

# APPLICATION REPORT - PA/340523/17

Planning Committee, 19 December, 2018

**Registration Date:** 18/07/2017  
**Ward:** Royton South

**Application Reference:** PA/340523/17  
**Type of Application:** Outline Planning Permission

**Proposal:** Outline planning application for the erection of 13 no. apartments .  
Access, layout, appearance and scale to be considered  
(landscaping reserved).

**Location:** Land at Edge Lane Street, Royton, OL2 6DS

**Case Officer:** Matthew Taylor

**Applicant** Brantones Ltd  
**Agent :** HNA Architects Ltd

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## INTRODUCTION

Members may recall that Planning Committee resolved to approve this development of a block of 13 apartments at the meeting held on the 20<sup>th</sup> December 2017, subject to a legal agreement requiring a contribution towards off-site play provision.

Since that decision the applicant has been approached by a local registered care provider which is interested in purchasing the development upon completion. The care provider provides accommodation for people living with a physical and/or learning disability. In order to meet the care provider's requirements, a redesign was undertaken which has resulted in alterations to the design of the building, including an increase in the height of the roof in order to incorporate a stretcher-enabled lift serving all three floors.

## THE SITE

The application relates to 0.13 hectares of land located on the eastern side of Edge Lane Street, in an area which retains a mixed commercial and residential character. The latter includes the two storey dwellings which form John Hogan Close to the rear of the site. An assisted living scheme is under construction to the north-west of the site, with which the development will share an access. There are commercial buildings to the south and an area of vacant land on the opposite side of Edge Lane Street. The site itself has been cleared of buildings for a number of years. The site is generally flat with a part culverted stream running across the south-west corner of the site.

## THE PROPOSAL

This is an outline planning application for the erection of 13 no. apartments. Access, layout, appearance and scale are to be determined at this stage, with landscaping reserved for future consideration.

The revised building will occupy the same footprint as that considered in December 2017, being positioned towards the front of the site, with a car parking area to the rear. It will retain

the same eaves height as the earlier building at 5.7m; however, the apex of the ridged roof will rise from 9m to 10.7m. This increase is required to accommodate a minimum 3.5m space from the uppermost floor to the top of the lift shaft (to accommodate the lifting gear and beam).

The building footprint will continue to measure 25.9m in length and 13.1m in width. To the front the original design of a 5m wide central gable feature will remain, with the sections of the building to either side being recessed by 2m. The main entrance doorway of the building is located within the ground floor of this central front elevation feature. The revised design raises the eaves height of the central section above the eaves of the main structure, but still retained within the roofscape, and provides a facade with window openings over three floors

The rear elevation has a flat facade with window openings over two floors and rooflights serving the accommodation in the roofspace, again reflecting the original design. A secondary entrance door will be provided.

Both side elevations include two ground floor, two first floor window and two second floor openings.

The building is proposed to be constructed with facing brick and grey roof tiles.

Also proposed is the construction of a 16 space car parking court to the rear of the building. Access to these proposed spaces is via Edge Lane Street. The access road, car parking spaces and pedestrian path are proposed to be constructed from bitmac.

#### **RELEVANT HISTORY OF THE SITE:**

PA/340490/17 - Reserved matters approval for appearance and landscaping associated with outline permission granted under PA/338702/16 – Approved 13/09/17.

PA/338702/16 - Outline application for a two storey block of up to 11 one-bed assisted living apartments (use class C2) including associated car parking (access, layout and scale applied for) – Approved 31/01/17.

PA/334104/13 – Outline application for mixed use development comprising of a dance studio/nursery, offices, veterinary surgery and 19 no. dwellings (Access, Appearance, Layout, Scale to be considered. Landscaping reserved) – Approved 20/11/15.

#### **CONSULTATIONS**

Traffic Section	No objection. Recommended a condition for the provision of access and parking.
Pollution Control	No objection in principle. Recommended conditions in respect of contamination, landfill gas, and waste storage.
Drainage and LLFA	No objection subject to drainage scheme
G M Police	No objection.
Electricity North West	No objection.
National Grid	No objection.
United Utilities	No objection subject to submission of the sustainable drainage scheme.

#### **REPRESENTATIONS**

The occupiers of neighbouring properties have been notified of both the original application, and of the revised proposals. A site notice has also been displayed. Five individual letter of

objection were received in connection with the original application. The concerns raised are summarised as follows:

- Communal bins for 13 flats will create an unacceptable amount of smell.
- Noise and disturbance from nearby commercial premises.
- The land was meant to be for employment generating use.
- The development will reduce the value of the property.
- Close proximity to neighbouring dwellings will reduce the amount of light.
- The proposed building is of an inappropriate scale and massing in comparison to the existing dwellings nearby.
- Increased traffic.
- Increased noise and disturbance created by the entrance in the rear elevation facing the John Hogan Close development.
- The management of any tree planting is questioned.

## **RELEVANT PLANNING POLICIES & GUIDANCE**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF).

In this case the 'development plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is within a Business Employment Area on the Proposals Map associated with the Joint Development Plan Document. Therefore, the following policies are considered relevant:

Core Strategies:

Policy 1 - Climate change and sustainable development;

Policy 3 - An address of choice;

Policy 5 - Promoting accessibility and sustainable transport choices;

Development Management policies:

Policy 9 – Local Environment

Policy 11 - Housing;

Policy 14 - Supporting Oldham's Economy

Policy 20 – Design;

Policy 23 - Open Spaces and Sports.

## **ASSESSMENT**

### **Principle of development**

The issues associated with the principle of the development were accepted by Planning Committee at the meeting in December 2017.

### *Loss of employment land*

The site falls within the Shaw Road BEA and is also allocated as 'Business and Industrial Land' in the UDP. DPD Policy 14 sets out 13 uses which will be permitted within this BEA (listed as "other Business and Employment Areas"). These include a mix of industrial (class B), commercial (class A), leisure, retail and *sui generis* uses of an industrial/commercial

character. Saved UDP policy B1.1 states that sites designated under this policy are allocated for "business and industry (Use Classes B1, B2 and B8)".

The proposed C3 use does not fall within any of the categories set out in DPD Policy 14. Nevertheless, Policy 14 goes on to state that uses other than those listed in the policy will be permitted on sites most recently used for employment purposes provided that the applicant can demonstrate that it is no longer appropriate or viable to continue using the site for employment purposes. The three options for demonstrating this are identified as follows:

- Through a marketing exercise that there is no market for the uses listed in the policy; or
- Through a viability exercise that the continued use/development of the site for the uses listed in the policy is unviable; or
- 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.

Employment uses on the site have ceased since the land has been cleared. The applicant has provided marketing information from Bolton Marshall. In addition to the above, it is noted that the majority of the site allocated under UDP policy B1.1 has been redeveloped for housing pursuant to planning permission PA/336687/15, with the exception being the consent for the residential assisted living apartments (Ref: PA/338702/16). To this end, it is of note that the uses permitted on the remaining areas of the site under application PA/334104/13 did not involve any of the employment uses listed in DPD policy 14 or UDP policy B1.1.

The potential use of the site for employment purposes has been diminished by the reduced size of the designated employment allocation due to the presence of nearby dwellings on John Hogan Close and consent for assisted living apartments adjacent. It limits the potential for B2 and B8 uses on adjoining land due to the proximity of these noise-sensitive receptors. In contrast, the proposed apartments represent a use which is compatible with the residential character of neighbouring properties on John Hogan Close and, whilst not an employment use, would provide economic, social and environmental benefits by bringing a vacant parcel of land back into use.

With respect to the marketing information provided by the applicant and the fact that non-employment uses have already been permitted on the site under the same policy context as part of previous applications, it is considered that satisfactory evidence exists to demonstrate that there is no reasonable prospect of the site being used for the employment purposes. Accordingly, alternative uses for the site can be considered in these circumstances.

### *Sustainability*

DPD Policies 3, 5 and 11 are concerned with ensuring that new residential development is provided in sustainable locations which are defined as being within 480 metres or a ten minute walk of at least two 'key services'. The site is positioned within the prescribed walking distance of a Lidl supermarket, Royton Hall Primary and Nursery School, Royton and Crompton School, Royton Sports Centre, Saint Pauls Church and Royton Town Hall. It is also located close to main bus routes operating along both Rochdale Road and High Barn Street and therefore complies with Policy 5. The site is also located adjacent to large areas of housing. Therefore, it is considered that the site lies in a sustainable location and is in accordance with the Policies 3, 5 and 11 of Joint DPD.

### **Design and Appearance**

DPD Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment, whilst Policy 20 requires such proposals to respond positively to the environment, contribute to a distinctive sense of place, and make a positive contribution to the street scene.

The proposed appearance of the building is considered to be similar to that of the design of the adjacent approved assisted living accommodation Ref: PA/340490/17. The building's scale, height and proposed roof profile would be similar to that comprising the eastern wing of the apartment block at Runnymede Court which also faces onto the roundabout junction to the north-west. Therefore, whilst forming a larger 'block' than the dwellings on John Hogan Close to the north, the proposed building's close relationship to the approved assisted living accommodation and the existing apartment block on the opposite side of High Barn Street would ensure consistency in both appearance and building form within the locality. As such, the amended proposal is considered to be acceptable, subject to a condition requiring details of the materials to be used in its construction first being submitted for approval. A condition requiring this is attached to the recommendation.

The alterations to the design, and incorporation of the revised elevation treatment to the front does not change this assessment, and the latest proposed scheme continues to represent an appropriate visual addition to the area.

### **Impact on amenity**

DPD Policy 9 states it is necessary to consider how the proposal impacts on the amenity of the occupants of adjoining residential properties from the impacts likely to be associated with the proposal.

From the site layout plan it is clear that proposed flats are positioned so that the rear habitable room windows overlook the rear elevation of the neighbouring properties at 7, 9, 11 and 13 John Hogan Close, and the gable elevation of 15 John Hogan Close. The side (north-west) elevation habitable room windows would overlook the parking area and rear elevation of the assisted living accommodation approved on the adjacent site.

#### *Impact on 7, 9, 11 and 13 John Hogan Close:*

It is considered that the 20m separation distance between the proposed development's rear elevation and these neighbouring properties is adequate. Although the ridge height has been increased, at its apex it will be 26.5m from the rear of the houses, and therefore, would not result in any significant increase in impact. As such, the amended development would not appear overly oppressive and would not result in a significant loss of light within the rear habitable rooms of these neighbouring dwellings.

#### *Impact on 15 John Hogan Close:*

It is considered that the 13m separation distance between the proposed development's rear elevation and the gable of this neighbouring property is satisfactory. As such, the amended development would not appear overly oppressive and would not result in a significant loss of light within the front habitable rooms of this neighbouring dwelling.

#### *Impact on the adjacent site for assisted living accommodation:*

It is considered that the 20m separation distance between the proposed development's side elevation and this neighbouring property is satisfactory. As such, the amended development would not appear overly oppressive and would not result in a significant loss of light within

the rear habitable rooms of this neighbouring dwelling.

### *Impact on the Future Occupiers*

DPD Policy 9 states that the council will protect amenity by ensuring development does not cause significant harm to the amenity of the occupants and future occupants of the development. To this end, although not a statutory document, the apartments have been assessed against the 'Technical housing standard- nationally described space standards', March 2015. The apartments all contain a single bedroom and have been designed for occupation by either one or two residents. In this context the development will provide appropriate living space for the future occupants.

Given the above, it is considered that the impact on neighbouring amenity and the amenity of future occupiers is acceptable and in accordance with the objectives of DPD Policy 9.

### **Highways and Access**

Policy 9 of the Joint DPD states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users.

The Council's Highway Engineer notes that the proposed development is located within a well established residential area close to the Royton district centre. Moreover, there are good links to public transport and access to a wide range of local amenities. It is not anticipated that the amount of traffic generated by a development of this size will have a detrimental impact on highway safety. The 16 no. parking space provision on site, accessed via a shared access road with the adjacent approved assisted living accommodation is considered acceptable and appropriate in this instance. As such, the Highway Engineer has no objection in principle to the scheme, but recommends that a condition requiring the car parking to be completed in accordance with the approved site layout, and a condition for the provision of a secure cycle parking facility is required.

Overall, it is considered that the development accords with the principles set out in PDP Policy 9.

### **Public open space**

DPD Policy 23 states that all residential 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. No on-site open space, accessible and usable by the public, is proposed within this proposed development. Instead, based on the surpluses and deficiencies of various typologies of open space in the area as identified in the Open Space Interim Planning Position Paper 2012, the applicant proposes a contribution of £28,423.59 for the improvement of the play offer at Broadway/Shaw Road End public open space provision.

In response to this the applicant has confirmed agreement to accept this figure in order to satisfy Policy 23.

### **Trees**

Saved UDP policy D1.5 encourages, where possible, the retention of existing trees on development sites. Where losses are permitted, these should be compensated for by replacement planting. With the exception of scattered goat willow trees to the western and southern boundaries, the site comprised bare ground which has no discernible ecological

value.

The proposed development would require the removal of all trees on the site in order to allow the development, all but one falling in retention category 'C' (low value).

The removal of existing trees on the site would cause only limited harm in visual terms given the low value classification. Indicative areas of planting are shown elsewhere within the site and this replacement planting is capable of providing adequate compensation for the loss of existing vegetation. This will, however, be a matter dealt with at reserved matters when the landscaping of the site is applied for.

### **Flooding and drainage**

DPD policy 19 seeks to direct development away from areas at risk of flooding and encourages the use of sustainable drainage systems (SUDS) in new development. Criterion (b) of the policy states that developments must:

- minimise the impact of development on surface water run-off. The allowable discharge rates must be agreed with the council for all developments, which must where possible be achieved through the implementation of SUDS.

Following a reduction in the size of the application site, it is noted that the development falls within Flood Zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency's Flood Map. Accordingly, it is at a low risk of flooding and, given the size of the site, a flood risk assessment is not required. Nevertheless, the NPPF identifies that development should ensure that developments do not increase flood risk elsewhere. In this respect, it is considered expedient to attach conditions requiring the submission of an appropriate drainage strategy to ensure that the post-development surface water discharge rate does not exceed the pre-development rate (including the use of appropriate attenuation measures where required) in order to comply with DPD policy 19 and the NPPF.

### **Contamination**

Given the previous use of the site, it is considered appropriate to impose a condition requiring intrusive site investigations and the submission of a remediation strategy before any development takes place. The need for such a condition is also identified by the Council's Environmental Health Officer. An appropriate condition has been recommended in this regard.

### **Conclusion**

Planning Committee has previously resolved to grant permission for a development of this type, scale, and design, and the proposed amendments to the building will have no significant impacts beyond those satisfactorily addressed in the earlier scheme. The site is located in a sustainable location in terms of proximity to key services and public transport. In principle this is consistent with the aims and objectives the Oldham LDF Joint DPD policies and the NPPF.

### **RECOMMENDATION**

It is recommended that Committee resolves:

1. To approve the application subject to the conditions below and to the satisfactory completion of a Section 106 agreement for a commuted sum payment of £28,423.59 for the

improvement of the play offer at Broadway/Shaw Road End public open space provision.

2. To delegate authority to the Head of Planning & Development Management to issue the decision notice upon satisfactory completion of the agreement.

1. Application for approval of the reserved matters in respect of Landscaping shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or two years from the date of approval of the last of the reserved matters.

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

2. The development hereby approved shall be fully implemented in accordance with the amended plans and specifications, which are referenced as follows:

Drawing No: 1184/000, Revision D, received on 06/11/2018.

Drawing No: 1184/101, Revision F, received on 06/11/2018.

Drawing No: 1184/102, Revision F, received on 06/11/2018.

Drawing No: 1184/103, Revision F, received on 06/11/2018.

Drawing No: 1184/201, Revision C, received on 06/11/2018.

Drawing No: 1184/202, Revision C, received on 06/11/2018.

Drawing No: 1184/301, Revision A, received on 06/11/2018.

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

3. No development comprising the erection of any external walls shall take place unless and until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. 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 samples.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located.

4. Prior to installation a detailed specification and colour scheme for all external doors, windows and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of protecting both the character and appearance of the building and the area within which the site is located.

5. The development hereby approved shall not be brought into use unless and until the access and car parking spaces have been provided in accordance with the approved plan received on 6th November 2017 (Ref: Dwg No. 1184/000 Rev B). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the



access/ parking spaces. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that 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.

6. Secure cycle parking facilities shall be provided within the site prior to the first occupation of the development hereby permitted, in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter remain available for users of the development.

Reason - To ensure adequate cycle storage facilities are available to users of the development

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

Reason - In order to protect public safety, because the site is located within 250m of a former landfill site.

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

Reason - In order to protect public safety and the environment.

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

Reason - To ensure that the site is not used in a manner likely to cause nuisance to occupiers of premises in the surrounding area.

10. Prior to the commencement of any development comprising the construction of the

building hereby approved, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The scheme shall include a sustainable drainage management and maintenance plan for the lifetime of the development and shall include as a minimum:

- Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- 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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.



