

# APPLICATION REPORT - MMA/343101/19

Planning Committee, 5 June, 2019

**Registration Date:** 25/03/2019  
**Ward:** Royton South

**Application Reference:** MMA/343101/19  
**Type of Application:** Minor Material Amendment

**Proposal:** Minor material amendment relating to app no. PA/341925/18 to amend the apartments to 9 no. flats with 1 no. office  
**Location:** Heyside Congregational Church, Hebron Street, Royton, OL2 6LU  
**Case Officer:** Graeme Moore

**Applicant Agent :** Platinum Estate Investment Group Ltd.  
Grundy

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## THE SITE

This application relates to Heyside Congregational Church, Hebron Street, Royton. The building was previously utilised as a church and is located on the junction with Hebron Street and Heyside. Neighbouring properties are all residential in nature.

## THE PROPOSAL

Planning permission has previously been granted (PA/341925/18) for the conversion of the building into 9 apartments, with associated cycle parking and waste storage facilities.

This proposed Minor Material Amendment will involve the creation of an internal office for the management of the building whilst retaining 9 flats, some of which on the ground floor have been altered from double bedrooms to single bedrooms in order to facilitate the creation of the management office. The original proposal was able to accommodate 14 people, based on the number of bedspaces that were proposed. This Minor Material Amendment, reduces the number of residential occupants to 9. A first floor extension is no longer included in the proposal.

## RELEVANT HISTORY OF THE SITE:

PA/341925/18 - Conversion of former chapel to form 9no. apartments with associated cycle parking, vehicle parking and refuse storage and first floor front extension. Granted October 2018.

## CONSULTATIONS

Pollution Control	No objections.
Highway Engineer	Objects to the proposal on the grounds that the scheme would result in additional on-street parking to the detriment of highway safety.

## REPRESENTATIONS

The application has been called in for determination by Planning Committee by Councillor Steven Bashforth.

This application was publicised by way of a site notice, neighbour notification letters and press notice. Four letters of objection have been received, in which the concerns raised on

the grounds that the proposed development will result in an increase in local traffic and will result in parking issues in the locality.

## **PLANNING CONSIDERATIONS**

The Government guidance 'Flexible Options for planning permissions' offers some advice on the procedure for the determination of minor-material amendments to planning applications. The guidance states that there is no statutory definition of "minor material amendment". However, it is likely to be one whose scale and nature results in development which is not substantially different from that which has been approved. A minor material amendment application is considered against the development plan and material considerations, under section 38(6) of the Planning & Compulsory Purchase 2004 Act and Section 70(2) of the Town and Country Planning Act 1990, and the conditions attached to the existing permission.

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham.

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

Policy 1 - Climate change and sustainable development;  
Policy 3 - An address of choice;  
Policy 5 - Promoting Accessibility and Sustainable Transport Choices';  
Policy 9 - Local environment;  
Policy 11 - Housing;  
Policy 16 - Local Services and Facilities;  
Policy 20 - Design

### **Land Use**

The principle of the use of the building for residential purposes has been determined under the previous application (PA/341925/18). Therefore in assessing the present application, it is necessary to consider only whether the changes proposed would have a significant impact.

### **Highway issues**

In terms of highway issues, the Council's Highway Engineer has reiterated the objection to the proposal for the following reason:

*"The additional on street parking and manoeuvring of vehicles generated by the development, within the highway and other nearby highways will be detrimental to the safety of other highway users and is thereby contrary to the provision of Development Management Policy 9 of the Oldham Local Development Framework."*

Principally, the objection relates to the current car parking situation on Hebron Street, which is only 6m wide and generally has cars parked on both sides serving the terraced properties. The Highways Engineer is concerned that as the nature of residential use generally demands constant car parking requirements, this will lead to an additional 9 cars using Hebron Street and it is considered that there is no space for that many cars. Any additional parking demand on Hebron Street will result in congestion and will have an impact on the free flow of traffic along the highway. This could lead to an increase in the risk of accidents to the detriment of highway safety.

In assessing the weight to be afforded to this concern, Paragraph 109 of the NPPF is clear 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"*.

Whilst the Highways Engineer's comments have been noted, this must be weighed alongside the benefits of bringing forward a productive use of the building which, in a small way, will assist in providing a mix of housing in the local area. It is recognised that these are small flats and it is unlikely that a large proportion of the future occupiers will possess a

vehicle.

Ultimately, both national and local planning policies promote the re-use of existing land and buildings as the most sustainable option for development. Given the size of the building it is difficult to envisage any other form of re-use whereby no additional impact on parking demand would result. Alternatively, the building could remain vacant and deteriorate, or alternative uses could be introduced, such as a school or nursery, for which no planning permission would be required by virtue of the Town and Country Planning (Use Classes) Order 1987.

All future residents will be required to adhere to the existing parking restrictions close to the junction on Hebron Street and along Heyside. Whilst any future residents who possess a vehicle may choose to park on Hebron Street, thus potentially displacing existing residents' vehicles, other options are available, such as along Perth Street, within 50 metres of the site which could readily accommodate such demand without adversely affecting availability in that location.

Furthermore, as this application is for a minor material amendment to the original permission, whereby the principle of residential conversion has already been established, this is also a material consideration in assessing the present application.

In balancing these issues, it is considered that a reason for refusal on highway grounds could not be sustained, and that the potential highway impacts would also be outweighed by the benefits of the proposal.

### **Residential amenity**

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

Having regard to the scale of the proposal, involving the introduction of 9 additional residents into an established residential area, it is not envisaged that this activity would result in a loss of amenity to existing residents, nor would any issues of loss of privacy or overlooking result. Consequently, the proposal would satisfy this aspect of Policy 9 and the proposal would not have a material impact on the residential amenity of the surrounding properties.

#### *Impact on the Future Occupiers:*

In terms of the impact on the amenity of the future occupants of the development, the apartments have been assessed against the Government's 'Technical housing standard - nationally described space standards' document.

In this context the amended scheme will provide appropriate living space for the future occupants of the development. Adequate space is available within the site to ensure that suitable arrangements for the provision of waste bin storage can be accommodated within the site.

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

### **Visual amenity**

DPD Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment whilst DPD 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.

Given that the changes proposed are internal to the building, and the previous approval also gave permission to small extension at first floor, which is now no longer going ahead, it is considered that the visual amenity of the proposal is acceptable in this instance.

## **Conclusion**

The proposal involves a minor change to the overall, previously approved development, and would represent an appropriate land use on the site. All relevant conditions attached to the original approval will continue to apply, and these have been updated to reflect subsequent condition discharge approvals. The proposal is therefore in accordance with the requirements of the relevant policies in the Joint Core Strategy and Development Management Policies Development Plan Document and the National Planning Policy Framework.

The concerns in relation to highway impact have been acknowledged; however, for the reasons set out above, this is not considered to constitute a sustainable reason for refusal of the application.

## **RECOMMENDATION**

Approve, subject to the following conditions:

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

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications, received on 25/03/2019, which are referenced as 1801P.05 Rev F, 1801P.06 Rev D, 1801P.07 Rev B, 1801P.08 Rev D and 1801P.09 Rev B.

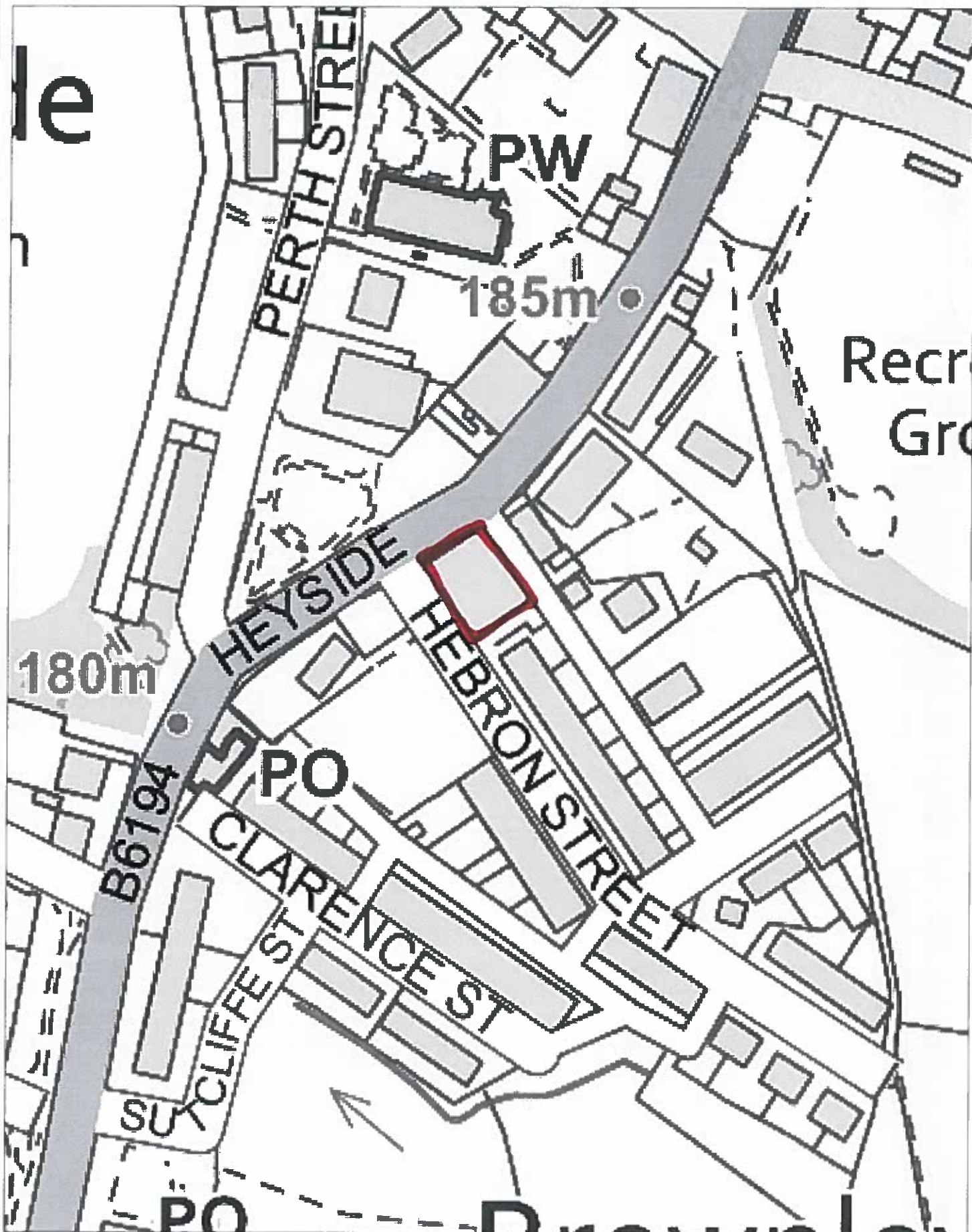
Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. The development hereby approved shall not be brought into use unless and until the secure cycle storage facilities indicated on the approved plan have been provided. The facilities shall always remain available to users of the development thereafter.

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

4. The development hereby approved shall not be brought into use unless and until the facilities for the storage and removal of refuse and waste materials as indicated on the approved plan have 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.




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