

**APPLICATION REPORT – FUL/346141/21
Planning Committee 8th June 2022**

Registration Date: 19th January 2021
Ward: Royton North

Application Reference: FUL/346141/21
Type of Application: Full

Proposal: Demolition of existing derelict mill to be replaced with the proposal of a 5 storey, 60-unit residential development with under-croft parking and shared landscaped amenity.

Location: Thornham Mill, Oozewood Road, Royton, Oldham

Case Officer: Stephen Gill
Applicant: Mr. Ian Shorrocks
Agent: Susannah Fairbank Angus

INTRODUCTION

The application is referred to Planning Committee for determination since it is a Major development proposing more than 20 dwellings.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions set out in this report and that the Head of Planning shall be authorised to issue the decision.

THE SITE

The site is currently occupied by Thornham Mill, which sits in a prominent location adjacent to the A671 within a predominantly residential area towards the north of Royton. The mill buildings subject of the application have been vacant for a prolonged period and coupled with limited maintenance during this period have fallen into a state of disrepair. In terms of the wider context, the site is bordered by a commercial building to the east, low rise houses to the west and north, and Oozewood Road to the south. Access is currently gained from Oozewood Road with a driveway leading to a large parking area behind the mill.

THE PROPOSAL

The application proposes the demolition of the existing derelict mill and the erection of a large-scale apartment building, which will accommodate 60no. residential units, with under-croft parking and shared landscaped space.

RELEVANT PLANNING HISTORY

PA/052296/06 - Residential development of two to five storey building to provide 71 apartments with car parking. - Approved subject to a Legal Agreement

PA/040735/00 - Proposed change of use from B2 (industrial) to B8 (storage and distribution) refused in Feb 2001, due to the likely noise and disturbance to residential amenity caused by HGV movements, though this was allowed at appeal.

PA/036915/98 - Outline application for residential development withdrawn in Aug 1999.

PA013364/81 - Use of site for storage of LPG containers refused in Jan 1982, due to detrimental impact upon adjoining residential amenity

RELEVANT PLANNING POLICIES

The following policies of the Joint Core Strategy and Development Management Policies DPD (the “Joint DPD” or “Local Plan”) are relevant to the determination of this application:

Policy 1 - Climate Change and Sustainable Development;
Policy 2 – Communities;
Policy 5 - Promoting Accessibility and Sustainable Transport;
Policy 9 - Local Environment;
Policy 14 - Supporting Oldham's Economy;
Policy 20 – Design;
Policy 21 – Protecting Natural Environmental Assets; and
Policy 24 – Historic Environment.

In addition, the following retained policy from the Unitary Development Plan is also relevant:

Retained Unitary Development Plan Policy D1.5 – Protection of Trees on Development Sites

CONSULTATIONS

Highways Engineer:	No objection subject to conditions
Environmental Health:	No objection subject to conditions
Greater Manchester Ecology Unit:	No objection subject to conditions
CPV Viability:	No objections
Conservation and Design:	In summary, states that the loss of the mill is very regrettable. However, following the submission of robust viability and structural report evidence, the Conservation Officer concludes that the loss of the mill can be justified providing that the public benefits outweigh the harm.

Transport for Greater Manchester:	No objection
Education:	No objection subject to a contribution of £378,095.40 towards primary and secondary school places.
United Utilities	No objection subject to condition
Greater Manchester Police	No response
Lead Local Flood Authority	No objection subject to condition

REPRESENTATIONS

The application has been publicised by neighbour notification letters, a site notice and a press notice. In response, 26 representations have been received, with 25 objecting and 1 expressing neither support nor objection. The comments are summarised below:

- The development will overlook existing properties and will result in a loss of privacy.
- Potential traffic increase and noise pollution, as well as car parking issues.
- The development will impact the value of the surrounding properties.
- The development represents overdevelopment of the land.
- The existing facilities such as doctors, schools and dentists will become oversubscribed.
- Concerns in respect of the position of the access point.
- The development will prevent existing residents from putting bins out for collection.
- Not enough parking provision in the development.
- The development will cause adverse impact to highway safety.
- Development could impact safety gates
- The developments overall scale is unacceptable, cramped, and disproportionate.
- The mill should be retained, and its loss is unacceptable.
- The mill is a heritage asset, and no heritage statement has been submitted.
- The materials proposed do not match anything in the surrounding area.
- The flat sizes do not meet the NDSS standards.
- The design is bland with incongruous.
- Concerns on the additional impact the development will have on the drainage network.
- The development should be restricted to a height of two storey.
- The development would benefit from traffic calming measures.
- Development will cause an over population in the area.
- The green space in the area is not sufficient to give the future occupants enough outdoor space.

PLANNING CONSIDERATIONS

Principle

Employment

The principle of demolishing Thornham Mill and constructing a new scheme for 71no. apartments was established as acceptable under previous planning approval PA/052296/06. However, given the length of time since that approval, and the fact new national and local planning policies have now been introduced, means that the principle of development will need to be assessed against the most recent national and local planning policies.

The site subject of the application was previously used for an employment use, and therefore Local Plan Policy 14 is relevant. Local Plan Policy 14 seeks to protect all employment sites and states that development proposals which result in the loss of employment sites to other uses should include measures to outweigh the loss of the site and support Oldham's economy. Policy 14 sets out that if the use proposed does not meet the alternative uses listed as being acceptable in the policy, within Business Employment Areas and/or elsewhere, then the applicant would need to submit the following:

- A. A marketing exercise; or
- B. A viability exercise or
- C. Demonstrate that the development of the site for alternative uses would benefit the regeneration area as identified by the council as being in need of investment or would benefit the community of an area.

The application proposes residential development and therefore does not comply with Policy 14. With that considered, the applicant has submitted a viability appraisal, which has been undertaken by Resolve 106, which considers various employment end uses including:

- Retention and refurbishment scheme;
- New build industrial scheme; and
- New build office scheme.

CPV Viability ("CPV") (for the Council) have reviewed the viability assessment submitted by Resolve 106 on the applicants' behalf and concluded that they agree that a proposal for an employment end use at the site, whether it was a new build or conversion, is not viable and is likely to result in considerable losses for the developer. Therefore, CPV conclude that a residential end use can be considered for the site.

Based on the above, the proposed development is considered to meet exception B of Policy 14. It has been proven through the submission of a viability assessment that an employment use is not viable, therefore, other uses not listed in the Policy can be considered, including residential.

Residential

Local Plan Policy 3

Local Plan Policy 3 is considered out of date in terms of housing requirement as the Council cannot demonstrate a 5-year housing land supply, when measured against the Standard Methodology and this is discussed in detail below. However, other parts of the Policy criteria are still considered relevant in the determination of the application. Policy 3 states that proposals for residential development on non-allocated sites will be considered favourably where it meets the three criteria listed under b. in the Policy, which is as follows:

- i. a deliverable five-year supply of housing land cannot be demonstrated;
- ii. it contributes to the delivery of the borough's regeneration priorities; and
- iii. it contributes to the delivery of affordable housing that meets the local affordable housing needs.

In addition, the Policy states that the use of previously developed land and vacant and underused buildings is the Council's first preference for residential development.

Considering the above criteria, the Council cannot demonstrate a 5-year housing land supply against the national standard methodology's housing requirement for Oldham of 677 homes per year. However, this matter is discussed further below. In addition, the development will contribute to the delivery of the borough's regeneration priorities, which is in part to help facilitate the delivery of new homes on suitable sites in the borough. Although the proposal will not deliver any affordable housing due to viability (discussed below), the development will be delivered on a previously developed site in place of a building that is no longer fit for purpose and is in poor condition.

Local Plan Policy 3 also states that major development should be near key services. In this regard, the development site is a 15-minute walk from Royton Centre, which has a range of shopping facilities, and schools. In addition, there is a bus stop outside the site, as well as several bus stops close to the site on Rochdale Road. Therefore, the site is considered sustainable in accordance with Local Plan Policy 3.

Housing Provision

Oldham's housing requirement is for 677 homes per year. The most recent housing land supply position, as of 1 April 2021, identifies a five-year supply of 2,893 homes taking into account projected clearance. This represents 78% of the dwellings required or a 3.9-year supply of deliverable housing land against the standard methodology. Given that the Council cannot demonstrate a 5-year housing land supply position against this national requirement, this means that Local Plan Policy 3 is out of date in terms the distribution of housing.

However, Places for Everyone (PfE) (formerly The Greater Manchester Plan for Homes, Jobs and the Environment - GMSF) has now been submitted to the Planning Inspectorate and examination is likely to take place later in 2022. PfE proposes a stepped housing requirement for Oldham of 352 homes per year for the first five years of the plan period (2020-2025); 680 homes per year for years 6-10 (2025-2030); and 868 homes per year for years 11-17 (2030-

2037). Based on the PfE stepped housing requirement, Oldham Council can demonstrate a 6.3-year supply, i.e., not only showing a five-year supply with an appropriate buffer but a significant surplus over a five-year supply. This is supported by several large applications, some of which have been granted planning permission since 1 April 2021.

In addition, housing delivery is increasing in the borough. The latest Housing Delivery Test result for 2021, which was published 14 January 2022, sets out that Oldham has delivered 91% of its housing need over the past three years. This is a significant improvement on the previous year's results of 80%. As per the latest result, the Council are no longer required to identify a 20% buffer of deliverable housing land on top of the five-year supply, but only the standard 5% buffer.

Based on the above, it should be noted that Oldham's housing land supply position is strengthening, and this is a material consideration in determining how much weight can be afforded to housing provision. Notwithstanding this, the Council's position is that it cannot currently demonstrate a five-year supply of deliverable housing land, when considered against the standard methodology, and paragraph 11d) of the National Planning Policy Framework ("NPPF") 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.

In assessing whether the most important policies for determining the application are 'out of date', it is for the Local Planning Authority to decide how much weight should be afforded to those 'most important policies' in the determination of the application.

In relation to NPPF paragraph 11d(i), the development is not considered to adversely impact areas or assets of particular importance as set out in footnote 7. Considering NPPF paragraph 11d(ii), a balancing exercise will be undertaken in the conclusion section of this report, however, it is important to state at the outset that for the reasons set out in this Committee Report, it is not considered that the impacts of granting planning permission will significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole, and this will be justified throughout the Committee Report.

Therefore, based on the above, the principle of residential development on the site is considered acceptable in this instance for the reasons set out in this report.

Heritage & Structural Matters

Thornham Mill is a disused unlisted mill building dating from the late 19th century and was formerly part of a much larger cotton mill complex. The surviving mill building comprises a main block of five storeys that is adjoined on its west side by a collection of three-storey and single-storey elements. A detached garage building occupies the western part of the site.

The Oldham Mills Strategy, which is now adopted and is a material consideration in the determination of this application, categorises Thornham Mill as having high landscape value, and medium heritage value. The Mills Strategy goes on to state that there should be a presumption in favour of retaining the mill (until it is clearly demonstrated that this is not a possibility). The mill is also considered to be a Non-Designated Heritage Asset ("NDHA").

Based on the above, the retention of the mill must be explored in the first instance, and the structural integrity of the mill is a consideration. The applicant submitted a Structural Inspection Report which followed on from a building survey undertaken on 20th August 2019. The Structural Inspection Report noted the partial collapse of the roof structure at the eastern end and the failure of the valley gutter which has resulted in substantial and long-term water ingress through the building down to the ground floor. In addition, it was also observed that the timber boards and some of the joists in the building have lost all structural capacity. The report concluded that significant roof and valley gutter repairs would be required to halt water ingress, and floor coverings and loose infill material would need to be removed to properly assess the condition of the brick arches and steel joists. Depending on the condition of the arches and joists, further major remedial and restoration works could be required in these areas. In conclusion, structurally the building is in a very poor state of disrepair.

Resolve 106, on behalf of the applicant, has also provided a high-level cost analysis of retaining and converting the building for both a build for sale and build to rent scenarios. The analysis concludes that, due to the configuration and size of the existing mill building, including the position of the fenestration (windows), this is likely to restrict a conversion scheme to 10no 2 bed apartments per floor, with the sub-basement area discounted due to unsuitability. This would result in a development capacity of 40no units, which is significantly less than the demolition and new build scheme. The cost analysis submitted for this type of scheme generates a significant negative land value, which makes this unviable.

In addition, as highlighted above, a significant amount of structural work and repairs would also be required to restore the building, and it should be noted that the cost breakdown of the structural repair work required has not been factored into the above cost analysis. A 3% contingency was factored in for structural work, however, Resolve 106 conclude that this is very unlikely to cover the cost of the work required to restore the building. Therefore, it is reasonable to conclude that the cost of the structural repair work would further render a scheme for conversion unviable.

In addition to considering the structural merits of the building, the applicant also submitted a Built Heritage Statement undertaken by the Pegasus Group. The Conservation Officer has reviewed this document alongside the structural and viability information and concludes that the retention and reuse of the mill is not possible, which is highly regrettable. However, it is considered that, in this instance, clear and robust information has been provided that confirms that the conversion of Thornham Mill to allow the delivery of housing cannot realistically be achieved. A condition is recommended by the Conservation Officer to ensure that full recording of the heritage asset is undertaken prior to any demolition. The record and commentary should then be deposited with the Local Planning Authority and the Historic Environment Record.

Based on the above, it is clearly not viable to retain the mill building given the condition and the cost to refurbish, and this will result in the loss of a NDHA. Therefore, in accordance with NPPF paragraph 203, in weighing applications that directly or indirectly affect NDHA's, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In balancing the loss, the benefits of the development will be considered, which are identified as follows:

- A significant contribution to housing provision in Oldham. The Housing Needs Assessment 2019 identified that, under aspirations and expectation scenarios, there is a marked shift towards a need for smaller flats.
- Demolition of a now structurally unsafe structure; and
- Redevelopment of a brownfield site

The viability of the scheme is discussed in full below, however, it does need to be considered here in the context of the loss of the NDHA. Viability is very constrained on this scheme, and it appears that the viability of the proposed development would be dependent on the developer taking a significantly reduced profit than the industry standard of between 15-20% which is confirmed as acceptable in Planning Practice Guidance: Viability. CPV concur with this view, confirming that a scheme for the conversion of the mill is unviable, and a scheme for the demolition and re-build, would only be viable if the developer significantly lowers their profit margins. Given that the viability of the scheme is so constrained, and it would result in the loss of a NDHA, NPPF paragraph 204 is relevant and states the following:

“Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”

Considering the above, discussions have been undertaken with the applicant to better understand how they are planning to deliver the development. The applicant has confirmed during those discussions that they will be taking a lower profit percentage than the industry standard, as set out in their viability assessment, to enable the delivery of the new development. With that considered, the Council has taken the reasonable steps necessary to ensure the new development proceeds.

Overall, it is considered that the public benefits outweigh the loss of the NDHA in this instance.

Viability and Developer Contributions

CPV assessed the applicant's viability assessment in relation to the potential for developer contributions on behalf of the Council, and considered four separate scenarios where developer contributions may be possible, including:

- New Build (sale of individual flats)
- New Build (Build to Rent)
- Mill Conversion (sale of individual flats)
- Mill Conversion (Build to Rent)

CPV conclude in the case of all four scenarios that given the costs of redeveloping the site, whether that be a proposal to convert the mill or a demolition and new-build scheme, developer contributions are not possible. As discussed above, the general viability of the scheme is very constrained, and the applicant has indicated that they will be taking a reduced profit to ensure that the development is viable, and this is without developer contributions.

Therefore, following the review of the applicant's viability assessment by CPV, it has been demonstrated that developer contributions towards open space, affordable housing and education are not possible in relation to this application.

Residential Amenity

Given the scale of the development, residential amenity is a key consideration for this scheme. The existing mill is very large and is already a dominant structure in the street scene, albeit a non-habitable structure.

The development would slot into a site that is surrounded by existing residential properties to the north, west and south, and commercial premises to the east. When considering residential amenity and separation, Local Plan Policy 9 is relevant and states that the council will ensure that development does 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 and security, noise, pollution, the visual appearance of an area, access to daylight or other nuisances. This is also reflected in the NPPF paragraph 130.

To ensure that appropriate levels of amenity are maintained in new residential development, it is generally acknowledged that a separation distance of 21m should be demonstrated (habitable room to habitable room) and a separation of 10-12m should be achieved (habitable room to a blank gable or non-habitable room window).

Firstly, no residential amenity implications will occur on the eastern side, given that the development is not near any existing residential properties, and this is acceptable.

The development on the western side has been pulled in slightly since the application was submitted to create a wider access point, which is beneficial for the amenity of the existing residents on the western boundary. The development on the western side would appear as a stepped design from 2 – 4 storeys, and the closest habitable room to habitable room distance to existing properties on Queensgate Drive is 60m. The development does expand out further towards the properties on Queensgate Drive, however, at the closest point between the development and the existing properties it would be 16.8m, and at this point the development is two storey, with no facing habitable room windows. This is an improvement on the previously approved scheme PA/052296/06, which projected closer to the existing properties on the western side than the current scheme.

To the north, the closest property habitable room to habitable room would be to 11 Prince Way (diagonally) at a distance of 20m. This is slightly short of 21m, however, given the diagonal orientation, the slight shortfall is not considered to be adverse in this instance. Other properties north of the development are also impacted, including 24 Consort Avenue, which would sit at 15m from the development. This distance is considered acceptable, given that

the existing property would face a staircase within the development. The amended plans demonstrate a pull back from the northern boundary, which is supported, and again, this represents an improvement on the previously approved scheme PA/052296/06, which projected a lot closer to the northern boundary.

The southern part of the development faces Oozewood Road and the scheme's height is stepped on this side ranging from 2 storey to 5 storey. Although the development does stretch further west than the existing mill building, the massing variation and reduction in height makes the proposal appear less dominant to the street scene. In terms of separation distances to the existing properties on Oozewood Road, these vary from 19.5m to 21.5m distances. At the closest point (19.5m) the development would face the existing properties at a level of two storey, and as the height of the development increases the scheme then becomes further set back within the site where it then demonstrates a 21.5m separation distance. The previous approval demonstrated similar separation distances on the southern side and given the stepped height design this helps to minimise privacy implications for existing residents.

It should be noted that in a scenario where the mill was retained for a residential use because the massing is more dominant than what is proposed on the southern side, this would have the potential to cause greater amenity implications than the current scheme. Overall, it is not envisaged that the separation distances will cause unacceptable amenity implications, and this complies with Local Plan Policy 9

In relation to the individual apartments, these all comply with the Nationally Described Spacing Standards (NDSS), as set out in the Design and Access Statement. This will ensure the internal space and the amenity of future occupants is acceptable which complies with Local Plan Policy 9. The applicant has also undertaken a daylight and shading study which compares the existing mill with the proposed scheme at various points of the year, including December, April and July, and what this demonstrates is that the development will have no greater impact on existing residents than the current mill in terms of the daylight they receive, and this meets the requirements of Local Plan Policy 9.

Given the surroundings, which comprise mostly of residential properties, the construction phase of the development does have the potential to cause a disturbance, if this is not appropriately managed. Following consultation with Environmental Health, a condition would be placed on any planning permission to ensure the submission of a Construction Management Plan and an Air Quality Assessment. The Construction Management Plan will need to detail how the construction phase will be managed, while minimising disturbance to the residents that surround the site.

Overall, it is considered that subject to condition, the development will not have an unacceptable impact on existing and future residents, and on that basis, the development complies with Local Plan Policy 9 and NPPF paragraph 130.

Design and Integration with Local Character

Considering the design merits of the scheme, there are some similarities to the previously approved scheme PA/052296/06. The footprint remains as two rectangular forms that intersect perpendicularly, with the longest running parallel to Oozewood Road. The building

at the highest level is 5 storeys plus a lower ground floor level. The lower ground floor level will contain parking provision for residents, the ground floor of the building will contain a mixture of 1 and 2 bed self-contained apartments, and more parking provision (18 spaces), and the first, second, third and fourth floors will contain a mixture of self-contained 1, 2, and 3 bed apartments.

As indicated in the residential amenity section, the scale and massing of the development has evolved since the submission of the application and has been amended to consider consultee comments. The access point has been widened, and as a result the width of the development where it fronts Oozewood Road has been reduced. The massing on the northern part of the site has been pulled back from the boundary, and a section has been reduced from 4 storeys to 2 storeys, to bring the overall height more in line with the residential properties adjacent. The reduction in massing has reduced the development from 72 units to 60 units, whilst the parking ratios will remain the same. Finally, the lower ground floor parking area has been reconfigured to allow for provision of cycle storage in one location, which is supported.

Overall, the scale and massing of the proposed building is now considered to be acceptable. Considering the scale of the current mill building, the proposed development would be lower in height and would also be set further back from Oozewood Road than the existing mill building. The proposal when viewed from the main frontage of Oozewood Road reads as 4 blocks incorporating a 2 storey, 3 storey, 5 storey and 4 storey blocks in that order visually. The massing design at the main frontage is broken up, to create more visual interest in the proposal, with the taller parts of the proposal positioned closer to Rochdale Road (to the east), which is the furthest point from residential properties.

Overall, whilst the preference would have been to retain and restore the mill, the current scale, massing and design is not considered to harm the overall quality of the area, given the dilapidated state of the existing mill building. The scheme does have some interesting features, and with a strong landscaping scheme, it will add positively to the street scene over the long term and will not adversely impact the immediate setting. On that basis, it is considered to comply with Local Plan Policy 20 and NPPF section 12.

In terms of the materials proposed, the design and access statement confirm that some materials have been selected, however, the specifics (aside from some images) have not been provided. The applicant indicates that the main materiality will be brick work, with the addition of some extruding brick work, which will add interest to the building. The principle of using primarily brickwork in the proposed development is supported, however, the proposal would be a key landmark building in the area, given its scale and massing, and therefore the specific materials such as brick work, windows, roof material detail etc will be pivotal to ensuring that the development fits the character of the area. With that considered, a pre commencement condition would be attached requiring a full and specific schedule of materials to be used.

Overall, subject to condition, the development is considered to comply with Local Plan Policy 20 and NPPF section 12.

Highways

The Highways Engineer has reviewed the application and states that the site is in an established residential area with access to public transport and wide range of local amenities. The Highways Engineer does not anticipate that there will be a significant amount of traffic generated as a result of the development to the detriment of highway safety. Parking provision is also considered sufficient within the proposed development and no additional demand for on street parking is envisaged. Therefore, the development complies with Oldham Local Plan Policies 5 & 9.

Ecology & Landscaping

In relation to ecology, a Bat and Nesting Bird Survey were submitted, with the application, which was undertaken by Envirotech. Greater Manchester Ecology Authority (“GMEU”) have reviewed the details submitted. GMEU did raise some initial concerns about the level of information submitted, especially relating to bats. However, following the submission of some additional information GMEU were satisfied.

The Bat and Nesting Bird Survey found no evidence of roosting bats at the site and no further survey work is required. GMEU conclude that the site is a large and complex structure, and therefore, it is recommended that the precautionary guidelines provided in paragraph 9.2.1.1 of the survey should be implemented and this can be secured by way of condition.

Nesting birds were recorded within the building, and the nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Building demolition should therefore not take place while any active nests are present, and this can also be secured by way of condition. The applicant has also submitted a document demonstrating a net gain for the proposed development site through the use of introduced shrub and amenity grassland, which is supported by GMEU.

GMEU did request that an updated bat and bird survey updated survey be submitted in May 2022 if the building had not been demolished by that point. The applicant has submitted this detail and the outcomes of the survey have not changed.

The applicant has submitted a landscaping scheme with the application which provides an overview of the landscaping proposed. In terms of soft landscaping, the plan states that tree species such as *Alnus glutinosa*, *Amelanchier lamarckii*, *Betula pendula*, *Carpinus betulus* ‘Frans Fontaine’, *Prunus avium* “Plena” and *Pyrus calleryana* ‘Chanticleer’ will be introduced to the south and centre of the site. In addition, a proposed native shrub mix will be introduced along the northern boundary, to add some screening between the existing properties and the proposed development. Hedgerows are proposed along Oozewood Road that will separate the public and private curtilage, and the applicant has stated that both the hard and soft landscaping will be maintained by a management company although no further details have been provided at this stage.

The hard landscaping and boundary treatments proposed include brick walls to the eastern, northern and western boundaries to bind the site together. Paving slabs are proposed for the footpaths, tarmac surfacing is proposed for the carriageways and coloured tarmac for the

parking bays. Timber decking is also proposed to the east of site to break up the hard landscaping proposals.

Whilst no objections are raised to the proposed boundary treatments and the hard and soft landscaping, more details are required in relation to landscape management, and specific boundary treatment details i.e., precise materials and height etc. The requirement for this information can be secured by way of a suitably worded planning condition.

Based on the above, the development complies with Local Plan Policies 9 and 21, subject to condition.

Energy

The applicant has submitted an Energy Statement with the application. Policy 18 is relevant in relation to energy and requires a 15% reduction in CO₂ emissions as set out in Part L 2013 Building Regulations. The Energy Statement concludes that through the use of solar PV, a saving of 15.14%, which meets the Policy requirement. The Energy Statement has been reviewed and no objections are raised to the conclusions and the recommendations set out in the report will be conditioned to ensure they are implemented.

Based on the above, the development is considered to comply with Local Plan Policy 18 subject to condition.

Drainage

Local Plan Policy 19 states that the council will ensure development does not result in unacceptable flood risk or drainage problems by directing development away from areas at risk of flooding.

According to the Environment Agency Flood Maps, the whole site is in Flood Zone 1 and is at the lowest risk of flooding. The Council expects that proposals for all new development will use Sustainable Drainage Systems (SuDS) in accordance with the Surface Water Drainage Hierarchy. The site is a brownfield site and therefore, should also achieve a 50% betterment on the existing run off.

United Utilities and the Lead Local Flood Authority have both been consulted on the application, and whilst neither have an objection to the development in principle (subject to condition), no drainage details have been submitted with the application. Therefore, a suitably worded pre-commencement condition would need to be attached to ensure drainage is appropriately considered. On that basis, subject to a pre-commencement condition, the development complies with NPPF Section 14 and Local Plan Policy 19.

Ground Conditions

NPPF paragraphs 178 and 179 and Local Plan Policies 7, 8 and 9 are relevant, which seek to ensure that a site is suitable for its use, taking account of ground conditions, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The Environmental Health team has advised that having reviewed the application and the site history, there are no objections to the proposal subject to conditions requiring a landfill gas investigation and contaminated land assessment is submitted before development commences on site.

CONCLUSION

There are several material planning considerations which must be weighed up in assessment of this application. Some of these point in different directions, some positive, some adverse, which are considered as part of the balancing exercise.

The positives include:

- The provision of much-needed housing, which will assist in meeting the Council's housing land supply;
- The removal of a derelict and structurally unsound building;
- The comprehensive redevelopment of a previously developed site in a sustainable location, securing the site's long-term future;
- Benefits to the local economy from the introduction of users of local businesses and services;

The adverse impacts include:

- The loss of a non-designated heritage asset;

In weighing up these factors, regard must be given to NPPF paragraph 11 (as referenced earlier in this report) and the Council's lack of a 5 year housing land supply. As a consequence, the *'tilted balance'* and presumption in favour of sustainable development set out in NPPF paragraph 11 is triggered.

In this context, the principle of residential development is considered as being acceptable for the reasons set out in this report. The harm caused by the loss of the NDHA has been robustly assessed and, whilst there is a preference in favour of retaining the building, it has also been necessary to consider the feasibility of retention and conversion. In this regard, the evidence submitted with this application clearly indicates that this is not possible in this instance.

In respect of retention of the site for employment purposes, this has been proven not to be possible, which has been confirmed by CPV Viability who have assessed viability on the Council's behalf.

This is weighed against benefits of redeveloping a brownfield site, removing a redundant and structurally unsound building, and replacing it with much needed housing.

On the basis of applicable national and local planning policy, and the various considerations set out above, on balance, it is recommended that the application should be approved.

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 demolition or development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the local planning authority.

The WSI shall cover the following:

1. A programme of archaeological survey to include:
 - a. historic building survey (Level 3)
 - b. a targeted watching brief during stripping out works
 - c. an archaeological desk based assessment
 - d. informed by the above, evaluation through trial trenching
 - e. informed by the above, more detailed, targeted archaeological excavation and recording.
2. A programme for post investigation assessment to include:
 - a. detailed analysis of finds
 - b. production of a final report on the significance of the archaeological interest.
3. Deposition of the final report with the Greater Manchester Historic Environment Record and Oldham Local Studies and Archives.
4. Dissemination of the results.
5. Provision for archive deposition of the report and records of the site investigation.
6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence (and any archive generated) publicly accessible and in accordance with the policy in the National Planning Policy Framework. Reason for pre-commencement condition: Any works to the site may interfere with the any archaeological evidence present.

4. 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 20 of the Oldham Local Plan.
5. Prior to the commencement of any part of the development hereby approved, details of the method of surface water and foul water drainage from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first occupation of the approved development and shall be maintained thereafter. REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to ensure that the site is satisfactorily drained having regard to Policy 19 of the Oldham Local Plan.
6. Prior to the commencement of development hereby approved, a scheme in the form of a Construction Environment Management Plan (CEMP) and Demolition Management Plan (DMP) as applicable 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, along with adequate wheel wash facilities. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the demolition or construction works are commenced, which shall be maintained for the duration of the demolition or 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.
7. Prior to the commencement of development hereby approved, an Air Quality Assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with any recommended mitigation measures and shall be retained thereafter. REASON - To safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.
8. Prior to the commencement of development hereby approved, a Crime Impact Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with any

recommended mitigation measures and shall be retained thereafter. REASON - To help safeguard the future occupiers of the development having regard to Policy 9 of the Oldham Local Plan.

9. No development shall commence until a site investigation and assessment into landfill gas risk and ground contamination has been carried out and the consultant's written report and recommendation 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 as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.
10. No development shall take place until full details of both hard and soft landscape works and boundary treatments with an associated implementation plan, have been submitted to and approved in writing by the Local Planning Authority. 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.

All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority, and 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, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

11. 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 plans Ref: 20013 (PL) 090 F and 20013 (PL) 110 A and with 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 Policies 5 and 9 of the Oldham Local Plan.

12. The development hereby approved shall not be first occupied until facilities for the storage and removal of refuse and waste materials have been provided in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter. REASON - To protect the amenity of the area having regard to Policy 9 of the Oldham Local Plan.
13. 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.
14. The development hereby approved shall be carried out in accordance with the mitigation set out in Section 9 of the submitted Bat & Nesting Survey (May 2022 Rev 04 Envirotech). REASON - To ensure the protection and enhancement of features and species of ecological interest having regard to Policy 21 of the Oldham Local Plan, and to the Wildlife and Countryside Act 1981.
15. The development hereby approved shall be carried out in accordance with section 8 of the Energy Statement (Environmental ECE Consulting Engineers dated 21.05.21). REASON - To ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE):

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NOTE: DO NOT SCALE FROM THIS DRAWING

REV DESCRIPTION DATE DRAWN

01/01/20



CHESHIRE	SURREY	SHEFFIELD	LIVERPOOL	MANCHESTER	CALDERPEEL ARCHITECTS	
Market Court	100 High St	Electric Works	AvenueHQ	All Work & Social	THORNHAM MILL, OLDHAM BLACKWORES PLANNING & DEVELOPMENT CONSULTANTS	LOCATION PLAN
20-24 Church St	Esher	3 Concourse Way	17 Mann Island	312 Building		DWG: 20013 (SU) 001 *
Altrincham	Surrey	Sheffield	Liverpool	2 Hardiman Boulevard		DATE: 21.10.20
WA14 4DW	KT10 9QJ	S1 2BL	L3 1BP	M3 3AQ		SCALE: 1:1250 @ A4
0161 929 7622	01372 203 335	0114 250 7985	0151 662 0122	0161 929 7622		DRAWN: SPA