

PLANNING COMMITTEE ***Agenda***

Date Wednesday 18 September 2024

Time 6.00 pm

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

Notes 1. DECLARATIONS OF INTEREST- If a Member requires 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 at least 24 hours in advance of the meeting.

2. CONTACT OFFICER for this agenda is Constitutional Services email constitutional.services@oldham.gov.uk

3. PUBLIC QUESTIONS - Any Member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the contact officer by 12 noon on Friday, 13 September 2024.

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MEMBERSHIP OF THE PLANNING COMMITTEE

Councillors Akhtar, Z Ali, Charters, Cosgrove, Davis (Vice-Chair), Harkness, Hince (Chair), Hobin, Hurley, A Hussain, J. Hussain, Iqbal, Lancaster, Nasheen, Williamson and Woodvine

- 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 FUL/349416/22 - Ivy Mill, Crown Street, Failsworth (Pages 3 - 20)
Conversion of part of existing mill and addition of four additional floors to create 102 apartments, creation of additional level of parking over existing car park and associated works.
- 6 FUL/352932/24 - Bedford Mill , Holt Street, Oldham (Pages 21 - 38)
Erection of 53no. dwellings, including 24no. apartments and 29no. houses with associated parking and landscaping.
- 7 FUL/353082/24 - Former Leisure Centre, Rock Street, Oldham (Pages 39 - 48)
Full planning permission for site enabling works, including reprofiling site levels and site clearance, to facilitate future development.
- 8 VAR/353105/24 - Greene's Bistro, King George V Playing Fields, Wade Row, Uppermill (Pages 49 - 56)
Variation of condition number 4 (opening times) and 9 (Toilet) relating to application number VAR/351244/23 to the hours of 09:00 - 19:00 Monday to Wednesday including Bank Holidays and 09:00 - 21:30 Thursday to Sunday.
- 9 Appeals Update Report (Pages 57 - 60)

APPLICATION REPORT - FUL/349416/22 Planning Committee 18th September 2024

Registration Date: 28th July 2022
Ward: Failsworth East

Application Reference: FUL/349416/22
Type of Application: Full Application

Proposal: Conversion of part of existing mill and addition of four additional floors to create 102 apartments, creation of additional level of parking over existing car park and associated works.

Location: Ivy Mill, Crown Street, Failsworth, Oldham, M35 9BG.

Case Officer: Matthew Taylor
Applicant: Mr Navid Dean
Agent: Simon Plowman

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee as the development is a major application.
- 1.2 Previously the application was listed on 17th July 2024 Planning Committee Agenda; however, it was deferred at the request of the Assistant Director for Planning, Transport and Housing Delivery following the applicant seeking agreement of the Open Space and Affordable Housing matters on the day of the meeting.

2. RECOMMENDATION

- 2.1 It is recommended that the application should be approved subject to:
 1. The conditions as set out in this report; and,
 2. The completion of a Section 106 Agreement to secure:
 - The provision of 10 on site Affordable Housing units; and
 - A financial contribution of £112,466.85 towards the enhancement of existing Public Open Space provision within the locality at Higher Memorial Park (£32,315.36 towards amenity greenspace enhancement and £80,151.49 towards enhancement of provision for Children and Young People).
- 2.2 The Assistant Director for Planning, Transport & Housing Delivery shall be authorised to issue the decision upon satisfactory completion of the legal agreement.

3. SITE DESCRIPTION

- 3.1 The application relates to Ivy Mill, a five-storey industrial building first built in 1883 and later extended in 1890. This 19th Century mill also has a detached red brick chimney located at the southwest corner of the mill building.
- 3.2 The application site is situated within Failsworth Pole Conservation Area and the mill building is considered a Non-Designated Heritage Asset. The site is also allocated within a Business Employment Area by the Proposals Map of Oldham's Joint DPD. The application site is bounded by a mixture of industrial and residential buildings to the north, east and southern directions, with the Rochdale Canal to the west.
- 3.3 Currently the building is partially occupied for employment and leisure purposes; however, it is clear that the building has not been fully occupied for a long period of time.

4. THE PROPOSAL

- 4.1 Permission is sought for the conversion of part of existing mill and addition of four additional floors to create 102no. apartments, creation of additional level of parking over existing car park and associated works.
- 4.2 The breakdown of units are as follows:

- Ground floor - 6 x 2 bed flats;
- 1st floor - 1 x 3 bed flats and 8 x 2 bed flats;
- 2nd floor - 2 x 2 bed flats;
- 3rd floor - 0 units;
- 4th floor - 2 x 1 bed flats and 19 x 2 bed flats;
- 5th Floor - 4 x 3 bed flats and 18 x 2 bed flats;
- 6th Floor - 4 x 3 bed flats and 18 x 2 bed flats;
- 7th Floor - 4 x 1 bed flats and 10 x 2 bed flats; and,
- 7th and 8th floor - 4 x 2 bed DUPLEX and 4 x 3 bed DUPLEX.

TOTAL 102 units

5. PLANNING HISTORY

- 5.1 TL/343320/19 - Upgrade existing roof top base station – Prior Approval Requested and Granted 24.7.2019.
- 5.2 PA/342718/18 - Replacement of the 6no. antennas on the 35m high chimney with 6no. antenna apertures in the same location, along with development ancillary thereto. Granted 01.04.2019.
- 5.3 PA/338397/16 - Change of Use of Unit G3 to D2 (leisure) fitness studio – Granted 22.07.2016.
- 5.4 PA/335859/14 - Change of Use from storage to fitness studio – Granted 24.11.2014.

- 5.5 TL/333796/13 - 1) Replacement of 6 no. antennas 2) Erection of 2 no. radio equipment cabinets and ancillary development - Prior Approval Requested and Granted 16.05.2013.
- 5.6 PA/332994/12 - Change of use to D1 nursery and childcare facility – Granted 20.12.2012.
- 5.7 PA/053875/07 - Installation of 1 No. 400mm diameter transmission dish on existing headframe – Granted 26.10.2007.
- 5.8 PA/044887/03 - Conversion of 3rd and 4th floor of mill from manufacturing use to office accommodation and office space to let, and creation of new and alteration to existing vehicular access points to site – Granted 15.07.2003.
- 5.9 PA/032996/95 - Erection of stub tower headframe and antennas to rooftop of existing mill building including all ancillary installations and feeder cables – Granted 02.06.1995.
- 5.10 PA/031346/94 - Change of use of warehouse to manufacturing unit, demolition of top two storeys, new roof, internal alterations and modifications – Granted 30.06.1994.
- 5.11 PA/023710/89 - Change of use of part of ground floor to retail sales – Granted 13.04.1989.

6. RELEVANT PLANNING POLICIES

- 6.1 The Places for Everyone (PfE) Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024.
- 6.2 The PfE Plan must now be considered in the determination of planning applications, alongside Oldham’s Joint Core Strategy and Development Management Development Plan Document (Joint DPD), adopted November 2011, in accordance with the National Planning Policy Framework (NPPF).
- 6.3 As such, the following policies are considered relevant to the determination of this application:

Places for Everyone:

- Policy JP-D2 - Developer Contributions;
- JP-P1 - Sustainable Places;
- JP-P2 – Heritage;
- Policy JP-H1 - Scale, Distribution and Phasing of New Housing Development;
- Policy JP-H2 - Affordability of New Housing
- Policy JP-H3 - Type, Size and Design of New Housing;
- Policy JP-P7 – Sports and Recreation;
- Policy JP-S1 – Sustainable Development; and,
- Policy JP-S2 – Carbon and Energy.

Local Plan Policies:

- Policy 1 - Climate Change and Sustainable Development;
- Policy 3 - An Address of Choice;

- Policy 5 - Promoting Accessibility and Sustainable Transport;
- Policy 6 – Green Infrastructure;
- Policy 9 - Local Environment;
- Policy 19 - Water and Flooding;
- Policy 23 - Open Spaces and Sports; and,
- Policy 24 – Historic Environment.

7. CONSULTATIONS

United Utilities Water Limited	No objection, subject to a drainage condition.
Environmental Health	Raised no objection subject to an air quality assessment, so to prevent development that may result in unacceptable impacts on human health.
Education	No Comment Received.
Highways Engineer	No objection, subject to a cycle storage provision condition.
Drainage	No comment received.
Canal And River Trust	Not that there is a risk that the bulk and mass of the additional floors to the mill building could detract from the simple industrial character of the mill building, which could be to the detriment of the setting of the Conservation Area.
Greater Manchester Ecology Unit	Following the submission of additional ecology information GMEU have raised no objection subject to condition and informative notes.
Greater Manchester Police Design For Security	No objection provided the proposal meets Requirement B5 of Approved Document B, Volume 2: Access and facilities for the fire service.
Greater Manchester Fire Service	No objection, subject to a condition to reflect the physical security recommendations in section four (Secured By Design Measures) of the Crime Impact Assessment.
Conservation & Design Advice	Supports the principle of converting part of Ivy Mill to ensure a viable and sustainable residential use, however, noted the original fenestration and clarity on quality of materials for the contemporary additions needs to be further considered by the applicant. To which amended plans have been submitted.

Coal Authority The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed, with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

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 means of neighbour notification letters, site notice and press notice.

8.2 In response, 14 representations have been received raising the following (summarised) issues:

- The development is out of keeping with the Failsworth Pole conservation area.
- Development is too high and overdevelopment.
- Inadequate parking and access.
- Result in additional pollution and noise nuisance.
- Affect local ecology.
- The scale of development will strain local community facilities, there is also existing difficulty in the area in getting doctors, dentist etc, and this will put more pressure on a struggling system.
- The residents of Crown Street will lose a substantial amount of daylight due to the increase of height of this building. This contravenes the Right of Light Act of 1832.
- Traffic is already a huge problem down Crown Street and George Street, this will only add to the problem.
- Embassy Gas Services Ltd needs access down Mitre Street for its HGV Gas tankers, which supply our products to have easy access to our premises, as they take delivery during the day, evenings and during unsociable hours. Proposed entrance and number of units poses a threat to the business.
- Loss of privacy from an extra four floors overlooking existing private property in an already built-up area.
- The exit from Crown Street no longer allows direct access to Oldham Road. Traffic is now only left turn to Wrigley Head. Any vehicles wishing to then travel East along Oldham Road have to navigate the difficult junction which often results in Wrigley Head becoming blocked and vehicles queuing along Crown Street.
- No right turn at the end of Crown Street to Oldham Road. Since this junction was changed a few years ago, vehicles can no longer exit right onto Oldham Road. The left turn to Wrigley head is sharp and therefore and larger vans or trucks are unable to turn left. Instead, the vehicles are constantly making an illegal turn directly on to Oldham Road because they simply have no choice once they arrive at that point. This would no doubt be the case for any of the large vehicles needed during the development of the residential apartments.
- The area is parking permit controlled. Although the permit parking has assisted it is still very difficult to get larger vehicles down the streets. Our loading bay is on Mitre Street, and we often have access difficulties due the congested streets.
- It is suspect the development will take a number of years to complete. This will be a significant interference caused by noise and traffic.

- Visibility when entering/leaving the Ivy Mill car park entrance is limited often resulting in vehicles dangerously pulling out into oncoming traffic.
- Failsworth does not need more privatised housing, that does not bring any income into the local community but lines the pockets of landlords.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

Employment:

- 9.1 Policy 14 of the Local Plan sets out that uses other than those listed in the policy, such as residential, will be permitted on sites currently or most recently used for employment purposes, provided the applicant can clearly demonstrate that it is no longer appropriate or viable to continue the existing use. This can be demonstrated by the developer:
- a) through a marketing exercise that there is no market for the uses listed above. The marketing exercise should be agreed with the council before commencing and be of a professional standard; or,
 - b) through a viability exercise that the continued use/development of the site for the uses listed in the policy is unviable; or,
 - c) that the development of the site for alternative uses would benefit the regeneration areas identified by the council as being in need of investment or would benefit the community of an area.
- 9.2 A Viability Report by S Kershaw and Sons has been provided to address the loss of the 4th floor from employment to residential. It outlines the 4th floor has been marketed dating back to 2012, the evidence submitted to verify this is included in Appendix E which shows that a banner has been in situ since 2012 advertising available space within the mill.
- 9.3 Paragraph 6.60 following Policy 14 of the Joint DPD states:
- “In relation to a marketing exercise, when agreeing timescales the council will have regard to market conditions, and the size and nature of the premises/site. A record of all expressions of interests/offers received should be submitted and where possible the applicant should try and obtain from interested parties’ reasons as to why they were not willing or able to proceed. A lesser financial return on investment relative to other development options will not be sufficient to justify the site not continuing to be available for employment use. In instances where the council considers the marketing exercise has been inadequate, the applicant will be advised that the planning application will be recommended for refusal.”*
- 9.4 Given three floors of the mill are to remain as employment, marketing of the vacant floor has clearly been undertaken, and the viability information submitted only relates to one floor of the mill. It is considered the submitted original viability/marketing details by S Kershaw and Sons is sufficient to establish the principle of the development.

Housing:

- 9.5 Policy 1 seeks to ensure the effective and efficient use of land and buildings by promoting the re-use and conversion of existing buildings prior to the use of greenfield sites. It also aims to meet Oldham's housing needs by focusing residential development in sustainable locations and to ensure that development respects Oldham's natural, built and historic environments.
- 9.6 Policy 3 of the Local Plan sets out the council's approach for managing the release of housing land. It states that planning applications for residential development, in whole or as part of a mixed-use scheme, will be permitted where:
- a) The site is allocated for residential development or mixed-use and has come forward in line with the council's approach to phasing, reflecting the residential distribution described within the policy; or,
 - b) The site is allocated for residential development or mixed-use and has come forward prematurely from the phasing set out in the Site Allocations DPD and does not undermine other national and local guidance and policies:
- and
- i) A deliverable five-year supply of housing land cannot be demonstrated; or,
 - ii) It contributes to the delivery of the borough's regeneration priorities; or, and,
 - iii) It contributes to the delivery of affordable housing that meets the local affordable housing needs.

- 9.7 These three criteria are considered in turn below:

Housing land supply position:

- 9.8 The SHLAA identifies a baseline housing land supply of 13,163 dwellings. Increasing to 13,870 dwellings when considering the small sites and clearance allowances. Following the adoption of Places for Everyone (PfE) in March 2024, PfE now sets out Oldham's housing need. PfE identifies a housing requirement for Oldham of 11,560 homes over the plan period (2022-2039) or 680 homes per year (on average), stepped as follows:
- 404 homes per year for 2022-2025;
 - 680 homes per year for 2025-2030, and,
 - 772 homes per year for 2030-2039.
- 9.9 Oldham's current five-year housing land supply of 3,202 homes therefore represents a 5.5-year supply (or 111%) against the modified PfE housing requirement for the period of 2023-2028 (a total of 2,850 homes). This is sufficient to meet the stepped requirement and provides a buffer (or flexibility allowance) as is required by paragraph 74 of the NPPF. As a result, a five-year housing land supply can be demonstrated against the housing requirement set out in PfE.

Delivery of the borough's regeneration priorities:

- 9.10 The application site is not located within 480m of any local services. Policy 3 states that major residential developments should have access to at least three key services within

480m. The site has good access to frequent public transport and given it is close to shops and services is considered to be in a highly sustainable location.

- 9.11 Policy 3 also states that the use of previously developed land and vacant or underused buildings is the council's first preference for residential development and the availability of such land, both in the locality and borough-wide, as assessed by the council's monitoring arrangements, will be the first consideration when regarding applications on greenfield sites. As the proposed development site is the reuse of a vacant mill floor and additional stories on top of an existing building this meets the policy.

Delivery of affordable housing to meet local affordable housing needs:

- 9.12 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. 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. This 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. Further information on affordable housing provision is set out within the council's Housing Strategy and the Affordable Housing Interim Planning Position Paper.
- 9.13 The capacity of the proposed site qualifies for the Affordable Housing threshold as set out within NPPF. This matter is fully addressed in more detail in the next section of this report.

10. DEVELOPER CONTRIBUTIONS

- 10.1 Places for Everyone (2024) Policy JP-D2 (Developer Contributions) requires developers to provide, or contribute towards, the provision of mitigation measures to make the development acceptable in planning terms, through the most appropriate mechanism.
- 10.2 However, if an applicant wishes to make a case that a development is not viable, they can provide clear evidence during the consideration stage of the application which identifying the specific issues and/or changes in circumstance which would create barriers to delivery in a transparent manner and reflecting national guidance.
- 10.3 As noted above, due to the scale of the development, the scheme is required to make developer contributions to both affordable housing and Open Space provided it is economically viable. These are addressed in turn:

Affordable Housing:

- 10.4 Paragraph 65 of the NPPF sets out that where major development involving the provision of housing, planning decisions should expect at least 10% of the total number of homes to be available for affordable home ownership.
- 10.5 Further to the discussions post the July Planning Committee Meeting, the applicant has confirmed an on-site affordable housing provision of 10 units.

Open Space:

- 10.6 Policy JP-P7 of the Places for Everyone Joint Plan (Sport and Recreation) requires new development to provide new and/or improved existing facilities commensurate with the demand they would generate.
- 10.7 In addition, Policy 23 of the Local Plan states that major residential development should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable. It continues to state that regard will be given to the proposed development and the open space surpluses and deficiencies in the area (identified through the Council's Open Space Study) to determine where appropriate whether on-site or off-site new provision or enhanced existing provision or a financial contribution will be required.
- 10.8 As the scheme does not provide public open space on site, to be compliant with Policy 23 the applicant must make off-site new provision or enhanced existing provision. Following updated contribution figures, based on the new costing evidence as provided as part of our Open Space Study 2022, a financial contribution of £112,466.85 (£32,315.36 towards amenity greenspace enhancement and £80,151.49 towards enhancement of the Children and Young People provision) towards the enhancement of existing Open Space provision within the locality at Higher Memorial Park has been agreed.

Financial viability:

- 10.9 In respect of the total developer contributions generated by the development the applicant has provided economic viability information, by Kershaw and Sons Chartered Surveyors (SKS) dated 15th November 2023, purporting the scheme cannot sustain full contributions towards off site Public Open Space and Affordable Housing. This information and its findings have been independently appraised on behalf of the Council by CP Viability Ltd. It has been found that the scheme can in fact viably provide the full planning policy contributions.
- 10.10 These independent findings have been challenged by the applicant and their response has been reviewed by the independent viability expert (CP Viability Ltd). They have gone through each input listed above and concluded they are not persuaded to adjust our appraisal inputs, for the reasons outlined in the response. In particular, they consider that SKS are too reliant on evidence which does not provide a 'like for like' comparison to a BTR project, and this is skewing their view on the inputs in the appraisal. For the profit and marketing / disposal assumptions this is particularly crucial as the figures suggested by SKS are more akin to housing schemes subject to piecemeal disposal, which is clearly not relevant when assessing a BTR apartment scheme of this nature.
- 10.11 Therefore, as it is again concluded that the scheme can provide the full planning policy compliant contributions (to open space off site and affordable housing)
- 10.12 As noted above, agreement has now been reached on the developer contributions as despite the viability discussions earlier in the consideration process of the scheme.

11 DESIGN AND CONSERVATION CONSIDERATIONS

- 11.1 Places for Everyone (2024) Policy JP-P1 (Sustainable Places) recognises the contribution that high-quality design can make to regeneration and sustainable development. The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that permission should be refused for development that is not well designed.
- 11.2 Whilst Policy 24 of the Local Plan, in respect of heritage and conservation, states that development within or affecting the setting of a conservation area, including views in or out, must serve to preserve or enhance the character or appearance of the area. Proposals for all new development, including alterations and extensions to buildings and their re-use, must have a sensitive and appropriate response to context and good attention to detail. Proposals must not adversely affect important architectural or historic features or distinctive local features or structures unless it can be demonstrated that the development brings substantial benefits to the community.
- 11.3 In respect of Non-Designated Heritage Assets, Policy 24 states that when determining planning applications, the council will seek to protect, conserve and enhance the architectural features, structures, settings, historic character and significance of the borough's heritage assets and designations.
- 11.4 Ivy Mill is identified in the Oldham Mills Strategy as a high priority mill due to its high heritage and landscape value. Having consulted the council's conservation officer on the original scheme the following comments were made:
- *'The contemporary approach with clear instep design is supported, showing the juxtaposition between the old and new elements. Although a large amount of massing is proposed it is considered that the insteps, achieved further at each floor, allows the new build element to not result in an over dominant addition upon the original mill building.*
 - *The proposed fenestration is uniform and regularly spaced in terms of the additional floors however there does feel like a lack of alignment and respect to the window openings within the existing mill. The existing window openings relate to the historic function of the building and this legibility is important to the historic character. It is acknowledged that the majority of the proposed windows match the width of the original openings, however the alignment doesn't seem to respect the Non-Designated Heritage Asset.*
 - *A detailed specification of the proposed materials is needed to ensure that high quality materials are used that are appropriate within the conservation area and upon the Non-Designated Heritage Asset.'*
- 11.5 Having received these comments the applicant has submitted amended plans which have addressed the window alignment. These amended plans are considered by officers to be an improvement to the overall visual amenity of the development. To this end, the Council supports the principle of converting part of Ivy Mill to ensure a viable and sustainable residential use of a Non-Designated Heritage Asset. Moreover, the proposed design is modern and contemporary and, as a result, contrasts with the traditional mill style of the buildings. Having regard to the modern industrial building to the rear, and modern extension to the Failsworth Library, it is considered that the introduction of such style into this area could integrate with the existing character subject

to the use high quality materials which can be controlled with an appropriately worded planning condition.

12. RESIDENTIAL AMENITY

12.1 In terms of safeguarding existing amenity levels, amongst other criteria, Development Management Policy 9 stipulates that proposed development should 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 loss of privacy, safety and security, noise, pollution, the visual appearance of an area and access to daylight or other nuisances.

12.2 Having regard to the current scale of the building and number of existing openings on all sides of the mill, it is not considered that the resultant overlooking would be a matter that would warrant a recommendation of refusal. As all the view created by the new floors would be ones shared by the floors below.

Loss of light:

12.3 Whilst the concerns of residents are noted, in terms of loss of light, consideration of scheme must be made having regard to the mills existing height and massing. Currently on site the mill stands at 5 storeys high, with surrounding residential properties being mainly 2 stories in height. To this end, it is considered the building will already overshadow neighbouring properties at different points in the day. Given the scheme for the new floors is stepped in design, it is considered the additional harm would not warrant a recommendation of refusal on this ground.

Impact on the Future Occupiers:

12.4 Policy JP-H3 within the PFE Joint DPD states that all new dwellings must:

1. Comply with the nationally described space standards; and,
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

12.5 Having regard to the Nation Space Standards Document (DCLG, 2015) and it is considered that the layout and configuration of the proposed flats would not justify a refusal of planning permission on the basis they provide sub-standard living accommodation. In regards being built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations, this matter can be addressed by an appropriately worded planning condition.

12.6 Given the above assessment, the proposed development is acceptable having regard to Policy 9 of the Local Plan and Policy JP-H3 within the PFE Joint DPD.

13. HIGHWAYS

- 13.1 Policy 9 indicates that development should protect and improve local environmental quality and amenity by ensuring that development will minimise traffic levels and do not harm the safety of road users. Paragraph 115 of the National Planning Policy Framework states:

“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 13.2 The Council’s Highway Engineer has been consulted on the additional information submitted and is satisfied that no significant additional traffic generation or demand for parking as a result of the scheme. The proposed development is in an area with good links to public transport and opportunities for walking and cycling and access to a range of amenities. Furthermore, Transport for Greater Manchester (TfGM) have been consulted and raised no objections.
- 13.3 As such, in highway terms the scheme is considered to be acceptable.

14. ECOLOGY

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

Bats:

- 14.2 A valid bat report has been provided, which shows no evidence of bats was found and the building assessed as negligible risk. To this end, no further information or measures are required. As a precaution an informative can be included on a decision notice to remind the applicant that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).

Nesting Birds:

- 14.3 No evidence of birds having nested on the building was found, though feral pigeon were recorded as present. As a precaution an informative can be included on a decision notice to remind the applicant that under the Wildlife and Countryside Act 1981 (as amended) it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built.

Rochdale Canal SAC:

- 14.4 Following the submission of an updated report, which provides an assessment of the risk to qualifying species, i.e. floating water-plantain, posed by the increased height to the building the consultant has assessed the risk as negligible based on the existing vegetation present. Given the orientation of the buildings and canal it is accepted that any additional shading will only occur at dawn given the building is located to the east and that it is set back a moderate distance from the canal. The building is also of a

height causing shading of the canal (based on Google Earth) and the extra 4 storeys are unlikely to change this significantly.

14.5 Therefore, whilst no objective shade survey has been carried out to quantify what if any reduction in direct sunlight will occur, GMEU accept that it would not be reasonable to request such a survey.

14.6 It is concluded that the proposal can be screened out of any further assessment under the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019. It is recommended that the LPA record the conclusions of the Stage 1 HRA Screening Assessment within their delegated/Committee Report and ensure that Natural England is aware of their decision.

15. DRAINAGE

15.1 Policy 19 of the Oldham LDF Joint DPD is concerned with ensuring that new developments do not result in an unacceptable flood risk or increased drainage problems by directing developments away from flood risk areas.

15.2 United Utilities have reviewed the application and do not object. However, in line with good practice, a pre commencement condition to ensure that details of a drainage strategy are submitted and agreed with the Local Planning Authority prior to the commencement of development has been attached. This will ensure that surface and foul water is appropriately considered as part of the development.

16. CONCLUSION AND RECOMMENDATION

16.1 For the reasons set out above it is considered that the submitted scheme complies with all relevant planning policies and material planning considerations. It will provide a significant and positive contribution towards the Council's identified housing needs in a sustainable location and, together with the mitigation to be secured through the imposition of conditions and a Section 106 agreement to secure on site affordable housing, off site open space improvements and provision of compensation for the loss of suitable ground nesting bird habitat off-site, comprises sustainable development and is therefore recommended for approval.

16.2 It is recommended that the Planning Committee resolves to grant permission, subject to the inclusion of the conditions listed below, and a Section 106 Agreement securing the provision of the following:

- The provision of 10 on site Affordable Housing units; and
- A financial contribution of £112,466.85 towards the enhancement of existing Public Open Space provision within the locality at Higher Memorial Park (£32,315.36 towards amenity greenspace enhancement and £80,151.49 towards enhancement of provision for Children and Young People).

17. CONDITIONS

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

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

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

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

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

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

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

- 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;
- A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- A timetable for its implementation.

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

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

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

5. Foul and surface water shall be drained on separate systems.

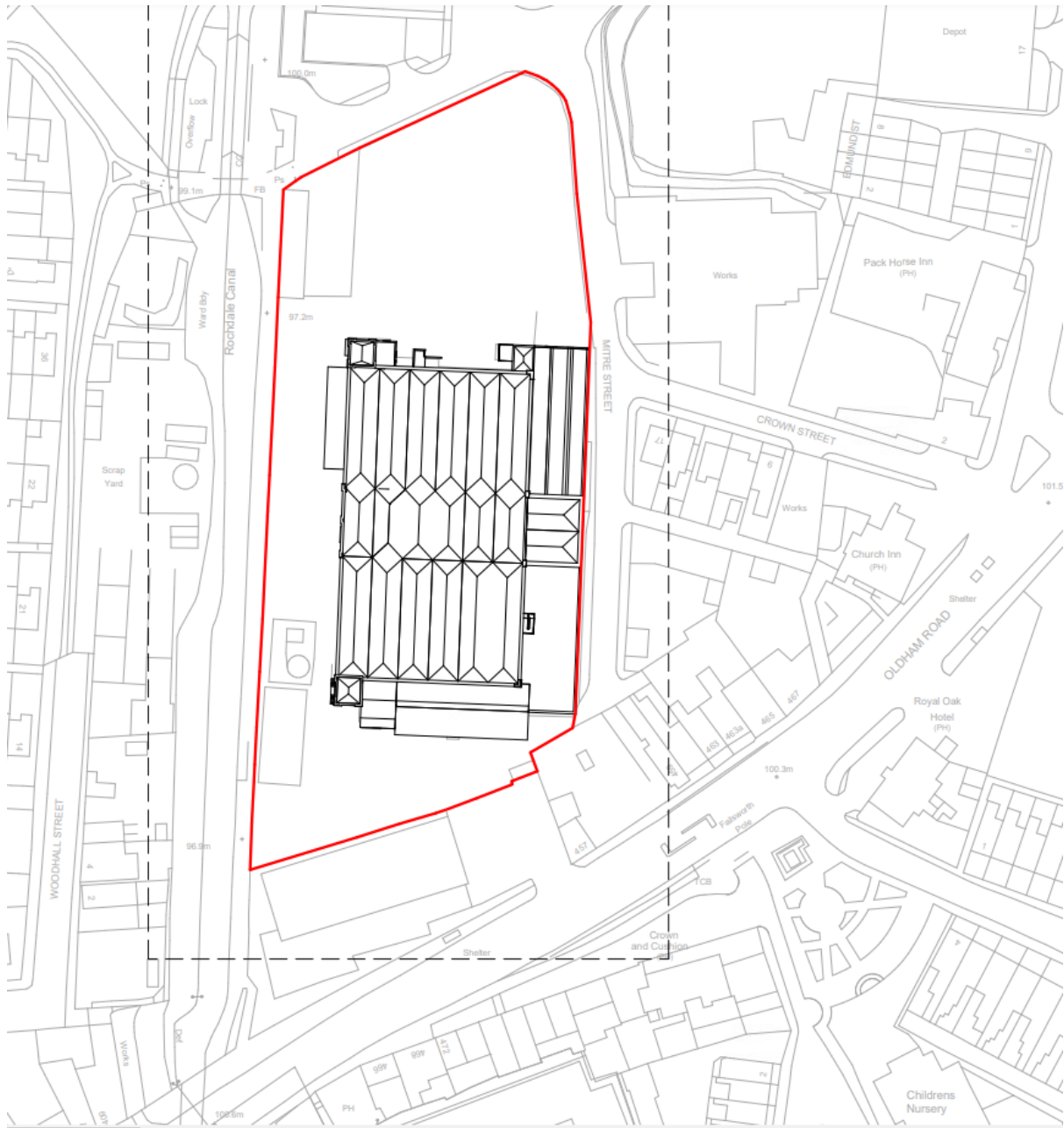
REASON - To secure proper drainage and to manage the risk of flooding and pollution.

6. No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance

with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.

REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy JP-P1 of Places for Everyone.

SITE LOCATION PLAN (NOT TO SCALE):



PLANNING COMMITTEE – BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING

PLANNING APPLICATIONS AND LISTED BUILDING CONSENT APPLICATIONS

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 defined by that Act.

THE BACKGROUND PAPERS

The appropriate application file: This is an electronic file containing the same reference number as that shown on the Agenda for the application. It may contain the following documents:

- The application forms;
- Certificates relating to site ownership;
- Plans and/or documents detailing the proposed development;
- Technical reports identifying potential impacts and mitigation;
- Design and Access Statements and / or Planning Statements;
- Formal responses from internal and external statutory and non-statutory consultees; and,
- Correspondence and/or documents from received from interested parties.

The application forms (redacted), ownership certificate (redacted), plans showing the proposed development, technical reports, Design and Access Statements, and Planning Statements, where provided are available to view on the Council's website using the [Public Access platform](#).

www.oldham.gov.uk

Responses from statutory and non-statutory consultees and correspondence/documents from interested parties can be requested by making contact with the Planning Service by telephone or email:

0161 770 4105 / Planning@oldham.gov.uk

ADDITIONAL BACKGROUND PAPERS

1. The adopted Local Plan (the Joint Core Strategy and Development Management Policies Development Plan Document (Core Strategy))
2. 'Saved' policies from the Unitary Development Plan
3. The National Planning Policy Framework (NPPF)
4. Minutes of the meetings of Saddleworth Parish Council Planning Committee
5. Minutes of the meetings of Shaw and Crompton Parish Council Planning Committee

Guidance on how to access these documents is available by making contact with the Planning Service by telephone or email: 0161 770 4105 / Planning@oldham.gov.uk

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APPLICATION REPORT – FUL/352932/24 Planning Committee 18th September 2024

Registration Date: 30th May 2024
Ward: Waterhead

Application Reference: FUL/352932/24
Type of Application: Full

Proposal: Erection of 53no. dwellings, including 24no. apartments and 29no. houses with associated parking and landscaping.

Location: Bedford Mill, Holt Street, Oldham OL4 2DQ

Case Officer: Graham Dickman
Applicant: MCI Developments
Agent: Katarzyna McMaster

1. INTRODUCTION

- 1.1 This application is presented to Planning Committee in accordance with the Scheme of Delegation as it relates to a Major application.

2. RECOMMENDATION

- 2.1 It is recommended:
1. That the Planning Committee resolves to approve the application subject to the conditions set out below and to the satisfactory submission of additional details relating to the off-site biodiversity gain provision site; and,
 2. That the Assistant Director Planning, Transport & Housing Delivery be authorised to issue the decision notice following satisfactory receipt of the required additional information.

3. SITE DESCRIPTION

- 3.1 The application relates to a site covering approximately 0.85 hectare located 1km to the eastern edge of Oldham town centre.
- 3.2 Access into the site and for the proposed redevelopment is taken from Holt Street which emerges onto the A62 Huddersfield Road just to the east of a busy signal-controlled junction with the A672 Ripponden Road.
- 3.3 The site is primarily open though occupied by a large amount of vehicle and container storage.
- 3.4 To the north-west, west, and south it immediately adjoins various industrial sites

comprising a mix of buildings and open storage.

- 3.5 By contrast the eastern boundary adjoins the rear passageway serving a row of terraced houses situated above a retaining wall, with further residential uses to the north-east corner.

4. THE PROPOSAL

- 4.1 The proposal involves the complete redevelopment of the site for residential purposes with a total of 53 dwellings.
- 4.2 This comprises 29 houses in two-storey residential blocks of 2 or 3 units (12 two-bed and 17 three bed) and a three-storey block of 24 apartments (12 one-bed and 12 two-bed).
- 4.3 There will be a single access road. The houses will include a single parking space each, with 12 spaces for the apartment block.
- 4.4 An Affordable Housing Statement has been submitted indicating that the development is to be a 100% affordable housing scheme which has been allocated Homes England grant funding. This will comprise a mix of affordable/social rent and shared ownership/intermediate tenure properties.

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, it would not exceed the applicable thresholds of 150 dwellings or 5 hectares, 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. PLANNING HISTORY

- 5.1 The planning history confirms the long-established industrial nature of the site.
- PA/030560/93 – Change of use to waste transfer station. Approved 14 October 1993
 - PA/044413/03 - Variation to condition 1 on PA/30560/93 to include electrical/electronic waste. Approved 5 June 2003

6. RELEVANT PLANNING POLICIES

- 6.1 The Places for Everyone (PfE) Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024.
- 6.2 The PfE Plan must now be considered in the determination of planning applications,

alongside Oldham’s Joint Core Strategy and Development Management Development Plan Document (Local Plan), adopted November 2011, in accordance with the National Planning Policy Framework (NPPF).

- 6.3 The site is allocated for mixed use purposes on the plan associated with the Local Plan. This allocation was carried over as a saved policy of the Oldham Unitary Development Plan.
- 6.4 As such, the following policies are considered relevant to the determination of this application:

Places for Everyone:

- Policy JP-H1: Scale, Distribution and Phasing of New Housing Development;
- Policy JP-H2 - Affordability of New Housing;
- Policy JP-H3 - Type, Size and Design of New Housing;
- Policy JP- H4 - Density of New Housing;
- Policy JP - D2 – Developer Contributions;
- Policy JP-C8 – Transport Requirements of New Development;
- Policy JP-P1 - Sustainable Places;
- Policy JP-S2 - Carbon and Energy;
- Policy JP-S4 - Flood Risk and the Water Environment;
- Policy JP-S5 - Clean Air; and,
- Policy JP-C2 – Digital Connectivity.

Core Strategy:

- Policy 1 – Climate Change and Sustainable Development;
- Policy 9 – Local Environment;
- Policy 10 – Affordable Housing;
- Policy 11 – Housing;
- Policy 13 – Employment Areas; and,
- Policy 23 – Open Spaces and Sports.

7. CONSULTATIONS

Highways Officer	Recommends the imposition of conditions in respect of off-site highway works, on-site parking provision, a construction management plan, and a travel plan.
TfGM	Recommend reinstatement of redundant access points, satisfactory footways and cycle parking, and provision of a travel plan.
United Utilities	The drainage strategy is acceptable in principle and a detailed sustainable drainage scheme will be required.
G M Ecology Unit	Recommend additional information regarding off-site biodiversity is submitted to ensure biodiversity net gain can be achieved.
Environmental Health	Recommend conditions for full contaminated land assessment, for implementation of the measures set out

	in the Noise Impact Assessment and for restrictions on construction times.
Trees Officer	No objection subject to implementation of the Arboricultural Impact Assessment/ Method Statement, Tree Protection plan, and replacement landscaping scheme.
GM Archaeological Advisory Service	Requires a condition for details for the implementation of a programme of archaeological works.

ASSESSMENT OF THE PROPOSAL

8. PRINCIPLE OF DEVELOPMENT

- 8.1 Although presently used for industrial purposes, the site is within the Saved UDP Mixed-use Allocation Huddersfield Road/ Dunkerley Road which is identified within the SHLAA for an indicative capacity of 50 homes. The site is also identified within the Local Plan as being within the Huddersfield Road District Centre.
- 8.2 The site is within a sustainable location close to shops, services, and public transport, with Oldham town centre also within easy reach.
- 8.3 Consequently, the principle of re-use for residential purposes has previously been accepted. However, it is noted that the site forms only a part of the wider envisaged redevelopment area. The acceptability of the new use must therefore have regard to the continued presence of industrial and other commercial uses immediately adjacent to three boundaries.
- 8.4 Places for Everyone (PfE) was adopted on 21 March 2024. JP-H1 of PfE sets out Oldham's housing requirement for 2022 to 2039 (the PfE plan period).
- 8.5 In line with paragraph 76 of the current NPPF, local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if: (a) their adopted plan is less than five years old; and (b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded. PfE is less than five years old (being adopted on 21 March 2024) and identified a five-year supply of specific deliverable sites at the time that its examination concluded.

9. LAYOUT AND DESIGN

- 9.1 The proposals relate to a largely rectangular site with a general rise in levels from west to east. As a result, the existing terraced housing to the east is elevated above the site, whilst the commercial premises to the west sit below an existing retaining wall.
- 9.2 The proposed internal layout has needed to have regard to its surroundings and to secure the best possible relationship with the adjacent land uses.
- 9.3 Within the site, satisfactory separation distances are achieved to neighbouring dwellings and to properties within the development. With the exception of the apartment block, the

houses are two-storey, reflecting the general character in the wider area. Although taller, at three-storey, the setting of the apartment block below the retaining wall to the east ensures it would not appear out of place in this position or result in an adverse impact on the street scene.

10. AMENITY ISSUES

- 10.1 The application is accompanied by a Noise Impact Assessment. The report concludes that standard double glazing is sufficient for all plots alongside a Building Regulations approved ventilation system.
- 10.2 However, unacceptable exceedance of the background sound level was identified in the rear gardens of most plots, and therefore the installation of additional acoustic barriers is recommended.
- 10.3 Following review by the Environmental Health Officer, taking into consideration the existing noise sources from businesses adjacent to the site, the measures set out in the noise report will be required to be fully implemented.
- 10.4 In accordance with PfE Policy JP-H3, all dwellings are required to comply with the nationally described space standards and be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations, unless specific site conditions make this impracticable. The applicant has indicated that the development has been designed to comply with these standards.
- 10.5 All individual properties are provided with private garden spaces with a communal amenity area to the rear of the apartment block.
- 10.6 In respect of issues of privacy, the proposed layout secures satisfactory relationships between habitable room windows and private amenity spaces. Interfaces with existing residents are limited to those which abut the north-east and eastern boundaries.
- 10.7 To the north-east, the new properties are off-set from the rear elevations and gardens of dwellings on Mevagissey Walk and therefore will have minimal impact. To the east, although the rear elevation of a three-storey apartment block will face the existing properties on Taurus Street, these are located at a significantly higher level with a separation distance at its minimum of 20 metres.
- 10.8 This will ensure no adverse impacts are envisaged.

11. HIGHWAYS ISSUES

- 11.1 NPPF paragraph 115 states that "*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*".
- 11.2 The application is accompanied by a Transport Statement which has been considered by the Highways Officer.
- 11.3 The site is located within an established residential area with good access to a wide range of amenities and public transport links.

- 11.4 Access to and from the site will be from Holt Street, which in turn is accessed from the A62 Huddersfield Road. There is currently a yellow box marking and right turn pocket on Huddersfield Road at the junction. It has been observed that there are on-going issues with this junction as the right turn pocket cannot currently accommodate fully the number of vehicles waiting to turn right onto Holt Street.
- 11.5 Consequently, to accommodate any additional traffic from the proposed development, the Highways Officer recommends that the right turn pocket is extended so that vehicles accessing the site can wait safely. Some additional minor works associated with this will also be required in the form of relocating the cycle lane and nearby pedestrian guardrails and kerbing.
- 11.6 In addition, there are serious concerns about the effect that the use of the junction by construction vehicles will have on the network and a condition is recommended for a Construction Management Plan (CMP) to be submitted. This should ensure that construction vehicles only attempt to access the site outside of peak periods, or by using an alternative route from the A62 Huddersfield Road junction. The CMP should also include information about phasing, construction worker parking, construction vehicles and materials compound.
- 11.7 These measures are considered to be necessary to ensure the development does not result in an unacceptable impact on highway safety.

12. BIODIVERSITY AND TREES

- 12.1 The application site comprises previously developed land, dominated by artificial hard surfaces. However, natural vegetation remains present on parts of the site.
- 12.2 The proposals are subject to the mandatory requirements of the Environment Act 2021 to secure 10% biodiversity net gain (BNG). Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the on-site habitat. This increase can be achieved, sequentially, through on-site biodiversity gains, registered off-site biodiversity gains or finally statutory biodiversity credits.
- 12.3 The biodiversity gain condition is a pre-commencement condition. Once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the Local Planning Authority before commencement of the development.
- 12.4 In accordance with the minimum national information requirements, a Biodiversity Metric and a biodiversity statement have been completed and submitted with the application. This indicates that there is a deficit in the proposed on-site provision.
- 12.5 The applicant’s ecologist has indicated that on-site provision to satisfy the requirement is not achievable. The areas identified as open space form part of the gardens and scrub is not suitable to plant in these areas. It is suggested that the required additional 19 trees would have to be located in rear garden areas, as well as a few more that could be squeezed into the garden area to the apartment block. However, it is difficult to

ensure that the trees in the rear gardens would not be removed in the future once the properties have been sold and occupied, and so these could not be used as part of the BNG calculation.

- 12.6 By deleting housing units from the site to create additional open space, it would be possible that the BNG target could be reached. However, as is noted later in this report, this would be likely to further adversely impact on the viability of the development and prevent much needed housing from being provided.
- 12.7 Consequently, the applicant seeks to provide compensatory off-site BNG. In this regard, the developer has identified a supplier of off-site habitat banks which could be used to meet the requirements. One of the sites managed by that supplier lies within the Oldham borough boundary and is understood to be suitable for the necessary type of habitat involved in this application.
- 12.8 In order to represent a suitable site, it must be registered on the national biodiversity gain sites register. This is yet to be confirmed. Consequently, although this option has the potential to ensure that the developer can provide a satisfactory biodiversity gain statement to secure approval of the statutory post-decision BNG condition, further clarification is required.
- 12.9 Consequently, it will be recommended that if Planning Committee resolves to approve the application, this is subject to the receipt of satisfactory additional clarification of the off-site BNG provision before the formal decision is issued.

13. DRAINAGE AND GROUND CONDITIONS

- 13.1 The site is located within Flood Zone 1 at the lowest risk of flooding.
- 13.2 A drainage strategy has been submitted with the application. United Utilities has indicated that the strategy is acceptable in principle, but that a detailed drainage design will be required.
- 13.3 The site is located within a Coal Mining Standing Advice area.
- 13.4 The application is accompanied by a Phase 1 Geo-environmental Report.
- 13.5 The Environmental Health Officer has considered these documents and does not foresee any impediments to the proposed development. Nevertheless, conditions are recommended in relation to the need for subsequent full site investigation and assessment, and for implementation of any identified remedial measures.

14. POLICY REQUIREMENTS AND VIABILITY

Affordable Housing

- 14.1 It is proposed that the development will provide all 53 dwellings for affordable housing as defined in the NPPF.
- 14.2 An agreed proportion of the affordable dwellings shall be made available to eligible applicants for Affordable Rent and/or Social Rent, with the remaining affordable dwellings to be made available to eligible applicants for Shared Ownership. A Registered

Social Housing Provider will be appointed to own and manage the dwellings.

- 14.3 As such the development will provide affordable dwellings at a level significantly in excess of the requirement under Local Plan Policy 10.

Public Open Space

- 14.4 Local Plan Policy 23 sets out the Council's approach to Open Space, Sport, and Recreation Provision. In terms of residential development, all developments 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.
- 14.5 In this instance, the Council's Open Space Study has identified deficiencies in the quantity and quality of open space within the local area. Therefore, as the development would be incapable of satisfying the requirement on site, a financial contribution to off-site provision of circa £260,000 would be required.
- 14.6 The applicant has submitted a Viability Assessment which seeks to demonstrate that the scheme would be unviable if any such contribution would be required. This Assessment has been independently reviewed on behalf of the Council. The review has concluded that, subject to a couple of small amendments, it aligns with that of the applicant that the site is significantly constrained by viability and cannot sustain any financial contributions. This is largely due to the need to remediate the site from its previous industrial use.
- 14.7 Consequently, it is recommended that, if Committee is minded to approve the application, no contributions are required.

15. CONCLUSION

- 15.1 The proposal will result in the redevelopment of a brownfield site in a highly sustainable location to provide much needed affordable housing.
- 15.2 Subject to the clarification of the off-site BNG provision and the recommended conditions, it has been demonstrated that the scheme would not result in adverse impacts on established businesses in the area, will create an acceptable standard of amenity for future residents, there will be no negative highway impacts for which mitigation is not possible, and the site can be appropriately remediated and serviced. The development would therefore be acceptable in principle.

16. 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, other than site clearance and site investigations, shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition. REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety having regard to Policy 9 of the Oldham Local Plan.
4. No development, other than site clearance and site investigations, shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's written report and recommendation have been submitted to and approved by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition. REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.
5. Prior to the commencement of any above ground works for the construction of any dwelling hereby approved, a written scheme for the provision of affordable housing shall be submitted to the Local Planning Authority. No dwellings shall be occupied until the scheme has been approved in writing by the Local Planning Authority and the affordable housing shall be provided in accordance with the approved scheme, or any amended scheme in relation to the tenure mix subsequently approved in writing. The scheme shall include:
 - a) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of a minimum of 7.5% of the total development sales value;
 - b) the timing of the construction of the affordable housing;
 - c) the arrangements for the transfer of the affordable housing to a Registered Provider;
 - d) a strategy to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - e) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced. The affordable housing scheme shall be implemented as part of the development and thereafter retained in perpetuity.

REASON - To secure an appropriate supply of affordable units in accordance with Policy 10 of the Oldham Local Plan and Policy JP-H2 of the Places for Everyone Joint Development Plan

6. No development (beyond demolition of the current buildings to slab level) shall take place until the applicant or their agents or successors in title has secured and enabled implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Project Design (PD) submitted to and approved

in writing by the Local Planning Authority. The PD shall cover the following:

- a) A phased programme and methodology of investigation and recording to include:
 - i. informed by research undertaken during production of the PD, archaeological monitoring and recording during the removal of any foundations or hardstanding over areas of potential archaeological significance
 - ii. targeted archaeological evaluation through trial trenching
 - iii. informed by the above, more detailed targeted excavation (subject of a new PD)
- b) A programme for post investigation assessment to include:
 - i. analysis of the site investigation records and finds
 - ii. production of a final report on the significance of the heritage interest recorded.
- c) Deposition of the final report with the Greater Manchester Historic Environment Record.
- d) Dissemination of the results commensurate with their significance.
- e) Provision for archive deposition of the report and records of the site investigation.
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the approved PD.

REASON - To record and advance understanding of the significance of any heritage assets to be lost having regard to Policy JP-P2 of the Places for Everyone Joint Development Plan.

7. The development shall be implemented in full accordance with the acoustic mitigation measures as set out in the submitted Noise Impact Assessment Ref: 51-160-R1-3 May 2024, including the installation, and retention at all times thereafter, of the acoustic fencing indicated on plan ref: MCI-101-DR-A-502-T2. The acoustic fencing must be free from holes, sealed at the base and have a minimum mass of 10 kg/m². REASON - To ensure a satisfactory standard of amenity for future residents having regard to Policy 9 of the Oldham Local Plan.
8. 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 and for the cleaning of vehicle wheels before exiting the site. Demolition and construction hours shall be limited to between 07.30 and 18.00 hours on Monday to Friday inclusive, 08.00 and 13.00 hours on Saturdays, and at no other times unless the prior written approval has been given by the Local Planning Authority, The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the demolition and construction works are commenced and 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.

9. Prior to the commencement of the construction of any building, details for demonstrating that the building shall be consistent with the 2022 Part L of the Building Regulations and with the measures in TABLE 5.1 of Places for Everyone Policy JP-S2, unless it can be demonstrated that it is not practicable or financially viable, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. REASON - In order to secure a sustainable form of development having regard to Policy JP-S2 of the Places for Everyone Joint Development Plan Document.
10. Notwithstanding the plans hereby approved the development shall be built to the accessible and adaptable standard in Part M4(2) of the Building Regulations, unless it is first demonstrated to and agreed in writing by the Local Planning Authority that the specific site conditions make this impractical. REASON - To ensure a sustainable form of development having regard to the requirements of Policy JP-H3 of the Places for Everyone Joint Development Plan Document.
11. 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 secure proper drainage and to manage the risk of flooding and pollution having regard to Policy JP-S4 of the Places for Everyone Joint Development Plan.

12. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted and approved in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:

- i. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- ii. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

REASON - To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development having regard to Policy P-S4 of the Places for Everyone Joint Development Plan.

13. No dwellings hereby approved shall be first occupied until a scheme of off-site highway improvement works, including revisions to the configuration of Huddersfield Road at the junction with Holt Street, have been implemented in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. REASON - To ensure the development does not result in a significant adverse impact on the highway network and in the interests of highway safety having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan.
14. No dwelling shall be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan Ref: MCI-101-DR-A-500-T3; and the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles. REASON - To ensure adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan.
15. The use of the apartment 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 Policy JP-C8 of the Places for Everyone Joint Development Plan.
16. Within six months of the first occupation of the development hereby approved, a green travel plan for the development shall be submitted to and approved in writing by the Local Planning Authority. All measures contained within the plan shall be implemented and updated thereafter. The green travel plan shall, as a minimum, deal with the following key issues:
 - i. appointment of a Travel Plan Co-ordinator and notification in writing to the Local Planning Authority of the name of the holder of that post;
 - ii. measures to promote and facilitate public transport use;
 - iii. timetables and fare information to be updated regularly;
 - iv. measures to promote and facilitate walking and cycling;

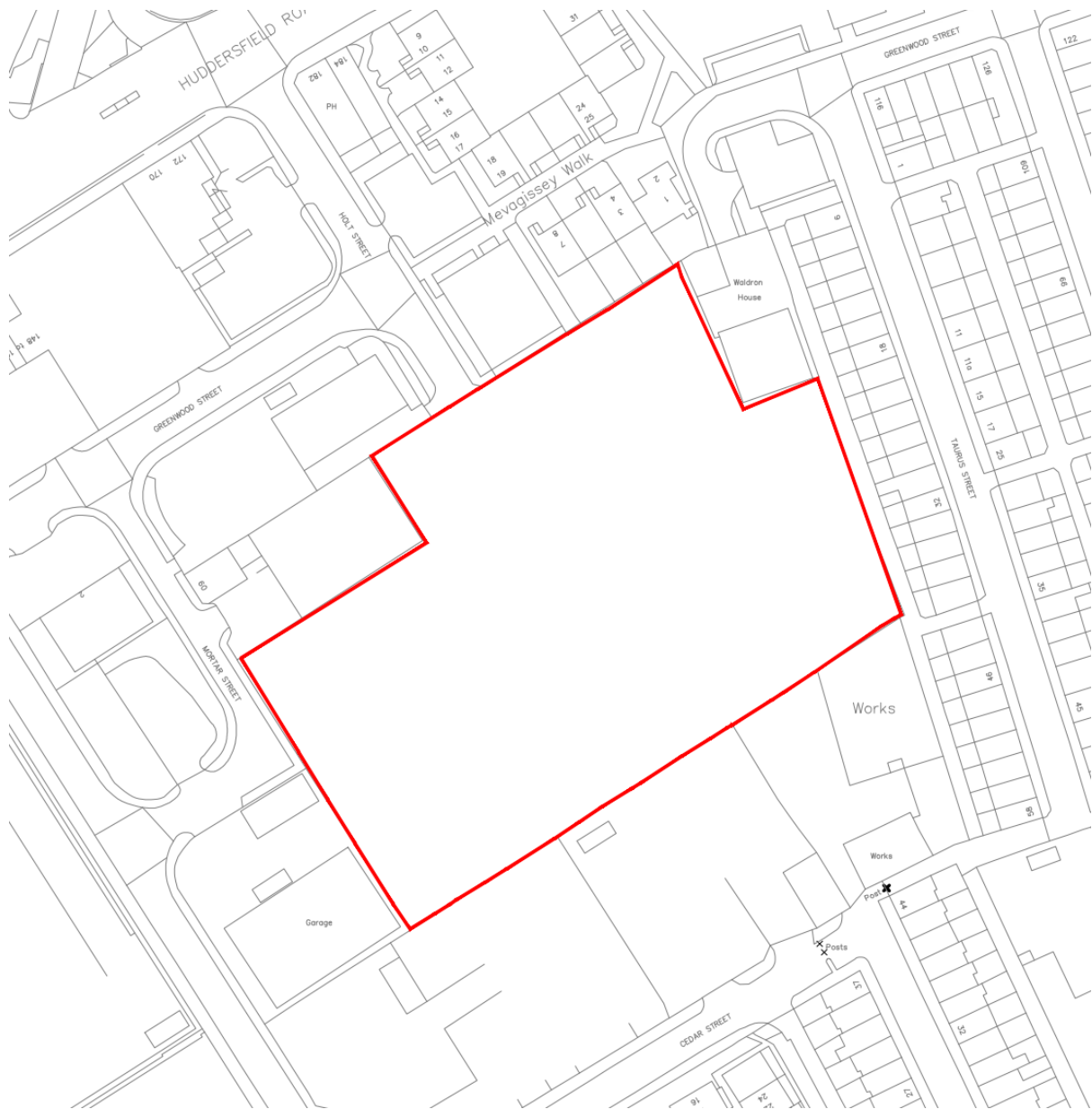
- v. promotion of car sharing and practices and on-site facilities that reduce the need for travel;
- vi. monitoring and review mechanisms.

REASON - In order to promote sustainable means of travel having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan.

17. 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 the use of the A62 Huddersfield Road junction with Holt Street and other nearby highways. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced and shall be maintained for the duration of the construction works. REASON -In the interests of highway safety having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan.
18. All hard and soft landscape works shall be carried out in accordance with the approved plan Ref: 7451.03 A; 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.
19. No above ground construction of the building hereby approved shall commence until a scheme and timetable for the achievement of the on-site Biodiversity Net Gain has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a written 30-year Habitat Management and Monitoring Plan (HMMP) for biodiversity within the site. REASON - To ensure that the proposals result in enhancement of biodiversity having regard to Policies 9 and 21 of the Oldham Local Plan, paragraph 174 of the NPPF, and Policy JP-G8 of the Places for Everyone Joint Development Plan.
20. 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.
21. Prior to the commencement of any part of the development hereby approved, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, all existing retained trees and hedges on and adjacent to the site, other than those indicated for removal on the approved plans, shall be physically protected from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause. This shall be achieved by the erection of 2.3 m high fencing using vertical and horizontal scaffolding poles, or other stout fencing to Local Authority approval with the uprights driven well into the ground,

erected in accordance with BS5837:2005, outside the canopy. The fencing shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas. REASON - Prior approval of such details is necessary to protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.

SITE LOCATION PLAN (NOT TO SCALE)



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APPLICATION REPORT – FUL/353082/24 Planning Committee 18th September 2024

Registration Date: 26th June 2024
Ward: St Mary's

Application Reference: FUL/353082/24
Type of Application: Full Application

Proposal: Full planning permission for site enabling works, including reprofiling site levels and site clearance, to facilitate future development.

Location: Former Leisure Centre, Rock Street, Oldham

Case Officer: Graham Dickman
Applicant: Oldham Council
Agent: CBRE Ltd

1. INTRODUCTION

1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as a Major development submitted by the Council on its own land.

2. SITE DESCRIPTION

2.1 The application relates to the site of the former Oldham Leisure Centre and Pool which has latterly been used for car parking purposes.

2.2 The site has a varied topography, with levels generally dropping from north to south and west to east, but with a mix of artificial landforms, including retaining structures. Tree cover is evident across the site.

2.3 St Mary's Way adjoins the north and east boundaries, with Rock Street to the south and the grounds of the Grade II* listed Rochdale Parish Church (Church of St Mary and St Peter) and Oldham Town Centre Conservation Area beyond.

2.4 Lord Street is to the west, across which presently are the Tommyfield indoor and outdoor markets.

3. THE PROPOSAL

3.1 The proposal involves remediation works to create a site suitable for future residential re-development as part of the Council's Creating a Better Place plan to transform Oldham town centre. The southern section of the site will comprise part of the wider linear park which also forms part of the transformation vision.

3.2 The details of the subsequent redevelopment scheme will be subject to a separate

future application.

- 3.3 All hardstanding, parking meters, lamp posts, and other car park paraphernalia within the site will be removed.
- 3.4 The proposed works will comprise cut-and-fill operations to remove the sharp changes in levels and create a more regular platform to facilitate the future development. Resultant levels will typically be raised by 1 metre, with localised increases of up to 3 metres.
- 3.5 Although a future comprehensive redevelopment of the site is anticipated, the proposals will ensure that should the redevelopment not come forward in the near future, a scheme of replacement on-site landscaping will be implemented.

Environmental Impact Assessment

- 3.6 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposal would represent an Urban Development Project within paragraph 10(b) of Schedule 2 of the Regulations as it seeks to prepare land for future residential development.
- 3.7 The number of future dwellings is not known at this stage. However, the site does not exceed the 5 hectare size in the 'Applicable Thresholds and Criteria' in Column 2 of Schedule 2 of the Regulations for such development.
- 3.8 Nevertheless, in the context of Schedule 3 of the Regulations, comprising the 'Characteristics of the Development', the 'Location of the Development', and the 'Types and Characteristics of the potential impact', the Council is satisfied that the development would not have significant, or wider than local environmental effects, nor is the site located within any impact distance of a 'sensitive area' as defined in the Regulations.
- 3.9 The proposal would not therefore constitute development for which an Environmental Statement would be required.

4. PLANNING HISTORY

- PA/339572/17 - Extension to existing car park to provide an additional 172 spaces including formation of new access off Rock Street and provision of associated parking machines, lighting, safety barriers, landscaping and footpaths. Approved 20 April 2017

5. RELEVANT PLANNING POLICIES

- 5.1 The Places for Everyone (PfE) Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024.
- 5.2 The PfE Plan must now be considered in the determination of planning applications, alongside Oldham's Joint Core Strategy and Development Management Development Plan Document adopted in November 2011 (referred to as the Local Plan in this report), in accordance with the National Planning Policy Framework (NPPF).

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

Places for Everyone:

Policy JP-S1 – Sustainable Development;
Policy JP-G7 - Trees and Woodlands; and,
Policy JP-P1 - Sustainable Places

The site is located within the Town Centre on 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; and,
Policy 15 – Centres

6. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Highways	No objections subject to a Construction Management Plan.
Environmental Health	No objection subject to submission of an asbestos management plan, a Materials Management Plan being approved, and validation report on completion of the development.
G M Ecology Unit	This demonstrates that the scheme can achieve a net gain of over 10% if the landscaping scheme is implemented.

7. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

7.1 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 press and site notice.

7.2 No representations have been received.

ASSESSMENT OF THE PROPOSAL

8. PRINCIPLE OF DEVELOPMENT

- 8.1 The site comprises previously developed land. At present it serves as a car park formed across the various site levels. The present proposals in effect represent an interim stage towards the anticipated comprehensive regeneration of the site and its future use for residential purposes.
- 8.2 As such the works will help to secure the future benefits of regeneration of the town centre and the provision of future housing in a sustainable location.

9. AMENITY ISSUES

- 9.1 Residential properties are located across St Mary's Way to the north of the site. A Construction Management Plan (CMP) has been submitted. The enabling works will be undertaken between 07.00 and 18.00 hours on weekdays. Where it is necessary for works to be undertaken outside those hours, prior agreement with the Local Planning Authority will be required.
- 9.2 Subject to implementation of the measures set out in the CMP, it is not anticipated that there will be any significant adverse impacts on amenity.

10. HERITAGE

- 10.1 The Grade II* listed Rochdale Parish Church (Church of St Mary and St Peter) and Oldham Town Centre Conservation Area are located to the south of the application site.
- 10.2 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.
- 10.3 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.
- 10.4 In addition, NPPF Part 16 sets out guidance on the approach to be taken in considering proposals which would affect heritage assets.
- 10.5 In this instance the nature of the proposals will not adversely affect the setting of the Grade II* listed church and its gardens along with views into the Conservation Area.
- 10.6 NPPF paragraph 202 sets out the approach to be taken in considering the potential impacts on heritage assets, and where it would lead to 'less than substantial harm' to those heritage features, any harm should be weighed against the public benefits of the proposal.
- 10.7 The present scheme will create an attractive environment designed to enhance the local environment and provide opportunities for informal recreation and new housing

close to the town centre. This will result in a significant public benefit.

- 10.8 In this context, the proposal would enhance the setting and relationship with the heritage assets and ensure the Council's heritage protection obligations are met.

11. IMPACT ON TREES AND BIODIVERSITY

- 11.1 In order to undertake the works, 11 individual trees and 6 groups of trees will be required to be removed. It is recommended that these are replaced with new species within the site.
- 11.2 In addition to the need to comply with the requirements of Places for Everyone Policy JP-G8, the proposals are also subject to the mandatory requirements of the Environment Act 2021 to secure 10% biodiversity net gain.
- 11.3 A Biodiversity Net Gain Assessment and Metric has been submitted. It is recognised that the enabling works are to be carried out in advance of the finalisation of proposals for the redevelopment of the site, and that no set timetable is presently available for that development to be progressed.
- 11.4 It is anticipated that the future redevelopment of the site will secure a scheme of biodiversity to achieve the required 10% uplift. However, in light of the above timeframe uncertainty, a detailed landscaping scheme has been provided within this enabling application.
- 11.5 Consequently, should the redevelopment proposals not be progressed within 10 years of the date of this permission, the submitted landscaping will be implemented. This will be secured via legal agreement.

12. HIGHWAYS ISSUES

- 12.1 The works will result in the loss of 123 car parking spaces which will not be replaced following the development.
- 12.2 A Transport Technical Note has been submitted with the application which concludes that other nearby town centre car parks have sufficient capacity to accommodate the loss.
- 12.3 The Highways Officer has recommended that construction vehicle movements should take place outside peak hours.

13. GROUND CONDITIONS AND DRAINAGE

- 13.1 The application is accompanied by a Phase II Geo-environmental Report and Remediation Method Statement. The Environmental Health Officer has confirmed that the submitted reports are acceptable in order to allow the enabling works to be progressed.
- 13.2 A Flood Risk Assessment has been submitted alongside an existing site utility plan. It is confirmed that the site lies in Flood Zone 1 at the lowest risk of flooding.

13.3 A final drainage scheme for the site will be devised in due course to accommodate the comprehensive redevelopment of the site.

14. CONCLUSION

14.1 The proposal comprises initial site preparation works to facilitate the comprehensive regeneration scheme to transform Oldham town centre. The development will therefore result in significant public benefits and can be achieved without detriment to ecological, amenity, and heritage considerations.

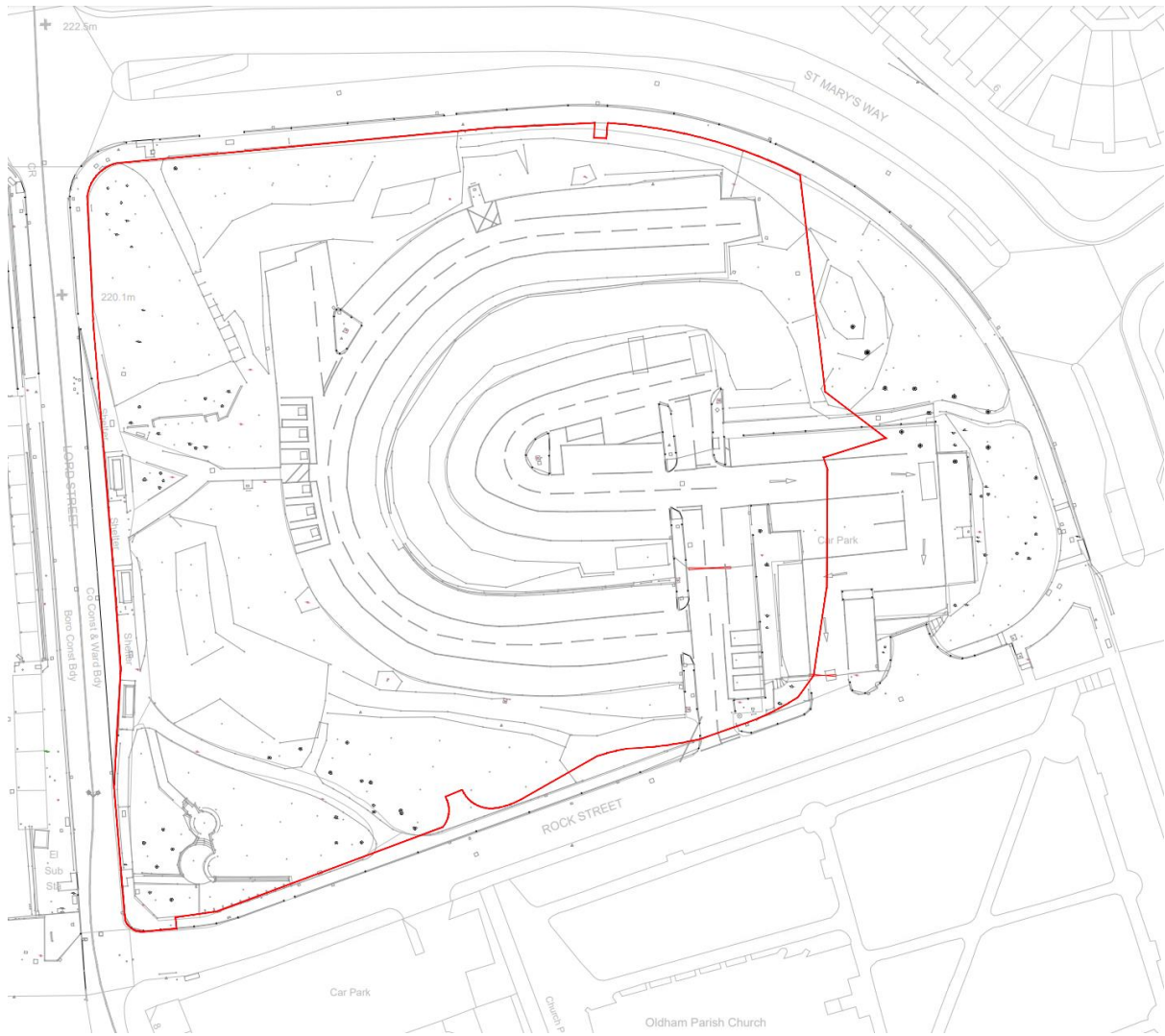
15. RECOMMENDED CONDITIONS

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. The development shall be implemented in full accordance with the Construction Management Plan prepared by Arcadis and Rowan Ashworth dated June 2024. REASON - To safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.
4. No development shall commence unless an asbestos management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the measures set out in the submitted Remediation Method Statement dated 19 June 2024. Within one month of the completion of the enabling works hereby approved, a satisfactory completion report shall be submitted to the Local Planning Authority to discharge the condition. REASON - In order to protect public safety having regard to Policy 9 of the Oldham Local Plan.
5. Unless development has commenced on a comprehensive redevelopment scheme for the site within 10 years of the date of this permission, all hard and soft landscape works shall be carried out in accordance with the approved plan Ref: 3452-PLA-00-XX-DR-L-0002 Revision A and a written 30-year Habitat Management and Maintenance Plan (HMMP) shall be submitted for the written approval of the Local Planning Authority. The approved HMMP shall relate to all 'significant' biodiversity gains on site and will be strictly adhered to and implemented in full for its duration and shall contain:
 - i. Aims, objectives and targets for management, including habitat target conditions matching the associated Biodiversity Metric submitted with the application.
 - ii. Descriptions of the management operations necessary to achieving aims and objectives.
 - iii. Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement.

- iv. Details of monitoring needed to measure the effectiveness of management.
- v. Details of the persons responsible for the implementation and monitoring.
- vi. Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.
- vii. Reporting on years 1, 2, 5, 10, 20 and 30.

REASON - To ensure that the development secures a biodiversity net gain of 10% and in the interests of visual amenity to safeguard the future appearance of the area having regard to Policies 9 and 21 of the Oldham Local Plan, and policies JP-G7 and JP-G8 of the Places for Everyone Joint Development Plan.

SITE LOCATION PLAN (NOT TO SCALE)



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APPLICATION REPORT - VAR/353105/24 Planning Committee 18th September 2024

Registration Date: 16th July 2024
Ward: Saddleworth South

Application Reference: VAR/353105/24
Type of Application: Full (variation of condition)

Proposal: Variation of condition number 4 (opening times) and 9 (Toilet) relating to application number VAR/351244/23 to the hours of 09:00 - 19:00 Monday to Wednesday including Bank Holidays and 09:00 - 21:30 Thursday to Sunday.

Location: Greenes Bistro, King George V Playing Fields, Uppermill.

Case Officer: Sophie Leech
Applicant: Mr R Scholes
Agent: Mr M Jones

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee as site is council-owned land and there have been objections to the proposed development.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report and that the Assistant Director for Planning, Transport & Housing Delivery shall be authorised to issue the decision.

3. SITE DESCRIPTION

- 3.1 The application site is located within King George V Playing Fields, also known as Uppermill Park. The development itself relates to a formerly vacant public toilet located close to the northernmost boundary of the park where it adjoins Wade Row. The building was closed to the public in 2018 but has since been brought into active use pursuant to the planning permission granted in August 2022 to incorporate the building into a new café and ancillary takeaway which has involved contemporary extensions and alterations (reference number FUL/348807/22). The River Tame is located on the edge of the park to the west.
- 3.2 There are residential properties on Wade Row to the north of the site and to the south of the site is St Chad's recreational ground. There are a number of residential and commercial units to the east of the site forming part of the Uppermill Village High Street.

4. THE PROPOSAL

- 4.1 Permission is sought to vary condition number 4 (opening times) and 9 (Toilet) relating to application number VAR/351244/23.

The current opening hours for the bistro and public toilet are as follows:

- 09:00 – 19:00 Monday to Sunday including Bank Holidays

The proposed opening hours for the bistro and public toilet are as follows:

- 09:00 - 19:00 Monday to Wednesday including Bank Holidays
- 09:00 - 21:30 Thursday to Sunday.

5. PLANNING HISTORY

- 5.1 PA/039029/99 – Erection of public toilet block – Approved 10.11.1999
- 5.2 FUL/348807/22 - 1) Conversion of public toilet to café with ancillary takeaway 2) Provision of public toilet 3) External alterations to building including removal of pitched roof and replacement with green roof 4) Single storey glazed extension 5) Bin store – Approved 25.08.22
- 5.3 VAR/351244/23 - Variation of Condition 2 (approved plans) of application ref: FUL/348807/22. Amendments to approved odour extraction system, screen planters and increasing depth of fascia around the café – Approved 20.09.23

6. RELEVANT PLANNING POLICIES

- 6.1 Policy 9 of the Joint Core Strategy and Development Management Policies DPD sets out that the Council will protect and improve local environmental quality and amenity by ensuring development does not cause significant harm to the amenity of the occupants and future occupants; by ensuring there is no significant harm on neighbouring privacy and outlook, and lastly by ensuring there is no significant loss of light.

7. CONSULTATIONS

- 7.1 Environmental Health – No objections – no noise complaints have been received since the business opened.

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 means of neighbour notification letters, site notice and press notice.

- 8.2 4 objections have been received and are summarised below:

- The music is already a nuisance;

- Doors slam shut constantly;
- Longer hours will cause more noise;
- Bin emptying causes noise;
- Alarms are always going off;
- Lack of off road parking for more customers;
- Noise from customers leaving late at night;
- Existing establishments in Uppermill already cater for late night trade;
- One toilet is not enough on site; and,
- Extended times will encourage different kinds of patrons

ASSESSMENT OF THE PROPOSAL

9. RESIDENTIAL AMENITY

- 9.1 In terms of safeguarding existing amenity levels, amongst other criteria, Development Management Policy 9 stipulates that proposed development should 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 loss of privacy, safety and security, noise, pollution, the visual appearance of an area and access to daylight or other nuisances.
- 9.2 The purpose of the application is to seek permission to extend the permitted opening hours of the café use from 7pm until 9.30pm for Thursdays to Sundays, so that Grandpa Greene's can take advantage of the evening trade. It is also proposed to update the opening hours of the public toilet to reflect that of the café.
- 9.3 The site lies within close proximity of the district centre and to residential properties. It is accepted that the total number of comings/goings to the bistro would increase with extended opening hours between Thursday and Sunday.
- 9.4 The Council's Environmental Health department have been consulted and confirm that there have been no formal noise complaints made from local residents in regard to noise or daily operations of this business. On this basis, the application must be considered on its own merits having regard to the opening hours proposed for both the café and toilet.
- 9.5 Several objections raise overall noise from the site as an ongoing issue and that the increase in opening hours would cause more pressure for parking around the site. Many businesses operate successfully in Uppermill and do not benefit from off road parking due to the nature of the historic village. It is acknowledged that the increase in opening hours for the café and toilet over four days out of seven may lead to additional noise, however it would not be dissimilar to activity that already exists in Uppermill especially during the night-time economy.
- 9.6 In regard to the point raised about only one toilet within the site, the public toilet is for public use only as the café has its own toilets inside, therefore during the evening there may not be any additional impact on usage of the toilet as customers would be using facilities inside the building.
- 9.7 Any other matters in relation to air conditioning, extraction or persistent alarms can be reported to the Council's Environmental Health team for action as these matters fall outside the scope of planning matters.

- 9.8 In line with the Council's requirement to support the local economy, the Agent states that the business has achieved successful daytime trade and customers have expressed an interest in having a meal at Greene's Bistro, in the same way as it takes place at other businesses in Uppermill.
- 9.9 Therefore, it is considered that the proposed opening hours of the café and toilet would not cause a significant detrimental impact to neighbouring residents, and is therefore in accordance with Policy 9.
- 9.10 Given the above assessment, the proposed development is acceptable having regard to Policy 9 of the DPD.

10. CONCLUSION AND RECOMMENDATION

- 10.1 The proposal accords with the objectives of both the Local Plan and the NPPF and as such is recommended for approval, subject to the following conditions:

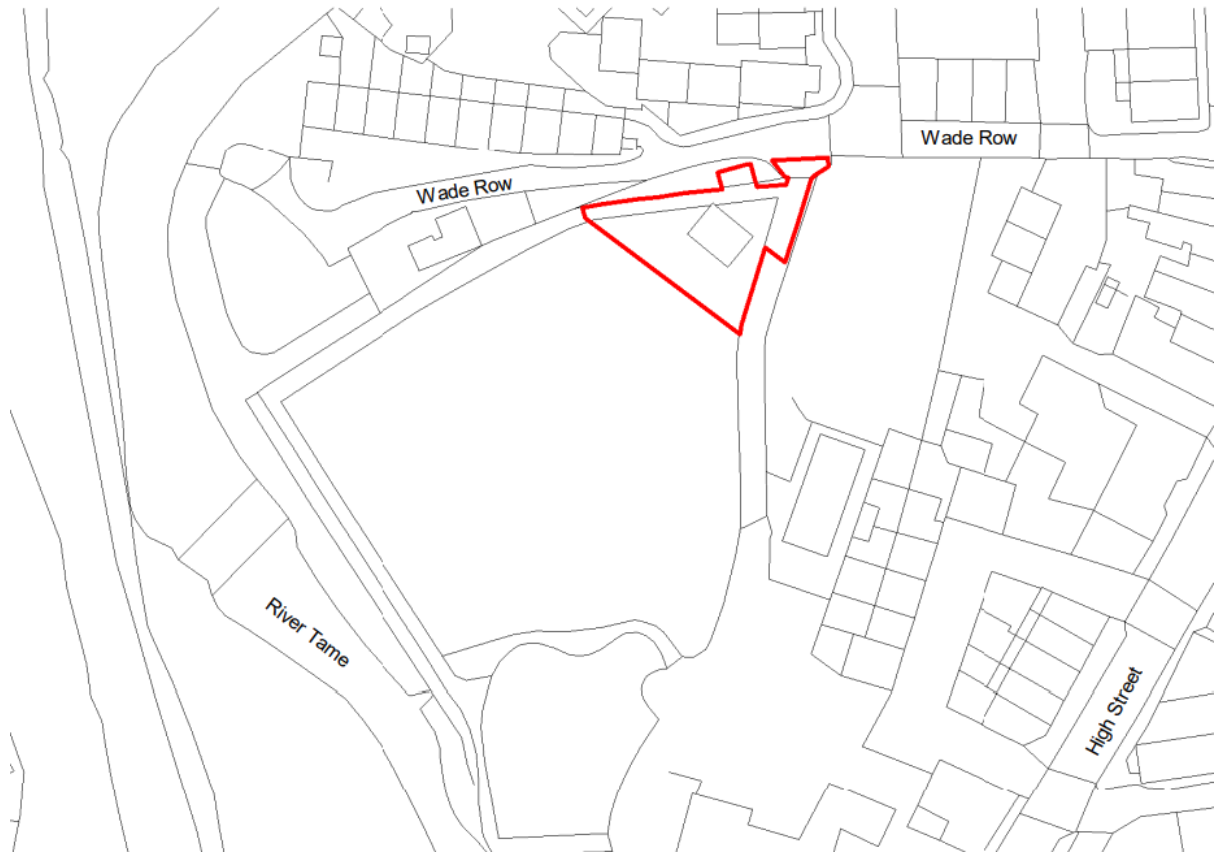
11. CONDITIONS:

1. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on the decision notice relating to FUL/348807/22 except as modified by the Approved Details Schedule list attached to 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. The development shall be retained in accordance with the external materials details approved under planning ref. CND/350212/22. 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.
3. The use hereby permitted shall only be open to members of the public/customers during the following hours: 09:00 - 19:00 Monday to Wednesday including Bank Holidays and 09:00 - 21:30 Thursday to Sunday. REASON - To safeguard the amenity of the neighbouring occupiers having regard to Policy 9 of the Oldham Local Plan.
4. No deliveries shall take place before 08:00 or after 21:00 Monday to Saturday and no deliveries shall take place before 09:00 or after 20:00 on Sundays and Bank Holidays. REASON - To safeguard the amenity of the neighbouring occupiers having regard to Policy 9 of the Oldham Local Plan.
5. The development shall be retained in accordance with the bollard details approved under planning ref. CND/350212/22. 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 JP-P1 of the Places for Everyone Plan (2024).
6. The bin storage as shown on plan ref: 1004 Rev G and 1005 Rev D shall be retained thereafter for the life of the development. REASON - To ensure satisfactory storage of waste having regard to Policy 9 of the Oldham Local Plan.
7. The development hereby approved shall be undertaken in full accordance with the submitted details as specified within the Arboricultural Method Statement and

Arboricultural Impact Assessment by Mulberry (ref: TRE/UPUO/RevB 29 May 2022). Six replacement trees shall be provided in the first available planting season following the completion of the development, in accordance with details first submitted to and approved in writing by the Local Planning Authority. All replacement trees 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 and 21 of the Oldham Local Plan and Policy JP-G7 of the Places for Everyone Plan (2024).

8. The toilet as indicated on the submitted plan shall be made available for general public use at all times that the business is open to the public between the operating hours of 09:00 - 19:00 Monday to Wednesday including Bank Holidays and 09:00 - 21:30 Thursday to Sunday. REASON - To provide a community facility having regard to Policy 2 of the Oldham Local Plan.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 2, Class A shall be carried out unless permission is first granted by the Local Planning Authority. REASON - In order to protect the openness and visual amenity of the park having regard to Policies 9 and 23 of the Oldham Local Plan and Policy JP-P1 of the Places for Everyone Plan (2024).

SITE LOCATION PLAN (NOT TO SCALE):



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Planning Appeals Update

Planning Committee

Report of Assistant Director Planning, Transportation & Housing Delivery

DATE OF COMMITTEE

18 September 2024

An update on Planning Appeals was last provided to the Planning Committee at the meeting on 17 July 2024. The table below provides a comprehensive list of appeals submitted and decisions taken on appeals between Monday 1 July 2024 and Friday 23 August 2024 which is to be noted by the Committee.

Application No.	Site Address	Appeal Decision	Appeal Lodged Date	Description
MMA/350017/22	149A Manchester Road Greenfield OL3 7HJ	Ongoing	08/08/2023	Variation of Condition 2 (approved plans) and 11 (obscured glazing) relating to approved application MMA/345170/20
HOU/348050/21	42 Wakefield Drive, Chadderton	Ongoing	26/09/2023	Single storey rear extension with roof terrace
FUL/350825/23	Land Adjacent To 36 Delph Road Denshaw	Dismissed, 02/07/2024	28/03/2024	Garage and car port
ADV/351425/23	Alexandra Centre Retail Park Park Road Oldham	Allowed, 01/08/2024	21/03/2024	Installation of 1 no. internally illuminated 48 LED sheet advertising digital poster.
HOU/351778/23	79 Cambridge Street Oldham OL9 7BY	Dismissed, 08/07/2024	25/03/2024	Erection of a single storey rear extension and a rear dormer with gable build up.
TEL/351889/23	Rhodes Bank Land To The South Of Roscoe Street Car Park Oldham	Ongoing	30/04/2024	Proposed NTQ telecommunications installation. Proposed 20m High Valmont climbable monopole on 5.2 x 5.2 x 1.4m

				deep concrete base with config 2 circular headframe for 6No. Antennas Apertures at 30 degrees/170 degrees /280 degrees & 4No. 600 degrees dishes. BOB's, MHA's and active routers to be fixed to headframe behind Antennas and associated ancillary works.
FUL/347828/21	Hawthorn Cottage, Diglea, Diggle	Ongoing	19/06/2024	Single storey extension to south east elevation, alterations and retrospective change of use of land.
FUL/351291/23	Land At Dark Lane Delph	Ongoing	11/06/2024	Erection of a stable block.
FUL/351685/23	47 Ferney Field Road Chadderton	NEW	17/07/2024	Change of use from garage into holiday let accommodation
HOU/351856/23	47 Ferney Field Road Chadderton	NEW	29/07/2024	1). Single storey rear extension 2). First and second floor front, rear and side extension. 3). New driveway to front
HOU/352156/23	137 Denbydale Way Royton	NEW	02/08/2024	Replacement of existing porch with the erection of new front extension, with accommodation within the roofspace, erection of a part single part two storey rear extension, erection of a single storey outbuilding, masonry garden wall and raised planter.
HOU/352179/24	92 Parkway Chadderton	NEW	06/08/2024	Retrospective application. 1) Increase in width of two storey side

				extension 2) Infill extension to rear first floor adjacent boundary with 90 Parkway 3) Amendment to side and rear elevation windows 4) Enlargement of rear dormer 5) Changes to front elevation to remove bay window
HOU/352570/24	150 Chadderton Way Oldham	NEW	01/08/2024	Erection of a part single part two storey rear extension, and rear dormer.
HOU/352652/24	15 Underwood Way Shaw	NEW	02/08/2024	1. Raising of the roof of the property to accommodate a rear dormer. 2. Two storey rear extension.
HOU/352737/24	1 Woodend Street Oldham	NEW	21/08/2024	1. Rear Dormer 2. Erection of a front porch 3. Installation of new window to front elevation.

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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