

APPLICATION REPORT - PA/342606/18

Planning Committee, 13 February, 2019

Registration Date: 22/11/2018
Ward: Failsworth West

Application Reference: PA/342606/18
Type of Application: Removal/Variation of Conditions

Proposal: Variation of condition number 2 relating to PA/338035/16 to make changes to approved proposed site plan
Location: Express Dairies Milk, Ridgefield Street, Failsworth, M35 0HJ
Case Officer: Hannah Lucitt

Applicant Material Studio (Part of Chrome (Services) Ltd)
Agent : Material Studio (Part of Chrome (Services) Ltd)

THE SITE

This application relates to a vacant industrial site, 0.91 hectares in size, located within the built up area of Failsworth. The existing single storey former industrial buildings on site total an approximate 1,400 square metres in size.

The application site lies adjacent to the Rochdale Canal which is designated as both a Site of Special Scientific Interest (SSSI) and a European designated Special Area of Conservation (SAC).

THE PROPOSAL

This application seeks approval for a minor-material amendment relating to application no. PA/338035/16 to make changes to the approved proposed site plan.

Approved application PA/338035/16 proposed the demolition of existing buildings and the construction of a residential development comprising 157 new dwellings, including the erection of 19 three bedroom dwellings and an apartment development of between 4 and 6 storeys (42 one bed apartments and 96 two bed apartments) associated means of access, car parking, hard and soft landscaping and associated works along with 63 car parking spaces, and 30 cycle spaces.

The approved apartment accommodation will be provided in a part 4, part 5, part 6 storey building facing Rochdale Canal, with a broadly 'T' shaped footprint.

This application proposes the following changes to the previously approved development:

- Housing Block B is moved 2m north and 400mm to the west;
- Housing Block C is moved 750mm to the west;
- The apartment Block is moved 1m to the north;
- A 1 metre gated access strip is proposed along the boundary with the canal to allow the Canal and River Trust access to the Rochdale Canal;
- A sub-station is proposed and will be located to the west of the apartment block;
- The cycle storage for the apartments will now be partly provided internally (20 spaces) with a cycle store outside (11 spaces). The houses have external storage within their private amenity space;
- The proposed apartment bin stores have been relocated and a waste collection point identified within the car park.

The proposals above are considered necessary by the applicant through negotiations with the Canal & River Trust, the applicant's structural engineer, and the necessity for a sub-station to be included within the application site to serve the development.

RELEVANT HISTORY OF THE SITE:

PA/338035/16 'Demolition of existing buildings and the erection of an apartment development of between 4 and 6 storeys (Use Class C3 Residential) and townhouses (Use Class C3 Residential) including 157 new dwellings, associated means of access, car parking, hard and soft landscaping and associated works' was granted conditional planning permission on 23rd December 2016.

CONSULTATIONS

Highway Engineer	No objection, subject to the inclusion of conditions addressing the provision and retention of car parking spaces, and cycle storage.
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REPRESENTATIONS

This application has been publicised by way of a site notice, press notice and neighbour notification letters. No representations have been received by virtue of this publication process.

PLANNING CONSIDERATIONS

Section 17a of the national Planning Practice Guidance (NPPG) relates to "flexible options for planning permissions", including applications for minor material amendments (MMAs) made under Section 73 of the Town and Country Planning Act. Paragraph 15 of the NPPG makes clear that a grant of a MMA application is, in effect, the issue of a new planning permission which sits alongside the original permission. With respect to what may be considered to constitute a MMA to an existing permission, paragraph 17 indicates that:

"...There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved..."

Following the grant of planning permission PA/338035/16, the development which the current application seeks to amend has already been judged to be acceptable in principle. Given the existence of an extant planning approval, attention should be focussed on national or local policies or other material considerations which have changed significantly since the original grant of permission, as well as the effects of the changes sought.

The planning application PA/338035/16 was granted 23rd December 2016. There have been no significant relevant changes in local or national planning policy since the issuing of the previous permission to indicate that an alternative approach should be taken with respect to the principle of development.

Whilst approval of this application would, in effect, result in the issuing of a new permission, consideration only needs to be given to those elements of the scheme which differ from the previous approval. The implications of the proposed amendments are addressed below.

Impact on Amenity and Design

DPD Policy 9 states that consideration must be given to the impact of a proposal on the local environment. It seeks to ensure that development, amongst other matters, is not located where it would be adversely affected by neighbouring land uses, does not cause significant harm to the amenities of the occupants of the development or to existing and future neighbouring occupants or users.

DPD Policies 9 and 20 recognise the contribution that high quality design can make to

regeneration and sustainable development.

The proposed development would have a similar appearance to that which was approved under application PA/338035/16, and the proposed buildings would be no greater in height or scale than the previously approved development.

The 1 metre gated access strip proposed along the boundary with the canal is not considered to have any significant impact on design or amenity, and will assist with future maintenance of the canal.

The proposed sub-station is not considered to have any significant impact on design or amenity when considering the benefits of the scheme as a whole.

The proposed relocated waste storage facilities are acceptable in principle.

Given the above, it is considered that the proposed amendments would not result in a loss of residential amenity for the current surrounding properties or indeed future occupiers given the degree of separation and character of the surrounding area.

The proposed development is therefore considered to be in accordance with DPD Policies 9 and 20.

Highway safety

The Highway Engineer has been consulted as part of this application and has raised no objection to the proposed scheme.

However, further precise details of the proposed cycle storage, including a detailed scheme as to the number, type, location of cycle stores, and elevations related to the proposal will be required by way of condition.

Conclusion

The proposal represents a minor change to the approved development, whilst securing an improved relationship with the canal, and therefore, conforms to relevant national and local planning policies.

RECOMMENDATION

Approve, subject to the following conditions:

1. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications;
 - Drawing no. LP047-P-001 revision A received 21st January 2019
 - Drawing no. 2315-P-100 revision 4 received 6th April 2016
 - Drawing no. 2315-P-101 revision 4 received 6th April 2016
 - Drawing no. 2315-P-102 revision 4 received 6th April 2016
 - Drawing no. 2315-P-103 revision 4 received 6th April 2016
 - Drawing no. 2315-P-104 revision 1 received 6th April 2016
 - Drawing no. 2315-P-105 revision 1 received 6th April 2016
 - Drawing no. 2315-P-200 revision 5 received 6th April 2016
 - Drawing no. 2315-P-201 revision 4 received 6th April 2016
 - Drawing no. 2315-P-202 revision 3 received 6th April 2016
 - Drawing no. 2315-P-203 revision 1 received 18th January 2016
 - Drawing no. 2315-P-204 revision 1 received 6th April 2016
 - Drawing no. 2315-P-301 revision 1 received 6th April 2016
 - Drawing no. 2315-P-400 revision 2 received 18th January 2016

Reason - For the avoidance of doubt and to ensure that the development is carried

out in accordance with the approved plans and specifications.

2. No development shall take place unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall be designed to have regard to any loss of ecological interest. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

Reason - To ensure that the development site is landscaped to an acceptable standard in the interests of protecting the visual amenity and character of the site and its surroundings, and local wildlife.

3. All hard and soft landscape works for the site to comply with condition 2 shall be carried out in accordance with the approved details prior to the occupation of any part of the development. 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.

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.

4. The materials to be used on all external elevations (LP047_3_002 DRAFT CONDITIONS OF MATERIALS LIST' received 08th November 2018) shall be consistent in terms of colour, size and texture with the approved schedule, and shall be implemented in accordance with the approved details.

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.

5. The recommendations within the site investigation report (C2752 - One Boulevard) should be undertaken in full. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, the receipt of a satisfactory completion report, in order to discharge the condition.

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

6. No development shall take place unless and until a scheme for protecting the housing units from noise from nearby industrial units has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the housing to which it relates is occupied.

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

7. The residential units hereby approved shall not be occupied unless and until details of facilities for the storage and removal of refuse and waste materials for those units have been submitted to and approved in writing by the Local Planning Authority and the agreed scheme has been fully implemented. Thereafter, the 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.

8. No dwelling shall be brought into use unless and until the access and car parking space for that dwelling has been provided in accordance with the approved plan (drawing no. LP047-P-001 revision A received 21st January 2019). 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 any development. 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.

9. 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

10. The development shall be implemented in accordance with the Construction Environment Management Plan (CEMP) containing details of mitigation measures to avoid any adverse impact on the SSSI/SAC during both the demolition and construction phases of the development (Construction Environmental Management Plan & Method Statement - Chrome Services Ltd., Austin Wilkinson Demolition and the details approved within application no. CD/342455/18.

Reason - In order to protect local wildlife

11. The recommendations within the WSI as provided by Nexus Heritage on 13th June 2018 should be implemented in accordance with the approved details. Prior to the occupation of the proposed development, a further WSI covering the fieldwork shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To record and advance understanding of heritage assets impacted on by the development and to make information about the archaeological heritage interest publicly accessible.

12. The streetlighting scheme (drawing named 'Failsworth Ridgefield Street - Lighting Design') shall be implemented prior to occupation of the proposed development and in accordance with the approved details.

Reason - To protect the amenities of occupiers of nearby residential properties.

13. Prior to operation a 'lighting design strategy' for any external lighting that will impact on the Rochdale Canal shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be carried out in accordance with the guidance contained in the Additional Ecological Information Report, PAA reference 160061 dated March 2016 Sections 3.26 to 3.43.

All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.

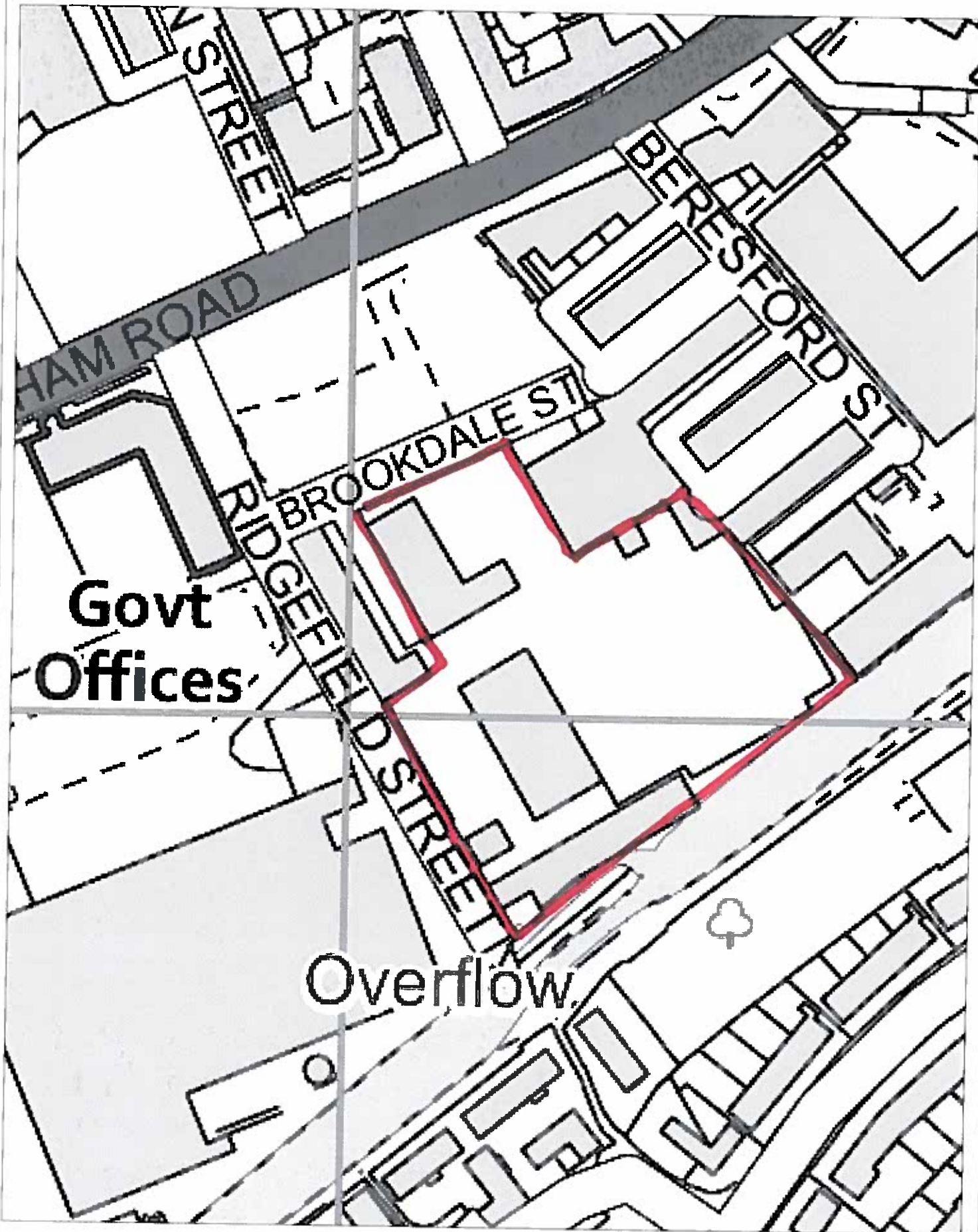
Reason - To protect local wildlife.

14. The proposed development should be designed and constructed in accordance with the recommendations contained within section 3.3 of the Crime Impact Statement dated (06/01/2016 - URN: 2015/0717/CIS/01 Version B).

Reason - In order to protect public safety

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or replacing that Order with or without modification) no extensions, dormers, garages, outbuildings, sheds, greenhouses, or porches shall be erected within the curtilage of the dwellinghouse, other than those expressly authorised by this permission, if any, without the further approval of the Local Planning Authority.

Reason - The Local Planning Authority considers it expedient, having regard to the density, type and appearance of the development, to regulate any future alterations/extensions to ensure that the amenities of the occupiers of neighbouring dwellings and the character and appearance of the area are not detrimentally affected.



**Govt
Offices**

Overflow

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