

**APPLICATION REPORT - FUL/346666/21**  
**Planning Committee 9<sup>th</sup> June 2021**

**Registration Date:** 13th April 2021  
**Ward:** Coldhurst

**Application Reference:** FUL/346666/21  
**Type of Application:** Full Application

**Proposal:** Change of use from the former County Court building to a residential building of 42no. apartments and alterations to external elevations, including insertion of new windows (Revision to PA/344948/20)

**Location:** County Court, 122A Rochdale Road, Oldham, OL1 1NT,  
**Case Officer:** Jill Nixon  
**Applicant** Mr Jason Upton  
**Agent :** Andrew Titterton

## **INTRODUCTION**

The application is presented to Planning Committee as a Major application in accordance with the Scheme of Delegation.

## **RECOMMENDATION**

It is recommended that the application is approved subject to the conditions set out below.

## **THE SITE**

The application relates to the vacant former Oldham County Court building located between the junction of Rochdale Road, with New Radcliffe Street and St Mary's Way.

The application site has a car park associated with the existing use. It is accessed by vehicle and on foot from the New Radcliffe Street entrances.

## **THE PROPOSAL**

Following the recent approval of planning permission for the conversion of the building into 43 apartments (PA/344948/20), this revised proposal seeks a total of 42 units. The changes have been made to the approved application to meet the specific requirements of Arcon Housing Association which will manage the accommodation.

The proposed accommodation would comprise of

29 x 1 bed, one person apartments  
3 x 1 bed, two person apartments  
5 x 2 bed, three person apartments  
5 x 2 bed, four person apartments

Minor alterations to the external elevations will be implemented.

A section of the bicycle storage indicated on the previous approved plans has been moved to an external secure storage area within the courtyard.

## **RELEVANT PLANNING POLICIES**

The site is unallocated within the town centre on the Joint Development Plan Document 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  
Policy 9 - Local Environment  
Policy 10 – Affordable Housing  
Policy 14 - Supporting Oldham's Economy  
Policy 20 – Design  
Policy 23 - Open Spaces and Sports  
Policy 25 -- Developer Contributions

## **RELEVANT PLANNING HISTORY**

PA/344948 – Change of use from the former County Court building (D1 use) to a residential building (C3(a) use) of 43no. apartments and alterations to external elevations including insertion of new windows. Approved 21 January 2021

PA/343007/19 - Change of use of former Oldham County Court with ancillary offices (Class D1) to offices (Class B1) Granted in March 2019.

PA/341769/18 - Temporary change of use from County Court (D1 Non-Residential Institutions Use Class) to large HMO (Sui Generis Use Class) until August 2019. Refused September 2018

## **CONSULTATIONS**

Highway Engineer – No objection in principle. However, it is considered that the cycle storage should all be provided in a secure building.

Environmental Health – No objection subject to provision of refuse storage.

## **REPRESENTATIONS**

The application has been advertised by means of site notice and neighbour notification letter. No representations have been received.

## **PLANNING CONSIDERATIONS**

### **Principle of the development**

The principle of conversion of the building to residential units has been established by virtue of the recent approval (PA/344948/20).

In addition, as the Council cannot currently demonstrate a five-year supply of deliverable housing land, Paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

As will be confirmed below, no such adverse impact has been identified and there are no specific policies that indicate that the development should be restricted.

### **Design and Impact on the character of the area**

NPPF paragraph 127 as well as Local Plan Policies 9 and 20 require that developments are visually attractive as a result of good architecture, layout and are sympathetic to local character and history, including the surrounding built environment.

There are no proposed extensions to the existing building. The proposal includes the installation of roof lights and some additional windows. The proposed windows will match the design and proportions of the existing windows

It is proposed to use materials that match the existing brickwork and roof tiles and to upgrade windows and doors so that both existing and proposed will match.

There is no existing soft landscaping within the application site although it does benefit from the setting of soft landscaping fronting onto Rochdale Road. This proposal includes the installation of raised planters that will be visible from the rear and side.

It is considered that the scale of the proposed external alterations is relatively minimal and in keeping with the building and character of the wider area.

### **Impact on Amenity**

NPPF paragraph 127 requires that new development should ensure a high standard of amenity for existing and future users, whilst Local Plan Policy 9 provides that 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 privacy, safety, security, noise, visual appearance of an area and access to daylight amongst others.

The site is located in Oldham Town Centre in a predominantly commercial area. However, it is not unusual for apartments to be located in town centres as they provide a highly sustainable location. The introduction of additional residential accommodation in this location can assist with vitalisation of the town centre.

The internal layout is in part dictated by the existing fabric of the building. However, the applicant has confirmed that all of the residential units comply with the Government's Nationally Described Space Standard.

As such, it is considered that the amenity of proposed occupiers would be satisfactory.

### **Highway Issues**

NPPF Paragraph 108 provides that proposals should ensure that safe and suitable access to the site can be achieved for all users while paragraph 109 provides 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.

The proposal uses the existing car park area and will accommodate eight parking spaces, two of which will be disabled person's spaces.

The Town Centre location of the proposal is highly sustainable and well served for public transport. In this context, the Council's Highway Engineer has raised no objection to the scheme from a highway safety and capacity point of view.

The Highway Engineer has nevertheless expressed concerns that the cycle storage will not be entirely located within a secure building. In response the applicant has advised that the amendments to the internal layout to accommodate the specific requirements of the occupier would not allow complete internal cycle storage space without compromising the scheme. It is also confirmed that the external provision will be within a locked, resident-access controlled area of the site.

Final details of these arrangements will be required by condition.

### **Affordable Housing and Public Open Space**

The NPPF threshold for affordable housing provision is 10 or more residential units and Local Plan Policy 10 states that developments should contribute 7.5% of sales value to the provision of Affordable Housing unless the applicant's evidence it is not financially Viable.

The revised scheme has been designed to meet the specific needs of the applicant, a Housing Association, to provide a 100% affordable scheme which greatly exceeds the Local Plan policy requirement.

Whilst a financial contribution towards public open space would be required for a scheme of this nature and scale, the previously submitted viability information has indicated that such a contribution would adversely impinge on the viability of the scheme.

Having regard to this factor and the positive benefits of bringing this prominent town centre building back into long-term productive use, it is considered that adequate justification exists for not pursuing the public open space contribution.

### **CONCLUSION**

It is considered that the proposal complies with relevant National and Local Planning Policies

The assessment of the scheme indicates that there would be no adverse impact of approving the development that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole and there are no specific policies that indicate that the development should be restricted.

### **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.

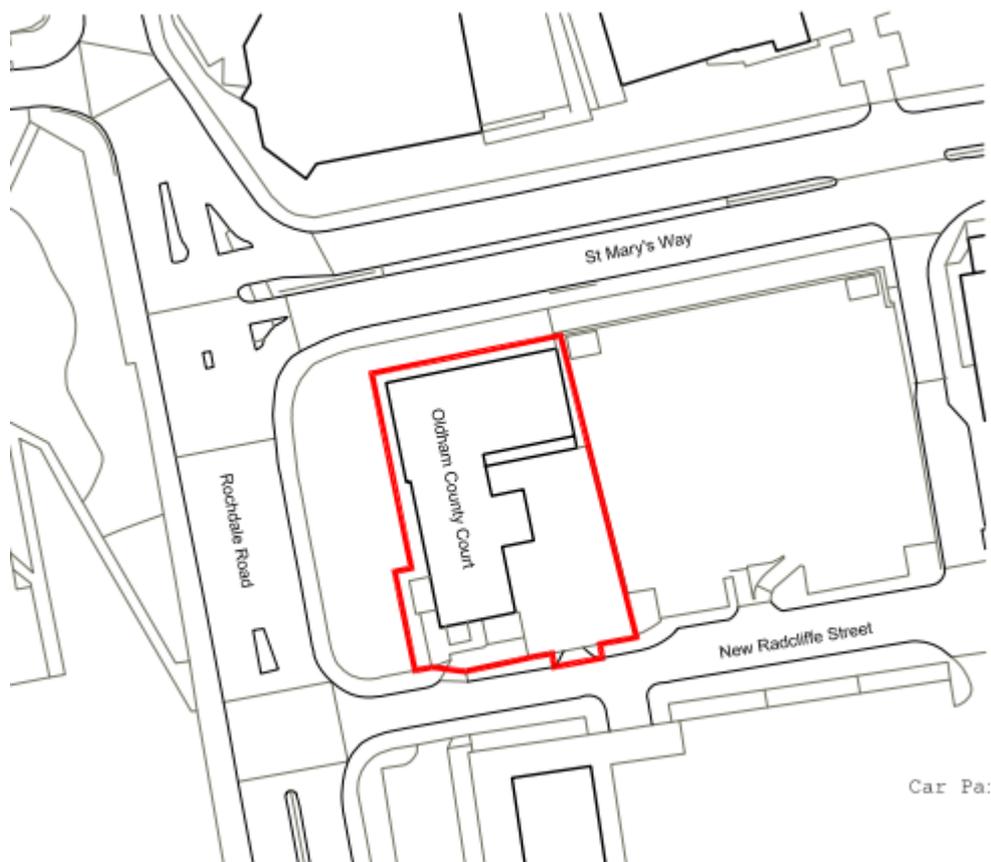
3 Notwithstanding the details indicated on the approved plans, the use of the building hereby approved shall not commence until full details of a scheme for the provision of secure cycle parking has been submitted to and approved in writing by the Local Planning Authority, and such approved details have been fully implemented.

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

4 Prior to the first occupation of any part of the development hereby approved, the proposed refuse storage shown on the approved plans shall be fully installed, including the provision of external timber screen fencing, and shall be retained at all times thereafter

REASON - In order to ensure waste bins are stored in a screened location in order to protect the appearance of the street scene having regard to Policies 9 and 20 of the Oldham Local Plan.

### **SITE LOCATION PLAN**



# PLANNING COMMITTEE - BACKGROUND PAPERS

## REPORT OF THE HEAD OF PLANNING AND INFRASTRUCTURE

### PLANNING AND ADVERTISEMENT 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

1. **The appropriate planning application file:** This is a file with the same reference number as that shown on the Agenda for the application. It may contain the following documents:
  - The application forms
  - Plans of the proposed development
  - Certificates relating to site ownership
  - A list of consultees and replies to and from statutory and other consultees and bodies
  - Letters and documents from interested parties
  - A list of OMBC Departments consulted and their replies.
  
2. **Any planning or advertisement applications:** this will include the following documents:
  - The application forms
  - Plans of the proposed development
  - Certificates relating to site ownership
  - The Executive Director, Environmental Services' report to the Planning Committee
  - The decision notice
  
3. Background papers additional to those specified in 1 or 2 above or set out below.

### ADDITIONAL BACKGROUND PAPERS

1. The Adopted Oldham Unitary Development Plan.
2. Development Control Policy Guidelines approved by the Environmental Services (Plans) Sub-Committee.
3. Saddleworth Parish Council Planning Committee Minutes.
4. Shaw and Crompton Parish Council Planning Committee Minutes.

These documents may be inspected at the Access Oldham, Planning Reception, Level 4 (Ground Floor), Civic Centre, West Street, Oldham by making an appointment with the allocated officer during normal office hours, i.e. 8.40 am to 5.00 pm.

Any person wishing to inspect copies of background papers should contact Development Management telephone no. 0161 770 4105.