

PLANNING COMMITTEE Regulatory Committee Agenda

Date Wednesday 19 July 2023

Time 6.00 pm

Venue Council Chamber, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

- Notes
1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Constitutional Services in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Constitutional Services Tel. 0161 770 5151 or email
 3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Friday, 14 July 2023.
 4. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council’s website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti social behaviour will always be filmed.

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Please also note the Public attendance Protocol on the Council’s Website

https://www.oldham.gov.uk/homepage/1449/attending_council_meetings

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:
Councillors Akhtar, S. Bashforth, Cosgrove, Davis, Fryer, H. Gloster,
Harkness, Hobin, Ibrahim, Iqbal, Lancaster, Surjan (Chair), Wahid and
Woodvine

Item No

- 1 Apologies For Absence
- 2 Urgent Business
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 4)
The Minutes of the meeting of the Planning Committee held on 7 June 2023 are attached for Members' approval.
- 6 PA/343609/19 - Former Birks Quarry, Huddersfield Road, Austerlands (Pages 5 - 16)
Approval of Reserved Matters in respect of Appearance, Landscaping, Layout and Scale for the erection of 4 dwellings in relation to Outline approval PA/341213/17
- 7 PA/343610/19 - Former Birks Quarry, Huddersfield Road, Austerlands (Pages 17 - 28)
Approval of Reserved Matters in respect of Appearance, Landscaping, Layout and Scale for the erection of 33 dwellings in relation to Outline approval PA/337932/15
- 8 FUL/351029/23 - The Prudential Assurance Building, 79 Union Street, Oldham; (Pages 29 - 40)
Resubmission of application FUL/350248/22 for alteration and repair to facilitate new workspace use.



- 9 LBC/351030/23 - The Prudential Assurance Building, 79 Union Street, Oldham (Pages 41 - 52)
- Resubmission of application LBC/350249/22 for alteration and repair to facilitate new workspace use.
- 10 OUT/350032/22 - Westwood Medical Centre, Winterbottom Street, Oldham (Pages 53 - 66)
- Outline application for 16 storey apartment building for 120 flats with associated on-site parking and private gated site access, following demolition of existing building. Approval of Access, Layout, and Scale are sought. All other matters reserved.
- 11 FUL/350480/23 - 38 Ronald Street, Oldham (Pages 67 - 74)
- Change of use from C3 (dwellinghouse) to 18 bedroom House in Multiple Occupation (Sui Generis) and associated works.
- 12 FUL/349762/22 - Woodend Mills, Hartshead Street, Lees (Pages 75 - 84)
- Erection of two storey car servicing workshop and MOT testing centre (Class B2) with storage (Class B8) and/or photographic studio (Class E(g)(iii)) accommodation above, and ancillary single storey office building.
- 13 FUL/350729/23 - Land at Rutland Mill, Linney Lane, Shaw (Pages 85 - 94)
- Erection of a portal frame, metal clad commercial building with ancillary vehicle parking and servicing areas following the demolition of an existing dilapidated building
- 14 FUL/350739/23 - 451 Broadway, Chadderton (Pages 95 - 100)
- Change of use from retail to cafe and hot foot takeaway including external extraction
- 15 Appeals update report (Pages 101 - 104)

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PLANNING COMMITTEE
07/06/2023 at 6.00 pm

Present: Councillor Surjan (Chair)
Councillors Akhtar, Davis, Fryer, Harkness, H. Harrison
(Substitute), Ibrahim (Vice-Chair), Iqbal, Lancaster, Wahid,
Williamson (Substitute) and Woodvine

Also in Attendance:

Laila Chowdhury	Constitutional Services
Alan Evans	Group Solicitor
Martyn Leigh	Development Management Team Leader
Kaidy McCann	Constitutional Services
Wendy Moorhouse	Principal Transport Officer
Peter Richards	Head of Planning
Matthew Taylor	Development Control

1 **ELECTION OF VICE-CHAIR**

RESOLVED that Councillor Ibrahim be elected Vice-Chair of the
Planning Committee for the Municipal Year 2023-2024.

2 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors
Cosgrove, H Gloster and Shuttleworth.

3 **URGENT BUSINESS**

There were no items of urgent business received.

4 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

5 **PUBLIC QUESTION TIME**

There were no public questions received.

6 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Meeting held on 5th April
2023 be approved as a correct record.

7 **PA/343609/19 - BIRKS QUARRY, HUDDERSFIELD ROAD,
AUSTERLANDS**

APPLICATION NUMBER: PA/343609/19

APPLICANT: Mr. H Smith

PROPOSAL: Approval of Reserved Matters in respect of
Appearance, Landscaping, Layout and Scale for the erection of
4 dwellings in relation to Outline approval PA/341213/17

LOCATION: Former Birks Quarry, Huddersfield Road, Austerlands.



Oldham
Council

Head of Planning informed the committee that the applicant has requested deferral.

It was **MOVED** by Councillor Woodvine and **SECONDED** by Councillor Lancaster that the application be Deferred.

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

RESOLVED: That the application be **DEFERRED**.

8 PA/343610/19 - BIRKS QUARRY, HUDDERSFIELD ROAD, AUSTERLANDS

APPLICATION NUMBER: PA/343610/19

APPLICANT: Prestigious Homes NW Ltd

PROPOSAL: Approval of Reserved Matters in respect of Appearance, Landscaping, Layout and Scale for the erection of 33 dwellings in relation to Outline approval PA/337932/15

LOCATION: Former Birks Quarry, Huddersfield Road, Austerlands.

Head of Planning informed the committee that the applicant has requested deferral.

It was **MOVED** by Councillor Woodvine and **SECONDED** by Councillor Lancaster that the application be Deferred.

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

RESOLVED: That the application be **DEFERRED**.

9 FUL/349826/22 - LAND OFF HUDDERSFIELD ROAD, DIGGLE

APPLICATION NUMBER: FUL/349826/22

APPLICANT: Redrow Homes Ltd

PROPOSAL: Erection of 64 no. dwellings and 6 no. apartments with associated points of access to Huddersfield Road

LOCATION: Land to the east of Huddersfield Road, Diggle, OL3 5NU

It was **MOVED** by Councillor Harkness and **SECONDED** by Councillor Lancaster that the application be **REFUSED** (against Officers Recommendations).

On being put to the vote, 5 VOTES were cast IN FAVOUR OF REFUSAL and 7 VOTES were cast AGAINST with 0 ABSTENTIONS.

It was MOVED by Councillor Akhtar and SECONDED by Councillor Davis that the application be APPROVED.

On being put to the vote 7 VOTES were cast IN FAVOUR OF APPROVAL and 5 VOTES were cast AGAINST with 0 ABSTENTIONS.

RESOLVED: That the application be GRANTED subject to the conditions as outlined in the report and Late report.

NOTES:

1. That the Applicant's Representative attended the meeting to address the Committee on this application.

10 **FUL/349908/22 - CHADDERTON AFC, ANDREW STREET, CHADDERTON**

APPLICATION NUMBER: FUL/349908/22

APPLICANT: Mr Bob Sopel

PROPOSAL: Conversion of existing floodlit grass stadium football pitch to a new floodlit 3g artificial grass pitch with storage container, improved access, parking and perimeter fencing.

LOCATION: Chadderton A F C Ltd, Andrew Street, Chadderton, Oldham, OL9 OJT

It was MOVED by Councillor Akhtar and SECONDED by Councillor Ibrahim that the application be APPROVED.

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

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

11 **FUL/350330/22 - 250 - 252 HUDDERSFIELD ROAD, OLDHAM**

APPLICATION NUMBER: FUL/350330/22

APPLICANT: Mr T Mushtaq

PROPOSAL: Erection of a single storey dwelling with parking and associated external works

LOCATION: 250-252 Huddersfield Road, Oldham, OL4 2RB

It was **MOVED** by Councillor Harkness and **SECONDED** by Councillor Williamson that the application be **REFUSED**.

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

RESOLVED: That the application be **REFUSED**.

12

VAR/350474/23 - HOUSES ON LAND FORMERLY KNOWN AS CLARKSFIELD HOUSE, CLARKSFIELD STREET AND GLENFIELD CLOSE, OLDHAM

APPLICATION NUMBER: VAR/350474/23

APPLICANT: Mr Amanat Ali

PROPOSAL: Removal of condition 6 attached to planning permission granted under PA/032610/94 which restricted further development under permitted development rights.

LOCATION: Former Clarksfield House – Clarksfield Street and Glenfield Close

It was **MOVED** by Councillor Williamson and **SECONDED** by Councillor Akhtar that the application be **APPROVED**.

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

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

13

APPEALS UPDATE REPORT

RESOLVED that the Appeals Update be noted.

14

LATE LIST

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

The meeting started at 6.00 pm and ended at 6.58 pm

APPLICATION REPORT – PA/343609/19 Planning Committee 19th July 2023

Registration Date: 02/07/2019
Ward: Saddleworth West and Lees

Application Reference: PA/343609/19
Type of Application: Reserved Matters Application

Proposal: Approval of Reserved Matters in respect of Appearance, Landscaping, Layout and Scale for the erection of 4 dwellings in relation to Outline approval PA/341213/17

Location: Former Birks Quarry, Huddersfield Road, Austerlands.

Case Officer: Abiola Labisi
Applicant: Prestigious Homes NW Ltd
Agent: Mr. Garry Griffiths – HNA Architects

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination because the proposal relates to an adjoining Major Development submitted by the same agent and in addition, the Outline application was determined by the Planning Committee.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report and that the Head of Planning shall be authorised to issue the decision.

3. SITE DESCRIPTION

- 3.1 The application site forms part of a larger, irregularly shaped land of approx. 1.9 hectare in size on the north side of the A62 Huddersfield Road, previously a sandstone quarry, commonly known as Birks Quarry. The section of the larger site to which this application relates is adjacent the access to the site and in close proximity to some dwellings fronting onto Huddersfield Road. A total of 33 dwellings are proposed on the larger section of the overall site under planning ref. PA/343610/19.
- 3.2 The site is undulating in topography with the landform rising away from the A62 towards the bowl of the disused quarry.
- 3.3 Notwithstanding the previous use, the site is in an area that is predominantly residential in character with lands to the east, west and south being in residential use.
- 3.4 The quarry is accessed from Huddersfield Road and the access from the road takes a twisting path between steep banks which accounts for the fact that the quarry cannot be seen from the road.

4. THE PROPOSAL

- 4.1 The application is for approval of Reserved Matters in respect of Appearance, Landscaping, Layout and Scale for the erection of 4 dwellings following outline approval granted under planning ref. PA/341213/17. The scheme is being considered in tandem with the application for 33 dwellings on the larger site (under planning ref. PA/343610/19) given the relationship between both sites. The two sites together make up the disused quarry and are now in the same ownership. In addition, the two schemes will share the same access and the site contexts are similar.
- 4.2 The proposed scheme comprises of the following:
- 1no. three storey 4 bed unit with floor area of 226.15 sq. m (House Type A)
 - 3nos. three storey 4 bed units with floor area of 146.25 sq. m (House Type B)
- 4.3 In terms of external finish materials, the proposed houses would be finished in brick with slate roof tiles while window frames and rainwater goods would be of uPVC.
- 4.4 The proposal includes landscaping works comprising of the planting of a total of 59 trees of native species across the overall site as well as a range of hedges, shrubs and climbers. It is also indicated on the submitted plans that the existing heather would be retained as much as possible.

5. PLANNING HISTORY

- 5.1 Outline permission was granted on 25th September 2018 for a residential development on the site under PA/341213/17 with all matters reserved except access which was considered under the outline application.

6. RELEVANT PLANNING POLICIES

- 6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. Part of the site is allocated in the Proposals Map associated with this document as Green Belt. As such, the following policies are considered relevant to the determination of this application:
- Policy 1 - Climate Change and Sustainable Development;
 - Policy 3 – An Address of Choice;
 - Policy 5 - Promoting Accessibility and Sustainable Transport;
 - Policy 9 - Local Environment;
 - Policy 10 – Affordable Housing;
 - Policy 11 – Housing;
 - Policy 20 – Design; and,
 - Policy 22 – Protecting Open Land.

7. CONSULTATIONS

As a result of the relationship between the two sites (i.e. PA/343609/19 and PA/343610/19), consultees have largely dealt with the applications concurrently and as such, comments on one application apply to the other.

CONSULTEE	FORMAL RESPONSE
Environmental Health	Comments received. No objection subject to a site investigation re landfill gas and details of any mitigation measures
Drainage	No comment received.
Highways	Comments received. No objection subject to conditions relating to the provision of access and car parking spaces in accordance with approved plans and road improvement works.
Tree Officer	Comments received. Considered the proposed tree planting scheme acceptable
Police – Crime Prevention	Comments received. No objection subject to the submission of a Crime Impact Statement.
Ecology	Comments received. No objection subject to conditions relating to mitigation of impact on ecology
Planning Policy	Comments received. Raised no objection subject to conditions relating to contributions towards affordable housing, open space, and biodiversity net gain.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.

8.2 In response, three representations have been received, all objecting to the development and raising the following issues:

- Number of units proposed being more than what was indicated on the outline approval and hence, overdevelopment of the site (addressed in para. 19.1);
- Highway safety issues due to inadequate access (addressed in para. 13.2);
- Overbearing and overshadowing impact (addressed in paras 10.3 and 10.4);
- Potential overlooking (addressed in paras 10.3 and 10.4);
- Loss of trees and wildlife (addressed in para. 15.4); and,
- Inadequate publicity (addressed in para. 19.2).

8.3 Other issues raised, which are not considered to be material, include:

- A request for some separation between the development and neighbouring properties fronting onto Huddersfield Road to enable neighbours access the public footpath from the rear of their property; and,
- Request to reposition the signal at the junction as it would be too close to a neighbour's garage and may affect the use of the garage.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 A section of the application site is allocated as Green Belt within the Proposals Map associated with the Joint Development Plan Document and is located in close proximity to existing dwellings.
- 9.2 Whilst the erection of new buildings within the Green Belt is considered inappropriate development, and should therefore be resisted as set out within the National Planning Policy Framework, it is noted that very special circumstances to justify a residential development on the entire site was demonstrated as part of the outline application and considered acceptable by the Local Planning Authority.
- 9.3 Significantly, the site is subject of a previously approved outline planning application reference PA/341213/17 for residential development which is a material planning consideration.
- 9.4 Having regard to these considerations the principle of development is acceptable.

10. RESIDENTIAL AMENITY

- 10.1 Having regard to the requirements of Policy 9 the impact of the development on surrounding residents needs to be considered alongside ensuring that the proposals provide suitable accommodation for future occupiers.
- 10.2 There are existing dwellings to the west, east and south of the site. However, notwithstanding the difference in levels as well as the ridge height of the proposed dwellings, it is considered that the relationship of the development with the existing neighbouring dwellings, would be acceptable because of the separation distance between the existing and proposed dwellings.
- 10.3 House Type A would be the closest to the neighbouring dwellings on Huddersfield Road and notwithstanding its proximity, the dwelling itself would be sited such that it is no less than 16m from the nearest neighbouring dwelling. This separation distance would minimise any potential overbearing, overshadowing, or overlooking effects on the neighbouring properties.
- 10.4 In addition to the separation distance, it is also noted that House Type A would have its side elevation orientated towards the dwellings on Huddersfield Road. This side elevation is not of a significant depth and there would be no upper-level side elevation window on this elevation. The orientation of this unit, as well as its design, would ensure that any potential overbearing or overlooking impact would not be significant.

- 10.5 The layout of the proposed dwellings would minimise any potential overbearing, overshadowing or overlooking effect on neighbouring future occupiers of the development. There would be a distance of no less than 20 m between opposing front elevations of the proposed dwellings and no habitable room window would directly overlook a neighbouring private amenity area as to impact on privacy.
- 10.6 Further on the amenity of the future occupiers of the development, the Department for Communities and Local Government's March 2015 publication, Technical Housing Standards – Nationally Described Space Standards provides that the minimum internal space requirement for a four bed, seven-person accommodation is 121 square metres. The four dwellings proposed would conveniently meet the stipulated minimum space requirement.
- 10.7 Each of the proposed units would benefit from external amenity areas which vary in size and there would be dedicated bin storage areas within each unit.
- 10.8 Having regard to the above, it is considered that the proposal would not lead to any significant adverse impact on the residential amenity of the occupiers of neighbouring properties while that of the future occupiers of the development would also not be compromised. As such, the proposal would be in accordance with relevant provisions of Policy 9 of the Oldham Local Plan.

11. DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 11.1 The proposed dwellings would be of contemporary design and would be sited mainly to the rear of dwellings fronting onto Huddersfield Road. Built form within the surrounding area is noted to be diverse, with neighbouring dwellings being of various design, external finish materials and scale. The proposed external finish materials would be similar to those of some of the neighbouring properties and notwithstanding its contemporary design, it is considered that given the diverse pattern of development in the area, the proposal would not lead to a significant adverse impact on the character of the area.
- 11.2 Furthermore, the development would not be very visible from the public road and this would limit any potential visual impact. The overall number of units proposed would ensure that the proposal does not lead to a cramped pattern of development.
- 11.3 As such, it is considered that the proposal would not lead to a significant harm to the character of the area.

12. IMPACT ON GREEN BELT

- 12.1 Most of the site lies within the Green Belt and para 149 of the NPPF provides that Local Planning Authorities should regard the construction of new buildings as inappropriate. Such inappropriate development should be resisted except very special circumstances can be demonstrated.
- 12.2 The outline application included a demonstration of very special circumstances to warrant the development of the site for residential purposes.
- 12.3 A Visual Appraisal has been submitted with the current application which concludes that the proposal would not lead to any significant visual implications.

12.4 Having regard to this, it is considered that whilst the proposal would be inappropriate development within the Green Belt, there exist very special circumstances to warrant such development and significantly, the impact of the development on the openness of the area would not be so significant as to refuse the application. It is considered that the social and environmental benefits of the proposal would outweigh the less than significant impact on the openness of the Green Belt.

13. HIGHWAY SAFETY

13.1 Para 110 of the NPPF provides that in assessing planning proposal, it should be ensured that safe and suitable access to the site can be achieved for all users and furthermore, para 111 provides that development should only be prevent or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

13.2 The proposed development would benefit from an existing vehicular access off the A62 Huddersfield Road. The existing access served the disused quarry and subject to road improvement works, including the provision of traffic control signals at the junction, it is considered that there would be a safe and suitable access for all users of the development.

13.3 In addition, every unit within the development would have a dedicated off-road parking facility. This would minimise the potential for on-street parking and any associated highway safety issue.

13.4 The site is adjacent the A62 Huddersfield Road, a national road with adequate capacity to accommodate the level of vehicular traffic that would be generated by a development of this scale. The Council's Highway Engineer has raised no objection to the proposal subject to the imposition of conditions requiring the provision of access and parking facilities in accordance with approved details as well as road improvement works.

13.5 Having regard to this, it is considered that the proposal would not lead to any severe or otherwise unacceptable detrimental highway issue.

14. SUMMARY OF RESERVED MATTERS

14.1 The Reserved Matters to which the application relates include scale, appearance, layout and landscaping. In relation to scale, there would be a total of four dwellings within the scheme, all three storeys in height. Given the area of the site, it is considered that the site coverage would be acceptable as this would not lead to a cramped development. The bulk and massing of the dwellings are also considered acceptable, notwithstanding the height.

14.2 The appearance of the buildings is considered acceptable as the external finish materials would be similar to those of some other dwellings in the vicinity. The contemporary design would also not detract significantly from the character of the area and its visual amenity

14.3 The four dwellings are laid out such that they mainly front onto the access road thereby creating a strong street scene. Each property would be easily accessed from the internal road either on foot or by car. In addition, the dwellings would be laid out such that the relationship between them would be acceptable as one dwelling would not lead to a

significantly adverse impact on the residential amenity of the future occupiers of neighbouring dwellings.

- 14.4 Notwithstanding the landscaping details submitted, Greater Manchester Ecology Unit have requested additional details and for additional biodiversity net gain elements to be incorporated into the scheme. The applicant was given the opportunity to provide the additional information re proposed landscaping and biodiversity net gain but they responded that they would rather address the issue via planning conditions.
- 14.5 As such, conditions relating to landscaping and biodiversity enhancement shall be attached to any decision to grant permission.

15. IMPACT ON BIODIVERSITY

- 15.1 Para 180 of the NPPF provides that if significant harm to biodiversity resulting from a development cannot be avoided (through relocating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 15.2 The proposal includes removal of some existing trees and the landscaping scheme submitted indicates that substantial trees of native species would be planted to replace the removed trees. The Ecology Report submitted with the outline application indicates that there is no significant amount of badger setts on site neither did it indicate any significant presence of any protected species.
- 15.3 Any replacement trees of the scale indicated on the submitted landscaping plans would mitigate the impact of the trees to be removed. The Greater Manchester Ecology Unit as well as the Council's Tree Officer has raised no objection to the proposal subject to conditions relating to a biodiversity enhancement scheme.
- 15.4 It is therefore considered that subject to the submission and implementation of an acceptable landscaping and biodiversity mitigation/enhancement proposal, the development would not lead to an unacceptable adverse impact on biodiversity.

16. DRAINAGE

- 16.1 A drainage plan/flood risk assessment has been submitted with the application. However, the Council's Drainage Engineer has advised that the details within the drainage proposal are not considered to be sufficient for a detailed assessment of the drainage implications of the scheme and as such, additional details would be required. The applicant's agent has advised that they are aware of this requirement and are happy to deal with the matter through an application for discharge of conditions at which stage, further details would be provided.
- 16.2 Therefore, notwithstanding the details submitted in relation to drainage, a condition requiring the submission of details of an acceptable drainage scheme remains relevant. It is noted that such condition had been attached to the outline permission and would therefore not be necessary in so far as the Reserved Matters application is concerned.

17. LAND CONTAMINATION / LANDFILL GAS / LAND STABILITY

- 17.1 In relation to land contamination and landfill gas, a Phase 1 site report has been submitted with the application and the report identifies the need for a detailed site investigation. The Environmental Health Officer has reviewed the document and agrees with the recommendation. Accordingly, a site investigation relating to land contamination/landfill gas would be required. The applicant has confirmed that they are happy to deal with this matter through an application for discharge of conditions.
- 17.2 In relation to land stability, a Geotechnical Risk Assessment has been undertaken at the request of the Health and Safety Executive (HSE). The assessment includes measures to prevent land stability issues and rocks falling from the face of the quarry face. Given the separation distance between the site (the smaller site) and the quarry face, it is considered that the Geotechnical Risk Assessment is more applicable to the larger site and the findings of the assessment would not be applicable to this site.

18. CONTRIBUTIONS TOWARDS AFFORDABLE HOUSING AND OPEN SPACE

- 18.1 Notwithstanding its relationship with the bigger site, the scale of the development on this particular site does not warrant any contributions towards affordable housing and open space, and none were therefore required as part of the consideration of the outline planning application.

19. RESPONSE TO ISSUES RAISED IN LETTERS OF OBJECTION

- 19.1 One of the issues raised in the objections relate to the scale of the development not being consistent with what was approved at outline stage. The indicative plans submitted for outline permission showed four dwellings but when details were submitted for approval of Reserved Matters, the initial plans submitted showed six dwellings. The applicant's attention was called to this fact, and they have since amended the plans to show four dwellings, in accordance with the details submitted at the outline stage. The amended plans have therefore addressed this issue.
- 19.2 Another issue raised in the objections relate to inadequate publicity as one of the objectors claimed they did not receive any letter notifying them of the application. In response to this, the Planning Authority sent letters to neighbours and in addition, a notice was displayed on site in accordance with relevant regulations. As such, adequate publicity as required had been given to the application.
- 19.3 The other material issues raised in the objections have been dealt with in the main body of the assessment.

20. CONCLUSION

- 20.1 Whilst it represents inappropriate development within the Green Belt, the proposed development is considered acceptable in that it would not lead to any significant adverse impact on the character of the area, amenity of the occupiers of neighboring properties as well as the openness of the Green Belt. There are very special circumstances that count in favour of the proposal and, on balance, it is considered that the overall benefits of the scheme would outweigh the impact on the openness of the area.

20.2 The proposal would therefore be in accordance with relevant provisions of Oldham Local Plan Policies 1, 3, 5, 9, 11, 20 and 22 as well as relevant provisions of the National Planning Policy Framework.

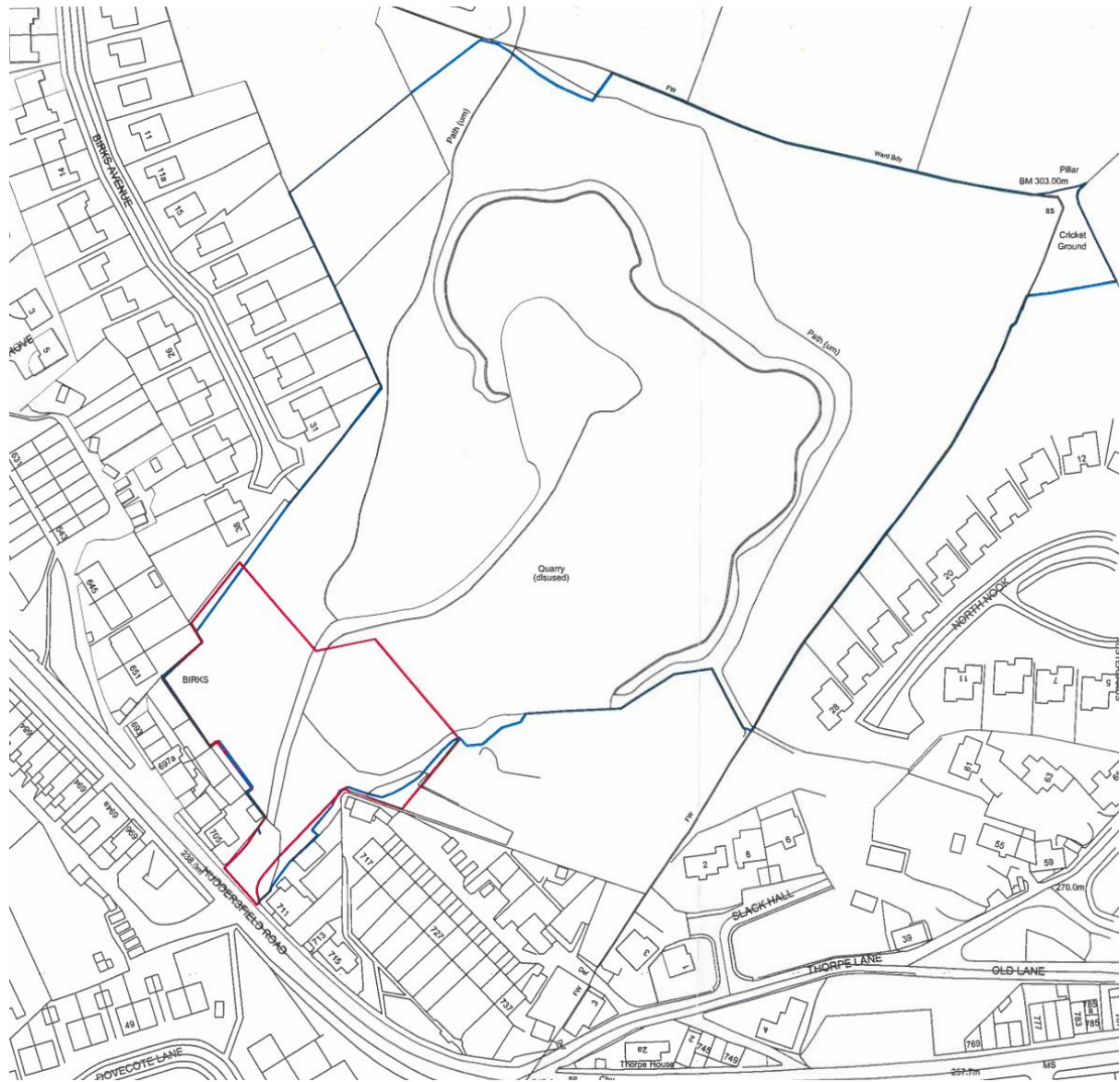
21. RECOMMENDED CONDITIONS

1. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
2. No dwelling shall be occupied until details of its construction, levels, drainage and access to the plot have been submitted to and approved in writing by the Local Planning Authority and the car parking space for the dwelling provided in accordance with drawing 1276/L/001 Rev. A. 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.
3. No construction work above dpc level shall commence until a highway improvement scheme has been implemented in accordance with a scheme that shall first of all have been submitted to and approved in writing by the local Planning Authority. Details should include the signalisation of the junction at the A62 Huddersfield Road with the new access road with all associated equipment, signing, lining, carriageway and footway improvements. Reason - To ensure that the site can be accessed safely in accordance with Policies 5 and 9 of the Oldham Local Plan.
4. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the construction works. REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.
5. No construction or excavation works shall be undertaken outside the hours of 0730 - 1730 Monday to Friday and between the hours of 0800 and 1500 on Saturdays. No construction or excavation works shall be undertaken on Sundays and Bank Holidays. REASON - To safeguard the amenity of the occupiers of neighbouring properties and the area generally. having regard to Policy 9 of the Oldham Local Plan.
6. Prior to the commencement of the development hereby approved, a biodiversity mitigation and enhancement plan which shall set out a proposal for mitigating the potential impact of the development on biodiversity, as well as how this can be enhanced, shall be submitted to the Local Planning Authority for written approval. The development shall be implemented in accordance with the approved details and retained as such thereafter. REASON - In order to enhance biodiversity, in

accordance with the provisions of para 174 of the National Planning Policy Framework.

7. Notwithstanding details already submitted, no development shall take place until full details of both hard and soft landscape works with an associated implementation plan, have been submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme. All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority, and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size. REASON - Prior approval of such details is necessary as the site may contain features which require incorporation into the approved development, and to ensure that the development site is landscaped to an acceptable standard having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
8. Prior to the commencement of any above ground works, a detailed Crime Impact Statement (CIS) shall be submitted to the Local Planning Authority for written approval. The Statement shall show how crime has been considered for the proposal and the surrounding area. The report, which shall be completed by a suitably qualified security assessor, shall identify, predict, evaluate and mitigate the site-specific crime and disorder effects of the development. The development shall be implemented in accordance with the approved Crime Impact Statement. Reason - In order to minimise the incidence of crime and disorder, in the interest of the amenity and safety of the future occupiers of the development and the area.

SITE LOCATION PLAN (NOT TO SCALE):



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APPLICATION REPORT – PA/343610/19 Planning Committee 19th July 2023

Registration Date: 02/08/2019
Ward: Saddleworth West and Lees

Application Reference: PA/343610/19
Type of Application: Reserved Matters Application

Proposal: Approval of Reserved Matters in respect of Appearance, Landscaping, Layout and Scale for the erection of 33 dwellings in relation to Outline approval PA/337932/15

Location: Former Birks Quarry, Huddersfield Road, Austerlands.

Case Officer: Abiola Labisi
Applicant: Prestigious Homes NW Ltd
Agent: Mr. Garry Griffiths – HNA Architects

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination because the proposal relates to a Major Development and in addition, the Outline application was determined by the Planning Committee.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report and that the Head of Planning shall be authorised to issue the decision.

3. SITE DESCRIPTION

- 3.1 The application site comprises an irregularly shaped land of approx. 1.9 hectare in size on the north side of the A62 Huddersfield Road, previously a sandstone quarry, commonly known as Birks Quarry. The site is undulating in topography with the landform rising away from the A62 and the quarry itself bites into this rising topography resulting in vertical or steeply sloping rock faces in its north-eastern part.
- 3.2 Notwithstanding the previous use, the site is in an area that is predominantly residential in character with lands to the east, west and south being in residential use whilst some open meadow land borders the site to the north
- 3.3 The quarry is accessed from Huddersfield Road and the access from the road takes a twisting path between steep banks which accounts for the fact that the quarry cannot be seen from the road.

4. THE PROPOSAL

- 4.1 The application is for approval of Reserved Matters in respect of Appearance, Landscaping, Layout and Scale for the erection of 33 dwellings following outline approval granted under planning ref. PA/337932/15.
- 4.2 The proposed scheme comprises of the following:
- 11nos. four storey 4 bed units with floor area of 117.09 sq. m (House Type C)
 - 14nos. four storey 4 bed units with floor area of 146.99 sq. m (House Type D)
 - 4nos. three storey 4 bed units with floor area of 130.86 sq. m (House Type E)
 - 4nos. three storey 4 bed units with floor area of 128.68 sq. m (House Type F)
- 4.3 Due to the need to lower the levels of the landform to accommodate the highway gradient required by Oldham MBC's highway officer some of the houses are built into the slope of the land resulting in split-level units, in some cases with three or four storeys to the front and two or three storeys to the rear.
- 4.4 In terms of external finish materials, the proposed houses would be finished in brick with slate roof tiles while window frames and rainwater goods would be of uPVC.
- 4.5 The proposal includes landscaping works comprising of the planting of a total of 59 trees of native species as well as a range of hedges, shrubs, and climbers. It is also indicated on the submitted plans that the existing heather would be retained as much as possible.
- 4.6 To the immediate south of the site and, forming part of the overall land holding under the applicant's ownership, is a smaller parcel of land on which it is proposed to erect four dwellings (planning ref. PA/343609/19). The adjoining site and the application site share a number of similarities in terms of context.

5. PLANNING HISTORY

- 5.1 Outline permission was granted on 8th of July 2016 for a residential development on the site under PA/337932/15 with all matters reserved except access which was considered under the outline application.

6. RELEVANT PLANNING POLICIES

- 6.1 The adopted 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 Green Belt. As such, the following policies are considered relevant to the determination of this application:
- Policy 1 - Climate Change and Sustainable Development;
 - Policy 3 – An Address of Choice;
 - Policy 5 - Promoting Accessibility and Sustainable Transport;
 - Policy 9 - Local Environment;
 - Policy 10 – Affordable Housing;
 - Policy 11 – Housing;
 - Policy 20 – Design; and,
 - Policy 22 – Protecting Open Land

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	Comments received. No objection subject to a site investigation re landfill gas and details of any mitigation measures
Drainage	No comment received.
Highways	Comments received. No objection subject to conditions relating to the provision of access and car parking spaces in accordance with approved plans and road improvement works.
Tree Officer	Comments received. Considered the proposed tree planting scheme acceptable
Police – Crime Prevention	Comments received. No objection subject to the submission of a Crime Impact Statement.
Ecology	Comments received. No objection subject to conditions relating to mitigation of impact on ecology
Planning Policy	Comments received. Raised no objection subject to conditions relating to contributions towards affordable housing, open space and biodiversity net gain.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.

8.2 In response, five representations have been received raising the following issues:

- Highway safety issues due to inadequate access (addressed in para. 13.2)
- Overdevelopment of the site (addressed in para 11.2)
- Overbearing and overshadowing impact (addressed in para 10.2)
- Potential overlooking (addressed in para 10.2)
- Loss of trees and wildlife (addressed in paras. 15.2 and 15.3)

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The larger part of the application site is allocated as Green Belt by the Proposals Map associated with the Joint Development Plan Document and is located in close proximity to existing dwellings.
- 9.2 Whilst the erection of new buildings within the Green Belt is considered inappropriate development, and should therefore be resisted as set out within the National Planning Policy Framework, it is noted that very special circumstances to justify a residential development on the site was demonstrated as part of the outline application and considered acceptable by the Local Planning Authority.
- 9.3 Significantly, the site is subject of a previously approved outline planning application reference PA/337932/15 for residential development which is a material planning consideration.
- 9.4 Having regard to these considerations the principle of development is acceptable.

10. RESIDENTIAL AMENITY

- 10.1 Having regard to the requirements of Policy 9 the impact of the development on surrounding residents needs to be considered alongside ensuring that the proposals provide suitable accommodation for future occupiers.
- 10.2 There are existing dwellings to the west, east and south of the site. However, notwithstanding the difference in levels as well as the ridge height of the proposed dwellings, it is considered that the relationship of the development with the existing neighbouring dwellings, would be acceptable because of the separation distance between the existing and proposed dwellings. The distance between the development and the nearest neighbouring dwelling is approx. 28m. This separation distance would minimise any potential overbearing, overshadowing, or overlooking effects on the neighbouring properties.
- 10.3 The layout of the proposed dwellings would minimise any potential overbearing, overshadowing or overlooking effect on neighbouring future occupiers of the development. There would be a distance of no less than 20 m between opposing dwellings and no habitable room window would directly overlook a neighbouring private amenity area.
- 10.4 Further on the amenity of the future occupiers of the development, the Department for Communities and Local Government's March 2015 publication, Technical Housing Standards – Nationally Described Space Standards provides that the minimum internal space requirement for a four bed, seven-person accommodation is 121 square metres. Apart from House Type C which would be slightly short of this requirement, the other dwelling types would exceed this floor area requirement. It is not considered that the difference between the floor area for House Type C and the requirement set out in the Space Standards would be such that would detract significantly from the amenity of the occupiers of the relevant units.
- 10.5 Each of the proposed units would benefit from external amenity areas which vary in size and there would be dedicated bin storage areas within each unit.

10.6 Having regard to the above, it is considered that the proposal would not lead to any significant adverse impact on the residential amenity of the occupiers of neighbouring properties while that of the future occupiers of the development would also not be compromised. As such, the proposal would be in accordance with relevant provisions of Policy 9 of the Oldham Local Plan.

11. DESIGN AND INTEGRATION WITH LOCAL CHARACTER

11.1 The proposed dwellings would be of contemporary design and would be sited mainly within the bowl of the quarry. Built form within the surrounding area is noted to be diverse, with neighbouring dwellings being of various design, external finish materials and scale. The proposed external finish materials would be similar to those of some of the neighbouring properties and notwithstanding its contemporary design, it is considered that given the diverse pattern of development in the area, the proposal would not lead to a significant adverse impact on the character of the area.

11.2 Furthermore, the development would not be very visible from the public road, and this would limit any potential visual impact. The overall number of units proposed would ensure that the proposal does not lead to a cramped pattern of development.

11.3 As such, it is considered that the proposal would not lead to a significant harm to the character of the area.

12. IMPACT ON GREEN BELT

12.1 Most of the site lies within the Green Belt and para 149 of the NPPF provides that Local Planning Authorities should regard the construction of new buildings as inappropriate. Such inappropriate development should be resisted unless very special circumstances can be demonstrated.

12.2 The outline application included a demonstration of very special circumstances to warrant the development of the site for residential purposes.

12.3 A Visual Appraisal has been submitted with the current application which concludes that the proposal would not lead to any significant visual implications.

12.4 Having regard to this, it is considered that, whilst the proposal would be inappropriate development within the Green Belt, there exists very special circumstances to warrant such development and, significantly, the impact of the development on the openness of the area would not be so significant as to refuse the application. It is considered that the social and environmental benefits of the proposal would outweigh the less than significant impact on the openness of the Green Belt.

13. HIGHWAY SAFETY

13.1 Para 110 of the NPPF provides that in assessing planning proposal, it should be ensured that safe and suitable access to the site can be achieved for all users and furthermore, para 111 provides that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 13.2 The proposed development would benefit from an existing vehicular access off the A62 Huddersfield Road. The existing access served the disused quarry and subject to road improvement works, including the provision of traffic control signals at the junction, it is considered that there would be a safe and suitable access for all users of the development.
- 13.3 In addition, every unit within the development would have a dedicated off-road parking facility. This would minimise the potential for on-street parking and any associated highway safety issue.
- 13.4 The site is adjacent the A62 Huddersfield Road, a national road with adequate capacity to accommodate the level of vehicular traffic that would be generated by a development of this scale. The Council's Highway Engineer has raised no objection to the proposal subject to the imposition of conditions requiring the provision of access and parking facilities in accordance with approved details as well as road improvement works.
- 13.5 Having regard to the above, it is considered that the proposal would not lead to any severe or otherwise unacceptable detrimental highway issue.

14. SUMMARY OF RESERVED MATTERS

- 14.1 The Reserved Matters to which the application relates include scale, appearance, layout and landscaping. In relation to scale, there would be a total of thirty-three dwellings within the scheme, all ranging in height from three to four storey. Given the area of the site, it is considered that the site coverage would be acceptable as this would not lead to a cramped development. The bulk and massing of the dwellings are also considered acceptable, notwithstanding the height of some of the units, which are set into the slope of the landform due to highway gradient requirements.
- 14.2 The appearance of the buildings is considered acceptable as the external finish materials would be similar to those of some other dwellings in the vicinity. The contemporary design would also not detract significantly from the character of the area and its visual amenity
- 14.3 The dwellings are laid out such that they mainly front onto the access road thereby creating a strong street scene. Each property would be easily accessed from the internal road either on foot or by car. In addition, the dwellings would be laid out such that the relationship between them would be acceptable as one dwelling would not lead to a significantly adverse impact on the residential amenity of the future occupiers of neighbouring dwellings.
- 14.4 A landscaping scheme has been submitted with the application and the scheme includes the planting of over fifty trees of native species, in addition to other landscaping elements. The scheme has been reviewed by the Council's Tree Officer and Ecologists from Greater Manchester Ecology Unit. The Council's Tree Officer has advised that the proposed tree planting scheme is acceptable. However, the Ecologist suggested more planting to make up for a significant loss of natural habitat as well as a detailed biodiversity net gain proposal. The applicant was given the opportunity to provide additional information regarding proposed landscaping and biodiversity net gain but they responded that they would rather address the issue via planning conditions.
- 14.5 As such, conditions relating to landscaping and biodiversity enhancement shall be attached to any decision to grant permission.

15. IMPACT ON BIODIVERSITY

- 15.1 Para 180 of the NPPF provides that if significant harm to biodiversity resulting from a development cannot be avoided (through relocating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 15.2 The proposal includes removal of some existing trees and the landscaping scheme submitted indicates that substantial trees of native species would be planted to replace the removed trees. The Ecology Report submitted with the outline application indicates that there is no significant amount of badger setts on site neither did it indicate any significant presence of any protected species.
- 15.3 The replacement trees would mitigate the impact of the trees to be removed. The Greater Manchester Ecology Unit as well as the Council's Tree Officer has raised no objection to the proposal subject to conditions relating to a biodiversity enhancement scheme.
- 15.4 It is therefore considered that subject to the submission and implementation of an acceptable landscaping and biodiversity mitigation/enhancement proposal, the development would not lead to an unacceptable adverse impact on biodiversity.

16. DRAINAGE

- 16.1 A drainage plan/flood risk assessment has been submitted with the application. However, the Council's Drainage Engineer has advised that the details within the drainage proposal are not considered to be sufficient for a detailed assessment of the drainage implications of the scheme and as such, additional details would be required. The applicant's agent has advised that they are aware of this requirement and are happy to deal with the matter through an application for discharge of conditions at which stage, further details would be provided.
- 16.2 Therefore, notwithstanding the details submitted in relation to drainage, a condition requiring the submission of details of an acceptable drainage scheme remains relevant. It is noted that such condition had been attached to the outline permission and would therefore not be necessary in so far as the Reserved Matters application is concerned.

17. LAND CONTAMINATION / LANDFILL GAS / LAND STABILITY

- 17.1 In relation to land contamination and landfill gas, a Phase 1 site report has been submitted with the application and the report identifies the need for a detailed site investigation. The Environmental Health Officer has reviewed the document and agrees with the recommendation. Accordingly, a site investigation relating to land contamination/landfill gas would be required. The applicant has confirmed that they are happy to deal with this matter through an application for discharge of conditions.
- 17.2 In relation to land stability, a Geotechnical Risk Assessment has been undertaken at the request of the Health and Safety Executive (HSE). The assessment includes measures to prevent land stability issues and rocks falling from the face of the quarry face. The Risk Assessment also required that the development be set away from the quarry face to allow a wide strip land for access and maintenance to the quarry face. To accommodate this the layout has been amended to meet the requirements of the Geotechnical Risk Assessment.

17.3 Whilst a confirmation has not been received from HSE that the mitigation measures proposed are acceptable despite numerous attempts to contact the organisation, it is considered that a condition requiring the applicant to implement the development in accordance with the mitigation measures identified within the Geotechnical Risk Assessment would be appropriate. A note also advising the applicant/developer that it is their responsibility to ensure that the development does not lead to land stability issues or cause any harm to the safety of the future occupiers of the development and occupiers of neighbouring properties.

18. CONTRIBUTIONS TOWARDS AFFORDABLE HOUSING AND OPEN SPACE

18.1 The outline planning permission does not include any requirement for financial contributions. They cannot be introduced as part of the consideration of the reserved matters and therefore contributions towards affordable housing and open space cannot be requested as part of this application.

19. CONCLUSION

19.1 Whilst it represents inappropriate development within the Green Belt, the proposed development is considered acceptable given it would not lead to any significant adverse impact on the character of the area, amenity of the occupiers of neighboring properties as well as the openness of the Green Belt. There are very special circumstances that support the proposal, and on balance, it is considered that the overall benefits of the scheme would outweigh the impact on the openness of the area.

19.2 The proposal would therefore be in accordance with relevant provisions of Oldham Local Plan Policies 1, 3, 5, 9, 11, 20 and 22 as well as relevant provisions of the National Planning Policy Framework.

20. RECOMMENDED CONDITIONS

1. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
2. No dwelling shall be occupied until details of its construction, levels, drainage and access to the plot have been submitted to and approved in writing by the Local Planning Authority and the car parking space for the dwelling provided in accordance with drawing 1276/L/001 Rev. A. 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.
3. No construction work above dpc level shall commence until a highway improvement scheme has been implemented in accordance with a scheme that shall first of all have been submitted to and approved in writing by the local Planning Authority. Details should include the signalisation of the junction at the A62 Huddersfield Road with the new access road with all associated equipment, signing, lining, carriageway

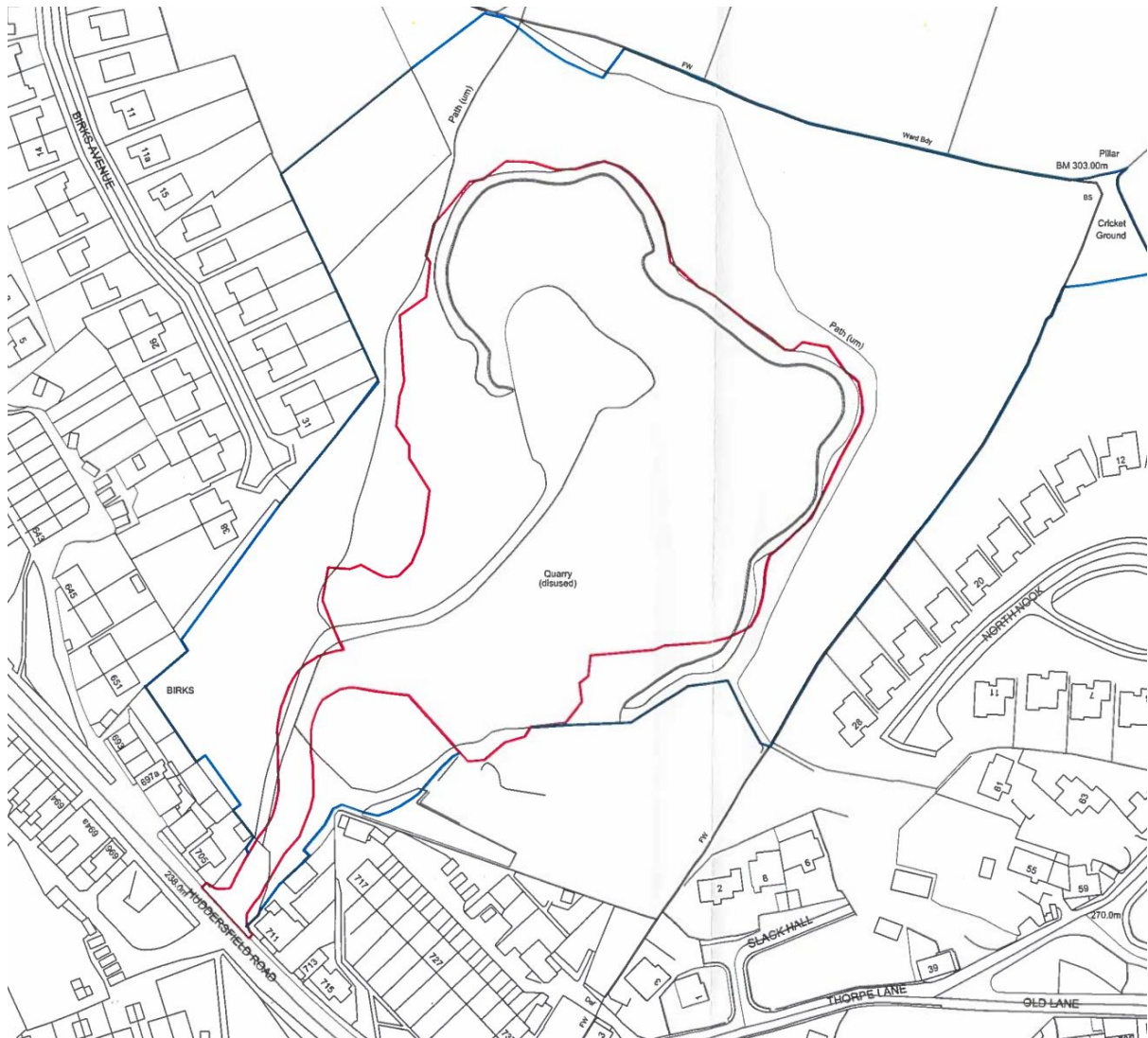
and footway improvements. Reason - To ensure that the site can be accessed safely in accordance with Policies 5 and 9 of the Oldham Local Plan.

4. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the construction works. REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.
5. No construction or excavation works shall be undertaken outside the hours of 0730 - 1730 Monday to Friday and between the hours of 0800 and 1500 on Saturdays. No construction or excavation works shall be undertaken on Sundays and Bank Holidays. REASON - To safeguard the amenity of the occupiers of neighbouring properties and the area generally. having regard to Policy 9 of the Oldham Local Plan.
6. Prior to the commencement of the development hereby approved, a biodiversity mitigation and enhancement plan which shall set out a proposal for mitigating the potential impact of the development on biodiversity, as well as how this can be enhanced, shall be submitted to the Local Planning Authority for written approval. The development shall be implemented in accordance with the approved details and retained as such thereafter. REASON - In order to enhance biodiversity, in accordance with the provisions of para 174 of the National Planning Policy Framework.
7. Notwithstanding details already submitted, no development shall take place until full details of both hard and soft landscape works with an associated implementation plan, have been submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme. All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority, and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size. REASON - Prior approval of such details is necessary as the site may contain features which require incorporation into the approved development, and to ensure that the development site is landscaped to an acceptable standard having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
8. Prior to the commencement of any above ground works, a detailed Crime Impact Statement (CIS) shall be submitted to the Local Planning Authority for written approval. The Statement shall show how crime has been considered for the proposal and the surrounding area. The report, which shall be completed by a suitably

qualified security assessor, shall identify, predict, evaluate and mitigate the site-specific crime and disorder effects of the development. The development shall be implemented in accordance with the approved Crime Impact Statement. Reason - In order to minimise the incidence of crime and disorder, in the interest of the amenity and safety of the future occupiers of the development and the area.

9. The development hereby approved shall be implemented in accordance with the details and recommendations contained in the Geotechnical Risk Assessment prepared by Key Geosolutions Ltd and dated June 2021. Reason - In the interest of the safety of the future occupiers of the development.

SITE LOCATION PLAN (NOT TO SCALE):



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APPLICATION REPORT – FUL/351029/23 Planning Committee 19th July 2023

Registration Date: 23 May 2023
Ward: Coldhurst

Application Reference: FUL/351029/23
Type of Application: Full Application

Proposal: Resubmission of application FUL/350248/22 for alteration and repair to facilitate new workspace use.

Location: The Prudential Assurance Building, 79 Union Street, Oldham, OL1 1JZ

Case Officer: Paula Stebbings
Applicant: Mr Jon Bloor
Agent: Miss Shaadi Karimi

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as the proposal relates to a major application involving the Council as Applicant.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report and that the Head of Planning shall be authorised to issue the decision.

3. SITE DESCRIPTION

- 3.1 This application relates to the Prudential Building, which is located on Union Street, Oldham. The principal façade faces Union Street, with alleyways to the east and west of the building, commonly used for access to Spindles Shopping Centre.
- 3.2 The Prudential building is grade II listed and sits within Oldham Town Centre Conservation Area. Dating back to 1889 the building was designed by Alfred Waterhouse for the Prudential Assurance Company. Currently vacant, the red brick and terracotta dressed heritage asset sits in a declining state of disrepair. The existing use class is Class E (offices) and Sui Generis (nightclub). Whilst the building appears relatively unaltered from its original design externally, internally it has changed uses several times. However, it is important to note that the buildings were designed to be in several uses with sections leased off e.g. the Basement was originally run as a restaurant.
- 3.3 The front elevation is the most decorative, with terracotta shown in various forms. The elevation consists of a 3-bay range, with recessed polygonal towers either side, rounded arches at ground floor, three light mullioned windows with transom windows above and three dormer windows located on the roof slope. The further elevations carry

some of this detail to a much lesser extent. Whilst the internal courtyard is characterised by white glazed brick.

- 3.4 Internally, much of the original interior has been lost. However, the main banking hall still maintains elements of the Victorian character, through its ornate plaster panelled ceiling and Burmantoft glazed tiled walls.

4. THE PROPOSAL

- 4.1 Planning permission and the associated listed building consent have been sought for the resubmission of applications FUL/350248/22 and LBC/350249/22 for alteration and repair to facilitate new workspace use. In comparison to the previous applications, previously required bat surveys have been carried out and submitted. Additionally, comments from The Victorian Society and Historic Buildings and Places (which is the working name of the Ancient Monuments Society) have been received, whereas no comments were received from these consultees previously.

- 4.2 The proposed works to be assessed as part of this application consist of the following:

4.3 Roof Alterations

- Insertion of new dormers, with a linear form, aligning with window positions and proportions below.
- Creation of lanterns on top of the existing turrets to provide a contemporary impact and emphasis at street level. These will contain meeting rooms and proposals include the use of lighting installations and features to add greater prominence.

4.4 Atrium

- New roof enclosing the central atrium.
- Creation of pop out spaces in existing window openings in the atrium, such as a stage area and a phone booth at different levels at a cantilever to overlook the atrium space.
- Window seats inside the existing openings.
- Tiling to be made good and restored.

4.5 External Windows

- Removal and replacement of damaged windows with new aluminium double glazed units to match existing, and repair or reinstatement of wood panelling.

4.6 Works to the Banking Hall

- Cleaning and repair to interior tiles.
- Reinstatement of plastered ceiling and restoration of parquet floor.
- Removal of screen partitions.
- New opening through arched niche, removal of some historic tiling.
- Insertion of new contemporary fittings for public use.
- Restoration of original timber screens from the Banking Hall and reinstatement of smashed glass.
- Restoration and repair of two historic Banking Hall Counters including removal and replacement of nonoriginal countertop, and incorporation of these fittings into the café/lounge.

4.7 Other Internals

- Creation of a number of new internal walls to create new usable spaces.
- Repair and reinstatement of cornices and skirtings.

- Removal of plastered ceilings.
- Retention and repair of existing fireplaces.
- Stripping back of the lift enclosures and fixing of the historic lift on the third floor.
- Internal wall linings.

5. PLANNING HISTORY

- 5.1 FUL/350248/22- Granted on 10/03/2023 for the alteration and repair to facilitate new workspace use
- 5.2 LBC/350249/22- Granted on 10/03/2023 for alteration and repair to facilitate new workspace use
- 5.3 LBC/351030/23- Pending decision at committee for the resubmission of application LBC/350249/22 for alteration and repair to facilitate new workspace use.

6. RELEVANT PLANNING POLICIES

- 6.1 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.2 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that with respect to conservation areas special attention should be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 6.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.
- 6.4 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. In the Proposals Map, associated with this document, the site is located within the town centre boundary and Oldham Town Centre Conservation Area. As such, the following policies are considered relevant to the determination of this application:

Policy 20- Design
Policy 24 – Historic Environment

- 6.5 Relevant SPD:

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

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Historic England	No objections- supports the application on heritage grounds.
Victorian Society	Objects due to the proposed dormers and lanterns.
Historic Buildings and Places	Objects due to the proposed dormers and lanterns.
Environmental Health	No objections.
Drainage	No objections, subject to condition.
Highways	No objections, subject to condition.
Transport For Greater Manchester	No objections, subject to conditions.
Coal Authority	No objections, subject to informative.
Greater Manchester Ecology unit	No objections, subject to informative.
Planning Policy	No objections.
United Utilities Water Limited	No comments received.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.
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ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 This application does not propose a change of use but alterations, identified through surveys and investigations, that are required to redevelop the building. Therefore, the main issue to consider is the impact of the proposals on the listed building and conservation area.
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'...In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance...'

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10.1 The Prudential Assurance Building in Oldham is one of 27 branch buildings built across England. All were designed by renowned Victorian Architect Alfred Waterhouse and share a common appearance. Waterhouse favoured the use of terracotta which is evident in the Prudential Building. Built of brick, sitting on a polished granite plinth, with extensive terracotta dressings to openings, banding and high-level decoration, under a red tiled roof.

10.2 The Prudential Building is identified in the Oldham Town Centre Conservation Area Appraisal as a detracting element due to its vacancy and poor condition which is in urgent need of restoration and reuse. The wider street scene has changed dramatically since the buildings erection in the late 19th century and it now stands alone as one of the few buildings of that era left. The building has incredible potential to improve the identity and by extension the significance of the conservation area as well as its own significance through sensitive restoration and reuse.

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- 12.1 Whilst the works proposed are extensive, Historic England have stated that this is a reflection of the state of the building. The designated heritage asset has suffered an extended period of unuse, lack of maintenance and failing of the roof coverings leading to widespread water ingress. Historic England consider that the proposal would be of benefit to the building and the wider conservation area through repairing and restoring historic fabric and details, both internally and externally, and giving the building an important community use once more.
- 12.2 The Victorian Society and Historic Buildings and Places (which is the working name of the Ancient Monuments Society) welcome the positive news that the Prudential will be brought back into a sustainable use, which will ensure its long-term viability and remove it from Historic England's 'At Risk' register. However, they raise concerns over the addition of the dormers and lanterns. They consider that the design would undermine and greatly detract from the significance of Waterhouse's elegant and well-proportioned façade, negatively affecting the visual appreciation of the building and being harmful to the character and significance of the heritage assets. The consultees recommend a subtler intervention or the reinstatement of lost 19th century dormers and turrets. The proposed dormers and lanterns are assessed in section 13 below and it is found that they would be acceptable as part of the overall scheme and not warrant the refusal of the application.

13. ALTERATIONS AND IMPACT TO THE LISTED BUILDING AND CONSERVATION AREA

- 13.1 Modern external interventions include the insertion of new dormers, roof lanterns and the atrium.
- 13.2 As shown in the appendices within the submitted Heritage Assessment (dated November 2022) the Prudential historically had three dormers with ornate detailing above, which dominated the roof slope fronting Union Street and followed the front elevation fenestration. The existing dormers are of a much lesser quality in terms of design and scale and due to water ingress the existing poor quality dormers are in a bad state of repair. The historic and existing dormers therefore provide a precedent to enhance the use of the top floors, providing added internal space and light for the building, making it attractive to potential tenants or occupiers and creating a new elevation treatment visible from the street.
- 13.3 The new dormers have been designed in a linear form and are to be clad in coated aluminium, providing a contemporary distinction between the historic fabric of the building, whilst aligning with the existing fenestration in terms of positioning and proportions. This approach does not try to replicate or reinstate the lost 19th century dormers but introduce a clear contemporary design that is easily distinguishable from the historic fabric.
- 13.4 Additionally, it is acknowledged that the side and rear dormers are significantly larger than the existing poor quality later additions. However, as these sit upon the third floor

of the building, lower than the existing prominent turrets to the front elevation, within the lesser architecturally significant side and rear roof slopes, which maintain a tight relationship to neighbouring properties (side elevations), it is considered that all the proposed dormers would introduce added internal space in a contemporary and easily distinguishable design that does not detract from the architectural significance of the building.

- 13.5 Again shown in the appendices within the submitted Heritage Assessment, historically, tall steeple-like roofs were located over each corner turret, which contributed to the further prominence of the building. The proposal creates a modern interpretation of the previous form, integrating light diffusing glazing, to allow for the lanterns to glow at night, highlighting the landmark building. This approach is supported by the LPA as it restores a key historical element of design in a modern approach that clearly demarcates new from old and provides the opportunity for emphasis on the building's corners, announcing its presence on a tightly constrained site.
- 13.6 The proposed atrium includes a series of modern interventions such as platform perches and cantilevered areas which overlook the atrium space, creating a hub of activity at the heart of the building. The new sloped, steel beamed, glazed roof will enclose the space and further protect the existing tiled finish of the atrium space, which is currently subject to extensive vegetation growth and water damage disrepair. Thus enhancing and protecting the inner leaf of the grade II listed building and introducing an accessible and usable space, enveloped by the existing building.
- 13.7 With regards to the window scheme, it is intended to remove and replace damaged windows with new aluminium double glazed units. However, the extent of damage to the windows is currently unknown until a survey is done to determine the amount of damp and rot to the existing timber windows. It is explained in the submitted Design and Access Statement that the reasoning for the aluminium double-glazed units replacing the existing timber single glazed units is to incorporate an environmental strategy and to allow new openings so the windows can be cleaned from the inside. The Conservation Officer has concerns with this approach at this stage as being a council owned building an exemplar should be set for others. Windows should be replaced like for like, including materials, proportions and openings. Where replacements are needed, Accoya timber can offer a similar longevity to aluminium windows and thermal efficiency can be increased through the repair of existing timber windows and use of secondary glazing. Therefore, a condition shall be added to ensure a window condition survey is submitted to the Local Planning Authority and further justification is provided that demonstrates why this is the only option and how the applicant has gone about minimising the impact on the significance of the original elements.
- 13.8 The main public banking halls are undoubtedly the most significant interiors within the Prudential. Incorporating ornate glazed tiling/faïence, colonnades, grand fireplaces, historic timber screens with stained glass and large arched windows on the Union Street elevation. The proposal includes the preservation of the space in its current configuration, whilst cleaning and repairing the interior tiles, reinstating and restoring the plastered ceiling and parquet flooring, removing the later screen partitions, restoring the original timber screens and reinstating the smashed glass and restoring and repairing two historic Banking Hall Counters including the removal and replacement of the nonoriginal countertop, and incorporating these fittings into the café/lounge. Additionally, it is proposed to create an opening through an existing arched niche in order to provide level access to and from the main entrance lobby adjacent, which would include the removal of some historic fabric and the insertion of new contemporary fittings for public use.

- 13.9 The approach to the Banking Hall is supported by officers subject to the submission of condition surveys, method statements, samples and specifications, to be conditioned. Additionally, the approach to add new modern ventilation totems, integrating with the existing architecture, is justified due to sensitive nature of the existing historic fabric.
- 13.10 With regards to further proposed internal alterations, further condition surveys will also be required through condition, including that for existing cills, surrounds and frames for windows, fireplaces, skirtings, cornices, architraves, dado and picture rails, plastered ceilings, flooring and doors. This will allow for a conservation approach to be agreed for each.
- 13.11 Finally, it is proposed that as part of the refurbishment, internal wall lining that utilises natural wood fibres as opposed to traditional insulation will be included to improve the thermal performance of the external walls. This approach will not be applied to the banking hall. Further information would need to be provided with regards to the environmental strategy to justify this, however, it is considered that the further information required can be requested and satisfied through the discharge of conditions.

14. CONCLUSION

- 14.1 The building is disused, in a severe state of deterioration and needs a use which will secure its long-term conservation.
- 14.2 Officers have considered the requirement for clear and convincing justification for any harm or loss to the significance of the heritage assets and carefully considered the alterations proposed to the building and its setting. In this instance, it is considered that the cumulative impact of the works has been explored within the application and individual elements can be further assess through the discharge of conditions.
- 14.3 As concluded in the submitted Heritage Impact Assessment, the proposals will result in less than substantial harm to the significance of the Prudential Building. Paragraph 202 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'
- 14.4 The identified harm is justified by the public benefits which include the retention, restoration, viable active use and public accessibility of the grade II listed building which is located within the Town Centre Conservation Area and currently upon Historic England's 'At Risk' register. Ensuring its long-term conservation, reducing the risk currently placed upon the conservation area, its wider potential socio-economic benefits, and sustainability benefits of the proposals.
- 14.5 It is considered that the level of intervention and loss has been justified and the design of the new interventions will have an overall positive impact on the building and the conservation area. Therefore, subject to the imposition of planning conditions, to allow the further assessment of the detailed information unavailable at this time, the development is considered acceptable in this respect.

15. RECOMMENDED CONDITIONS

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

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

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

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

3. No works to those individual elements stated in A – O in the below list, for the grade II listed building shall be carried out unless and until existing condition surveys and method statements, where applicable, and specifications and samples, for that item have been submitted to and approved in writing by the Local Planning Authority:

- A. Staircases, balustrades and handrails;
- B. Windows including cills, surrounds, frames and glass
- C. Timber panels;
- D. Timber lobby;
- E. Plastered ceilings;
- F. Walls, plastering, panelling and finishes, including skirtings, cornices, architraves, dado and picture rails;
- G. Doors;
- H. Floors;
- I. Fireplaces
- J. Tiling;
- K. Internal wall linings and provision of insulation;
- L. Leadwork;
- M. Rainwater goods;
- N. New internal lift;
- O. New glazed roof and lanterns;

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

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

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

Reason - To ensure the appearance of the development is acceptable in the interests

of the visual amenity of the area within which the site is located and to protect the historic fabric of the listed building. Having regard to Policies 20 and 24 of the Oldham Local Plan.

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

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

6. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to, and approved in writing by Oldham Council (approval to be in consultation with Transport for Greater Manchester). The approved CMP shall include agreed safe methods of working adjacent to the Metrolink Hazard Zone and the Overhead Line Equipment and shall be adhered to throughout the construction period. The CMP shall, as a minimum, provide for: -

- protection of Metrolink equipment;
- the retention of 24hr unhindered access to the Overhead Line Equipment, trackside equipment cabinets and chambers for the low voltage power, signalling and communications cables for Metrolink both during construction and once operational;
- pedestrian management proposals to ensure that a suitable footway width is retained and that pedestrians are not forced into the tramway path;
- loading and unloading of plant and materials;
- construction and demolition methods to be used; including the use of cranes (which must not oversail the tramway);
- the design, erection, maintenance and dismantling of scaffolding, having due regard to climbing risk and also the provisions of BS EN 50122-1; please note the installation and dismantling is likely to require an electrical isolation of the Metrolink overhead wires;
- the erection, maintenance and removal of security hoarding, if used. This should be at a minimum distance of 1.5m from the kerb which demarcates the tramway path, unless otherwise agreed with Transport for Greater Manchester, please note that any hoarding along the footway would be within the Metrolink drop zone for the overhead wires and will therefore need to be made of non-conductive material or earthed, bonded or designed such that they do not become live should a failure of the overhead lines occur; and
- measures to control the emission of dust and dirt during construction;

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

7. Prior to the commencement of the development a scheme for acoustically insulating the proposed development against noise and vibration from the adjacent Metrolink line shall be submitted to and approved in writing by the local planning authority. The

approved noise insulation scheme shall be completed before the development is occupied.

Reason: To secure a reduction in noise having regards to policy 9 of the Oldham Local Plan.

8. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason - In order to protect public safety, because the site is located within 250m of a former landfill site, having regard to paragraphs 183 and 184 of the National Planning Policy Framework.

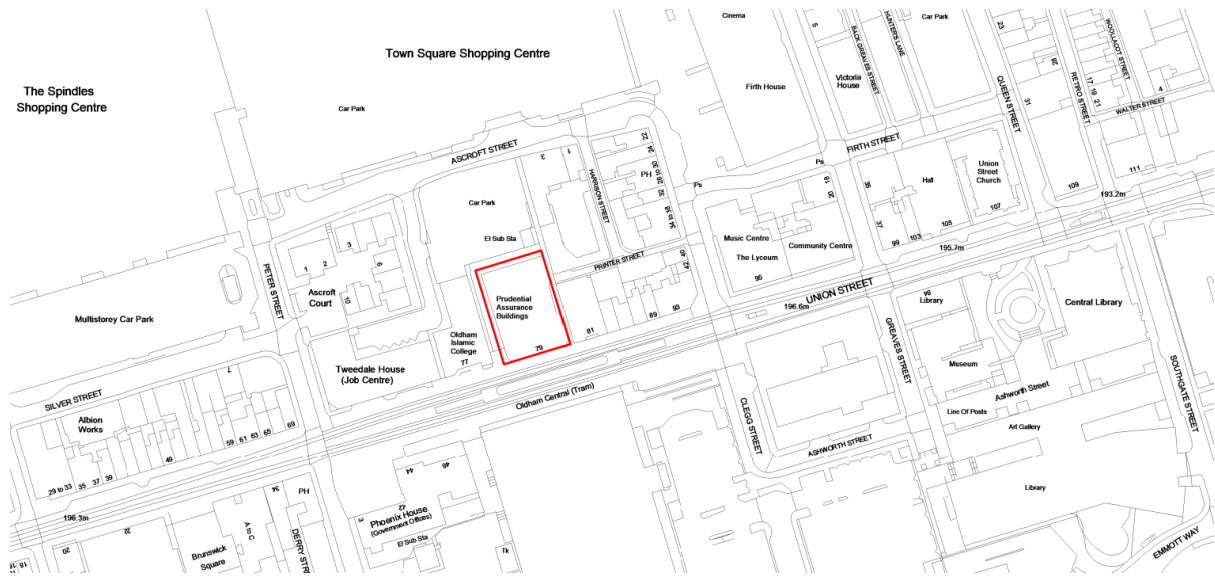
9. No development shall commence until full details of a scheme for a sustainable drainage system to serve the site, and method of implementation, including maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and timetable subject to a condition survey of the existing drainage network. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved scheme.

Reason: To prevent the increased risk of flooding both on and off site and ensure satisfactory drainage facilities are provided to serve the site, having regard to Policy 19 of the Oldham Local Plan.

10. Prior to the erection of the external stairlifts to the front entrances of the building, details including elevations and specifications should be submitted to and approved in writing by the local planning authority and thereafter be built in accordance with the approved scheme.

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

SITE LOCATION PLAN (NOT TO SCALE):



APPLICATION REPORT – LBC/351030/23 Planning Committee 19th July 2023

Registration Date: 23 May 2023
Ward: Coldhurst

Application Reference: LBC/351030/23
Type of Application: Listed Building Consent

Proposal: Resubmission of application LBC/350249/22 for alteration and repair to facilitate new workspace use.

Location: The Prudential Assurance Building, 79 Union Street, Oldham, OL1 1JZ

Case Officer: Paula Stebbings
Applicant: Mr Jon Bloor
Agent: Miss Shaadi Karimi

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as the proposal relates to a major application involving the Council as Applicant.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report and that the Head of Planning shall be authorised to issue the decision.

3. SITE DESCRIPTION

- 3.1 This application relates to the Prudential Building, which is located on Union Street, Oldham. The principal façade faces Union Street, with alleyways to the east and west of the building, commonly used for access to Spindles Shopping Centre.
- 3.2 The Prudential building is grade II listed and sits within Oldham Town Centre Conservation Area. Dating back to 1889 the building was designed by Alfred Waterhouse for the Prudential Assurance Company. Currently vacant, the red brick and terracotta dressed heritage asset sits in a declining state of disrepair. The existing use class is Class E (offices) and Sui Generis (nightclub). Whilst the building appears relatively unaltered from its original design externally, internally it has changed uses several times. However, it is important to note that the buildings were designed to be in several uses with sections leased off e.g. the Basement was originally run as a restaurant.
- 3.3 The front elevation is the most decorative, with terracotta shown in various forms. The elevation consists of a 3-bay range, with recessed polygonal towers either side, rounded arches at ground floor, three light mullioned windows with transom windows above and three dormer windows located on the roof slope. The further elevations carry

some of this detail to a much lesser extent. Whilst the internal courtyard is characterised by white glazed brick.

- 3.4 Internally, much of the original interior has been lost. However, the main banking hall still maintains elements of the Victorian character, through its ornate plaster panelled ceiling and Burmantoft glazed tiled walls.

4. THE PROPOSAL

- 4.1 Listed building consent and the associated planning permission have been sought for the resubmission of applications LBC/350249/22 and FUL/350248/22 for alteration and repair to facilitate new workspace use. In comparison to the previous applications, previously required bat surveys have been carried out and submitted. Additionally, comments from The Victorian Society and Historic Buildings and Places (which is the working name of the Ancient Monuments Society) have been received, whereas no comments were received from these consultees previously.

- 4.2 The proposed works to be assessed as part of this application consist of the following:

4.3 Roof alterations

- Insertion of new dormers, with a linear form, aligning with window positions and proportions below.
- Creation of lanterns on top of the existing turrets to provide a contemporary impact and emphasis at street level. These will contain meeting rooms and proposals include the use of lighting installations and features to add greater prominence.

4.4 Atrium

- New roof enclosing the central atrium.
- Creation of pop out spaces in existing window openings in the atrium, such as a stage area and a phone booth at different levels at a cantilever to overlook the atrium space.
- Window seats inside the existing openings.
- Tiling to be made good and restored.

4.5 External windows

- Removal and replacement of damaged windows with new aluminium double glazed units to match existing, and repair or reinstatement of wood panelling.

4.6 Works to the Banking Hall

- Cleaning and repair to interior tiles.
- Reinstatement of plastered ceiling and restoration of parquet floor.
- Removal of screen partitions.
- New opening through arched niche, removal of some historic tiling.
- Insertion of new contemporary fittings for public use.
- Restoration of original timber screens from the Banking Hall and reinstatement of smashed glass.
- Restoration and repair of two historic Banking Hall Counters including removal and replacement of nonoriginal countertop, and incorporation of these fittings into the café/lounge.

4.7 Other Internals

- Creation of a number of new internal walls to create new usable spaces.
- Repair and reinstatement of cornices and skirtings.

- Removal of plastered ceilings.
- Retention and repair of existing fireplaces.
- Stripping back of the lift enclosures and fixing of the historic lift on the third floor.
- Internal wall linings.

5. PLANNING HISTORY

- 5.1 FUL/350248/22- Granted on 10/03/2023 for the alteration and repair to facilitate new workspace use
- 5.2 LBC/350249/22- Granted on 10/03/2023 for alteration and repair to facilitate new workspace use
- 5.3 FUL/351029/23- Pending decision at committee for the resubmission of application FUL/350248/22 for alteration and repair to facilitate new workspace use.

6. RELEVANT PLANNING POLICIES

- 6.1 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.2 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that with respect to conservation areas special attention should be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 6.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.
- 6.4 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. In the Proposals Map, associated with this document, the site is located within the town centre boundary and Oldham Town Centre Conservation Area. As such, the following policies are considered relevant to the determination of this application:

Policy 20- Design
Policy 24 – Historic Environment

- 6.5 Relevant SPD:

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

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Historic England	No objections- supports the application on heritage grounds.
Victorian Society	Objects due to the proposed dormers and lanterns.
Historic Buildings and Places	Objects due to the proposed dormers and lanterns.
Environmental Health	No objections.
Drainage	No objections, subject to condition.
Highways	No objections, subject to condition.
Transport For Greater Manchester	No objections, subject to conditions.
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- 13.1 Modern external interventions include the insertion of new dormers, roof lanterns and the atrium.
- 13.2 As shown in the appendices within the submitted Heritage Assessment (dated November 2022) the Prudential historically had three dormers with ornate detailing above, which dominated the roof slope fronting Union Street and followed the front elevation fenestration. The existing dormers are of a much lesser quality in terms of design and scale and due to water ingress the existing poor quality dormers are in a bad state of repair. The historic and existing dormers therefore provide a precedent to enhance the use of the top floors, providing added internal space and light for the building, making it attractive to potential tenants or occupiers and creating a new elevation treatment visible from the street.
- 13.3 The new dormers have been designed in a linear form and are to be clad in coated aluminium, providing a contemporary distinction between the historic fabric of the building, whilst aligning with the existing fenestration in terms of positioning and proportions. This approach does not try to replicate or reinstate the lost 19th century dormers but introduce a clear contemporary design that is easily distinguishable from the historic fabric.

- 13.4 Additionally, it is acknowledged that the side and rear dormers are significantly larger than the existing poor quality later additions. However, as these sit upon the third floor of the building, lower than the existing prominent turrets to the front elevation, within the lesser architecturally significant side and rear roof slopes, which maintain a tight relationship to neighbouring properties (side elevations), it is considered that all the proposed dormers would introduce added internal space in a contemporary and easily distinguishable design that does not detract from the architectural significance of the building.
- 13.5 Again, shown in the appendices within the submitted Heritage Assessment, historically, tall steeple-like roofs were located over each corner turret, which contributed to the further prominence of the building. The proposal creates a modern interpretation of the previous form, integrating light diffusing glazing, to allow for the lanterns to glow at night, highlighting the landmark building. This approach is supported by the LPA as it restores a key historical element of design in a modern approach that clearly demarcates new from old and provides the opportunity for emphasis on the building's corners, announcing its presence on a tightly constrained site.
- 13.6 The proposed atrium includes a series of modern interventions such as platform perches and cantilevered areas which overlook the atrium space, creating a hub of activity at the heart of the building. The new sloped, steel beamed, glazed roof will enclose the space and further protect the existing tiled finish of the atrium space, which is currently subject to extensive vegetation growth and water damage disrepair. Thus enhancing and protecting the inner leaf of the grade II listed building and introducing an accessible and usable space, enveloped by the existing building.
- 13.7 With regards to the window scheme, it is intended to remove and replace damaged windows with new aluminium double glazed units. However, the extent of damage to the windows is currently unknown until a survey is done to determine the amount of damp and rot to the existing timber windows. It is explained in the submitted Design and Access Statement that the reasoning for the aluminium double-glazed units replacing the existing timber single glazed units is to incorporate an environmental strategy and to allow new openings so the windows can be cleaned from the inside. The Conservation Officer has concerns with this approach at this stage as being a council owned building an exemplar should be set for others. Windows should be replaced like for like, including materials, proportions and openings. Where replacements are needed, Accoya timber can offer a similar longevity to aluminium windows and thermal efficiency can be increased through the repair of existing timber windows and use of secondary glazing. Therefore, a condition shall be added to ensure a window condition survey is submitted to the Local Planning Authority and further justification is provided that demonstrates why this is the only option and how the applicant has gone about minimising the impact on the significance of the original elements.
- 13.8 The main public banking halls are undoubtedly the most significant interiors within the Prudential. Incorporating ornate glazed tiling/faïence, colonnades, grand fireplaces, historic timber screens with stained glass and large arched windows on the Union Street elevation. The proposal includes the preservation of the space in its current configuration, whilst cleaning and repairing the interior tiles, reinstating and restoring the plastered ceiling and parquet flooring, removing the later screen partitions, restoring the original timber screens and reinstating the smashed glass and restoring and repairing two historic Banking Hall Counters including the removal and replacement of the nonoriginal countertop, and incorporating these fittings into the café/lounge. Additionally, it is proposed to create an opening through an existing arched niche in order to provide level access to and from the main entrance lobby adjacent, which would include

the removal of some historic fabric and the insertion of new contemporary fittings for public use.

- 13.9 The approach to the Banking Hall is supported by officers subject to the submission of condition surveys, method statements, samples and specifications, to be conditioned. Additionally, the approach to add new modern ventilation totems, integrating with the existing architecture, is justified due to sensitive nature of the existing historic fabric.
- 13.10 With regards to further proposed internal alterations, further condition surveys will also be required through condition, including that for existing cills, surrounds and frames for windows, fireplaces, skirtings, cornices, architraves, dado and picture rails, plastered ceilings, flooring and doors. This will allow for a conservation approach to be agreed for each.
- 13.11 Finally, it is proposed that as part of the refurbishment, internal wall lining that utilises natural wood fibres as opposed to traditional insulation will be included to improve the thermal performance of the external walls. This approach will not be applied to the banking hall. Further information would need to be provided with regards to the environmental strategy to justify this, however, it is considered that the further information required can be requested and satisfied through the discharge of conditions.

14. CONCLUSION

- 14.1 The building is disused, in a severe state of deterioration and needs a use which will secure its long-term conservation.
- 14.2 Officers have considered the requirement for clear and convincing justification for any harm or loss to the significance of the heritage assets and carefully considered the alterations proposed to the building and its setting. In this instance, it is considered that the cumulative impact of the works has been explored within the application and individual elements can be further assess through the discharge of conditions.
- 14.3 As concluded in the submitted Heritage Impact Assessment, the proposals will result in less than substantial harm to the significance of the Prudential Building. Paragraph 202 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'
- 14.4 The identified harm is justified by the public benefits which include the retention, restoration, viable active use and public accessibility of the grade II listed building which is located within the Town Centre Conservation Area. Ensuring its long-term conservation, reducing the risk currently placed upon the conservation area, its wider potential socio-economic benefits, and sustainability benefits of the proposals.
- 14.5 It is considered that the level of intervention and loss has been justified and the design of the new interventions will have an overall positive impact on the building and the conservation area. Therefore, subject to the imposition of planning conditions, to allow the further assessment of the detailed information unavailable at this time, the development is considered acceptable in this respect.

15. RECOMMENDED CONDITIONS

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

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

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

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

3. No works to those individual elements stated in A – O in the below list, for the grade II listed building shall be carried out unless and until existing condition surveys and method statements, where applicable, and specifications and samples, for that item have been submitted to and approved in writing by the Local Planning Authority:

- A. Staircases, balustrades and handrails;
- B. Windows including cills, surrounds, frames and glass
- C. Timber panels;
- D. Timber lobby;
- E. Plastered ceilings;
- F. Walls, plastering, panelling and finishes, including skirtings, cornices, architraves, dado and picture rails;
- G. Doors;
- H. Floors;
- I. Fireplaces
- J. Tiling;
- K. Internal wall linings and provision of insulation;
- L. Leadwork;
- M. Rainwater goods;
- N. New internal lift;
- O. New glazed roof and lanterns;

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

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

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

Reason - To ensure the appearance of the development is acceptable in the interests

of the visual amenity of the area within which the site is located and to protect the historic fabric of the listed building. Having regard to Policies 20 and 24 of the Oldham Local Plan.

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

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

6. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to, and approved in writing by Oldham Council (approval to be in consultation with Transport for Greater Manchester). The approved CMP shall include agreed safe methods of working adjacent to the Metrolink Hazard Zone and the Overhead Line Equipment and shall be adhered to throughout the construction period. The CMP shall, as a minimum, provide for: -

- protection of Metrolink equipment;
- the retention of 24hr unhindered access to the Overhead Line Equipment, trackside equipment cabinets and chambers for the low voltage power, signalling and communications cables for Metrolink both during construction and once operational;
- pedestrian management proposals to ensure that a suitable footway width is retained and that pedestrians are not forced into the tramway path;
- loading and unloading of plant and materials;
- construction and demolition methods to be used; including the use of cranes (which must not oversail the tramway);
- the design, erection, maintenance and dismantling of scaffolding, having due regard to climbing risk and also the provisions of BS EN 50122-1; please note the installation and dismantling is likely to require an electrical isolation of the Metrolink overhead wires;
- the erection, maintenance and removal of security hoarding, if used. This should be at a minimum distance of 1.5m from the kerb which demarcates the tramway path, unless otherwise agreed with Transport for Greater Manchester, please note that any hoarding along the footway would be within the Metrolink drop zone for the overhead wires and will therefore need to be made of non-conductive material or earthed, bonded or designed such that they do not become live should a failure of the overhead lines occur; and
- measures to control the emission of dust and dirt during construction;

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

7. Prior to the commencement of the development a scheme for acoustically insulating the proposed development against noise and vibration from the adjacent Metrolink line shall be submitted to and approved in writing by the local planning authority. The

approved noise insulation scheme shall be completed before the development is occupied.

Reason: To secure a reduction in noise having regards to policy 9 of the Oldham Local Plan.

8. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason - In order to protect public safety, because the site is located within 250m of a former landfill site, having regard to paragraphs 183 and 184 of the National Planning Policy Framework.

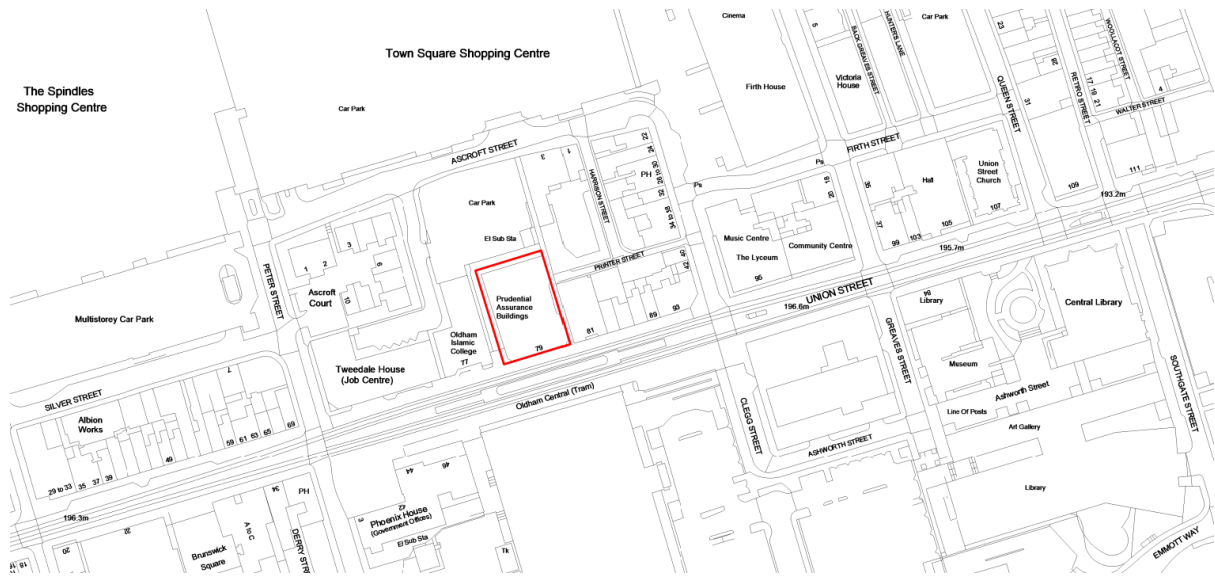
9. No development shall commence until full details of a scheme for a sustainable drainage system to serve the site, and method of implementation, including maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and timetable subject to a condition survey of the existing drainage network. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved scheme.

Reason: To prevent the increased risk of flooding both on and off site and ensure satisfactory drainage facilities are provided to serve the site, having regard to Policy 19 of the Oldham Local Plan.

10. Prior to the erection of the external stairlifts to the front entrances of the building, details including elevations and specifications should be submitted to and approved in writing by the local planning authority and thereafter be built in accordance with the approved scheme.

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

SITE LOCATION PLAN (NOT TO SCALE):



APPLICATION REPORT – OUT/350032/22 Planning Committee – 19th July 2023

Registration Date: 9th November 2022
Ward: Coldhurst

Application Reference: OUT/350032/22
Type of Application: Outline Application

Proposal: Outline application for 16 storey apartment building for 120 flats with associated on-site parking and private gated site access, following demolition of existing building. Approval of Access, Layout, and Scale are sought. All other matters reserved.

Location: Westwood Medical Centre, Winterbottom Street, Oldham OL9 6TS

Case Officer: Graham Dickman
Applicant: Westwood Apartments Ltd
Agent: SNG Architecture Ltd

1. INTRODUCTION

- 1.1 The application involves a development required to be referred to Planning Committee for determination in accordance with the Scheme of Delegation as it relates to a Major development and includes land presently owned by the Council.
- 1.2 In this instance as the application has not been determined within the statutory period, the applicant has submitted an appeal to the Planning Inspectorate on grounds of non-determination. Although the Council can no longer determine the application directly; in such circumstances it will be necessary to advise the Planning Inspectorate of the decision the Council would otherwise have taken.

2. RECOMMENDATION

- 2.1 It is recommended that Planning Committee resolves that the Planning Inspectorate be advised that the application would have been refused for the reasons set out at the end of this report.

3. THE SITE

- 3.1 This application relates to a site immediately to the west of Oldham town centre from which it is separated by the Oldham Way flyover which crosses Middleton Road. Immediately to the north of the site is the Westwood Metrolink stop.
- 3.2 Immediately to the south land levels rise towards an area of established trees and grassed area beyond. This area is presently in the ownership of the Council.

- 3.3 Access to the site is from Winterbottom Street which adjoins Middleton Road at a signal-controlled junction which includes a tram crossing point. Winterbottom Street continues to the south where it forms a cul-de-sac on Richmond Walk and provides access to residential properties, Richmond Primary School, and a Children's Centre.
- 3.4 The application site itself contains a two-storey detached building previously occupied as a medical centre. The building is presently vacant and in a poor state of repair. There is a small car parking area to the side with access from Winterbottom Street.
- 3.5 The application also includes the wooded and grassed parcel of Council land to the south and a parcel of land owned by Transport for Greater Manchester adjacent to the tram stop.
- 3.6 A footpath linking Richmond Walk to the tram stop passes the site to the west.

4. THE PROPOSAL

- 4.1 The application is for erection of a 16 storey apartment building to provide 120 residential flats.
- 4.2 The application is submitted in outline form, seeking approval at this stage of access, the site layout, and the building's scale only. The appearance of the building will be reserved for subsequent approval, along with the internal configuration of the building, and the landscaping of the site.
- 4.3 The access to the building will be taken from Winterbottom Street as at present. The building will occupy an enlarged footprint centred around the position of the existing building. The layout plan indicates that a vehicular access route will be provided from the site entrance around the front of the building giving access to an internal car parking area on the lowest floor of the building.
- 4.4 A further car parking area indicating 15 spaces is shown on the presently grassed area off Richmond Walk. Overall, it is indicated that 28 parking spaces will be provided, along with 3 visitor bays and 5 bays for drop-off in connection with the adjacent school.

Environmental Impact Assessment

- 4.5 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.6 The proposal would represent an Urban Development Project within paragraph 10(b) of Schedule 2 of the Regulations. However, at 0.35 hectares it would not exceed the applicable threshold of 1 hectare, nor is the site located within any impact distance of a 'sensitive area' as defined in the Regulations.
- 4.7 Consequently, an Environmental Statement is not required.

5. RELEVANT HISTORY OF THE SITE

- 5.1 PA/339279/16 - Conversion of former medical centre to 14 apartments including extensions and alterations to building and associated parking and landscaping. Approved 20.04.2017

6. RELEVANT PLANNING POLICIES

- 6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is unallocated in the Proposals Map associated with this document.

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

Policy 1 – Climate Change and Sustainable Development

Policy 3 – An Address of Choice

Policy 5 – Promoting Accessibility and Sustainable Transport Choices

Policy 6 – Green Infrastructure

Policy 9 – Local Environment

Policy 10 – Affordable Housing

Policy 11 - Housing

Policy 18 – Energy

Policy 19 – Water and Flooding

Policy 20 – Design

Policy 21 – Protecting Natural Environmental Assets

Policy 23 – Open Spaces and Sports

Policy 25 – Developer Contributions

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

7. CONSULTATIONS

Highways	Recommends refusal on the grounds that the layout of the site and access to the proposed parking provision would lead to additional congestion and manoeuvring of vehicles on the highway to the detriment of highway safety.
TfGM	No objections following the submission of additional information.
Environmental Health	Require details of land contamination and landfill gas assessments and a Construction Management Plan
Trees Officer	Insufficient details have been provided to show how construction can be carried out without damage to trees, and the close proximity will mean more trees need to be removed due to damage or due to trees causing overshadowing of flats.
G M Ecology Unit	A Construction Environmental Management Plan will be required

	along with details of lighting, and demonstration of how biodiversity will be enhanced
G M Police	The development shall be constructed in accordance with the Crime Impact Assessment.
G M Fire & Rescue	The single point of access does not meet the criteria for access for emergency vehicles.
Coal Authority	Recommend details of a scheme for intrusive site investigations.
United Utilities	No objection subject to submission of a sustainable drainage scheme.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.

8.2 In response, 18 letters of objection have been received on the following grounds:

- The development does not meet the needs of the local area with demand for family housing (9.2);
- Impact on Right to Light, loss of natural light due to the building's scale (14.1-14.5);
- Noise pollution (14/7);
- Loss of green area for children to play (11.4);
- Poor access will impact on community facilities at the children's centre (Section 12);
- Lack of car parking (Section 12);
- Potential increase in crime and impact on safety of children in terms of safeguarding due to overlooking of the school (14.6); and,
- Devaluation of properties (this is not a material planning consideration).

8.3 Councillor Jabbar has submitted an objection to the application on grounds of size, lack of parking, lack of local play facilities for children, overlooking of some properties on Richmond Walk, and that the development will have detrimental impact on the Richmond School and the children's centre.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The present proposal envisages the demolition of the existing building and its replacement with a block of 120 residential units in a 16 storey building.
- 9.2 Although details of the internal layout are reserved for subsequent approval, it is indicated that this would be a mix of one and two bedroomed units, which would make a contribution towards housing supply in the area. There are no Council policies which would specifically require a wider mix of housing to be developed on individual sites. In this instance, due to its limited ground area, the site is unlikely to be suitable for a family housing scheme.
- 9.3 Planning permission has previously been granted for the conversion and extension of the existing building for residential purposes, and therefore issues associated with the loss of the former community facility and general suitability of residential use in this location have previously been deemed acceptable.
- 9.4 The site has also been identified in the Council's SHLAA as a potential residential development site, albeit with an anticipated capacity of 14 properties.
- 9.5 The council cannot currently demonstrate a five-year supply of housing against the standard methodology under the current NPPF, and as such the presumption in favour of sustainable development (NPPF paragraph 11 (d)) applies.
- 9.6 However, a five-year housing land supply can be demonstrated against the proposed housing requirement set out in the emerging Places for Everyone Joint Plan (PfE). It is hoped the nine authorities will be able to adopt the Plan in early 2024.
- 9.7 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans. Places for Everyone is an emerging Plan which will form part of Oldham's development plan upon adoption. Examination in Public (EiP) of the Plan is largely complete. The hearing session covering the proposed housing requirement and housing land supply was held on 1 December 2022.
- 9.8 In June 2023 the Inspectors set out further suggested modifications considered necessary for soundness, none of which were related to the housing requirement. As such it is considered that, subject to consultation, the housing requirement modification will be considered to be acceptable and consistent with NPPF given that the requirements have been calculated using the standard methodology.
- 9.9 Oldham's current five-year housing land supply of 3,129 homes represents a 6-year supply against the modified PfE housing requirement for the period of 2022-2027 (a total of 2,597 homes). This is sufficient to meet the stepped requirement and provides a more than sufficient buffer as is required by para. 74 of the NPPF.
- 9.10 The council consider that PfE is now at an advanced stage and as such should hold substantial weight in decision making and therefore the emerging housing policies, which set out the proposed housing requirement for Oldham, should hold substantial

weight in the planning balance, including Oldham's ability to identify a sufficient housing land supply, over and above 5 years, against the PfE requirement.

10. AFFORDABLE HOUSING

- 10.1 The capacity of the proposed site qualifies for the Affordable Housing threshold, which applies to developments of 10 dwellings or above, as set out within NPPF and the council's Affordable Housing Interim Position Paper.
- 10.2 The current target, set out within Policy 10 of the Local Plan, is for 7.5% of the total development sales value to go towards the delivery of affordable housing, unless it can be clearly demonstrated to the council's satisfaction that this is not viable. As per national planning policy, 25% of the affordable housing provision must be for First Homes. Affordable housing must be provided on-site unless there are exceptional circumstances that would justify the acceptance, by the council, of off-site provision within the locality or a financial contribution in lieu of provision.
- 10.3 No information in respect of the proposals for affordable housing have been provided. The submitted Planning Statement indicates that this matter would be explored at detailed planning stage. However, no information in respect of the projected financial viability of the scheme has been submitted, and therefore, it is not possible to determine whether the scheme is capable of compliance with relevant local and national planning policy in respect of affordable housing provision.
- 10.4 This is not considered a matter which can be properly dealt with at Reserved Matters stage.

11. OPEN SPACE

- 11.1 As the site is a major development, Local Plan Policy 23 states that major residential development should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable. It goes on to state that regard will be given to the proposed development and the open space surpluses and deficiencies in the area (identified through the Council's Open Space Study) to determine where appropriate whether on-site or off-site new provision or enhanced existing provision or a financial contribution will be required.
- 11.2 This area has been identified in the Open Space Study as being sufficient in accessibility to all types of open space. There are deficiencies in:
- quality and quantity of parks and gardens;
 - quantity and quality of provision for children and provision for young people;
 - quantity and quality of outdoor sports facilities;
 - quantity and quality of natural/semi-natural; and
 - quality of amenity greenspace.
- 11.3 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), the overall area is classed

as being deficient in that typology of open space. As such, in the absence of satisfactory alternative provision, a developer contribution of £262,371.60 would be required.

- 11.4 No information to demonstrate how the proposal will comply with Policy 23 has been submitted, particularly in view of the additional loss of a valuable area of existing open space within the application site in order to facilitate the proposed car parking provision.

12. HIGHWAY SAFETY

- 12.1 Sole vehicular access to the site is obtained from Winterbottom Street, a cul-de-sac, serving the adjacent school and children's centre, and which also serves a number of residential properties on Richmond Walk. The access to Middleton Road is via a signal-controlled junction which also functions to facilitate the safe crossing of trams entering and leaving the adjacent Westwood Metrolink stop.
- 12.2 Congestion on Winterbottom Street is experienced during school drop off and pick up times when instances of motorists ignoring waiting restrictions and zigzag markings are evident.
- 12.3 The proposal incorporates two areas for residents' car parking, 13 spaces within the basement of the proposed building, with 3 guest bays adjacent. A separate car park providing an additional 15 spaces, along with 5 "allocated school drop-off parking" spaces is indicated on a Council-owned area of landscaping further along Winterbottom Street.
- 12.4 The application is accompanied by a Transport Assessment.
- 12.5 In respect of the impact on the surrounding highway network, both Transport for Greater Manchester and the Highways Officer are satisfied that the anticipated levels of vehicle generation can be satisfactorily accommodated without detriment to the operation of the adjacent signal-crossing.
- 12.6 The Council does not have any adopted car parking standards, and therefore an assessment of demand and the suitability of the proposed provision will be based on the circumstances of the proposed development and the character of the surrounding area.
- 12.7 In this regard, the site occupies a highly sustainable location, immediately adjacent to a Metrolink tram stop with frequent services to Manchester, Rochdale, and other destinations throughout the day and evening. In addition, frequent daytime bus services operate from adjacent stops. Furthermore, the site is located approximately 500 metres from Oldham town centre, uphill but connected by direct bus and tram services.
- 12.8 Whilst it is acknowledged that future occupiers may include vehicle owners, in general terms, it is anticipated that the proposed level of parking would be satisfactory to ensure no detriment to existing provision in the vicinity, including options for existing neighbouring residents whose properties on Richmond Walk which do not include off-site parking provision.
- 12.9 Nevertheless, there are significant concerns regarding the practicality of the proposed access arrangements and parking provision within the site.

- 12.10 The submitted drawings show barriers within the car parks which will lead to vehicles waiting to enter the car park causing potential congestion, or those unable to enter through the barrier then carrying out reversing manoeuvres out onto the highway, potentially also during the periods of school drop off and delivery in an area where there will also be a high number of pedestrians including children.
- 12.11 The concerns apply similarly to service and other delivery vehicles. In terms of refuse storage, the proposals indicate a large number of individual waste receptacles within a fenced enclosure, with an area designated for 'refuse and recycling bin loading area' close to the site entrance. It is unclear how such arrangement would operate in practice, both in terms of the necessity of residents in a multi-storey building to remove waste manually to the external containers, and how these can be safely manoeuvred on the proposed layout into the collection area without conflict with other site users.
- 12.12 In respect of the external parking area, it is similarly unclear how the allocated 'drop off' spaces will be managed to ensure conflict between residents and parents does not result.
- 12.13 It should also be noted for reasons set out below, that the additional car park requires the loss of an area of public open space, and the applicant has failed to demonstrate that the land is surplus to requirements or that an adequate replacement open space can be achieved.

13. DESIGN AND LAYOUT

- 13.1 The application site is located within an area containing a mixed character, including prominent transport infrastructure comprising an elevated highway, adjacent roads, and tram line, educational buildings, and low-rise residential properties.
- 13.2 Approval of Scale is sought as part of the application, and the proposal will introduce a building of considerable height relative to its immediate neighbours. Nevertheless, the impact must be considered in the context of the wider townscape which contains a small number of other high-rise residential buildings, and historic mill buildings which were once a more prominent feature but are still notable elements of the townscape.
- 13.3 Immediately to the east of the site, land levels rise significantly towards the town centre which is set at an elevated level. Consequently, the overall mass of the proposed building would appear reduced. When viewed from the west, the relatively lower level of the site would similarly negate its prominence.
- 13.4 From other directions, the presence of existing building will minimise views towards the building.
- 13.5 In the immediate vicinity, the building will dominate its neighbours. However, this would not of itself feel incongruous given the urban nature of the site and the similar presence of other tall structures throughout the urban area. Appearance is a reserved matter and therefore not open for consideration at this stage. However, in principle there is no reason why a building of suitable design quality could not be achieved.

14. RESIDENTIAL AMENITY

- 14.1 Residential properties are located within the vicinity of the site and therefore some impact from the physical presence of the building, and the resultant impact of outlook from new residential properties at an elevated level is a material consideration.
- 14.2 A row of two-storey residential properties is located to the north of the site across Middleton Road. The houses will be separated from the proposed building by approximately 50 metres. The private gardens to these properties are located to the rear, and therefore screened from any overlooking. Whilst accommodation to the front will be subject to views from the new flats, this impact must be considered in the context of the existing relationship to the street scene. These properties already front onto a busy public realm with high levels of activity associated with the tram stop and traffic and pedestrians along Middleton Road. Consequently, it is not considered that there will be material loss of privacy from the development.
- 14.3 As the proposed building is located to the south of these neighbours, there is the potential for some impact on sunlight towards these properties. No formal assessment of this impact has been submitted; however, given the degree of separation and existing presence of tall established tree cover in this direction, it is not concluded that this would be of such severity to justify refusal of the application.
- 14.4 To the south-west of the proposed building are a small group of residential properties on Richmond Walk at a distance of approximately 36 metres, with further dwellings beyond. Views from the proposed flats will be available towards the rear of these properties. However, given the continued presence of existing or replacement tree cover, and the oblique angle of view towards habitable windows and spaces within these houses, it is similarly not concluded that a significant adverse impact on privacy would result.
- 14.5 Given the relative orientation of the neighbouring dwellings in this area to the proposed building (they are to the south), it is not considered that any significant adverse impact on sunlight or daylight would result.
- 14.6 Some concerns have been expressed in relation to safeguarding issues given the close proximity to a primary school and children's centre. Whilst such considerations can represent material planning considerations, it is necessary for such concerns to be based on definitive evidence, and in the absence of such evidence, refusal of the application on such grounds cannot be justified.
- 14.7 Given the scale of the development, it is inevitable that some disturbance would occur during construction operations. For this reason, should permission be granted, a condition for the submission of a Construction Management Plan would be required.

15. LANDSCAPING AND ECOLOGY

- 15.1 The focus of the application site is the former, and presently derelict, two-storey medical centre building and associated parking area. The site also includes an area of landscaping and tree cover to the front which adjoins the tram stop.

- 15.2 In addition, the site incorporates a substantial area of established, mature, tree cover which forms an arc around the southern and western sides of the present building. The areas to the south occupy an elevated area of banking.
- 15.3 During consideration of the proposals the applicant has sought to demonstrate that a scheme of arboricultural protection can be put in place, and it is accepted by the Council's Trees Officer that these are based on standard principles. However, it is clear that the sheer extent of the required proposed mitigation and methodology proposed shows that the development will be too close to the existing trees both during construction and future occupation.
- 15.4 For example, the requirement for pruning of root and crown of trees prior to and on a cyclical basis post completion, demonstrate this. It will also foreseeably lead to future conflict between the existing trees and future residents as properties are overshadowed.
- 15.5 Numerous and varied works within and directly adjacent to root protection areas (RPAs) of adjacent trees would be required, for which mitigation is proposed. However, this again demonstrates that the proposed works are too close to existing trees.
- 15.6 There are still many unknowns, of which foundation type and specification is a major factor. As such the Arboricultural Management Scheme (AMS) is in large parts generic rather than site specific. There is potential for additional issues to be presented during any development which could have further implications for existing trees. As submitted, there is no further scope for intrusion into the space taken by existing trees potentially leading to further tree loss.
- 15.7 The Council's Trees Officer has commented that many of the recommendations within the British Standard for Trees in Relation to Design, Demolition, and Construction (BS5837:2012 Section 5) envisage that a variety of factors should have been taken into consideration in assessing a satisfactory development layout in relation to existing trees. In this case, the spatial limitations of the site have dictated a development which relates poorly to the existing trees.
- 15.8 These factors include *'The constraints imposed by trees, both above and below ground should inform the site layout design', 'The attributes listed in the Note to 5.2.1 can significantly affect potential land use or living conditions, including the effect of the tree on daylight and sunlight. the design should avoid unreasonable obstruction of light', 'The default position should be that structures are located outside the RPAs of trees to be retained', 'A realistic assessment of the probable impact of any proposed development on the trees and vice versa should take into account the characteristics and condition of the trees, with due allowance and space for their future growth and maintenance requirements', 'Shading of buildings, Direct damage, Future pressure for removal, Seasonal nuisance'.*
- 15.9 The proposed mitigation planting is not sufficient due to the proposed trees being whips and light standards which would fail to represent adequate compensation for those trees which are lost; or which would be placed under future threat as a result of the development.
- 15.10 Consequently, the development would fail to satisfy the requirements of saved UDP policy D1.5.

- 15.11 The application is accompanied by a Preliminary Ecological Appraisal which concludes that the mixed deciduous woodland on the site is to be retained. In particular, it is recognised that the retained woodland provides a valuable habitat for a wide variety of wildlife.
- 15.12 As noted above, it has not been demonstrated that such an outcome is feasible, and that this dominant ecological feature of the site is capable of retention. The Appraisal indicates that compensatory loss will be made for the loss of improved grassland to facilitate the new car park only.

16. FLOOD RISK AND GROUND CONDITIONS

- 16.1 A SUDS pro-forma has been submitted with the application which sets out the intended approach to surface water management on the site. Those proposals have been assessed by United Utilities which has raised no objections in principle subject to a condition requiring submission of a sustainable surface water drainage system, including a restricted rate of water discharge.
- 16.2 Details of future management will also be required, and the applicant has indicated that this is likely to be by means of a private management company.
- 16.3 In respect of ground conditions, the application is accompanied by a Phase 1 Geo-environmental Report. On the basis of the findings, the Environmental Health Officer has recommended a condition for a full site investigation and assessment to be undertaken as part of an approval.
- 16.4 Similarly, the Coal Authority has recommended the need for a scheme of intrusive site investigations to be undertaken prior to the commencement of any development.
- 16.5 These matters could be dealt with by means of planning condition.

17. ENERGY

- 17.1 Policy 18 of the Local Plan requires all major developments to reduce energy emissions based on reductions over and above Part L of the Building Regulations 2010 or 2013. A condition will be recommended to require submission of a satisfactory scheme to meet the Policy's requirements.
- 17.2 If outline permission could be granted, this matter could be dealt with by means of planning condition.

18. CONCLUSION

- 18.1 The proposal relates to a development of substantial scale. Whilst it will contribute towards additional housing provision in a highly sustainable area, the submission contains inadequate information to demonstrate that mitigation for potential adverse

impacts in relation to the loss of trees and biodiversity, servicing of the building, the loss of valuable open space, and the provision of affordable housing can be achieved.

18.2 The proposal would therefore conflict with both local and national planning policies.

RECOMMENDED REASONS FOR REFUSAL

1. The proposal relates to the construction of a building of substantial scale located in close proximity to an area of established tree cover. The engineering operations required for the construction of the building would result in a significant adverse impact on established tree cover, whilst the close proximity of the building to retained specimens would lead to future pressures for works to, or removal of, any retained trees. The details of proposed mitigation measures are insufficient to demonstrate that such losses can be avoided, nor has adequate compensation for the resultant arboricultural and associated biodiversity loss been identified. The proposal would therefore be contrary to the objectives of Policy 21 of the Oldham Local Plan and saved UDP Policy D1.5.
2. The proposed arrangements for the provision of vehicle parking, manoeuvring, and associate servicing would lead to potential conflict between vehicle movements, leading to an adverse impact on highway safety and congestion within the site and on the adjacent highway network. The proposal would therefore be contrary to Policies 5 and 9 of the Oldham Local Plan.
3. The proposal will result in the loss of an existing area of public open space within a locality which has been identified in the Council's Open Space Study as being deficient in standards of open space provision. No information has been submitted to demonstrate that adequate compensation for such loss will be provided, nor that a contribution towards new or enhanced open space would be forthcoming, contrary to Policy 23 of the Oldham Local Plan.
4. The proposal would generate a substantial residential development. No details of arrangements for the provision of affordable housing have been submitted to demonstrate how the scheme would contribute towards the provision of affordable housing. In the absence of such details, the development would therefore conflict with Policy 10 of the Oldham Local Plan and NPPF paragraph 65.

SITE LOCATION PLAN (NOT TO SCALE)



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APPLICATION REPORT – FUL/350480/23 Planning Committee 19th July 2023

Registration Date: 8 February 2023
Ward: Waterhead

Application Reference: FUL/350480/23
Type of Application: Full

Proposal: Change of use from C3 (dwellinghouse) to 18 bedroom House in Multiple Occupation (Sui Generis) and associated works.

Location: 38 Ronald Street, Oldham, OL4 1NE.

Case Officer: Matthew Taylor
Applicant: Mr Sameer Zulqurnain
Agent: Mr. Mohammed Jamiul Choudhury

1. INTRODUCTION

- 1.1 The application is a minor development proposing a change of use of a dwelling to a House in Multiple Occupation (HMO). The application has been referred to Planning Committee for determination by Councillor Ahmad on the basis that there is high level of community interest in the application, and concerns about additional traffic and demand for on-street parking.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report.

3. SITE DESCRIPTION

- 3.1 The proposal relates to a large 18 bedroom dwelling that has been extended. Accommodation is spread over 4 floors (including the basement). It is positioned in a predominantly residential area characterised by traditional red brick terraced properties. There is a mosque on the opposing side of Ronald Street.

4. THE PROPOSAL

- 4.1 The proposal, as amended, is for the change of use of the property to form an eighteen bedroom house of multiple occupancy (HMO). The proposed plans show the proposed building configuration to be as follows:
- The basement to have a bike store, cinema/games room, study/work area, stores, utility room and bathroom;
 - The ground floor to have 7 no. bedrooms (with six having ensuite facilities), a shared kitchen/dining area, and 3no. shared bathrooms;
 - Level 1 to have 7 no. bedrooms (with three having ensuite facilities), 2no. shared

- bathrooms and a shared kitchen/dining/lounge;
- Level 2 to have 4 no. bedrooms (with two having ensuite facilities).

5. PLANNING HISTORY

- 5.1 PA/343898/19 - Change of use from residential to an educational institute (Use class D1), with a two-storey rear extension – Approved, with conditions, 05/02/2020.
- 5.2 HH/330517/11 - Single storey rear extension – Approved, with conditions, 01/07/2011.
- 5.3 HH/053793/07 - Two storey side extension forming garage, bedrooms and bathroom - 24/12/2007 – Approved, with conditions, 24/12/2007.

6. RELEVANT PLANNING POLICIES

- 6.1 The ‘Development Plan’ is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is unallocated by the Proposals Map associated with this document.
- 6.2 As such, the following policies are relevant to the determination of this application:

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

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	No objection, subject to the imposition of a bin storage condition.
Highways	No objection, subject to the imposition of a cycle storage condition.

8. PUBLICITY, THIRD-PARTY REPRESENTATIONS, AND COUNCILLOR COMMENTS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council’s adopted Statement of Community Involvement, the application has been advertised by neighbour notification letters. In response, 7no. support representations and 44no. objection representations have been received raising the following (summarised) points:

Objections:

- A proposal (HMO) on such a scale will lead to an increase in traffic;
- This will lead to parking problems for the local residents and local community who already struggle with parking issues;

- The local area is already a very deprived area facing many problems;
- Residents are worried about who the proposed accommodation will be occupied by and believe it could lead to an increase in anti-social behaviour locally;
- Increase in littering and fly tipping and rubbish in the local area;
- There will also undoubtedly be a huge increase in noise created in the local area with the amount of vehicles travelling to and from the HMO;
- Concerns over comings and goings at all hours of the night which will affect the peace and lifestyle of the local residents and community;
- Out of keeping with character of area.

Support:

- There is a serious shortage of affordable housing in this area more generally and, specifically, for people with young families;
- There is no credible evidence to support the unsubstantiated concern that the proposal would create problems for local residents;
- A significant point is that there is a mosque directly across the road from 38 Ronald Street, some attendees at this mosque park illegally, partly or fully on the pavement and also in the alley between 38 Ronald Street and the property next to it such that there is no available on street parking directly outside or around 38 Ronald Street. The proposal would have no effect on parking in this area. For the above reason, neither would the proposal have any additional adverse impact on local traffic, parking, or creating any negative issues for the community;
- Tenants are likely to be individuals with moderate to urgent housing needs, it is deeply offensive and highly inappropriate to make unsubstantiated allegations that such tenants would be linked to criminal lifestyles;
- There is no evidence to suggest there is any causal link between the size of the property the subject of the proposal and fly tipping or any evidence to suggest there would be any form of noise disturbance simply as a result of a large property previously inhabited by a large number of people now, again, being similarly populated;
- There is also an existing fly tipping issue in the area, and that is something that needs to be rectified by the local council; and,
- There is no evidence to show that as yet unknown tenants would cause any tension to the locality, it being more likely than not that they would assist in bringing the community together and strengthen community cohesion.

Councillor Birch has also made the following comments on the development:

- Firstly, the parking in the area around this building is already overparked and there would be further danger to pedestrians with this development.
- Secondly, the development would lead to increase in crime and significantly increase community tensions as the development is located opposite a Mosque and Madrassa. There are also a large number of HMOs in the area that create issues of anti-social behaviour and criminality; this proposed development would add to an already volatile situation.
- Thirdly, there is already a deficit in local amenities in the area with little open space and lack of health facilities and there is inadequate space for refuse bin storage or bicycle parking on the site.
- As Ward Councillors, we have received large number of representations from local residents and would argue that the proposed plan for 23 bedrooms would substantially over-develop the site.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Policy 1 promotes development which supports the vitality and viability of designated Centres such as Oldham and residential uses in these areas can help support the shops and services they host. Furthermore, Policies 3 and 5 aim to ensure residential uses are in highly sustainable locations in respect of access to key services and public transport options. In this regard, the site is within a 10-minute walk major bus routes and local shopping parades on Lees Road. Therefore, for the purposes of Policy 5, the site is 'very highly accessible'.
- 9.2 Policy 11 states that houses in multiple occupancy will not be permitted unless it can be demonstrated that the proposal does not adversely affect the local character of the area, the residential and workplace amenity of current, future, and neighbouring occupants, and traffic levels and the safety of road users. Consideration of these matters is provided below. However, having regard to the requirements of policies 1, 3 and 5, the principle of the proposed development is considered acceptable.

10. RESIDENTIAL AMENITY

- 10.1 Policy 9 states that the Council will seek to protect existing levels of amenity. As such, development proposals should not cause significant harm to neighbouring land uses through impacts including loss of privacy, safety and security, noise, pollution, access to daylight or other nuisances.
- 10.2 It is considered that any outlook and potential for overlooking already exists and the proposed HMO would not materially alter the level of residential amenity for the occupiers of surrounding properties.
- 10.3 It is also important to consider the amenity of future occupiers of the proposed development. In this regard, all the rooms within the proposed HMO comply with both the National Space Standards Document (DCLG, 2015) and the Standards for Houses in Multiple Occupation document (Oldham Council, 2010). Therefore, the proposed accommodation is of a suitable size and layout for the future occupiers having regard to the requirements of Policy 9.

11. DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 11.1 Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment. This is also reflected in Policy 20 as it requires proposals to respond positively to the environment, contribute to a distinctive sense of place, and make a positive contribution to the street scene.
- 11.2 It is clear from the submitted plans that there are very minimal external alterations proposed and, in this context, it is considered that the development accords with the Policy 20 of the Local Plan.

12. HIGHWAY SAFETY

- 12.1 Policy 5 of the Local Plan requires that developments do not compromise pedestrian or highway safety and Policy 9 of the Local Plan states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users. Crucially, NPPF paragraph 111 requires that, in considering planning applications, *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* This therefore provides the key test for considering this (and other) proposal in relation to highway safety.
- 12.2 The change of use is located in an established residential area with some links to public transport, opportunities for walking and cycling and access to amenities. The Council's Highway Engineer has been consulted regarding the proposals and has raised no objections on highway safety grounds.
- 12.3 The concerns raised with the number of bedrooms without dedicated off-road car parking spaces are noted. However, it is generally found that that car ownership for residents of this type of accommodation is low, but the fact cannot be dismissed that a percentage of the residents will likely own a vehicle. The demand for on-street parking on Ronald Street is already high and the proposals will inevitably add a small level of additional demand. However, this this additional demand is not considered to result in an unacceptable impact on highway safety or result in a severe impact on the highway network. There are also no national or local car parking standards to make the assessment of this proposal against. To this end the development does not warrant a recommendation of refusal on highway safety grounds.

13. CONCLUSION

- 13.1 The proposal is considered compliant with Development Management Policies 1, 3, 5, 9, 11 and 20 of the Oldham Local Plan, and the guidance within the revised National Planning Policy Framework. It is therefore recommended that the application be approved, subject to the imposition of the conditions provided below.

14. RECOMMENDED CONDITIONS

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. The use of the development hereby approved shall not be brought into use unless and until a scheme for the provision of secure cycle parking has been implemented in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The approved facility shall remain available for users of the development thereafter. REASON – In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.

4. The development hereby approved shall not be brought into use unless and until details of facilities for the storage and removal of refuse and waste materials have been submitted to and approved in writing by the Local Planning Authority and the agreed scheme has been fully implemented. Thereafter approved facilities shall at all times remain available for use. REASON - To ensure that the site is not used in a manner likely to cause nuisance to occupiers of premises in the surrounding area, having regard to Policies 9 and 20 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE):



Location Map scale 1:1250

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APPLICATION REPORT – FUL/349762/22 Planning Committee – 19th July 2023

Registration Date: 16th March 2023
Ward: Saddleworth West and Lees

Application Reference: FUL/349762/22
Type of Application: Full

Proposal: Erection of two storey car servicing workshop and MOT testing centre (Class B2) with storage (Class B8) and/or photographic studio (Class E(g)(iii)) accommodation above, and ancillary single storey office building.

Location: Woodend Mills, Hartshead Street, Lees, Oldham, OL4 5EE

Case Officer: Graham Dickman
Applicant: Chris Murray
Agent: Raad Al-Hamdani

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation because the agent is a close relative of an elected member of the council.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report.

3. SITE DESCRIPTION

- 3.1 This application relates to a site comprising a former industrial building which is presently in a state of dereliction. The building is located within a wider site containing a mix of industrial buildings of varying ages located to the south-east of Lees.
- 3.2 Primary access is obtained from South Hill, a cul-de-sac which also serves a short residential terrace on its north side. A second vehicular access enters the wider site from Woodend Street, although a barrier prevents through-passage around the site.
- 3.3 To the south of the application site is a linked building in the applicant's ownership, beyond which lies open land associated with Thornley Brook.

4. THE PROPOSAL

- 4.1 It is proposed to replace the existing building with a new part two storey, part single storey commercial building. The use will comprise a car servicing and MOT workshop at ground level with associated office. The first floor would either be occupied by a photographic studio or used for ancillary purposes to the ground floor uses.

5. PLANNING HISTORY

- 5.1 PA/053120/07 – Erection of steel fabricated industrial unit. Approved 28 June 2007 (located to the east of the application site). Approved 28th June 2007

6. RELEVANT PLANNING POLICIES

- 6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is unallocated in the Proposals Map associated with this document. As such, the following policies are considered relevant to the determination of this application:

- Policy 1 - Climate Change and Sustainable Development;
- Policy 5 - Promoting Accessibility and Sustainable Transport;
- Policy 9 - Local Environment;
- Policy 14 - Supporting Oldham's Economy;
- Policy 19 – Water and Flooding; and,
- Policy 20 – Design.

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	No objections in principle. Recommend a condition for a watching brief to identify any potential ground contamination during construction.
Drainage	No objections in principle. Recommend submission of a detailed drainage scheme prior to commencement of development.
Highways	No objections in principle. A condition will be required to ensure the proposed parking spaces are provided and remain accessible.
Environment Agency	No objections in principle. Recommend a condition requiring an assessment of the impact of the development in respect of contamination and implementation of any necessary remediation strategy.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised by neighbour notification letters and display of a site notice.

- 8.2 In response, one representation has been received raising the following concerns:

- The vehicle access points would lead onto a private road which is of a narrow width and access may cause conflict with existing businesses. (12.2)
- The applicant has a right to pass and repass along the access road, but for no other purposes. (12.6)

- The existing access gates would obstruct the proposed parking spaces. (12.3)
- The proposed parking spaces are located away from the customer access to the building meaning customers would need to walk along the unsegregated access road. (12.5)
- There is no provision for visitor parking in the vicinity and parking is a problem. (12.6)
- There are already 3 businesses on the estate offering the same service. (15.1)
- The main estate and development are adjacent to Thornley Brook and at risk of flooding. (13.3)
- There will be limited space to work during construction. (15.2)

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The proposal relates to the redevelopment of an existing industrial building within an established employment site. In this context, the development would represent an appropriate use of the site and have the potential to enhance employment opportunity.
- 9.2 The scheme would therefore comply with the objectives of Local Plan Policy 14.

10. RESIDENTIAL AMENITY

- 10.1 Having regard to the requirements of Local Plan Policy 9 the impact of the development on surrounding residents needs to be considered.
- 10.2 The nearest residential properties are located a minimum of 50 metres to the west of the site on South Hill.
- 10.3 Proposed hours of operation are stated as between 08.00 and 18.00 hours on weekdays, and 08.00 and 13.00 hours on Saturdays.
- 10.4 Given the separation distance, the character of the proposed use, and the existing nature of the industrial uses located on the estate, it is not anticipated that there will be any significant impact on residential amenity, and as such, the proposal satisfies the requirements of Local Plan Policy 9.

11. DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 11.1 The proposed building will be of a functional, industrial design to be clad in profiled steel sheets. The scale of the new building would also not detract from its setting amongst a mix of buildings of differing ages, styles, and sizes.
- 11.2 In this context, it is considered that the proposal would represent an appropriate form of development and comply with Local Plan Policies 9 and 20.

12. HIGHWAY SAFETY

- 12.1 Access to the site is obtained from South Hill which terminates at the entrance to the wider industrial site. The overall Woodend Mill site is in private ownership and in large

part vehicle parking and manoeuvring areas are not clearly defined on the ground, although there are notices indicating that certain areas are allocated to individual businesses.

- 12.2 The new building will largely follow the footprint of its predecessor, which results in the creation of a relatively narrow gap between the proposed building and neighbouring building to the north. As originally proposed a vehicle access doorway was shown directly onto this area which may have resulted in conflict with passing vehicles as vehicles emerged from the building. The layout has since been reconfigured so that vehicles do not emerge directly onto this gap.
- 12.3 It has been noted that the 6 parking spaces for the unit would be accessed from an area which is presently gated, and the gates when opened would obstruct access to the proposed spaces.
- 12.4 The applicant has confirmed that the gates are within his control and that they will need to be removed should permission be granted. This will be a condition of any approval.
- 12.5 Whilst the customer spaces are not immediately adjacent to the reception area, a similar situation is likely to apply elsewhere on the estate. As with any working site, users will be required to have due regard to their surroundings, and the amount of traffic movement is not at a level where conflict between users is inevitable.
- 12.6 It is acknowledged that the wider site contains a variety of businesses, many of which are vehicle related. The introduction of an additional business would add to some vehicle movement on the site and to parking demand. As a consequence, the effective functioning of the site requires all users to ensure parking of vehicles does not cause obstruction to other activity. This will equally apply to the proposed development.
- 12.7 NPPF paragraph 111 is clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is not considered that such a threshold of increased activity would be reached following the introduction of the proposed development. In considering the proposals, the Highway Engineer has raised no objections subject to the imposition of a condition requiring provision and retention of the proposed parking spaces.

13. GROUND CONDITIONS AND DRAINAGE

- 13.1 The proposal relates to an established industrial site. The Environment Agency (EA) notes that a preliminary risk assessment has not been carried out to establish any impact on controlled waters. Whilst provision of this information upfront is preferred, the EA is satisfied that a relevant condition can be imposed to deal with this matter. Given the acceptability in principle of the development in planning terms, the use of a conditional approval would be a suitable approach.
- 13.2 No detailed drainage scheme has been submitted. However, there is no information to suggest that a suitable scheme could not be achieved, and therefore, a condition will be required to secure submission of such details as recommended by United Utilities.
- 13.3 Although the adjacent valley of Thornley Brook falls within Flood Zones 2 or 3, the application site is within Flood Zone 1, at the lowest risk from flooding.

14. ECOLOGY AND LANDSCAPING

- 14.1 The site presently consists of a former building which has been largely demolished. Although the site lies in close proximity to the Thornley Brook corridor, it is unlikely that the remnants on site harbour any protected species. The developer will nevertheless be advised of their statutory obligations to ensure no protected species are present before work commences.
- 14.2 As an entirely hard surfaced site there are presently no trees or other features of ecological value, nor would it be feasible to incorporate new areas of landscaping within the confines of the application site.

15. OTHER MATTERS

- 15.1 Reference has been made in the submitted objection to the presence on the estate of businesses providing similar services. It is not unusual for businesses of this type to congregate together, as exists at present. Furthermore, competition between businesses is not a material planning consideration in this context.
- 15.2 The tight confines of the site are noted. Given the need to ensure other businesses are not inconvenienced during construction, approval of a construction management plan will be required.

16. CONCLUSION

- 16.1 It is acknowledged that the introduction of an additional business onto the Woodend Mills site has potential to increase levels of activity and congestion, notwithstanding that its previous use would have similarly generated increased activity.
- 16.2 However, the proposed development is considered acceptable in principle as it re-uses a previously developed site and is a small-scale development that is compatible with surrounding land uses.

17. RECOMMENDED CONDITIONS

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

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

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

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

3. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

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

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

REASON - The site is located within a sensitive environmental setting with respect to controlled waters. Further information is required to demonstrate the proposed development will be protective of relevant controlled water receptors and to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework and Policy 9 of the Oldham Local Plan.

4. Prior to any part of the development being brought into use a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

REASON - To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework and Policy 9 of the Oldham Local Plan.

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

REASON - To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously

unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework and Policy 9 of the Oldham Local Plan.

6. Prior to the commencement of any development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Separate foul and surface water systems.

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

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

REASON - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution having regard to Policy 9 of the Oldham Local Plan.

7. Prior to the commencement of the construction of the parking spaces indicated on the approved plan SK02 Rev A), a specification for the construction, levels and drainage of those areas shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into use until the existing gates which obstruct access to the parking spaces have been permanently removed and the parking spaces have been provided in accordance with the approved plan and specification. Thereafter, those areas shall be retained for the parking and manoeuvring of vehicles.

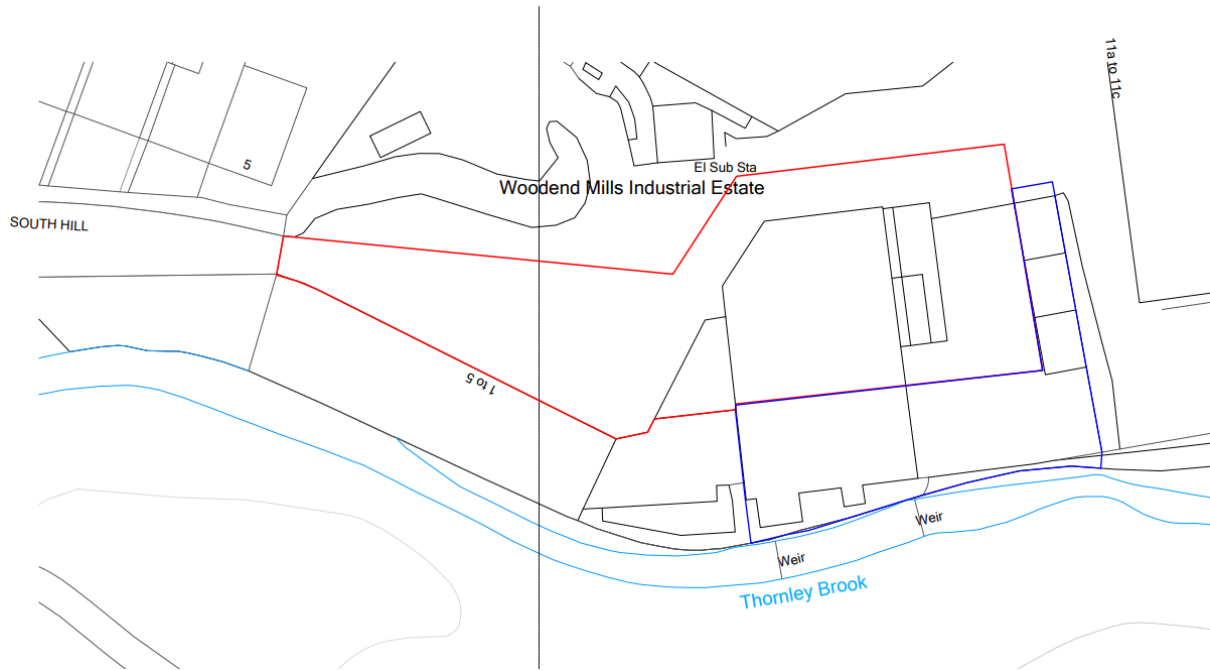
REASON - To ensure adequate off-street parking facilities are provided and remain available so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

8. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to ensure construction activities are deployed in a manner which does not adversely impact on existing site operations. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the construction works.

REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE):

EXISTING SITE PLAN



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APPLICATION REPORT – FUL/350729/23 Planning Committee 19th July 2023

Registration Date 31st March 2023
Ward Shaw

Application Reference FUL/350729/23
Type of Application Full

Proposal Erection of a portal frame, metal clad commercial building with ancillary vehicle parking and servicing areas following the demolition of an existing dilapidated building

Location Land at Rutland Mill, Linney Lane, Shaw

Case Officer Graham Dickman
Applicant Mr Sean Elliott
Agent N/A

1. INTRODUCTION

1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as it relates to a Major development exceeding 1000sqm.

2. RECOMMENDATION

2.1 It is recommended that the application should be approved subject to the conditions set out in this report.

3. THE SITE

3.1 The site contains a group of single storey industrial buildings located on the north side of Linney Lane immediately adjacent to the bridge over the Metrolink tram line which is situated along the western boundary.

3.2 Rutland Way, an unadopted roadway adjoins the eastern boundary and serves a number of adjacent commercial businesses.

3.3 Land levels along Linney Lane rise in an east-west direction on the approach to the bridge. However, levels within the site remain consistent at the lower level with the south-west (bridge) corner being below road level.

3.4 Across Linney Lane to the south, the land is presently vacant and planning permission has been granted for a replacement residential development.

4. THE PROPOSAL

- 4.1 The application seeks approval for the redevelopment of the site with a L-shaped block of 4 industrial/warehousing units set around a central service yard/turning circle.
- 4.2 The building will be clad in insulated metal sheets.
- 4.3 Sole vehicular access will be from Rutland Way, with the existing direct access from Linney Lane being closed off. To the north of the site there will be a staff and visitor car park.

Environmental Impact Assessment

- 4.4 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.5 The proposal would represent an Industrial Estate Development Project within paragraph 10(a) of Schedule 2 of the Regulations. However, at 0.33 hectares it would not exceed the applicable threshold of 1 hectare, nor is the site located within any impact distance of a 'sensitive area' as defined in the Regulations.
- 4.6 Consequently, an Environmental Statement is not required.

5. PLANNING HISTORY

- 5.1 PA/342341/18 - Demolition of existing building and construction of 17 no. industrial units. Approved 20 March 2019.

6. RELEVANT PLANNING POLICIES

- 6.1 The adopted 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 part of a Business and Employment Area.

- 6.2 As such, the following policies are considered relevant to the determination of this application:

- Policy 1 – Climate Change and Sustainable Development
- Policy 5 – Promoting Accessibility and Sustainable Transport Choices
- Policy 9 – Local Environment
- Policy 13 – Employment Areas
- Policy 14 – Supporting Oldham's Economy
- Policy 18 – Energy
- Policy 19 – Water and Flooding
- Policy 20 – Design
- Policy 21 – Protecting Natural Environmental Assets

- 6.3 Saved UDP Policy D1.5 (Protection of Trees on Development Sites) is also applicable.

7. CONSULTATIONS

Highways	No objection subject to conditions in relation to construction of the parking and servicing areas, and secure cycle storage
Environmental Health	No objections subject to conditions in respect of contaminated land and landfill gas assessment and a Construction Management Plan.
Environment Agency	Considers that it will be possible to manage the risk posed to controlled waters, and that it would place an unreasonable burden on the applicant to provide more detailed information in advance of permission being granted. A condition is therefore recommended.
United Utilities	Recommend that the application is not determined until a sewer diversion has been agreed with UU, along with the submission of additional information in respect of separate foul and surface water drainage, and an investigation of the combined sewer outfall.
GM Ecology Unit	No objections subject to conditions relating to implementation of landscaping and bird box mitigation, and for treatment of invasive species.
Trees Officer	No objections subject to the implementation of the submitted replacement landscaping scheme.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.
- 8.2 In response, no written representations have been received.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The application site is allocated for Business and Employment purposes. The development will ensure that a presently disused site is brought back into productive operation for employment purposes.
- 9.2 Consequently, the scheme would be in accordance with the principles of Local Plan Policies 13 and 14.

10. HIGHWAY SAFETY

- 10.1 The redevelopment of the site will lead to the removal of an existing direct vehicular access into the site from Linney Lane. All traffic will in future be directed along Rutland Way, which presently serves the rear of the site and a small number of neighbouring businesses.
- 10.2 The Highways Officer has assessed the proposals and is satisfied that adequate facilities for vehicles to enter, leave, manoeuvre around the site, and park will be provided within the layout, and that the proposed use would not lead to an adverse impact on the adjacent highway network.

11. DESIGN AND APPEARANCE

- 11.1 The site occupies a predominantly commercial setting; albeit this will change as the former Shaw Distribution Depot site across Linney Lane to the south is redeveloped for housing.
- 11.2 The proposed unit will have a two-storey height and be located close to the Linney Lane frontage. As such it would have a greater presence on the street scene. However, this overall visual impact will be minimised due to the relative lower land level within the site as Linney Lane rises to cross the tramline.
- 11.3 In addition, the proposal includes a scheme of replacement tree planting along the front boundary. This should serve further to mitigate any visual impact on the street scene and ensure the proposal satisfies Local Plan Policies 9 and 20.

12. RESIDENTIAL AMENITY

- 12.1 At present there are no residential properties in close proximity to the site. However, the redevelopment of the Shaw Distribution Depot site across Linney Lane to the south will introduce additional noise sensitive receptors into the local area.
- 12.2 Nevertheless, the proposed site layout ensures that any activity within the servicing area of the site will be entirely shielded by the new building. Given the relatively limited scale of the development, and the continuing existence of other commercial activity in the area, it is not anticipated that the development will result in any adverse amenity impacts.
- 12.3 The Environmental Health Officer is satisfied that conditional restrictions on the operation of the units will not be required.

13. DRAINAGE AND GROUND CONDITIONS

- 13.1 The application is accompanied by a Flood Risk Assessment and Drainage Strategy. The details include proposals for diversion of a public sewer which runs under the existing building and would be affected by the development.
- 13.2 However, no application under Section 185 of the Water Industry Act 1991, which United Utilities wish to see carried out prior to determination of the application, has been submitted to date.

- 13.3 National guidance indicates that planning conditions can be used to enable development to proceed where it would otherwise be necessary to refuse permission. In this instance there is no definitive evidence that a satisfactory drainage system could not be forthcoming, or that necessary approval under separate legislation is not achievable. Nevertheless, as members will be aware, the grant of planning permission does not override or remove the need to comply with other regulatory requirements.
- 13.4 In order to establish the acceptability of the development in principle, it is therefore recommended that appropriate conditions are imposed to secure the achievement of satisfactory drainage facilities. Protection of drainage infrastructure is equally a material planning considerations.
- 13.5 The application is accompanied by a Phase 1 Geo-environmental report. The site comprises a historic industrial site.
- 13.6 No objections in principle have been raised by the Environmental Health Officer or by the Environment Agency. Nevertheless, conditions will be required for a full assessment of ground conditions and any necessary remediation measures in connection with any planning approval.

14. ECOLOGY AND LANDSCAPING

- 14.1 The proposal will result in the loss of existing tree cover throughout the site. In compensation a scheme of replacement planting has been submitted which includes 36 new trees, 13 of which will be heavy standard trees. Those trees will be located both along the site frontage and around the proposed car parking area located to the rear.
- 14.2 A bat survey by a qualified ecologist has been undertaken and no evidence of use by bats was recorded, nor does the building contain features for suitable roosting habitat. Bird nesting was however evident.
- 14.3 GMEU has considered the findings of the survey and has recommended that a scheme of bat and/or bird boxes should be incorporated to provide appropriate ecological enhancement, along with measures to control invasive plant species.

15. ENERGY

- 15.1 Policy 18 of the Local Plan requires all major developments to reduce energy emissions based on reductions over and above Part L of the Building Regulations 2010 or 2013. A condition will be recommended to require submission of a satisfactory scheme to meet the Policy's requirements.

16. CONCLUSION

- 16.1 The proposal will bring a presently vacant employment site back into productive use. The scale of development and its relationship to its surroundings are deemed acceptable, and no adverse environmental, traffic, or amenity outcomes are anticipated.

16.2 The development would therefore comply with relevant national and local planning policies.

17. RECOMMENDED CONDITIONS

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

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

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

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

3. No development comprising the erection of any external walls shall take place until a specification of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.

REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan

4. Prior to the commencement of the construction of the access, parking spaces, and service areas indicated on the approved plan, a specification for the construction, levels and drainage of those areas shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into use until the access to the site, parking spaces and service areas have been provided in accordance with the approved plan and specification, and thereafter, those areas shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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

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

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

6. No development hereby approved, other than site clearance, shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved

in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on the Phase 1 Desk Study, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

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

REASON - To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution having regard to Policy 9 of the Oldham Local Plan.

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

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

8. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. A piling risk assessment therefore needs to be put in place if piling is to be used during the proposed works.

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

9. All hard and soft landscape works shall be carried out in accordance with the approved plan Ref: 5269.01 prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and

species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

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

10. No development, including site clearance, excavation or construction works or the entry of vehicles or plant into the site shall commence until a detailed survey of the site for the presence of invasive plant species has been undertaken and a method statement for removing or for setting out the long-term management / control of the identified species on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures that will be used to prevent the spread of the invasive species during any operations and shall also contain measures to ensure that any soils brought into the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

REASON - To prevent the spread of invasive plant species having regard to Policy 9 of the Oldham Local Plan.

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

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

12. Prior to the commencement of development, other than demolition and site clearance, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

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

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

REASON - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution having regard to Policy 19 of the Oldham Local Plan.

13. No development shall commence until details of the means of ensuring the 300mm combined water sewer that is laid within the site boundary is protected from damage as a result of the development, or that a satisfactory scheme for diversion of the sewer, has been submitted to and approved in writing by the Local Planning Authority. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the 300mm combined water sewer that crosses the site and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development.

Any mitigation measures shall be implemented in full prior to commencement of development in accordance with the approved details and timetable and shall be retained thereafter for the lifetime of the development.

REASON - In the interest of public health and safety and to ensure protection of essential services having regard to Policy 19 of the Oldham Local Plan.

14. No development comprising the construction of a building shall take place until a detailed energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall set out how the development will accord with the Energy Infrastructure Target Framework set out in Oldham Local plan Policy 18 and shall detail how: (i) a target area has been determined; and, ii) how the development will meet this target. The development shall be carried out in accordance with the approved scheme phasing arrangements and retained as operational thereafter.

REASON - To ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.

15. Prior to the commencement of the construction of the buildings hereby approved, a scheme for the provision of bat and bird boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full prior to the use of the development commencing.

In order to promote biodiversity on the site in accordance with Policy 21 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)



APPLICATION REPORT – FUL/350739/23 Planning Committee 19th July 2023

Registration Date: 14th April 2023
Ward: Chadderton South

Application Reference: FUL/350739/23
Type of Application: Full

Proposal: Change of use from retail to cafe and hot foot takeaway including external extraction.

Location: 451 Broadway, Chadderton, OL9 8AP.

Case Officer: Sophie Leech
Applicant: Mr T Nazir
Agent: Mr M Yaseen

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination because the application has been called in by Councillor Shuttleworth raising issues with parking and highways issues, noise, and impact on neighbouring residential properties.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved for the reasons set out in this report, subject to the conditions recommended below, and that the Head of Planning be authorised to issue the decision.

3. SITE DESCRIPTION

- 3.1 The site relates to an existing commercial unit located on the southern side of Broadway, close to the Long Lane junction, Chadderton. The site is neighboured by a dental practice and a fast-food restaurant (Subway). To the rear lies residential properties on Long Lane and Argyll Road. To the front of the units there is a small car park.
- 3.2 The site is located on the A663 Broadway that forms part of the Strategic Road Network operated and managed by National Highways (formerly known as Highways England).

4. THE PROPOSAL

- 4.1 The application proposes the change of use of the unit from retail to a cafe and hot foot takeaway unit including external extraction.

5. PLANNING HISTORY

Not applicable.

6. RELEVANT PLANNING POLICIES

6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is unallocated in the Proposals Map associated with this document. As such, the following policies are considered relevant to the determination of this application:

- Policy 9 Local Environment
- Policy 14 Supporting Oldham's Economy
- Policy 16 Local Services and Facilities
- Policy 20 Design
- National Planning Policy Framework

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	No objections subject to the imposition of conditions requiring: Waste storage facilities Hot food takeaway hours Scheme for treating noise and fumes
National Highways	No objections
OMBC Highways Engineer	No objections

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a minor development by neighbour notification letters.

8.2 In response, eight letters of objections and three letters of support have been received. It is noted that during the consideration of the application, some objections later changed to letters of support.

The objecting comments raised are as follows:

- Parking is an issue (see section 13 of report);
- An inappropriate location for another takeaway unit; and,
- Issues with noise, odour, and vermin.

The supporting comments raised are as follows:

- An appropriate location for business in an existing unit; and,
- A new business to support the local economy.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Policy 9 and 20 state that the council will protect and improve local environmental quality and amenity and promote community safety across the borough. Policy 9 states that proposals must not be located in areas where it would be adversely affected by neighbouring land uses; and does not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on privacy, safety and security, noise, pollution, the visual appearance of an area, access to daylight or other nuisances.
- 9.2 Both Policy 9 and 20 state that proposals must not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape; and do not result in unacceptable level of pollutants or exposure of people in the locality or wider area, minimises traffic levels and does not harm the safety of road users.
- 9.3 Policy 14 states that the council will support the local economy and states that it is important that Oldham has a range of sites to support the local economy. Employment areas are spread across the borough. They provide land for existing firms to expand and for new firms to locate here, so providing for job opportunities. Development proposals which would harm the amenity of neighbouring occupiers are not supported.
- 9.4 Policy 16 states that the council will support locally available services contribute towards vibrant communities by providing convenient facilities near people's homes, so reducing the need to travel and can provide a valuable service for less mobile members of the community. The council will ensure the need for local shops, leisure facilities and offices are met by protecting existing premises and permitting new local services and facilities where appropriate within existing built-up areas.
- 9.5 Subject to the consideration of the policies referred to above in the following sections of the report the principle of development is considered acceptable in land use terms.

10. LOCAL FACILITIES AND THE LOCAL ECONOMY

- 10.1 Policy 14 and Policy 16 both seek to promote businesses within the borough and this proposal will allow the reuse of an existing commercial unit in a sustainable location. It will support the creation of new jobs and will ensure that existing buildings are reused opposed to building new. As such, the use is considered acceptable and the impact on the amenity of neighbouring uses and the character and appearance of the area is discussed below.

11. RESIDENTIAL AMENITY

- 11.1 Policy 9 seeks to protect the amenities of the occupants of residential properties by ensuring adequate outlook, levels of natural light and privacy. It states that consideration must be given to the impact of a proposal on the local environment. It seeks to ensure that development, amongst other matters, is not located where it would be adversely affected by neighbouring land uses, does not cause significant harm to the amenity of the occupants of the development or to existing and future neighbouring occupants or users through impacts including safety, security and noise.

- 11.2 The unit is an existing commercial unit and was previously operating as a vape shop. The unit is part of a small commercial row of a takeaway unit (Subway) and there is a detached building to the east serving a dental practice. Other surrounding uses are primarily to the rear which consist of residential housing. Some residential housing shares a boundary with the commercial units.
- 11.3 While the takeaway unit would be in close proximity to residential gardens, the suggested conditions from Environmental Health relating to waste storage facilities and the management of odour and fumes would allow the Council to approve and control such matters, to ensure that the amenity of nearby residents would not be significantly harmed. In considering the acceptability of the proposal, there is already a takeaway unit adjacent, and this use has been considered appropriate to this location. Therefore, the addition of one additional use is not considered significantly detrimental or harmful.
- 11.4 Following the above assessment, the proposed development complies with Policy 9 in respect of the amenity of neighbouring occupiers.

12. DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 12.1 Policy 20 states that new development must have a positive impact upon an area and be well designed. Externally, the dwelling is of a typical bungalow design with a single storey height and a pitched roof. The materials would reflect existing materials seen around the site which consists of slate and red brick.
- 12.2 The unit would be refurbished with a shop front and extraction similar to the adjacent unit. As such, in this regard, the proposal is considered compliant with Policy 20 which requires amongst other things that new development is well designed having appropriate regard to its surroundings and local character, of which in this case is mixed use commercial and residential.

13. HIGHWAY SAFETY

- 13.1 The proposal is to be sited on Broadway which is part of the Strategic Road Network operated by National Highways who operate, control, and maintain this road. National Highways have raised no objections to the proposal on highway safety grounds. In addition to this, the Council's Highways Engineer has raised no objection and also advised that the Traffic Section do not receive any regular complaints about the use of this parking area, or about congestion caused by parked vehicles in the immediate vicinity.
- 13.2 Whilst it is appreciated there will be vehicles coming and going more frequently with the unit back in use, the overall impact is considered to be limited given the siting of the business on an existing main strategic road. As such, the proposed development complies with Policy 9.

14. CONCLUSION

- 14.1 It is considered that the change of use of the existing unit from retail to cafe and hot foot takeaway including external extraction is acceptable and is recommended for approval, subject to the conditions set out below.

15. RECOMMENDATION

Approve, subject to the following conditions:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. The development hereby approved shall not be brought into use until facilities for the storage and removal of refuse and waste materials have been provided in accordance with a scheme which has previously been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter. REASON - To protect the amenity of the area having regard to Policy 9 of the Oldham Local Plan.
4. The development hereby approved shall not be brought into use until a detailed scheme for treating fumes and odours before their emission to the atmosphere so as to render them innocuous has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail how the extraction unit will be attenuated and mounted to minimise the transmission of airborne and structure-borne noise and vibration. The works forming the approved scheme shall be completed entirely in accordance with the approved scheme and thereafter the works forming the approved scheme shall at all times remain in place. REASON - To protect the amenities of the occupiers of nearby premises having regard to Policy 9 of the Oldham Local Plan.
5. The use hereby permitted shall not be open to customers outside the following times 09:00 to 23:00. REASON - To protect the amenities of occupiers of nearby premises having regard to Policy 9 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE):



Planning Appeals Update

Planning Committee

Report of Head of Planning and Infrastructure

DATE OF COMMITTEE

19 July 2023

An update on Planning Appeals was last provided to the Planning Committee at the meeting on 7 June 2023. The table below provides a comprehensive list of appeals submitted and decisions taken on appeals between 24 May 2023 and 30 June 2023 which is to be noted by the Committee.

Application No.	Site Address	Appeal Decision	Appeal Lodged Date	Description
FUL/348900/22	119 Broadbent Road, Oldham, OL1 4HY	Allowed, 28/06/2023	27/01/2023	Change of use from C3 dwelling to C2 residential institution
FUL/347294/21	Land adjacent to Maltby Court, Lees, Oldham	Ongoing	09/02/2023	Construction of 40 residential properties with associated access, landscaping and ancillary works
FUL/348637/22	Land Off Middleton Road (rear of 867-877 Middleton Road) Oldham	Dismissed, 30/05/2023	21/02/2023	Retention of storage containers, boundary fencing and landscaping. Amended application relating to FUL/347337/21
HOU/349758/22	97 Belgrave Road Oldham OL8 1LU	Ongoing	10/02/2023	Erection of a two storey rear extension, rear dormer (with Juliette balcony), and side dormer.
ADV/348443/22	396 Manchester Road Oldham OL9 7PQ	Allowed, 13/06/2023	13/03/2023	Erection and display of an LED Billboard with brightness levels and light sensor (4,500 cd/sqm is a maximum luminance level).

HOU/350193/22	2 Jarvis Street Oldham OL4 1DT	Dismissed, 08/06/2023	27/03/2023	Front dormer
HOU/350137/22	6 Huddersfield Road Delph Oldham OL3 5EG	Dismissed, 13/06/2023	24/04/2023	Rear dormer to existing loft conversion with Juliet balcony.
FUL/348539/22	West End House West End Street Oldham OL9 6DW		11/05/2023	Change of use of land and erection of shipping containers for storage purposes (retrospective application).
FUL/348150/21	Land Off Springmeadow Lane Uppermill OL3 6EP		12/05/2023	Erection of one detached dwelling
HOU/349616/22	51 Parkway Chadderton Oldham	NEW	19/06/2023	Two storey side extension and part two storey part single storey rear extension.
FUL/349745/22	145 Broadway Royton Oldham	NEW	28/06/2023	Erection of a two storey side extension, single storey rear extension, two storey front extension and rear dormer.
HOU/349979/22	107 Green Lane Oldham	NEW	28/06/2023	Erection of a boundary brick wall, imprinted concrete driveway and metal black gates.
HOU/350254/22	13 Tandlewood Park Royton	NEW	19/06/2023	Erection of boundary wall, fence and gates.
FUL/350283/22	4 Bunkers Tunstead Lane Greenfield	NEW	31/05/2023	Proposed conversion of outbuilding to residential dwelling with alterations to windows and doors, formation of residential curtilage and single storey extension.

HOU/350495/23	6 Wyndale Drive Failsworth Oldham	NEW	19/06/2023	Alterations to roof and installation of rear dormer.
HOU/350740/23	119 Chadderton Hall Road Chadderton Oldham	NEW	28/06/2023	Single storey front extension.
HOU/350747/23	110 Higher House Close Chadderton Oldham	NEW	30/06/2023	Erection of front, rear and side dormers

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.

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

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