

APPLICATION REPORT – OUT/350032/22
Planning Committee – 19th July 2023

Registration Date: 9th November 2022
Ward: Coldhurst

Application Reference: OUT/350032/22
Type of Application: Outline Application

Proposal: Outline application for 16 storey apartment building for 120 flats with associated on-site parking and private gated site access, following demolition of existing building. Approval of Access, Layout, and Scale are sought. All other matters reserved.

Location: Westwood Medical Centre, Winterbottom Street, Oldham OL9 6TS

Case Officer: Graham Dickman
Applicant: Westwood Apartments Ltd
Agent: SNG Architecture Ltd

1. INTRODUCTION

- 1.1 The application involves a development required to be referred to Planning Committee for determination in accordance with the Scheme of Delegation as it relates to a Major development and includes land presently owned by the Council.
- 1.2 In this instance as the application has not been determined within the statutory period, the applicant has submitted an appeal to the Planning Inspectorate on grounds of non-determination. Although the Council can no longer determine the application directly; in such circumstances it will be necessary to advise the Planning Inspectorate of the decision the Council would otherwise have taken.

2. RECOMMENDATION

- 2.1 It is recommended that Planning Committee resolves that the Planning Inspectorate be advised that the application would have been refused for the reasons set out at the end of this report.

3. THE SITE

- 3.1 This application relates to a site immediately to the west of Oldham town centre from which it is separated by the Oldham Way flyover which crosses Middleton Road. Immediately to the north of the site is the Westwood Metrolink stop.
- 3.2 Immediately to the south land levels rise towards an area of established trees and grassed area beyond. This area is presently in the ownership of the Council.

- 3.3 Access to the site is from Winterbottom Street which adjoins Middleton Road at a signal-controlled junction which includes a tram crossing point. Winterbottom Street continues to the south where it forms a cul-de-sac on Richmond Walk and provides access to residential properties, Richmond Primary School, and a Children's Centre.
- 3.4 The application site itself contains a two-storey detached building previously occupied as a medical centre. The building is presently vacant and in a poor state of repair. There is a small car parking area to the side with access from Winterbottom Street.
- 3.5 The application also includes the wooded and grassed parcel of Council land to the south and a parcel of land owned by Transport for Greater Manchester adjacent to the tram stop.
- 3.6 A footpath linking Richmond Walk to the tram stop passes the site to the west.

4. THE PROPOSAL

- 4.1 The application is for erection of a 16 storey apartment building to provide 120 residential flats.
- 4.2 The application is submitted in outline form, seeking approval at this stage of access, the site layout, and the building's scale only. The appearance of the building will be reserved for subsequent approval, along with the internal configuration of the building, and the landscaping of the site.
- 4.3 The access to the building will be taken from Winterbottom Street as at present. The building will occupy an enlarged footprint centred around the position of the existing building. The layout plan indicates that a vehicular access route will be provided from the site entrance around the front of the building giving access to an internal car parking area on the lowest floor of the building.
- 4.4 A further car parking area indicating 15 spaces is shown on the presently grassed area off Richmond Walk. Overall, it is indicated that 28 parking spaces will be provided, along with 3 visitor bays and 5 bays for drop-off in connection with the adjacent school.

Environmental Impact Assessment

- 4.5 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.6 The proposal would represent an Urban Development Project within paragraph 10(b) of Schedule 2 of the Regulations. However, at 0.35 hectares it would not exceed the applicable threshold of 1 hectare, nor is the site located within any impact distance of a 'sensitive area' as defined in the Regulations.
- 4.7 Consequently, an Environmental Statement is not required.

5. RELEVANT HISTORY OF THE SITE

- 5.1 PA/339279/16 - Conversion of former medical centre to 14 apartments including extensions and alterations to building and associated parking and landscaping. Approved 20.04.2017

6. RELEVANT PLANNING POLICIES

- 6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is unallocated in the Proposals Map associated with this document.
- 6.2 The following policies are considered 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 6 – Green Infrastructure
Policy 9 – Local Environment
Policy 10 – Affordable Housing
Policy 11 - Housing
Policy 18 – Energy
Policy 19 – Water and Flooding
Policy 20 – Design
Policy 21 – Protecting Natural Environmental Assets
Policy 23 – Open Spaces and Sports
Policy 25 – Developer Contributions

Saved UDP Policy D1.5 - Protection of Trees on Development Sites.

7. CONSULTATIONS

Highways	Recommends refusal on the grounds that the layout of the site and access to the proposed parking provision would lead to additional congestion and manoeuvring of vehicles on the highway to the detriment of highway safety.
TfGM	No objections following the submission of additional information.
Environmental Health	Require details of land contamination and landfill gas assessments and a Construction Management Plan
Trees Officer	Insufficient details have been provided to show how construction can be carried out without damage to trees, and the close proximity will mean more trees need to be removed due to damage or due to trees causing overshadowing of flats.
G M Ecology Unit	A Construction Environmental Management Plan will be required

	along with details of lighting, and demonstration of how biodiversity will be enhanced
G M Police	The development shall be constructed in accordance with the Crime Impact Assessment.
G M Fire & Rescue	The single point of access does not meet the criteria for access for emergency vehicles.
Coal Authority	Recommend details of a scheme for intrusive site investigations.
United Utilities	No objection subject to submission of a sustainable drainage scheme.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.

8.2 In response, 18 letters of objection have been received on the following grounds:

- The development does not meet the needs of the local area with demand for family housing (9.2);
- Impact on Right to Light, loss of natural light due to the building's scale (14.1-14.5);
- Noise pollution (14/7);
- Loss of green area for children to play (11.4);
- Poor access will impact on community facilities at the children's centre (Section 12);
- Lack of car parking (Section 12);
- Potential increase in crime and impact on safety of children in terms of safeguarding due to overlooking of the school (14.6); and,
- Devaluation of properties (this is not a material planning consideration).

8.3 Councillor Jabbar has submitted an objection to the application on grounds of size, lack of parking, lack of local play facilities for children, overlooking of some properties on Richmond Walk, and that the development will have detrimental impact on the Richmond School and the children's centre.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The present proposal envisages the demolition of the existing building and its replacement with a block of 120 residential units in a 16 storey building.
- 9.2 Although details of the internal layout are reserved for subsequent approval, it is indicated that this would be a mix of one and two bedroomed units, which would make a contribution towards housing supply in the area. There are no Council policies which would specifically require a wider mix of housing to be developed on individual sites. In this instance, due to its limited ground area, the site is unlikely to be suitable for a family housing scheme.
- 9.3 Planning permission has previously been granted for the conversion and extension of the existing building for residential purposes, and therefore issues associated with the loss of the former community facility and general suitability of residential use in this location have previously been deemed acceptable.
- 9.4 The site has also been identified in the Council's SHLAA as a potential residential development site, albeit with an anticipated capacity of 14 properties.
- 9.5 The council cannot currently demonstrate a five-year supply of housing against the standard methodology under the current NPPF, and as such the presumption in favour of sustainable development (NPPF paragraph 11 (d)) applies.
- 9.6 However, a five-year housing land supply can be demonstrated against the proposed housing requirement set out in the emerging Places for Everyone Joint Plan (PfE). It is hoped the nine authorities will be able to adopt the Plan in early 2024.
- 9.7 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans. Places for Everyone is an emerging Plan which will form part of Oldham's development plan upon adoption. Examination in Public (EiP) of the Plan is largely complete. The hearing session covering the proposed housing requirement and housing land supply was held on 1 December 2022.
- 9.8 In June 2023 the Inspectors set out further suggested modifications considered necessary for soundness, none of which were related to the housing requirement. As such it is considered that, subject to consultation, the housing requirement modification will be considered to be acceptable and consistent with NPPF given that the requirements have been calculated using the standard methodology.
- 9.9 Oldham's current five-year housing land supply of 3,129 homes represents a 6-year supply against the modified PfE housing requirement for the period of 2022-2027 (a total of 2,597 homes). This is sufficient to meet the stepped requirement and provides a more than sufficient buffer as is required by para. 74 of the NPPF.
- 9.10 The council consider that PfE is now at an advanced stage and as such should hold substantial weight in decision making and therefore the emerging housing policies, which set out the proposed housing requirement for Oldham, should hold substantial

weight in the planning balance, including Oldham's ability to identify a sufficient housing land supply, over and above 5 years, against the PfE requirement.

10. AFFORDABLE HOUSING

- 10.1 The capacity of the proposed site qualifies for the Affordable Housing threshold, which applies to developments of 10 dwellings or above, as set out within NPPF and the council's Affordable Housing Interim Position Paper.
- 10.2 The current target, set out within Policy 10 of the Local Plan, is for 7.5% of the total development sales value to go towards the delivery of affordable housing, unless it can be clearly demonstrated to the council's satisfaction that this is not viable. As per national planning policy, 25% of the affordable housing provision must be for First Homes. Affordable housing must be provided on-site unless there are exceptional circumstances that would justify the acceptance, by the council, of off-site provision within the locality or a financial contribution in lieu of provision.
- 10.3 No information in respect of the proposals for affordable housing have been provided. The submitted Planning Statement indicates that this matter would be explored at detailed planning stage. However, no information in respect of the projected financial viability of the scheme has been submitted, and therefore, it is not possible to determine whether the scheme is capable of compliance with relevant local and national planning policy in respect of affordable housing provision.
- 10.4 This is not considered a matter which can be properly dealt with at Reserved Matters stage.

11. OPEN SPACE

- 11.1 As the site is a major development, Local Plan Policy 23 states that major residential development 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. It goes on to state that regard will be given to the proposed development and the open space surpluses and deficiencies in the area (identified through the Council's Open Space Study) to determine where appropriate whether on-site or off-site new provision or enhanced existing provision or a financial contribution will be required.
- 11.2 This area has been identified in the Open Space Study as being sufficient in accessibility to all types of open space. There are deficiencies in:
- quality and quantity of parks and gardens;
 - quantity and quality of provision for children and provision for young people;
 - quantity and quality of outdoor sports facilities;
 - quantity and quality of natural/semi-natural; and
 - quality of amenity greenspace.
- 11.3 Where an area within which a site is located is deficient in at least one of the standards of open space provision (accessibility, quality and quantity), the overall area is classed

as being deficient in that typology of open space. As such, in the absence of satisfactory alternative provision, a developer contribution of £262,371.60 would be required.

- 11.4 No information to demonstrate how the proposal will comply with Policy 23 has been submitted, particularly in view of the additional loss of a valuable area of existing open space within the application site in order to facilitate the proposed car parking provision.

12. HIGHWAY SAFETY

- 12.1 Sole vehicular access to the site is obtained from Winterbottom Street, a cul-de-sac, serving the adjacent school and children's centre, and which also serves a number of residential properties on Richmond Walk. The access to Middleton Road is via a signal-controlled junction which also functions to facilitate the safe crossing of trams entering and leaving the adjacent Westwood Metrolink stop.
- 12.2 Congestion on Winterbottom Street is experienced during school drop off and pick up times when instances of motorists ignoring waiting restrictions and zigzag markings are evident.
- 12.3 The proposal incorporates two areas for residents' car parking, 13 spaces within the basement of the proposed building, with 3 guest bays adjacent. A separate car park providing an additional 15 spaces, along with 5 "allocated school drop-off parking" spaces is indicated on a Council-owned area of landscaping further along Winterbottom Street.
- 12.4 The application is accompanied by a Transport Assessment.
- 12.5 In respect of the impact on the surrounding highway network, both Transport for Greater Manchester and the Highways Officer are satisfied that the anticipated levels of vehicle generation can be satisfactorily accommodated without detriment to the operation of the adjacent signal-crossing.
- 12.6 The Council does not have any adopted car parking standards, and therefore an assessment of demand and the suitability of the proposed provision will be based on the circumstances of the proposed development and the character of the surrounding area.
- 12.7 In this regard, the site occupies a highly sustainable location, immediately adjacent to a Metrolink tram stop with frequent services to Manchester, Rochdale, and other destinations throughout the day and evening. In addition, frequent daytime bus services operate from adjacent stops. Furthermore, the site is located approximately 500 metres from Oldham town centre, uphill but connected by direct bus and tram services.
- 12.8 Whilst it is acknowledged that future occupiers may include vehicle owners, in general terms, it is anticipated that the proposed level of parking would be satisfactory to ensure no detriment to existing provision in the vicinity, including options for existing neighbouring residents whose properties on Richmond Walk which do not include off-site parking provision.
- 12.9 Nevertheless, there are significant concerns regarding the practicality of the proposed access arrangements and parking provision within the site.

- 12.10 The submitted drawings show barriers within the car parks which will lead to vehicles waiting to enter the car park causing potential congestion, or those unable to enter through the barrier then carrying out reversing manoeuvres out onto the highway, potentially also during the periods of school drop off and delivery in an area where there will also be a high number of pedestrians including children.
- 12.11 The concerns apply similarly to service and other delivery vehicles. In terms of refuse storage, the proposals indicate a large number of individual waste receptacles within a fenced enclosure, with an area designated for 'refuse and recycling bin loading area' close to the site entrance. It is unclear how such arrangement would operate in practice, both in terms of the necessity of residents in a multi-storey building to remove waste manually to the external containers, and how these can be safely manoeuvred on the proposed layout into the collection area without conflict with other site users.
- 12.12 In respect of the external parking area, it is similarly unclear how the allocated 'drop off' spaces will be managed to ensure conflict between residents and parents does not result.
- 12.13 It should also be noted for reasons set out below, that the additional car park requires the loss of an area of public open space, and the applicant has failed to demonstrate that the land is surplus to requirements or that an adequate replacement open space can be achieved.

13. DESIGN AND LAYOUT

- 13.1 The application site is located within an area containing a mixed character, including prominent transport infrastructure comprising an elevated highway, adjacent roads, and tram line, educational buildings, and low-rise residential properties.
- 13.2 Approval of Scale is sought as part of the application, and the proposal will introduce a building of considerable height relative to its immediate neighbours. Nevertheless, the impact must be considered in the context of the wider townscape which contains a small number of other high-rise residential buildings, and historic mill buildings which were once a more prominent feature but are still notable elements of the townscape.
- 13.3 Immediately to the east of the site, land levels rise significantly towards the town centre which is set at an elevated level. Consequently, the overall mass of the proposed building would appear reduced. When viewed from the west, the relatively lower level of the site would similarly negate its prominence.
- 13.4 From other directions, the presence of existing building will minimise views towards the building.
- 13.5 In the immediate vicinity, the building will dominate its neighbours. However, this would not of itself feel incongruous given the urban nature of the site and the similar presence of other tall structures throughout the urban area. Appearance is a reserved matter and therefore not open for consideration at this stage. However, in principle there is no reason why a building of suitable design quality could not be achieved.

14. RESIDENTIAL AMENITY

- 14.1 Residential properties are located within the vicinity of the site and therefore some impact from the physical presence of the building, and the resultant impact of outlook from new residential properties at an elevated level is a material consideration.
- 14.2 A row of two-storey residential properties is located to the north of the site across Middleton Road. The houses will be separated from the proposed building by approximately 50 metres. The private gardens to these properties are located to the rear, and therefore screened from any overlooking. Whilst accommodation to the front will be subject to views from the new flats, this impact must be considered in the context of the existing relationship to the street scene. These properties already front onto a busy public realm with high levels of activity associated with the tram stop and traffic and pedestrians along Middleton Road. Consequently, it is not considered that there will be material loss of privacy from the development.
- 14.3 As the proposed building is located to the south of these neighbours, there is the potential for some impact on sunlight towards these properties. No formal assessment of this impact has been submitted; however, given the degree of separation and existing presence of tall established tree cover in this direction, it is not concluded that this would be of such severity to justify refusal of the application.
- 14.4 To the south-west of the proposed building are a small group of residential properties on Richmond Walk at a distance of approximately 36 metres, with further dwellings beyond. Views from the proposed flats will be available towards the rear of these properties. However, given the continued presence of existing or replacement tree cover, and the oblique angle of view towards habitable windows and spaces within these houses, it is similarly not concluded that a significant adverse impact on privacy would result.
- 14.5 Given the relative orientation of the neighbouring dwellings in this area to the proposed building (they are to the south), it is not considered that any significant adverse impact on sunlight or daylight would result.
- 14.6 Some concerns have been expressed in relation to safeguarding issues given the close proximity to a primary school and children's centre. Whilst such considerations can represent material planning considerations, it is necessary for such concerns to be based on definitive evidence, and in the absence of such evidence, refusal of the application on such grounds cannot be justified.
- 14.7 Given the scale of the development, it is inevitable that some disturbance would occur during construction operations. For this reason, should permission be granted, a condition for the submission of a Construction Management Plan would be required.

15. LANDSCAPING AND ECOLOGY

- 15.1 The focus of the application site is the former, and presently derelict, two-storey medical centre building and associated parking area. The site also includes an area of landscaping and tree cover to the front which adjoins the tram stop.

- 15.2 In addition, the site incorporates a substantial area of established, mature, tree cover which forms an arc around the southern and western sides of the present building. The areas to the south occupy an elevated area of banking.
- 15.3 During consideration of the proposals the applicant has sought to demonstrate that a scheme of arboricultural protection can be put in place, and it is accepted by the Council's Trees Officer that these are based on standard principles. However, it is clear that the sheer extent of the required proposed mitigation and methodology proposed shows that the development will be too close to the existing trees both during construction and future occupation.
- 15.4 For example, the requirement for pruning of root and crown of trees prior to and on a cyclical basis post completion, demonstrate this. It will also foreseeably lead to future conflict between the existing trees and future residents as properties are overshadowed.
- 15.5 Numerous and varied works within and directly adjacent to root protection areas (RPAs) of adjacent trees would be required, for which mitigation is proposed. However, this again demonstrates that the proposed works are too close to existing trees.
- 15.6 There are still many unknowns, of which foundation type and specification is a major factor. As such the Arboricultural Management Scheme (AMS) is in large parts generic rather than site specific. There is potential for additional issues to be presented during any development which could have further implications for existing trees. As submitted, there is no further scope for intrusion into the space taken by existing trees potentially leading to further tree loss.
- 15.7 The Council's Trees Officer has commented that many of the recommendations within the British Standard for Trees in Relation to Design, Demolition, and Construction (BS5837:2012 Section 5) envisage that a variety of factors should have been taken into consideration in assessing a satisfactory development layout in relation to existing trees. In this case, the spatial limitations of the site have dictated a development which relates poorly to the existing trees.
- 15.8 These factors include *'The constraints imposed by trees, both above and below ground should inform the site layout design', 'The attributes listed in the Note to 5.2.1 can significantly affect potential land use or living conditions, including the effect of the tree on daylight and sunlight. the design should avoid unreasonable obstruction of light', 'The default position should be that structures are located outside the RPAs of trees to be retained', 'A realistic assessment of the probable impact of any proposed development on the trees and vice versa should take into account the characteristics and condition of the trees, with due allowance and space for their future growth and maintenance requirements', 'Shading of buildings, Direct damage, Future pressure for removal, Seasonal nuisance'.*
- 15.9 The proposed mitigation planting is not sufficient due to the proposed trees being whips and light standards which would fail to represent adequate compensation for those trees which are lost; or which would be placed under future threat as a result of the development.
- 15.10 Consequently, the development would fail to satisfy the requirements of saved UDP policy D1.5.

- 15.11 The application is accompanied by a Preliminary Ecological Appraisal which concludes that the mixed deciduous woodland on the site is to be retained. In particular, it is recognised that the retained woodland provides a valuable habitat for a wide variety of wildlife.
- 15.12 As noted above, it has not been demonstrated that such an outcome is feasible, and that this dominant ecological feature of the site is capable of retention. The Appraisal indicates that compensatory loss will be made for the loss of improved grassland to facilitate the new car park only.

16. FLOOD RISK AND GROUND CONDITIONS

- 16.1 A SUDS pro-forma has been submitted with the application which sets out the intended approach to surface water management on the site. Those proposals have been assessed by United Utilities which has raised no objections in principle subject to a condition requiring submission of a sustainable surface water drainage system, including a restricted rate of water discharge.
- 16.2 Details of future management will also be required, and the applicant has indicated that this is likely to be by means of a private management company.
- 16.3 In respect of ground conditions, the application is accompanied by a Phase 1 Geo-environmental Report. On the basis of the findings, the Environmental Health Officer has recommended a condition for a full site investigation and assessment to be undertaken as part of an approval.
- 16.4 Similarly, the Coal Authority has recommended the need for a scheme of intrusive site investigations to be undertaken prior to the commencement of any development.
- 16.5 These matters could be dealt with by means of planning condition.

17. ENERGY

- 17.1 Policy 18 of the Local Plan requires all major developments to reduce energy emissions based on reductions over and above Part L of the Building Regulations 2010 or 2013. A condition will be recommended to require submission of a satisfactory scheme to meet the Policy's requirements.
- 17.2 If outline permission could be granted, this matter could be dealt with by means of planning condition.

18. CONCLUSION

- 18.1 The proposal relates to a development of substantial scale. Whilst it will contribute towards additional housing provision in a highly sustainable area, the submission contains inadequate information to demonstrate that mitigation for potential adverse

impacts in relation to the loss of trees and biodiversity, servicing of the building, the loss of valuable open space, and the provision of affordable housing can be achieved.

18.2 The proposal would therefore conflict with both local and national planning policies.

RECOMMENDED REASONS FOR REFUSAL

1. The proposal relates to the construction of a building of substantial scale located in close proximity to an area of established tree cover. The engineering operations required for the construction of the building would result in a significant adverse impact on established tree cover, whilst the close proximity of the building to retained specimens would lead to future pressures for works to, or removal of, any retained trees. The details of proposed mitigation measures are insufficient to demonstrate that such losses can be avoided, nor has adequate compensation for the resultant arboricultural and associated biodiversity loss been identified. The proposal would therefore be contrary to the objectives of Policy 21 of the Oldham Local Plan and saved UDP Policy D1.5.
2. The proposed arrangements for the provision of vehicle parking, manoeuvring, and associate servicing would lead to potential conflict between vehicle movements, leading to an adverse impact on highway safety and congestion within the site and on the adjacent highway network. The proposal would therefore be contrary to Policies 5 and 9 of the Oldham Local Plan.
3. The proposal will result in the loss of an existing area of public open space within a locality which has been identified in the Council's Open Space Study as being deficient in standards of open space provision. No information has been submitted to demonstrate that adequate compensation for such loss will be provided, nor that a contribution towards new or enhanced open space would be forthcoming, contrary to Policy 23 of the Oldham Local Plan.
4. The proposal would generate a substantial residential development. No details of arrangements for the provision of affordable housing have been submitted to demonstrate how the scheme would contribute towards the provision of affordable housing. In the absence of such details, the development would therefore conflict with Policy 10 of the Oldham Local Plan and NPPF paragraph 65.

SITE LOCATION PLAN (NOT TO SCALE)

