfactory relationship between properties within, and in the vicinity of, the site, and with the character of neighbouring properties in the local area. It ensures consistency with the illustrative layout included on the outline application, the Design Framework, and with Local Plan Policies 9 and 20.

Scale and appearance

The surrounding residential area contains a wide range of house types, ages, styles, and finishes. There is therefore no established vernacular which it is necessary to replicate.

Illustrative street scenes and site sections have been provided.

A range of 15 house types are included which reflect styles of the more modern properties that exist in the vicinity. Whilst there is a clear prevalence of larger family dwellings in the plans, adopted local and national planning policies do not require a specific mix on all individual sites, nor was this specified within the conditions of the Hybrid/Outline approval. It cannot therefore be imposed at this stage.

Properties extend to two and two-and-a-half storey, which is an appropriate scale for the setting of the site.

The designs, scale, density, and layout of the development secures satisfactory relationships between properties both within the layout and to the small number of neighbouring dwellings, ensuring suitable outlook and levels of privacy. All properties contain areas of private amenity space as well as ready access to the public open space and footpath routes in the immediate surroundings.

Furthermore, the layout incorporates areas of landscaped public open space which assist in softening the impact of the development and providing visual relief, in addition to the valleys of the natural watercourses which cross or adjoin the site.

Affordable housing units are to be accommodated throughout the layout to ensure an inclusive character within the development, with properties not distinguished by tenure.

Where properties are located on corner plots, the houses are designed to include window openings to break up the elevations. Where rear gardens adjoin highway frontages, matching brick walls are used in place of timber fencing to improve the appearance.

Overall, the layout is reflective of existing built development in the local area, and the dwellings are of an appropriate scale and density.

Facing materials are split between red brick with red or grey roof tiles, or split-face brown reconstituted stones and grey roof tiles. A 'Materials Layout' has been submitted which illustrates how the finishes will be mixed within the layout, with an emphasis on reconstituted stone finishes closer to the more historic stone-finished buildings on Knowls Lane.

Representations have been received requesting that natural stone finishes are utilised for properties in the vicinity of the listed buildings which are adjacent to this southern boundary.

However, in the context of the site and surrounding area, the use of reconstituted stone for the properties would not be incongruous, and there is adequate separation from any listed buildings to avoid adverse impact on their settings.

As with the proposed layout, the incorporated designs of the scheme ensure appropriate consistency with the illustrative designs included on the Hybrid/Outline application, the Design Framework, and Local Plan Policies 9 and 20.

Amenity standards

The 'Technical housing standards – nationally described space standard' (NSSS) provides guidance to local planning authorities on the minimum standards expected to be achieved in new and converted residential developments.

Formal adoption of the standard is subject to inclusion within a local plan policy based on evidenced local need. It is anticipated that the new Local Plan for Oldham (currently in preparation) will incorporate this requirement. However, at the current time there is no local plan policy that formally adopts this standard for new development in the borough.

The applicant has provided details which show that in terms of overall floorspace, all dwelling types satisfy the NSSS guidelines.

In the case of 6 property types (approximately 50% of the total dwellings), there is a deficiency in the size of individual 3rd, 4th, or 5th bedrooms; albeit that other bedrooms within those properties exceed the recommended standards.

The dominant house types to which this relates are the Cromwell and Phillips types.

Within the Cromwell, the deficiency relates to the third bedroom (in terms of its width – the overall room size exceeds the standard) and fourth bedroom has a size approximately 30% below the standard. Bedrooms one and two both exceed the required standard, whilst the overall floor area of the dwelling also slightly exceeds the standard.

Within the Phillips, the deficiency relates to the third bedroom which has a size approximately 20% below the standard. Similarly, bedrooms one and two both exceed the required standard, whilst the overall floor area of the dwelling also slightly exceeds the standard.

Whilst the Council encourages compliance across the standards, the NSSS is not a mandatorily required statutory document unless it is specified in a local plan policy which, as referenced above, it is not currently so in Oldham. However, the NSSS represents an authoritative guide to what standards would secure a satisfactory degree of amenity for future residents. It is therefore necessary to assess whether any provision below those standards would result in failure to secure satisfactory amenity

In that context, although a number of bedrooms do not comply with the individual room sizes, this is a result of the internal configuration of rooms, rather than a deficiency in the overall level of accommodation.

Consequently, it can be concluded that a satisfactory standard of amenity would be achieved and therefore there would not be sustainable grounds to determine that a sub-standard degree of amenity would exist for future residents.

Highways and parking provision

The principle of the vehicular access to the site from the surrounding highway network and the need for improved connectivity by means of the provision of the previously approved link road have already been determined and considered to be acceptable.

Phasing of the development is required to be submitted under Condition 20 of the Hybrid/Outline approval. The submitted Highway Phasing Technical Note has provided an appraisal of the traffic related effects associated with the proposed initial delivery of up to 45 dwellings at the site, prior to completion of the proposed new link road.

Based upon the anticipated trip rates, the initial delivery of up to 45 dwellings is calculated to give rise to up to 33 two-way movements during the AM peak hour, based on 85th percentile trip

rate forecasts. This level of additional traffic would equate to just 1 additional vehicle movement every 2 minutes on the local highway network.

This level of change in traffic flow is highly unlikely to have any notable effect upon existing highway network conditions, and therefore, with the exception of the short section of new highway providing access from Knowls Lane (as shown on the submitted Phasing Plan), these dwellings could be erected in advance of the overall link road.

Provision of the link road will however be required for any additional dwellings beyond this figure.

The Highways Engineer has sought amendments to the proposed estate road layout during the processing of the application; and is satisfied that the presently proposed arrangements ensure adequate space on the adopted highways for manoeuvring of residents' and visitors' vehicles.

Private accessways are not designed to the same adoptable standard. However, such arrangements are not an uncommon feature in residential areas. They nevertheless allow for appropriate servicing by larger vehicles as required. It is not unusual, for instance, for refuse vehicles to reverse along short stretches of such accessways where necessary.

Vehicular access to Knowls Lane will be obtained via the new link road, with the exception of a group of eight properties which will be served via a single driveway. This shared driveway to these properties has been designed to ensure satisfactory space for vehicle manoeuvring and visibility splays whilst allowing for the retention of the existing stone wall to the frontage for most of its length.

A new footway will be provided on the site frontage to allow for safe pedestrian access to the dwellings. At present there is no footway on the northern side of Knowls Lane in this area. The new footway will also link to the existing footways at either end providing an additional improved public benefit, including improved access to the school.

In respect of car parking provision, the Council does not operate any specific parking standards and each case must be assessed on its own circumstances. Although some households may contain more than two vehicles, this is not universally the case. Where additional space is subsequently required, experience shows that this will be provided by the owners in due course and adequate space would be available within individual curtilages as required.

Furthermore, there is a clear balance between providing additional on-site spaces upfront, where they may not ultimately be required, and the resultant loss of landscaping to soften the appearance of a development, whilst also seeking to encourage alternative and sustainable means of travel.

There is no requirement in relevant local or national policies for additional visitor parking to be required where on-site facilities are available. The highway widths and configurations are designed to accommodate temporary visitor parking and, in this context, there is no requirement for a specific facility.

A representation has been received suggesting that the layout should allow for future road widening at the link road and Knowls Lane junction. The configuration of the link road was determined on the Hybrid/Outline application. No requirement for future road widening has been

identified by the Local Highway Authority and consequently there is no requirement for the applicant to make such provision available.

Impact on public rights of way and pedestrian access

The residential development site is crossed by two public footpaths. Both enter the site from the north, where they are linked to an adjacent footpath network, before crossing Thornley Brook and rising steeply to cross the residential development site in a south-westerly (25 OLDH) and south-easterly (27 OLDH) direction, before emerging onto Knowls Lane/ Thornley Lane respectively.

As originally proposed, the footpaths would have been re-routed through the residential layout. 25 OLDH would have been segregated from vehicular traffic within a narrow, landscaped corridor, whilst 27 OLDH would have followed the line of one of the new estate roads.

Following discussions with the applicant, and representations from the public and Ramblers, revised arrangements have been submitted.

25 OLDH now follows a line at the western edge of the tributary which crosses the site, providing an improved sense of openness for users of the path. South of the proposed estate road, users will have the option to utilise the existing route to Knowls Lane, or to utilise a new dedicated route directly south. This additional route will also allow improved access to the school.

In respect of the Ramblers' comment for slight movement of the path, this is not feasible due to the adjacent banking. Nevertheless, the path will be physically separate from the carriageway of the drive to avoid conflict with pedestrians.

27 OLDH has been completely re-configured to now occupy a fully segregated route within the valley side alongside Thornley Brook. This creates a significantly more conducive and verdant recreational route. Sections through this footpath have been provided to illustrate its relationship with the residential development.

The new footpath routes have been designed to ensure equality of access for a wide range of users. In this regard, the new footpaths will include increased widths and bound surfaces. The routes mitigate changes in levels where possible, taking the topography of the land into consideration.

Given the above, the two proposed routes ensure improved accessibility for members of the public. A separate application for diversion of the footpaths under Section 257 of the Town and Country Planning Act 1990 (as amended) will also be required.

Landscaping and ecology

The application is accompanied by Landscape and Open Space Structure Plans and detailed planting specifications. This includes new tree planting within residential plots and along street frontages, along with the enhancement of retained open spaces around the site boundaries.

The Trees Officer has assessed the proposals and considers that whilst a small number of trees which presently exist within the residential development site will need to be removed, there will

be appropriate replacement and addition in line with the 3 for 1 requirement of saved UDP Policy D1.5.

Provision of up-to-date protective species surveys are required as part of the Condition Discharge process. Additional plans have been provided showing the provision of bird boxes and hedgehog gaps within garden fences, in addition to enhancement of planting and potential habitat around the site.

The proposals will ensure that the development has due regard to its setting, including maintaining direct views towards the adjoining open area from within the development site, whilst protecting and enhancing the adjacent open areas.

Open space/ play area

Matters regarding the provision of communal facilities were dealt with at the Hybrid/Outline application stage. Condition 19 of the approval requires the submission of details of the public open space for the development to be provided. The principle of this provision was agreed through the Hybrid/Outline permission and there are no requirements for additional formal facilities across all age ranges.

The submitted Parameters Plan (referenced in the Hybrid/Outline Condition 19 indicated the provision of a Local Equipped Area for Play (LEAP) in a central area of the site, close to footpath 25 OLDH.

The proposed details comprise an area of play equipment including slides, swings, steps, climbers, and inclusive roundabout, set within 0.9m high bow top fencing and self-closing gates.

The site is set within an area of landscaped open space providing a direct link to the replacement public footpath network. A number of proposed properties face the site providing an element of informal supervision.

Consequently, the proposed area is deemed acceptable in terms of its location and facilities. Long term maintenance is secured through the Section 106 legal agreement accompanying the Hybrid/Outline approval.

The formal play facilities are accompanied by the informal recreational spaces and footpath routes provided within the overall layout. Improvements to these routes will provide ready access to a wider range of users, including cycling facilities along the new link road.

Energy

Within the proposed design and layout, the submitted Design Framework takes account of the requirements to ensure sustainable development, in particular to attain compliance with Local Plan Policy 18 which requires new development to ensure a 15% increase on Part L for domestic and non-domestic buildings.

Whilst the Council can seek to encourage the developer to adopt specific measures, including those to 'future proof' sustainability, this is not a matter that is mandated through local or national planning policies.

It is noted that revisions to the presently required energy efficiency measures are proposed to be introduced by government by means of the Future Homes Standard which will come into force by 2025, including prevention of the use of fossil fuels for new homes. Given the scale of the proposed development and likely timescale for completion, it is likely that the presently proposed methods of compliance will need to adapt accordingly.

Any dwelling not commenced by that date (2025) will need to comply with the required standards under Building Regulations legislation then in force. More imminently, an initial uplift of the standards was introduced in June 2022, to which all houses constructed within this development will need to comply as a minimum.

The developer is aware of the implications thereof and, notwithstanding compliance with the Council's Local Plan Policy, will need to ensure compliance with the building regulations and any Future Homes Standard where those Local Plan standards are themselves exceeded.

At present, it is proposed that the use of photovoltaic panels will form the focus of the measures to be introduced in order to meet the present targets.

Furthermore, the developer has confirmed that each new dwelling will have an electric vehicle charging point installed, and this will be facilitated by means of a recommended planning condition.

Other matters

It has been suggested that some works have commenced without the necessary consent. However, this matter has been investigated and the activity in question relates to site exploration works which are necessary to ensure pre-commencement conditions can be addressed.

The Hybrid/ Outline approval MMA/344723/20 included a number of planning conditions.

Procedurally Conditions 15 and 17 require submission of specified Reserved Matters by 4th December 2022, following which the scheme is required to be implemented within two years of such final approval.

Conditions 18, 19, and 20 require that any Reserved Matters submission is accompanied by a Landscape Environmental Management Plan (LEMP), a Design Framework, and a Phasing plan respectively. These documents accompany the present submission and have been taken into consideration in assessment of the application.

Other matters are to be dealt with under the separate Condition Discharge process. They are required to be approved in addition to the present Reserved Matters application. Consequently, there is no need for them to be replicated in assessing the present application. This covers the following matters:

Conditions 5 and 6 require approval of invasive species protection and bat/badger surveys respectively prior to each phase of development. Given the likely timeframe of development, it is imperative that such matters reflect the up-to-date circumstances at the site and may need further revision as works progress.

Condition 7 requires submission of a Construction Management Plan.

Condition 9 requires submission of a drainage scheme for the residential site. Following the submission of amended plans, United Utilities has confirmed that the details are acceptable.

Conditions 10 and 11 require approval in respect of landfill gas and land contamination risks.

Reference has also been made to the proximity of proposed dwellings to an identified coal mine shaft. This is a feature which has previously been identified as part of the submitted Geo-environmental Site Assessment. The applicant has presented a methodology for dealing with this feature, for which the separate consent of the Coal Authority will also be required. At present the Coal Authority has indicated that it is not in a position to confirm that any necessary proposed protection measures are satisfactory.

This is however a matter which is required to be resolved through the Condition Discharge process of the Hybrid/Outline approval, and the Coal Authority's own permitting regime.

CONCLUSION

Taking all material planning factors into consideration; it is concluded that the proposed application should be approved. Implementation of the development remains subject to satisfactory discharge of relevant conditions attached to the Hybrid/ Outline approval and the Section 106 legal agreement to which the permission will continue to be bound.

RECOMMENDED CONDITIONS

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

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

2. Prior to the construction of any above ground works in respect proposed properties within each Phase, as indicated on the approved Phasing Plan Rev. E, the details for demonstrating that each property within that Phase will achieve a 15% reduction in carbon emissions against Part L of the Building Regulations 2013 shall first be submitted to and approved in writing by the Local Planning Authority. No individual property shall be first occupied until the approved measures have been fully implemented for that property.

REASON - In order to secure a sustainable form of development having regard to Policies 1 and 18 of the Oldham Local Plan.

3. No individual property shall be first occupied unless the design has incorporated the provision for on-site electric vehicle charging and such provision has been implemented into the building fabric.

REASON - In order to secure a sustainable form of development having regard to Policy 1 of the Oldham Local Plan.

4. Prior to the commencement of any part of the development within each Phase as identified on the approved Phasing Plan Rev E, 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 that Phase, 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 - To protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.

5. A replacement natural stone wall shall be provided along the frontage of the site between Plots 01 and 08 and Knowls Lane prior to first occupation of any of those properties. The wall shall be retained at all times thereafter.

REASON - In the interests of the visual amenity of the area and highway safety having regard to Policies 9 and 20 of the Oldham Local Plan.

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

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

7. No dwelling served by a private access road shall be occupied until the means of preventing through traffic along those access roads has been constructed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be retained thereafter.

REASON - To ensure adequate highway standards are met having regard to Policies 5 and 9 of the Oldham Local Plan.

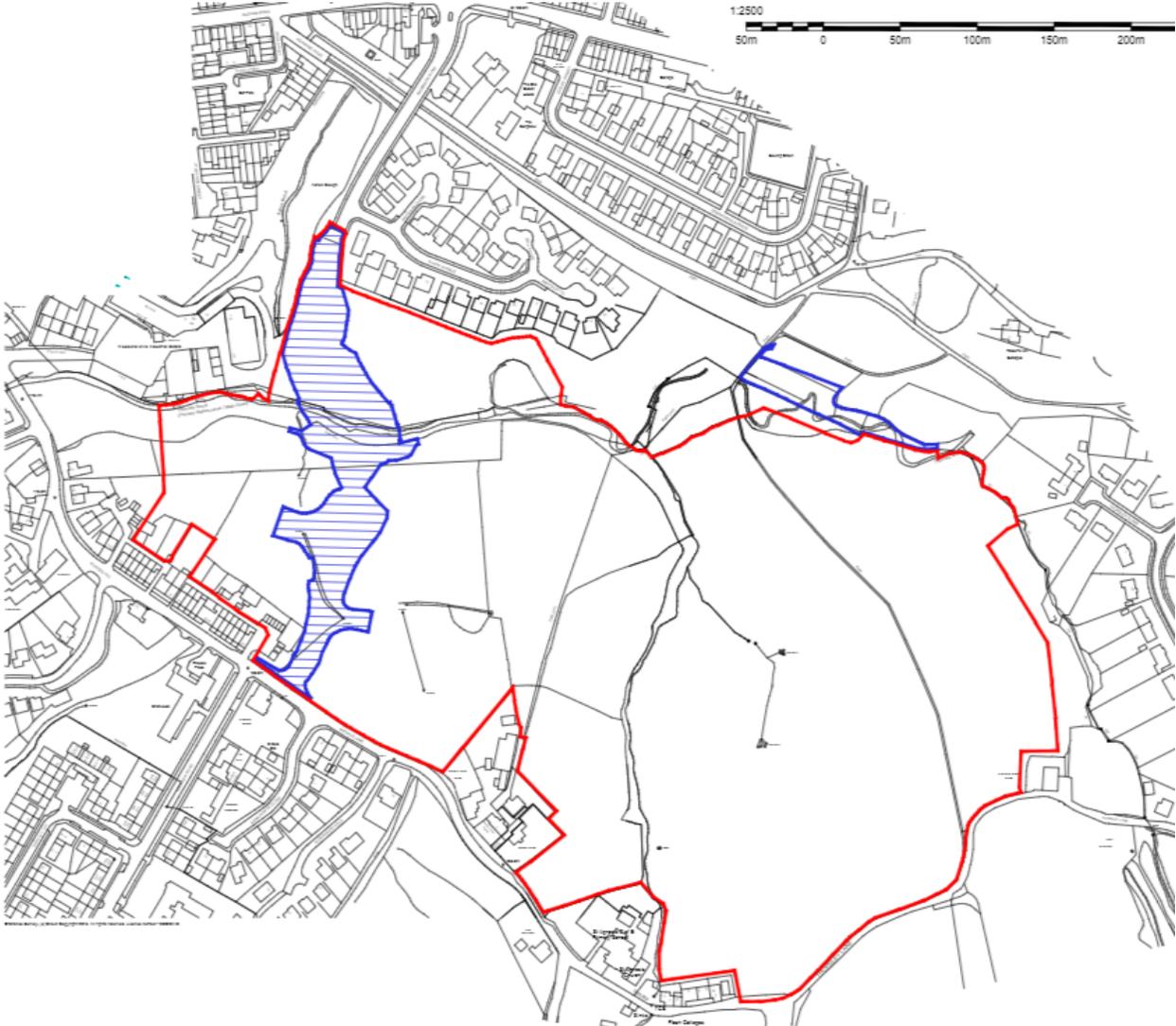
8. No use of any highway, driveway or footway/footpath shall commence until a form of protection has been provided around the perimeter of the site in those areas where there is a level difference in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be retained thereafter.

REASON - To ensure that drivers, cyclists and pedestrians are protected from a fall from height so that adequate highway standards are met having regard to Policies 5 and 9 of the Oldham Local Plan.

9. The existing routes of public footpaths 25 OLDH and 27 OLDH shall not be obstructed or closed until such time as development commences within that Phase of the site within which the existing footpath is located as indicated on the approved Phasing Plan Rev E.

REASON - In order to ensure rights of way are satisfactorily protected during the course of the development having regard to Policy 5 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)



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APPLICATION REPORT – FUL/347294/21 Planning Committee 6th July 2022

Registration Date: 28th July 2021
Ward: Saddleworth West & Lees

Application Reference: FUL/347294/21
Type of Application: Full

Proposal: Construction of 40 residential properties with associated access, landscaping and ancillary works

Location: Land adjacent to Maltby Court, Lees

Case Officer: Stephen Gill
Applicant: Mr Mark Sexton
Agent: Mr Garry Griffiths

INTRODUCTION

The application is referred to Planning Committee for determination since it is a Major development proposing the erection of more than 20 dwellings.

RECOMMENDATION

It is recommended that the application is refused for the reasons set out in this report.

THE SITE

The site subject of the application is located within the village of Lees, approximately 2.5 miles east of Oldham Town Centre. The site is an irregular shaped parcel of land that is relatively flat with a gentle slope to the southwest. It measures approximately 1.37 hectares in size and is vacant and overgrown. Access is located to the west of Maltby Court, and the immediate surroundings are characterised by detached red brick housing to the east.

The site is located within the Open Protected Other Land 11 (OPOL 11 Land at Greenacres including Lees Cemetery and Mills recreation ground) designation, a Green Corridor and the Thornley Brook NSN, which is identified as natural/ semi-natural open space.

THE PROPOSAL

The application proposes the erection of 40 residential properties, with associated parking, access works, landscaping and ecology improvements.

RELEVANT PLANNING HISTORY

N/A

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 allocated in the Proposals Map associated with this document as [text].

As such, 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;
Policy 9 - Local Environment;
Policy 10 – Affordable Housing;
Policy 11 – Housing;
Policy 18 – Energy;
Policy 19 – Water and Flooding;
Policy 20 – Design;
Policy 22 – Protecting Open Land;
Policy 23 – Open Spaces and Sports; and,
Policy 25 – Developer Contributions

CONSULTATIONS

Highways Engineer:	No objection subject to conditions and the implementation of highway improvement works, which can be secured through a S.278 Agreement.
Environmental Health:	No objection subject to conditions
Spatial Planning:	Concerns raised in relation to the principal of development. Does not support the erosion of OPOL 11 and does not agree with the applicant's assertions the development complies with Policy 23 in respect of the loss of open space as described in the Committee Report in detail below.
Education:	No objection and no request for a contribution
Greater Manchester Police:	No objection subject to condition
Arboricultural Officer:	No objection subject to condition
Greater Manchester Archaeology Advisory Service:	No objection
United Utilities:	No objection subject to conditions
Greater Manchester Ecology Unit:	Awaiting final comments

Transport for Greater
Manchester:

No objection subject to conditions

REPRESENTATIONS

The application has been publicised by means of neighbour notification letters, site notice and press notice. In response, 98 representations have been received raising the following (summarised) issues:

- Equality & Disability Act 2010 is being breached.
- The Energy Statement submitted with the application fails to comply with Local Plan Policy 18
- The plans submitted are inconsistent and incorrect, with various errors
- The value of the existing properties in the immediate vicinity will be adversely impacted by the development.
- The consultation period given by the Council to comment on the planning application is insufficient, and underhanded.
- The applicant has given no consideration to the existing residents on Maltby Court
- The development will adversely impact the rich ecology on the land, including bats, bird, and badgers, and will also result in the loss of a huge number of trees and plantation.
- Impacts to traffic levels in the area, which are already very bad. The transport detail is based on information from 2019, and needs to consider all local roads and junctions that are affected by the development
- The development would result in an increase of 84 cars and this puts an intolerable pressure on the only entrance / exit available from Maltby Court to Rhodes Hill, Lees New Road and Hartshead Street Jct.
- Inadequate Transport Assessment submitted
- A cumulative traffic impact assessment needs to be undertaken to consider the impacts of this development and other recent applications that have been approved.
- The development will put undue pressure on all the existing local amenities, including doctors and dentists in the area
- Lack of footways for pedestrians outside the site, which will increase risks of injury and accidents to adults and children.
- Lack of parking provision in Lees to accommodate the additional residents
- There are plenty of brownfield sites to consider
- Construction vehicles will struggle to access the site, and will cause amenity issues
- Mental health issues as a result of a loss of green space
- There are no bus stops available on Hartshead Street, Rhodes Hill, Lees New Road
- Risk to subsidence and damage to existing properties
- No affordable housing is proposed within the development
- Increase of noise and loss of privacy, and existing residents will be overlooked by 3 storey properties
- The proposed road width is not wide enough for a two-way operation
- The layout is not fit for those with wheelchair requirements

- The development will cause increased potential for flooding on the site, because surface water does have anywhere to go.
- No confirmation on where the waste from the additional properties will go
- A landscape buffer strip has not been proposed between the existing and proposed properties
- The area does not have the infrastructure for all the new homes proposed for the area
- The development has the potential to add to the amount of speeding cars on Rhodes Hill
- The development fails to comply with NPPF paragraph 92 as it does not propose a healthy, inclusive place, with streets that allow pedestrian and cycle connections that are safe and accessible.
- The lack of drop kerb availability for wheelchairs, would force wheelchair users on to carriageway, which is dangerous
- The loss of OPOL is devastating to the local community
- It is refuted that homes will be bought by local people, which will free up housing stock lower down the chain
- The proposed development represent overdevelopment on the land.
- The development lacks sustainability, with poor bus links
- The development is not needed
- The development would result in children not being able to play outside due to the increase in traffic
- The land is not fit for the intended use
- The cumulative loss of both OPOL 11 & 12 is detrimental to local communities
- The development is not identified in the Strategic Housing Availability Assessment as a potential housing site.
- No street lighting appears to be proposed within the site for pedestrian safety and safeguarding
- The proposed development will destroy everything that makes the area attractive
- Hartshead Street is used as a race track daily and more cars will make this worse
- The development will add pollution to the area with additional vehicles
- There is no continuous footpath on Rhodes Hill in either direction from Maltby Court, which is dangerous for pedestrians
- The application approved for 265 homes on Knowles Lane provides adequate levels of housing provision in the area, a further 42 units on Maltby Court is not required
- Damage to the trees within the site and on Maltby Court
- Objection to the proposed layout on the basis of it representing overdevelopment of the site

PLANNING CONSIDERATIONS

Principle

Housing Provision

Oldham's housing requirement, under the nationally-set Local Housing Need standard methodology calculation, was 677 homes per year as at 1 April 2021. The most recent published housing land supply position for Oldham, which covers the period 1 April 2021 – 31 March 2026, identifies a five-year supply of 2,893 homes taking into account projected clearance. This represents 85% of the dwellings required over the five-year period against the standard methodology (5 x 677 = 3,385 dwellings), not including any buffer. Given that the Council cannot therefore demonstrate a five-year housing land supply position against this national requirement, this means that Local Plan Policy 3 is out of date in terms of the distribution of housing.

However, the Places for Everyone Joint Plan (PfE) for nine of the ten Greater Manchester Authorities (including Oldham) was submitted to the Planning Inspectorate for examination in February 2022. PfE proposes a stepped housing requirement for Oldham of 352 homes per year for the first five years of the plan period (2020-2025); 680 homes per year for years 6-10 (2025-2030); and 868 homes per year for years 11-17 (2030-2037). Based on the PfE stepped housing requirement for 2021-2026 (2,088 dwellings), the 2,893 dwelling supply as at 1 April 2021 would represent 139% of the PfE requirement, i.e., not only showing a five-year supply with an appropriate buffer but a significant surplus over a five-year supply (a 39% buffer). Given that PfE has been submitted to the Planning Inspectorate for examination, it is now appropriate to give the document 'limited weight' in the decision-making process, and so this improved housing land supply position under PfE should be given weight and will be considered in the planning balance.

Furthermore, the robustness of the above housing supply has been supported by the fact that several large sites (which are also allocations under PfE) have been granted planning permission since 1 April 2021, thus confirming the deliverability of those sites and their appropriate inclusion in the five-year housing supply.

In addition, housing delivery is increasing in the Borough. The latest Housing Delivery Test result for 2021, which was published 14th January 2022, sets out that Oldham has delivered 91% of its housing need over the past three years. This is a significant improvement on the previous years' results of 80%. As per the latest result, the Council are no longer required to identify a 20% buffer of deliverable housing land on top of the five-year supply, but only the standard 5% buffer.

Based on the above, Oldham's housing land supply position is strengthening, and this is a material consideration in determining how much weight can be afforded to housing provision in the tilted balance.

However, notwithstanding this, the Council's position is that it cannot currently demonstrate a five-year supply of deliverable housing land, when considered against the standard methodology, and paragraph 11d) of the National Planning Policy Framework ("NPPF") states

that, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

In assessing whether the most important policies for determining the application are 'out of date', it is for the Local Planning Authority to decide how much weight should be afforded to the 'most important policies' in the determination of the application.

In relation to NPPF paragraph 11d(i), the development is not considered to adversely impact areas or assets of particular importance as set out in footnote 7. Considering NPPF paragraph 11d(ii), a balancing exercise will need to be undertaken to determine whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

It is important to state from the outset that this is a finally balanced case, however, for the reasons set out in this report, it is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, and therefore, the principal of residential development is not considered to be acceptable in this instance.

In coming to this view, the following factors have been considered:

Other Protected Open Land 11 (OPOL 11)

OPOL 11 has been assessed against the Local Green Space ("LGS") criteria set out in the NPPF as part of the work undertaken for the Other Protected Open Land Interim Position Paper ("OPOL IPP"), which was adopted on 20th September 2021. The document states that OPOL 11 overall does meet the LGS criteria and states that:

"The land is of local significance due to its beauty, tranquillity, wildlife, recreational value and historic significance."

The OPOL IPP is a material consideration in the determination of the application. The development proposal would have an impact on OPOL 11 and would essentially erode 1.5% of the OPOL. This would constitute piecemeal development in the OPOL, and the impacts will need to be weighed up in the planning balance.

In establishing how much weight should be afforded to the erosion of the OPOL, Local Plan Policy 22 is relevant, and it must be established how much weight can be afforded to the Policy in this assessment. Given that the Council cannot demonstrate a 5-year housing land supply and Local Plan Policy 22 is a policy that restricts the delivery of housing, it should be considered as being out of date in this respect, however, that does not mean that 'no weight'

should be given to the Policy in the planning balance. It has been established through the Courts in other cases that it is in the decision makers planning judgement as to what weight should be afforded to relevant restrictive policies. However, a logical approach to take would be to give less weight to restrictive policies if the shortfall in the housing land supply is larger and more weight if it is small.

In coming to a view on what weight should be given to Local Plan Policy 22 in the balancing exercise, the strength of the housing land supply position is a factor. The housing land supply position is improving in Oldham and has now increased to 85% of that which would be required against the standard methodology as at 1 April 2021. This would improve to 139% against the stepped PfE requirement. In addition, deliverability has improved and so, given the status of PfE now that it has been submitted for examination, it is appropriate to give this improving housing land supply position at least 'limited weight' in the balancing exercise.

When all the above factors are considered together, it is therefore a reasonable planning judgement to elevate the weight given to Local Plan Policy 22 from 'limited' to 'moderate', whilst also reducing the weight given to the provision for housing from 'significant' to 'moderate'. This is considered justified given the overall improvement in the housing land supply position and deliverability and the status of PfE, and the fact that the OPOL that the Maltby Court site lies within is considered worthy of continued protection under the OPOL IPP and is not proposed as an allocation for development under PfE.

With the above considered, the development can now be assessed against Local Plan Policy 22. Based on the criteria set out in Local Plan Policy 22, the development fails to accord with the Policy. Local Plan Policy 22 does allow for small-scale or ancillary development located close to existing buildings within the OPOL, which does not affect the openness, local distinctiveness or visual amenity of the OPOL, taking into account its cumulative impact. The development is not small scale or ancillary and will in part harm the distinctiveness, by eroding the quality of an OPOL that meets LGS criteria. Overall, the development results in the loss of 1.5 hectares of OPOL (1.5%) and this does not comply with Local Plan Policy 22, and this does not weigh in favour of the development in the planning balance.

Green Corridor

The site is also designated as being within a Green Corridor. Policy 6 is relevant and states that development proposals where appropriate must:

- a. promote and enhance the borough's Green Infrastructure network. This currently consists of nature conservation sites, strategic recreation routes, green corridors and links, canals and open spaces which are defined below; and
- b. make a positive contribution to Green Infrastructure assets and its functions in priority areas identified in the Greater Manchester Green Infrastructure Framework and elsewhere where there are deficiencies in quantity, quality, accessibility and functionality.

Policy 21 is also relevant and states that development proposals must protect and maximise opportunities for Green Infrastructure at or near to the site; and maintain, extend or link existing green corridors and links, including strategic recreational routes, where appropriate.

The application encroaches into the Green Corridor, and Spatial Planning have concluded that by the very nature of the encroachment, it does not protect the Green Corridor. The development will create additional footpaths outside the site boundary to make areas of the remaining Green Corridor and OPOL more accessible and this does create opportunities and benefits. However, these improvements need to be balanced with the fact that the development has the potential to adversely impact the Green Corridor.

In this regard, GMEU are currently reviewing the information submitted and will confirm the level of impact to the Green Corridor, and this will be added to the late list.

Benefits

The development does demonstrate some clear benefits, which need to be considered in the balancing exercise, and these are as follows (in summary):

1. The contribution of housing provision towards the Borough's housing land supply position;
2. The development will create new footpaths, and accessible areas in the immediate surrounding of the site. The scheme will also include provision for a new bridge across Thornley Brook; and
3. A new wildlife habitat will be created on a parcel of land west of the development, which has the potential to deliver 30.65% Biodiversity Net Gain (BNG).

The contribution to the housing land supply position has been discussed above and does not need addressed again here.

In terms of benefit number 2, the applicant is proposing various improvements to the wider site that need to be considered carefully in the planning balance. New footpaths are being created through the site and out to the wider area, which will make areas of OPOL 11 accessible. A new footpath is proposed to the south of the site, which will provide new linkages to a play area, a sports pitch and also Wildsmoor Avenue, which provides a direct link to Lees New Road. In addition, a new footpath link is proposed to the north, which will involve the creation of a bridge over Thornley Brook, which will then allow pedestrian access and linkages to an area of new wildlife habitat, and also the existing allotments and Mils Recreation Area further north, and this is clearly a benefit of the scheme.

In relation to the BNG the applicant concludes that the improvements will deliver a 30.65% net gain. The Biodiversity Impact Assessment Revision A ("BIA") submitted by the applicant concludes that this will be achieved through the mitigation measures proposed across the wider site. This will include the enhancement and expansion of the existing broadleaved woodland and the creation of a wildflower grassland, which will not only increase habitat connectivity across the site but also within the wider landscape. The BIA also concludes that the planting approach will achieve a more diverse woodland structure, providing shrub and understorey layers, as well as a structured woodland edge habitat. In addition, the proposal will result in 100% BNG in hedgerow units, due to the lack of hedgerows that exist within the site. The specifics of the BNG proposals will be discussed in more detail below in the Ecology section of the report.

It should be noted that the Council only received the applicants latest BNG submissions on the 28th June 2022, and GMEU are currently reviewing the proposals to see if they concur with the BNG calculations. The Council are expecting a response from GMEU prior to Planning Committee, and this will be reported as part of a late list.

Viability & S106 Contributions

Given the scale of the proposed development, in normal circumstances, contributions would be sought for affordable housing and open space at the very least in accordance with the relevant Local Plan Policies. The applicant has highlighted the challenges of developing a scheme, whilst also covering the cost of planning contributions. With that considered, the applicant has submitted a Viability Assessment undertaken by Roger Hannah. The Viability Assessment submitted concludes that if planning contributions were sought to a policy compliant level, then this would result in a residual land value loss of £268,000.

The viability assessment submitted by the applicant has been reviewed on the Councils' behalf by the Northern Land Agency ("NLA"). Extensive discussions were undertaken between Roger Hannah and NLA in respect of viability. NLA conclude that the majority of the inputs adopted by Roger Hannah are reasonable and accord with NLA's experience and professional opinion. However, NLA did consider that the following adjustments needed to be made:

- Decrease in the value of the 'D' housetype (Townhouse)
- Decrease base build costs to £127 per sqft
- Decrease contingency to 3%
- Decrease professional fees to 6%
- Decrease sales and marketing to 3%
- Reduce the premium to the landowner within the Benchmark Land Value ("BLV") and adopt a lower BLV of £901,725.

When those above adjustments were made, NLA concluded that the scheme was capable of contributing £65,000 towards S106 contributions. This response was given to the applicant, who did not object to the outcome, and therefore, if the development was considered acceptable, the contribution would be secured through a S106 Agreement to fund open space provision and affordable housing requirements (discussed below).

Open Space

The site is identified as natural/ semi-natural open space (Thornley Brook NSN) within the Open Space Assessment, and the development will result in a loss of open space.

Local Plan Policy 23 states that the development of a site that is currently or was most recently used as open space or for sport or recreation will be permitted provided it can be demonstrated the development brings substantial benefits to the community that would outweigh the harm resulting from the loss of open space, and;

- g. a replacement facility which is at least equivalent in terms of usefulness, attractiveness, quality and accessibility, and where appropriate quantity, to

existing and future users is provided by the developer on another site prior to the development commencing; or

- h. if replacement on another site is neither practicable nor desirable, an agreed contribution is made by the developer to the Council for new provision or the improvement of existing open space or outdoor sport and recreation facilities and its maintenance within an appropriate distance from the site, or within the site; or
- i. a mixture of both g) and h)

The applicant would need to satisfy the loss as per the above through providing either a replacement facility or an agreed contribution to new or existing provision elsewhere or a mixture of the two.

There has been some debate with the applicant on the interpretation of Local Plan Policy 23, specifically in terms of the loss of open space. The applicant asserts that because of the recreational improvements proposed in the wider site as part of the development, this would meet part (e) of Local Plan Policy 23. Part (e) of the policy permits the loss of open space where proposals are for a new outdoor or indoor sport or recreation facility which is of sufficient benefit to the development of sport and recreation, or to the open space function, to outweigh the harm resulting from its loss, and it could not be reasonably located elsewhere, and does not create or worsen an existing deficiency of open space in the area.

It is fully acknowledged that the applicant proposes making some improvements to the wider vicinity of the site, including new footpaths and a bridge over Thornley Brook, which will make the wider site more accessible and useful, as well as delivering a new area for wildlife habitat, which are all welcomed improvements and may encourage new recreation to the area. However, these improvements would only be delivered as part of building a major residential development of 40 dwellings on a site identified as Open Space. Therefore, the proposals are not (in their entirety) for a new outdoor sport and recreation facility, as it includes a proposal for a major residential development. Therefore, in the Councils' view, the development cannot comply with part (e) of Local Plan Policy 23.

Therefore, the development results in the loss of an area identified for natural and semi natural open space. However, it is noted that part (h) of Local Plan Policy 23 states that the loss of an area designated as open space can be mitigated by way of a financial contribution if a replacement on another site is neither practicable nor desirable. The financial contribution aspect will be discussed below.

Separately to the loss of open space, given that the scheme is major residential development, there is also a separate requirement to contribute to the provision for new additional open space through either on site provision or if this is not practicable a financial contribution. In identifying suitable additional provision, it is important to look at any surpluses and deficiencies in the area. The area is identified in the Open Space Study as being sufficient in accessibility to all the required types of open space; however, there are deficiencies in quality and quantity for three typologies of open space – parks and gardens, provision for children and provision for young people. There are deficiencies in the quality of amenity greenspace, outdoor sports

facilities and natural/ semi-natural. Where an area within which a site is located is deficient in at least one of the standards of open space provision (accessibility, quality, and quantity), overall, the area is classed as being deficient in that typology of open space.

Whilst the improvement works on the wider site are welcomed, no information has been supplied by the applicant, which demonstrates how the proposals would address the shortfalls in the typologies identified above. With that considered, Spatial Planning have calculated that a contribution of **£310,473.06** would be required to account for the loss of the open space designation and also contribute to new open space provision.

However, as set out above, due to viability reasons, a contribution of only **£65,000** can be sought, split between affordable housing and open space. Therefore, the contribution that could realistically be sought for the loss of open space, and the provision for new open space to address the shortfalls, is substantially below the amount required just to mitigate the loss and make the development acceptable in Policy terms. Whilst the viability of the scheme has been proven and the constraints are understood, the figure for the loss of open space and the provision for new open space is very low and is not policy compliant. This is not considered to weigh in favour of the development as a benefit in the planning balance and would not meet the tests of Local Plan Policy 23.

Affordable Housing

The development qualifies for affordable housing provision. Changes to the National Planning Policy Framework in July 2021 now require that planning obligations should be applied to developments of 10 dwellings or more on the basis that obligations should only be required for 'major' developments. Currently, Local Plan Policy 10 refers to the trigger for affordable housing as being 15 dwellings, however, in line with the requirements of the NPPF, the trigger point has been reduced to 10 dwellings. This change has been secured through an Interim Planning Position Paper which was agreed at Cabinet in January 2022. In addition, the Interim Position Paper also secured the expected affordable housing tenure split, which is 25% First Homes, 25% other intermediate tenure, 50% social/ affordable rent.

Local Plan Policy 10 states that the current target for affordable housing provision is for 7.5% of the total development sales value to go towards the delivery of affordable housing.

The development does not propose any on site affordable housing provision, and instead proposes a financial contribution in lieu. Due to viability constraints the developer is able to contribute £65,000 to cover all contributions. Notwithstanding the financial constraints of the scheme, this is not considered to be a high contribution, given the scale of the scheme.

The Local Housing Needs Survey 2019 reveals that there is an ongoing need for a range affordable housing in the Borough for all tenure types and given that no on site provision is proposed and the level of contribution is considered low overall, this is not considered to weigh in favour of the development as a benefit in the planning balance.

Layout and Residential Amenity

Given the scale of the development, residential amenity is a key consideration for this scheme, especially for the existing residents of Maltby Court. Separation distances are a key factor in establishing whether residential amenity of existing and future residents would be adversely impacted. It is generally accepted that to achieve good amenity levels in accordance with Local Plan Policy 9, the separation standards to achieve is 21m distance between facing habitable room windows and 10-12m between habitable room windows to non-habitable room windows / blank gable.

In relation to the separation distances these are considered to be acceptable. For example, the distance between Plots 24 – 32 of the development and the existing properties on Maltby Court, specifically no's 22-30 Maltby Court, are in excess of the separation standards set out above. In addition, the separation distance between Plot 24 and 30 Maltby Court is approximately 24m, and the distance between Plot 30 and 22 Maltby Court is in excess of 25m, which are entirely acceptable. The separation distances within the development are also considered acceptable, for example, the separation distance between Plots 10 and 21 is approximately 21m (private garden side), which is acceptable, and the distance between Plots 13 & 15 is above 21m (private garden side). Overall, the separation distances within the development would be considered as acceptable.

The submitted cross sections plan Rev C, specifically sections D-D and E-E, further demonstrate the relationship between the proposed development and the existing properties on Maltby Court. The sections demonstrate that the properties on Maltby Court would sit slightly higher than Plots 22 and 30 of the development, and given the separation distances, it is reasonable to conclude that impacts to privacy and amenity would be very limited. In addition, the applicant has sited house types A and B in this location, which are 3 bed semi-detached properties, these are the smallest house types in the development and are of a similar scale to those on Maltby Court. The larger house types are situated within the site, further away from existing residents, and the three storey properties (house type C) are situated on the southern and northern boundaries, and face only the gables of other properties in the development. The approach to the layout helps to maintain privacy and avoid the potential for overlooking, and this complies with Local Plan Policy 9.

Considering occupier amenity within the proposed dwellings, all the relevant rooms, including bathrooms and bedrooms, will meet the criteria set out in the National Described Space Standards (NDSS). This will give future residents of the proposed development sufficient space to achieve a good standard of living, which is a positive of the scheme and is supported.

Given the surroundings, which comprise mostly of residential properties, the construction phase of the development does have the potential to cause a disturbance, if this is not appropriately managed. Following consultation with Environmental Health, if the development was considered to be acceptable, a condition could be placed on any planning permission to ensure the submission of a Construction Management Plan.

Overall, it is considered that subject to condition, the development would not have an unacceptable impact on existing and future residents, and on that basis, the development complies with Local Plan Policy 9 and NPPF paragraph 130.

Design and Appearance

In relation to appearance, the scheme incorporates seven different house types as follows:

- House Type A = two storey 3 bed semi detached
- House Type A = two storey 3 bed semi detached
- House Type C = three storey 4 bed semi detached
- House Type D = two storey 4 bed detached
- House Type E = two storey 4 bed detached
- House Type F = two storey 4 bed detached
- House Type G = two storey 4 bed detached

The house types vary in scale and appearance, which does create some visual interest in the development. The proposed house types range from 2 to 3 storeys, in both a detached and semi-detached format, with a mix of roof designs comprising either pitched, gable or hipped. House types E, F and G have integral garages attached, and some of the house type designs have features such as bay windows. The bigger house types do have a large massing; however, this is not considered to be out of character with the area. The dwellings overall have a traditional appearance in terms of scale, massing and appearance, and this would not be out of character with the immediate setting.

In terms of materials, the applicant has not specified a materials schedule as part of the application. However, they have indicated that consideration will be given to the external materials used in the wider area. In terms of the properties that surround the site, these appear to incorporate a basic traditional palette of materials that include brick external walls and concrete tiled roofs. A mix of timber and uPVC window frames are also common characteristics within the area. Given the lack of specific detail on materials, a condition could be applied to ensure that the appearance is acceptable.

In terms of the soft landscape proposals, these have been reviewed by the Arboricultural Officer and are considered to be acceptable. The development would result in the loss of four individual trees and a further unspecified number of trees from within several groups, however given the scope of the re-planting proposed, this is considered to outweigh the loss, and the details set out in the Arboricultural Method Statement and Tree Protection Plan could be secured by way of condition.

The hard landscaping is standard for the type and scale of development proposed. The access road and footpath would be constructed in a bitmac finish, paving slabs would be incorporated in the rear garden areas and a mixture of both 1.5m and 2.1m close boarded timber fencing would be used to divide the properties appropriately. The frontage of the properties across the development would be left absent of any fencing in an open plan arrangement which is considered acceptable.

Overall, the design and appearance of the development is considered acceptable as would the materials and tenure types proposed. Therefore, it is concluded that the development meets the tests of Local Plan Policy 20 and NPPF Section 12.

Highways

The Highways Engineer has reviewed the details submitted and following extensive discussions with the applicant, no objections are raised to the application on highways grounds.

The Highways Engineer concludes that the site is located close within an established residential area with good access to a wide range of amenities and public transport links. In addition, it is also concluded that there will not be any adverse or significant increase in traffic generation or any additional demand for on street parking to the detriment of highway safety.

Several highway improvement works are proposed within the vicinity of the development, including the following:

1. Visibility splays are proposed at the site entrance between Maltby Court and Rhodes Hill.
2. A pedestrian crossing is proposed over Maltby Court with tactile paving and dropped kerbs.
3. The grass verges on Maltby Court near the entrance to the site would be changed to tarmac to allow for a continuous footpath in and out of the site.
4. The kerb Radii fronting 30 Maltby Court, would be increased, with a full kerb.

The Highways Engineer has worked closely with the applicant to agree the above improvement proposals. They are intended to improve pedestrian connectivity through the site. These works could be secured through a s278 Agreement, which the applicant is aware of. Therefore, subject to the delivery of the improvement works, no objections would be raised to the development on highways grounds. Conditions are recommended in relation to the implementation of parking, a highway improvement scheme and a construction management plan.

Therefore, subject to the implementation of a highway improvement scheme as described above and suitably worded planning conditions, the development is considered acceptable on highways grounds and complies with Local Plan Policies 5 & 9 and NPPF section 9.

Visual Impact

The applicant has submitted a Landscape and Visual Impact briefing note with the application which considers the viewpoints that surround the site and how the development could impact these.

In terms of any change within the site, the briefing note concludes that the likely overall, magnitude of change within the site can be considered as low – medium adverse, and the likely overall, magnitude of change to the surrounding area is considered to be low adverse.

To mitigate for any impacts, the applicant is proposing a full package of landscaping proposals. The proposals include new planting, which would include a high percentage of indigenous trees and shrubs. Where native shrubs are not appropriate the emphasis would be on ornamental shrub species which are attractive to wildlife, particularly insects. A mixed species native hedgerow or native shrub buffer would also wrap around the site boundary and would

include substantial native tree planting. The landscaping proposals have been reviewed by both the Arboricultural Officer and GMEU and no objections have been raised to the proposals.

The briefing note then describes what the residual impacts would be when the mitigation is implemented. The briefing note states that the proposed landscaping will soften the site boundaries, to some extent and plot landscaping would help to break up the massing of the development. However, notwithstanding this, the briefing note still concludes that the development will have some visual impact, and this is characterised as being low-medium adverse.

There is no reasonable basis to disagree with the findings of the report submitted. Whilst landscape and visual impacts would not form the basis of a reason for refusal in itself, the fact that the development does have a low-medium impact even with mitigation in place, this is not considered to weigh in favour of the development in the planning balance.

Ecology

To consider ecology, the applicant has submitted an Extended Phase I Habitat Survey undertaken by Rachel Hacking Ecology. The survey recommends that if the application was acceptable then any vegetation clearance within the site should be carried out outside nesting bird season. If clearance work was required within nesting season, then a nesting bird survey would be required prior to work commencing. In addition, it is also recommended that the tree belts adjacent to the northern and southern boundaries are protected through a sensitive lighting scheme, to avoid harming potential bat foraging. Both recommendations could be secured by way of a suitably worded planning condition.

The Phase I also identified Rhododendron and Himalayan Balsam, which are invasive species. This would require a management plan to ensure their successful removal from the site. GMEU have not raised any objections to the outcome of the Phase I, and therefore the recommendations are considered reasonable and acceptable.

During the application process, a single hole badger sett was discovered in an area identified for offsite mitigation. The applicant submitted an Ecological Addendum to consider this, as badgers and their setts are protected by law. The sett consists of a single hole and appeared to be inactive at the time of the survey, however evidence of recent activity was present. The Ecological Addendum concludes that if the development was to go ahead then reasonable avoidance measures must be implemented, to avoid any potential adverse impacts on the sett and badgers. Reasonable avoidance measures should include a toolbox talk, which provides training on badgers and general animal welfare. In addition, night-time work should also be avoided, and any trenches or excavations left open overnight should be covered or have a means of escape. GMEU are currently reviewing this information, and the Council are expecting a response prior to Planning Committee. Any feedback from GMEU will be added to the late list.

As stated above, the applicant has also submitted a Biodiversity Impact Assessment, which concludes that the development will deliver 30.65% BNG. This would be secured through a mixture of on and off-site enhancements. The BIA concludes that some existing habitats will be retained and enhanced. This includes the broad-leaved woodland (off site), in which

invasive species (Himalayan Balsam and Rhododendron) will be removed. The BIA states that this will encourage and enable growth of the woodland, which will improve the existing habitat unit score. An area of semi-improved grassland is to be enhanced in the north west area (off site), which will be seeded with wildflower grassland mix to add to the current species.

The BIA also concludes that the grass land on site will be improved as part of the landscaping scheme, 26 new street trees will be planted on site, along with shrub planting, and a considerable number of hedgerows will also be planted. An area of new wildlife habitat is proposed off site, with the aim being to extend the existing broadleaved woodland, which the BIA states will increase habitat connectivity to the wider area, linking areas of woodland to the north east, north and south-west. This would be achieved by planting areas of native trees and shrubs and areas of native shrub. The total area to be improved is approximately 1.76ha.

As stated above, we are still awaiting comments from GMEU on whether they concur with calculations presented in the applicants BIA in relation to BNG, and this is critical to the applicants' case. However, the biodiversity improvements proposed, along with the proposals for new footpaths outside the site to the north and south, which will make the wider area more accessible, are clearly benefits of the scheme and do weigh in favour of the development.

Energy

The applicant has submitted an Energy Statement with the application undertaken by Lancaster Maloney (Rev.A November 2021). Policy 18 is relevant in relation to energy and requires a 15% reduction in CO₂ emissions as set out in Part L 2013 Building Regulations. The Energy Statement concludes that with thermally enhanced external envelope and efficiency enhanced heating, hot water, ventilation and lighting systems, this will result in a saving of 15.14%, against Part L 2013 Building Regulations, which meets the Policy requirement. The Energy Statement has been reviewed and no objections are raised to the conclusions.

Based on the above, the development is considered to comply with Local Plan Policy 18 subject to condition.

Drainage

Local Plan Policy 19 states that the council will ensure development does not result in unacceptable flood risk or drainage problems by directing development away from areas at risk of flooding.

According to the Environment Agency Flood Maps, the whole site is in Flood Zone 1 (having the lowest risk of flooding). The Council expects that proposals for all new development will use Sustainable Urban Drainage Systems in accordance with the Surface Water Drainage Hierarchy.

United Utilities and the Lead Local Flood Authority have both been consulted on the application, and whilst neither have an objection to the development in principle (subject to condition), no drainage details have been submitted with the application. Therefore, the imposition of a suitably worded pre-commencement condition would be required to ensure

a drainage scheme is appropriately designed and implemented. With the imposition of such a condition the development would comply with NPPF Section 14 and Local Plan Policy 19.

Ground Conditions

NPPF paragraphs 178 and 179 and Local Plan Policies 7, 8 and 9 are relevant, which seek to ensure that a site is suitable for its use, taking account of ground conditions, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

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

CONCLUSION

Balancing Exercise

In weighing up the assessment of the application, regard must be given to NPPF paragraph 11 (as referenced earlier in this report) and the Council's lack of a 5-year housing land supply. As a consequence, the '*tilted balance*' and presumption in favour of sustainable development set out in NPPF paragraph 11 is triggered. Given that NPPF paragraph 11 is triggered, the relevant matters now need to be balanced together to determine whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in accordance with NPPF Paragraph 11d (ii).

There are several material planning considerations which must be weighed up in the assessment, and as set out above, this is a very finely balanced case. The following matters are considered in the planning balance:

The matters in favour of the application include:

1. The provision of housing, and the type of housing proposed which will assist in meeting the Council's housing land supply, and also address an ongoing tenure need;
2. The development will create new footpaths, and accessible areas in the immediate surrounding of the site. The scheme will also include provision for a new bridge across Thornley Brook; and
3. A new wildlife habitat will be created on a parcel of land west of the development, which has the potential to demonstrate 30.65% Biodiversity Net Gain (BNG).

Overall, these benefits are given 'moderate weight' in favour of the application. The housing land supply position and deliverability is continually improving, and the shortfall is closing. In addition, now that PfE has been submitted to the Planning Inspectorate for examination, this is now given 'limited weight'. With all those matters considered, there is now a justification for reducing the weight given to housing provision. Therefore, the provision for housing is given 'moderate weight' in favour of the development.

In addition, whilst the improvements to the accessibility of wider area are welcomed, they are not considered to address an identified shortfall in a specific open space or recreational typology. The ecological and BNG proposals are welcomed and are no doubt improvements. However, at this stage, given the late submission of the final BNG information, we do not have any confirmation from GMEU that they concur with the BNG calculations submitted, which is critical to the applicant's case. Notwithstanding this, it is clear that both these elements are benefits of the scheme.

The matters not in favour of the application:

1. The development would erode 1.5% of OPOL 11 and would result in the piecemeal development of the OPOL.
2. The development would result in the loss of part of an area identified as natural and semi natural Open Space (Thornley NSN).
3. Whilst the financial constraints of the site are understood and accepted, the level of contributions available at £65,000 for replacement open space provision, new open space provision and affordable housing provision is considered very low and not Policy compliant.
4. The low-medium adverse landscape and visual impacts of the development.

As stated above, there is now greater weight being applied to Local Plan Policy 22, given the improvement in the housing land supply position. OPOL 11 meets the LGS criteria in the NPPF and is considered to have local significance due to its beauty, tranquility, wildlife, recreational value and historic significance. Whilst the application only relates to a small portion of the OPOL, the incremental erosion of this, will adversely impact the overall significance of the designation.

In addition, the development will result in the loss of part of an area identified as natural and semi natural open space. Whilst the improvements to the wider site are welcomed, these will only be delivered as part of developing a site identified as Open Space. In terms of the requirement for new provision, the applicant has failed to demonstrate how the proposed improvements will address the open space shortfalls identified in the Borough, and whilst the applicant is proposing a £65,000 contribution, this falls far short of policy compliant levels in terms of a contribution, which has been calculated at £310,473.06. Therefore, the development fails to comply with Local Plan Policy 23 and NPPF section 8.

Finally, the landscape and visual impacts of the development are considered to be low-medium adverse following mitigation, as identified by the applicant's own consultant. Whilst this is not considered to be a reasonable basis to refuse the application on its own, it clearly does not weigh in favour of the development in the planning balance.

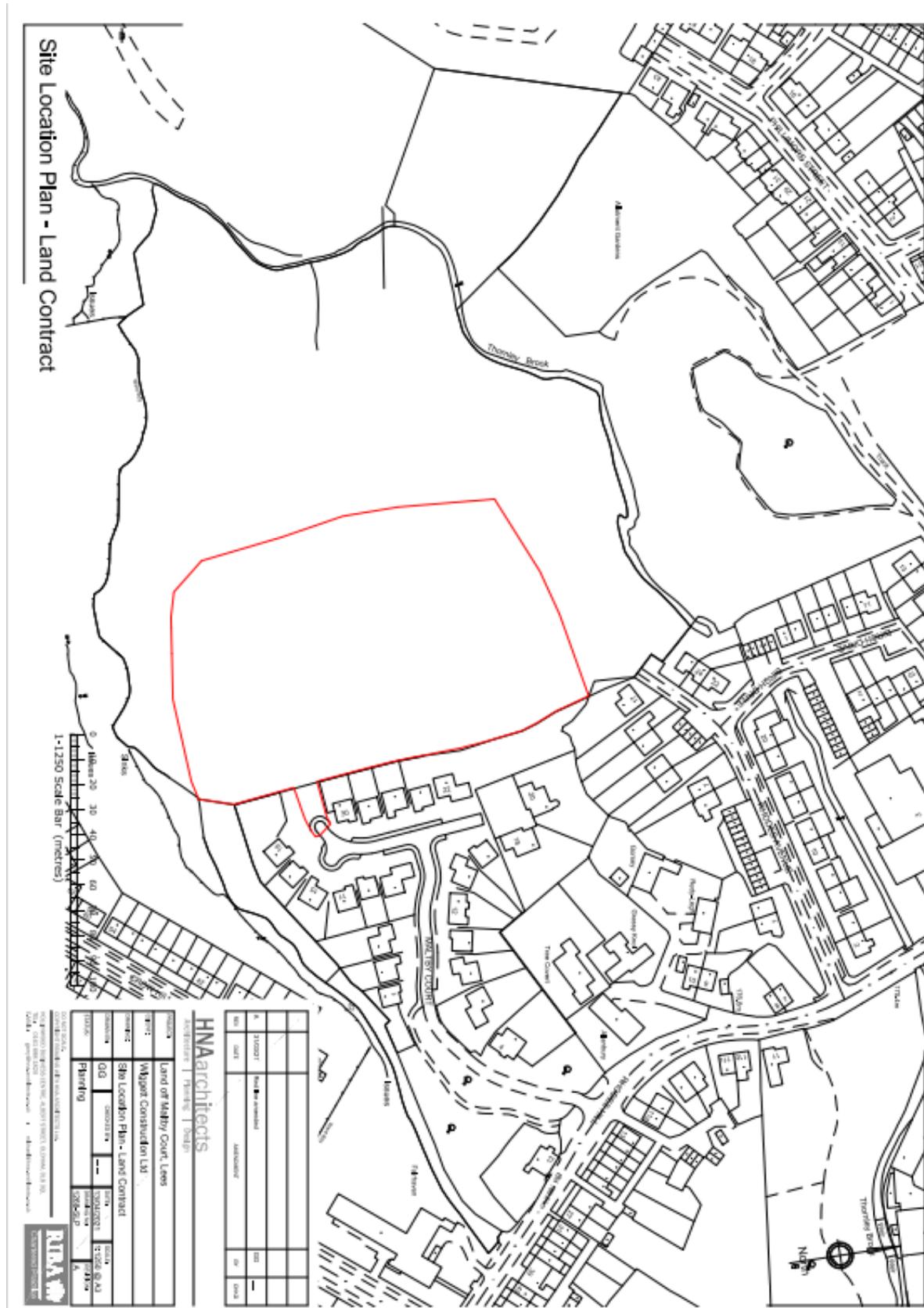
Overall, when taking all those matters together as a whole, these are given 'substantial weight' in the planning balance for the reasons given above and throughout the report. Therefore, it is considered that the adverse impacts of granting planning permission in this instance would significantly and demonstrably outweigh the benefits and therefore the presumption in favour of sustainable development is not triggered and for the reasons set out in the report, it is recommended that planning permission should be refused.

RECOMMENDATION

Refuse planning permission for the following reason:

1. The development would result in the incremental erosion of an area designated as being part of Open Protected Other Land 11, which is identified in the Open Protected Open Land Interim Position Paper overall as having local significance due its beauty, tranquillity, wildlife, recreational value and historic significance. The benefits of the scheme are not considered to significantly and demonstrably outweigh the harm, and it is considered that the development fails to comply with Oldham Local Plan Policy 22.

SITE LOCATION PLAN (NOT TO SCALE):



Planning Appeals Update

Planning Committee

Report of Head of Planning and Infrastructure

DATE OF COMMITTEE

6 July 2022

An update on Planning Appeals was last provided to the Planning Committee at the meeting on 8 June 2022. The table below provides a comprehensive list of appeals submitted and decisions taken on appeals since 29 May 2022 (until 22 June 2022) which is to be noted by the Committee.

Application No.	Site Address	Appeal Decision	Appeal Lodged Date	Description
PA/342885/19	Jubilee Mill, Milnrow Road, Shaw, OL2 8PN	Dismissed	02/03/2022	1) Demolition of existing mill 2) Proposed residential development of 11 dwellings 3) Associated works
MMA/345836/20	Former Delph Chapel, Newbuild Cottages 2 No. Delph Lane, Delph, OL3 5HW	Dismissed	02/03/2022	Variation of condition 3 and 6 (parking arrangements) of approval PA/341040/17
FUL/347087/21	166 Trent Road Shaw Oldham	Dismissed	14/03/2022	Change of use from shop (Class A1) to hot food takeaway (sui generis), food to be delivered only from the premises.
HOU/347522/21	Hodge Clough Farm Wilkes Street Oldham	Ongoing	18/03/2022	Single storey extension to existing detached garage, amended application relating to HOU/345894/20.

ADV/347754/21	Unit 8 Propulsion Works Duchess Street Industrial Estate	Dismissed	09/03/2022	Two temporary banners - Height: 2.8m x Width: 7.5m
PA/343735/19	Land On Delph New Road Oldham OL3 5BY	Ongoing	10/05/2022	Erection of three new dwellings.
FUL/345402/20	Land Adj To Woods House Sugar Lane Dobcross	Ongoing	25/05/2022	Erection of three dwellings.
FUL/346143/21	5/7 Scholes Street And 19 Rhodes Street Scholes Street Oldham	Ongoing	10/05/2022	Proposed change of use of 5-7 Scholes Street from office to a transitional Care Home (Class C2) and change of use of 19 Rhodes Street from meeting hall to a soup kitchen and dormitory with two storey extension above the existing buildings.
FUL/347100/21	298 Moston Lane East Manchester M40 3HZ	Dismissed	07/04/2022	Change of use of residential dwelling (Class C3) to residential institution (Class C2), single storey and first floor rear extensions.
FUL/347636/21	33 Leaside Avenue Chadderton Oldham	Ongoing	05/05/2022	Change of use of property from residential use (C3) to Class E (day care centre).

HOU/347739/21	161 Oldham Road Springhead Oldham	Ongoing	07/04/2022	Erection of a fire escape and railings leading to access door on the first floor at the rear.
HOU/347813/21	42 Shadowbrook Close Oldham OL1 2UE	Ongoing	21/04/2022	Retention of external garden structure/feature to rear of property
HOU/347829/21	7 Range Lane Denshaw Oldham	Ongoing	10/05/2022	Juliet balcony with double doors.
FUL/347898/21	Royal Oak Inn Broad Lane Delph	Ongoing	28/04/2022	Conversion and change of use of public house with associated living accommodation to single dwellinghouse with garden.
CEA/348450/22	Land At Station Road/ Harrop Green Lane Diggle Oldham	Ongoing	27/04/2022	Certificate of lawfulness for Erection of 1 no. dwelling.
FUL/347572/21	6 Walter Street Oldham OL1 1SQ	Ongoing	13/06/2022	Change of use to 3 bedroom HMO property
ADV/348628/22	Land On The North Side Of Huddersfield Road Lees Oldham	Ongoing	22/06/2022	Installation of an internally illuminated digital advertising display.

RECOMMENDATION - That the report be noted.

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information as defined by that Act.

Item number: 00

If any person has any questions regarding these appeals and decisions, they can request further information from the Planning Service by contacting Martyn Leigh (Development Management Team Leader) via planning@oldham.gov.uk



Costs Decision

Site visit made on 7 June 2022

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2022

Costs application in relation to Appeal Ref: APP/W4223/W/21/3288081 298 Moston Lane East, Manchester M40 3HZ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Naheem of A2Z Estates for a full award of costs against Oldham Council.
 - The appeal was against the refusal of planning permission for change of use of residential dwelling to residential institution (Class C2) single storey rear extensions and rear first-floor extension.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and therefore caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural and/or substantive.
3. The applicant claims that the Council has acted unreasonably in that it has failed to substantiate its reasons for refusal and has not had regard to national planning policy or its own adopted policies. The Council disputes these claims.
4. Reason for refusal one relates to the effect of the proposed development on the living conditions of residents of 300 Moston Lane East arising from the proposed single storey extension along the boundary with this property. This formed a reason for refusal on the previous proposal¹. The Inspector for the previous proposal found that scheme to be unacceptable in this regard. I acknowledge that the applicant has sought to address the concerns by reducing the depth of the extension from six to four metres and that the recommendation of Council officers was that this would be acceptable. However, as detailed in the appeal decision, I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision, and these are based on a conflict with the development plan.
5. Reason for refusal two relates to concerns about the effect of the proposed rear extensions along the boundary with 296 Moston Lane East on the character and appearance of the area. The refusal reason explains why the proposed development was considered to be unacceptable and is framed within the

¹ Appeal reference APP/W4233/W/20/3264993

- context of the development plan. However, the size and design of this rear extension appears to be the same as the previous proposal which the Council did not raise objections to and there seems to be no material changes in circumstances regarding this matter. In these circumstances, the applicant should have had a reasonable expectation that the appeal scheme would have been treated similarly to the previous proposal in this regard.
6. Reason for refusal three refers to a lack of adequate provision of the storage and collection of waste. I note that the planning committee was provided with additional information about the proposed waste management arrangements. The submitted plans indicate the location where waste bins would be located. The Council raised concern in its statement of case that this area would be impractical and inappropriate as it would necessitate the moving of cars, resulting in the bins being stored in a more prominent location.
 7. The PPG advises that local planning authorities are at risk of an award of costs by refusing planning permission on a planning ground capable of being dealt with by conditions, where it is concluded that suitable conditions would enable the proposed development to go ahead. The Council has not provided any substantive evidence to demonstrate why further details of the bin storage arrangements could not have been dealt with by means of a condition. As I have detailed in the appeal decision, my view is that a suitable condition would address the Council's concerns about the potential effect of waste management arrangements on the character and appearance of the area.
 8. Reason for refusal four relates to the loss of a family home. This matter did not form a reason for refusal for the previous proposal. However, there is no evidence before me about the housing land supply position when the previous proposal was under consideration, whereas the current appeal submissions indicate that the Council cannot demonstrate a five year supply of deliverable housing sites. The relevant development plan policies are supportive of both family housing and community facilities such as that proposed, with Policy 2 of the DPD² also requiring development to contribute towards sustainable communities and not undermine community cohesion.
 9. The planning committee is not duty bound to follow the advice of its officers as long as its contrary decision is made on planning grounds and clear evidence is provided to substantiate that reasoning. Reason for refusal four is a matter of judgement. It explains why the proposed development was considered to be unacceptable and is framed within the context of the development plan.
 10. The PPG states that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application. I find this to be the case with refusal reason four.
 11. Reason for refusal five relates to concerns about noise and disturbance to neighbouring residents due to increased activity and movements associated with the proposed use compared to its use as a dwelling. The substance of this

² Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies, adopted 2011

refusal reason is very similar to refusal reason one for the previous proposal. The Inspector for the previous proposal found that it was acceptable with regard to noise and disturbance. Based on the submitted evidence, with regard to this matter, the appeal scheme does not appear to be materially different to the previous proposal, and, while taking account of the additional information submitted by the applicant, nor does there appear to be any material changes in circumstances.

12. The PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, an example of which is persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable. I find this to be the case with refusal reason five.
13. In the planning judgement, it appears to me that having regard to the provisions of the development plan, national planning policy and other relevant considerations, the development proposed should not have reasonably been refused for reasons relating to the effect on character and appearance of the area and living conditions of nearby residents with regard to noise and disturbance, and waste management arrangements. Reasons for refusal two, three and five therefore constitute unreasonable behaviour contrary to the guidance in the PPG and the applicant has been faced with the unnecessary expense of addressing these matters.

Costs Order

14. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Oldham Council shall pay to Mr Naheem of A2Z Estates, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in arguing against the Council's reasons for refusal two, three and five; such costs to be assessed in the Senior Courts Costs Office if not agreed.
15. The applicant is now invited to submit to Oldham Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

F Wilkinson

INSPECTOR

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Appeal Decision

Site visit made on 7 June 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2022

Appeal Ref: APP/W4223/W/21/3288081

298 Moston Lane East, Manchester M40 3HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Naheem of A2Z Estates against the decision of Oldham Council.
 - The application Ref FUL/347100/21, dated 18 June 2021, was refused by notice dated 22 October 2021.
 - The development proposed is change of use of residential dwelling to residential institution (Class C2) single storey rear extensions and rear first-floor extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Work on some of the proposed extensions has commenced but is not completed and the change of use has not occurred. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effects of the proposed development on:
 - the living conditions of neighbouring residents of 300 Moston Lane East in respect of outlook and light and nearby residents with particular regard to noise and disturbance;
 - the character and appearance of the area, including with regard to the provision for the storage and collection of waste; and
 - the supply of housing in the area and the creation and maintenance of sustainable communities and community cohesion.

Reasons

Living Conditions

4. The appeal property is a two-storey semi-detached dwelling with the adjoining property being 300 Moston Lane East. The proposed development would include a single storey flat roofed rear extension close to the boundary with this adjoining property. No. 300 has patio doors that are close to the common boundary. From the evidence before me and my site visit observations, these appear to be the only windows serving a habitable room. A close boarded fence which the appellants states is 1.8 metres in height is located along the common

- boundary between the two properties. There is a single storey outrigger on the other side of the patio doors.
5. Although the proposed extension would be single storey, it would nevertheless be clearly visible above the fence along the common boundary. While the boundary of the two properties is set at an angle, the proposed extension would still be in close proximity to no. 300, in particular at the point nearest to its patio doors.
 6. I acknowledge that the appellant has made changes from the previous proposal to address the concerns raised by the Inspector for that scheme¹. This has reduced the depth of the extension from six metres to four metres. Nevertheless, the height of the proposed extension, which would appear as a solid feature above the boundary fence, its length and proximity to the boundary would combine to result in a dominant and overbearing feature when seen from the patio doors of no. 300.
 7. In conjunction with the existing projection to the rear of this property, the proposed extension would further create a tunnelling effect, which would restrict outlook from the patio doors, and reduce the light reaching them particularly in the early part of the day. It would make the room gloomier and increase the sense of enclosure, which would significantly detract from its use and enjoyment.
 8. The Inspector for the previous proposal did not find that there would be a detrimental impact on the living conditions of nearby residents with regard to noise and disturbance.
 9. Based on the submitted evidence, the only change proposed to the appeal scheme compared to the previous proposal is the reduction in depth of the rear extension along the boundary with no. 300. Therefore, this appeal scheme is proposing the same use; numbers of bedrooms, residents and staff members; arrangements for staff changeovers; and property layout as the previous proposal. The road on which the property is located remains a relatively busy through road with commercial uses located nearby which would attract customers during the day and into the evening given the range of uses. I have no clear evidence before me about any change in circumstances between the previous proposal and the appeal scheme with regard to noise and disturbance.
 10. Within the context outlined above, I have no justifiable reason to reach a different conclusion to that of the Inspector for the previous proposal with regard to the effect on the living conditions of nearby residents with regard to noise and disturbance. I therefore find that the proposed development would not have a detrimental effect on the living conditions of nearby residents with regard to noise and disturbance.
 11. In conclusion, while I have found no unacceptable harm with regard to noise and disturbance, the proposed development would result in significant harm to the living conditions for residents of 300 Moston Lane East arising from an unacceptable loss of outlook and light. Consequently, the proposed development would conflict with the residential amenity requirements of Policy 9 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies, adopted 2011 (the

¹ Appeal reference APP/W4223/W/20/3264993

DPD) and paragraph 130 (f) of the National Planning Policy Framework 2021 (the Framework).

Character and Appearance

12. The property is located on a mainly residential road with a mix of detached, semi-detached and terraced dwellings in the vicinity. The front of the property has a relatively modest appearance. However, it has been previously extended at the rear including a large single storey addition parallel with the boundary with no. 296. The submitted evidence indicates that this has been in place since at least December 2000, and projects approximately 16 metres from the property.
13. The proposal would increase the length of the rear extension by around six metres. Its width would also be increased, so overall it would have a larger footprint, although its height would be less by virtue of a flat roof as opposed to the pitched roof on the existing extension. The rear extension would, in effect, extend to the whole length of the rear garden. However, a reasonably large area of amenity space would remain. Although an extension of this size may appear dominant in some circumstances, much depends on the context in which it would be seen.
14. While the rear extension would be of a substantial size, it would not be a prominent feature in the street scene. It would be mainly screened from views along Moston Lane East by the existing built development. Views would be possible near to the property's drive. However, from these vantage points, its full length would not be readily apparent, with views mainly being limited to its gable end and a relatively limited part of its length nearest to the host dwelling. In views along Moston Lane East therefore, it would not be seen as a substantial extension and would not appear significantly different to other extensions or outbuildings at properties in the vicinity.
15. The expanse of roof in particular would be visible from the first floor of a number of neighbouring properties. However, it would be seen in the context of a relatively substantial area of garden that would remain. As such, it would not have an unduly harmful effect on the character of the area in such views.
16. The proposal would also include a first floor rear extension. Its design and scale would be in keeping with the host dwelling.
17. The proposed development would make provision for the storage of waste to the side of the property. This location would be generally screened in views from Moston Lane East. The Council has concerns about the potential for waste storage bins to be located in a more prominent location to the front of the property given the manoeuvring that may be required around vehicles using the drive. I am satisfied that further details of the waste storage and collection arrangements could be secured by condition to ensure that there would be no unacceptable harm to the character and appearance of the area.
18. For the above reasons, I conclude that the rear extensions along the boundary with no. 296 would not unduly harm the character and appearance of the area and nor would the provisions for waste storage subject to the imposition of a planning condition. Accordingly, the proposed development would not conflict with Policy 9 of the DPD which seeks to ensure that development does not have a significant adverse impact on the visual amenity of the surrounding area.

Housing Supply, Sustainable Communities and Community Cohesion

19. Policy 2 of the DPD is supportive of development that contributes towards creating sustainable communities and promotes community cohesion across the Borough, and for new and improved community facilities that meet an identified need. The supporting text to the policy clarifies that special needs housing involving communal living and/or supported accommodation would be considered as a community facility. Policy 11 of the DPD seeks a mix of appropriate housing types, sizes and tenures that meet the needs and demands of the Borough. The policy specifically identifies family housing (three bedrooms and above), particularly within regeneration areas, to widen the choice of housing available and address issues of overcrowding. The relevant development plan policies are therefore supportive of both family housing and community facilities such as that proposed.
20. The appellant's evidence and the Council's officer report show that there is a high demand for supported accommodation for adults. It also shows that there is a lack of availability generally but also of appropriate accommodation in suitable locations such as within easy reach of services and facilities.
21. The proposed development would provide transitional supported accommodation for up to eight residents who require additional support to re-integrate into society and to live independently within a home environment. On this basis, it would contribute to the identified need for supported adult accommodation within the Borough. In addition, the property is in an accessible location, with good access to public transport and a range of services and facilities. Given the stated purpose of the accommodation together with my conclusions about the effects of noise and disturbance, I am not persuaded that the use would fail to contribute to sustainable communities or promote community cohesion.
22. There would be a loss of a family-sized dwelling to the general housing market. While this would represent a very small change to the overall housing stock within the area, I acknowledge that there is an identified need for housing in the Borough, as demonstrated by the lack of a five year supply of deliverable housing sites, and the requirements of Policy 11 which suggests a need for family sized houses. However, Policy 11 does not restrict the change of use of existing residential properties to other uses. In addition, the proposed use would provide a form of residential accommodation. Overall, the harm from the loss of a family home in this instance would be modest and would be outweighed by the contribution that the proposed development would make to an identified need for supported accommodation for adults.
23. I therefore conclude that the proposed development would not cause unacceptable harm to the supply of housing in the area or to the creation and maintenance of sustainable communities and community cohesion. Consequently, I find no conflict with the aforementioned requirements of Policies 2 and 11 of the DPD.

Other Considerations

24. There is no dispute between the parties that the Council is unable to demonstrate a five year supply of deliverable housing sites. Given the nature of the proposed development, it is questionable as to whether footnote 8 of the Framework and therefore the 'presumption in favour of sustainable

development' at paragraph 11 d) of the Framework is engaged. This depends on whether one considers the proposed use to be one that involves the 'provision of housing' in so far that it is for a residential institution. I deal with this matter in my planning balance and conclusion part of the decision below, but I acknowledge that the loss of a family dwelling would cause some harm from a housing land supply point of view. As detailed above, this harm has nevertheless to be counterbalanced against the positive contribution that the proposal would make to the provision of special needs housing in the Borough.

25. It is noted that the appellant would be able to construct a single storey rear extension under permitted development rights which could measure three metres in depth. Reference has been made to the submission of an application for a certificate of lawfulness for such an extension, but no detailed plans have been received in this respect. Nonetheless, it is acknowledged that an extension allowed under permitted development would project only one metre less than the proposed development. However, given its reduced depth, a permitted development scheme would, in relative terms, likely have a less harmful impact on the residents of 300 Moston Lane East in respect of outlook and light. I therefore afford the permitted development fall-back position limited weight in the planning balance.

Balance and Conclusion

26. The proposed development would significantly harm the living conditions of residents of 300 Moston Lane East with regard to outlook and light. I have found that the proposed development would not unacceptably harm the living conditions of nearby residents with regard to noise and disturbance, the character and appearance of the area, or the supply of housing in the area and the creation and maintenance of sustainable communities and community cohesion. A lack of harm is, however, a neutral factor in any balance. Accordingly, these matters would be incapable of weighing against harm. I find that the proposed development would not accord with the development plan for the area taken as a whole.
27. It is a moot point as to whether paragraph 11 d) of the Framework is engaged in respect of this appeal. However, even if it is necessary for it to be engaged, I find that the adverse impacts of the proposal, namely the identified harm that would be caused to the living conditions of the residents of 300 Moston Lane East, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
28. For the above reasons, I therefore conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR

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