

**APPLICATION REPORT – MMA/351522/23**  
**Planning Committee 15.11.2023**

**Registration Date:** 23rd August 2023

**Ward:** Royton South

**Application Reference:** MMA/351522/23

**Type of Application:** Minor Material Amendment

**Proposal:** Variation of conditions 2 (approved plans) and 3 (approved Energy Assessment Report) attached to planning permission approved under reference FUL/347787/21 (Full planning permission for the development of a three-storey apartment block comprising 30 residential apartments (Use Class C3) with associated landscaping, access/egress, car parking, drainage and necessary supporting infrastructure.)

**Location:** Former Highbarn Resource Centre, High Barn Street, Royton, Oldham, OL2 6DW,

**Case Officer:** Matthew Taylor

**Applicant:** Mr Birkett

**Agent:** Mr Daniel Bramwell

## **1. INTRODUCTION**

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Council's Scheme of Delegation since this application is seeking a variation of conditions relating to a previously approved major planning application (ref: FUL/347787/21).

## **2. RECOMMENDATION**

- 2.1 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.

## **3. SITE DESCRIPTION**

- 3.1 The application site comprises approximately 0.3ha of previously developed land at the junction of High Barn Street and Shaw Street, on the edge of Royton Town Centre. Following the demolition of High Barn Resource Centre in 2018 (Ref: DM/342292/18) the vacant site now comprises areas of hardstanding (associated with the demolished building) and areas of grass and mature trees/hedges along the south-western boundary. The site is unallocated by the Proposals Map associated with the existing adopted Local Plan (the Joint Development Plan Document) and is in Flood Zone 1 (the lowest risk of flooding) on the Environment Agency's flood risk maps.
- 3.2 It is of note that the previously approved scheme (ref: FUL/347787/21) has been implemented on site and most of the timber frame has been erected on site and works are progressing.

#### 4. THE PROPOSAL

- 4.1 This is an application for minor-material changes to a planning permission for the purposes of Section 73 of the Town and Country Planning Act 1990.
- 4.2 The proposal seeks the variation of conditions 2 (approved plans) and 3 (approved Energy Assessment Report) attached to planning permission approved under reference FUL/347787/21.
- 4.3 The amendment includes for the omission of photovoltaic (PV) panels located on the roof on the Rear Elevation (facing the proposed car park). Following a feasibility exercise, including a review of renewable technologies, the end-user of the development has opted to substitute the previously approved PV panels for an alternative 'green' technology: air source heat pumps (ASHPs) as it was found ASHP produced less restrictions in terms of performance and maintenance.

#### 5. PLANNING HISTORY

- 5.1 FUL/347787/21 - Full planning permission for the development of a three-storey apartment block comprising 30 residential apartments (Use Class C3) with associated landscaping, access/egress, car parking, drainage and necessary supporting infrastructure – Granted subject to a legal agreement 24/06/2022.
- 5.2 DM/342292/18 - Demolition of existing daycare and resource centre – Granted 11/10/2018.

#### 6. RELEVANT PLANNING POLICIES

- 6.1 The 'Development Plan' is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The following policies are relevant to the determination of this application:

Policy 9 - Local Environment;  
Policy 18 – Energy; and  
Policy 20 – Design.

#### 7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Planning Policy	Confirmed the proposed alternative 'green' technology exceeds the requirements of Policy 18.
Tree Consultations	No objection.
Greater Manchester Police Design for Security	No comments received.
Drainage	No comments received.
Environment Agency	Confirmed the proposed amendments do not impact their original comments.

Greater Manchester Archaeological Advisory Services	Confirmed the proposed condition variation does not have any archaeological implications
Highways Engineer	No Objection, as the proposed amendments do not impact the original highway comments.
Environmental Health	No comments received.
LLFA	No comments received.
United Utilities	No comments received.

## **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 variation of a major development by neighbour notification letters, display of a site notice, and publication of a press notice.
- 8.2 In response, no representations have been received.

## **ASSESSMENT OF THE PROPOSAL**

### **9. PRINCIPLE**

- 9.1 The Government guidance note "Greater Flexibility on Planning Applications" offers some guidance on the procedure for minor-material amendments to planning applications. As per this guidance, the application should be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and in making decisions focus attention on national, local or other material considerations since the grant of permission. The alterations are to be assessed against the current policy context which the Local Development Framework - Joint Development Plan Document and the National Planning Policy Framework.
- 9.2 The guidance states that there is no statutory definition of "minor material amendment", but the change must only relate to conditions and not to the operative part of the permission.
- 9.3 Having regard to the above, it is considered the main issues for consideration are the impact on design, residential amenity, and energy-related matters.

### **10. RESIDENTIAL AMENITY**

- 10.1 Policy 9 seeks to protect users of development by ensuring that their amenity or health is not harmed due to poor air quality, odour, noise, vibration or light pollution.

10.2 The Environmental Health Officer consulted has raised no objection to the proposed amendment and it is not considered the new 'green' technology solutions proposed to address Policy 18 will significantly impact residential amenity.

## **11. DESIGN**

11.1 Policy 20 advocates that development must meet design principles relating to local character, good streets and well-designed buildings.

11.2 In terms of the general appearance of the proposed changes, it is considered the removal of the PV panels is acceptable and proposed 'green' technology solutions will have a minimal impact on the external appearance of the building.

## **12. ENERGY**

12.1 Policy 18 of the Local Plan states that all developments over 1,000m<sup>2</sup> or 10 dwellings and above are required to reduce energy emissions in line with set targets.

12.2 Within this application the applicant has provided a revised elevation drawing removing the PV panels together with an accompanying revised Energy Statement. Following a recent feasibility exercise, including a review of renewable technologies, the end-user of the development is seeking to substitute the previously approved PV panels for the alternative 'green' technology of air source heat pumps (ASHPs). As the revised Energy Statement found ASHP produced less restrictions in terms of performance and maintenance. The substitution of PVs for ASHPs still ensures the development goes above and beyond the energy conservation requirements of the Building Regulations and Policy 18 of Oldham Council's Joint DPD.

12.3 It is therefore considered the substitution of PVs for would comply with the Local Plan and is acceptable subject to an appropriately worded implementation condition.

## **13. CONCLUSION**

13.1 Taking the above matters into consideration, the minor material amendment to the previously approved scheme complies with the relevant policies of the LDF Joint Development Plan Document and the NPPF, and so the application is recommended for approval.

## **14. RECOMMENDED CONDITIONS**

1. 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.
2. The development hereby approved, shall be carried out in accordance with the submitted Energy & Sustainability Statement, by JJMTEC dated 14th August 2023 Ref: Highbarn House, Royton, Oldham, and/or any other future improvements in Building Regulations. REASON - To accord with policy 18 (Energy) of the Joint DPD and to future proof any of the new dwellings that will be subject to future changes in Building Regulations.

3. No works to trees or shrubs shall take place between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority. REASON - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981 having regard to Policy 21 of the Oldham Local Plan.
4. No trees scheduled for removal to facilitate the development, shall be felled until they have been checked for any bat boxes. If any bat boxes are found to be present on the trees to be removed, these boxes will be moved to other nearby trees. Before they are moved, they will need to be checked by a suitably qualified person for the possible presence of bats. REASON - In order to ensure the protection and enhancement of features and species of ecological interest having regard to Policy 21 of the Oldham Local Plan.
5. The Biodiversity Enhancement Measures outlined on drwg no: 1398/P-001, shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the Local Planning Authority) and shall be retained thereafter. REASON - To ensure positive enhancement and conservation of local bat populations having regard to Policy 21 of the Oldham Local Plan.
6. In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by Oldham Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this. REASON - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, having regard to requirements of the paragraph 183 of National Planning Policy Framework.
7. Any soils imported for use in the landscaped area shall be validated as suitable for use and a minimum of 300mm subsoil and topsoil over a no dig marker layer shall be placed. A post completion report shall be submitted to the LPA for approval to evidence this. REASON - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, having regard to requirements of the paragraph 183 of National Planning Policy Framework.
8. 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. 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.
9. 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.

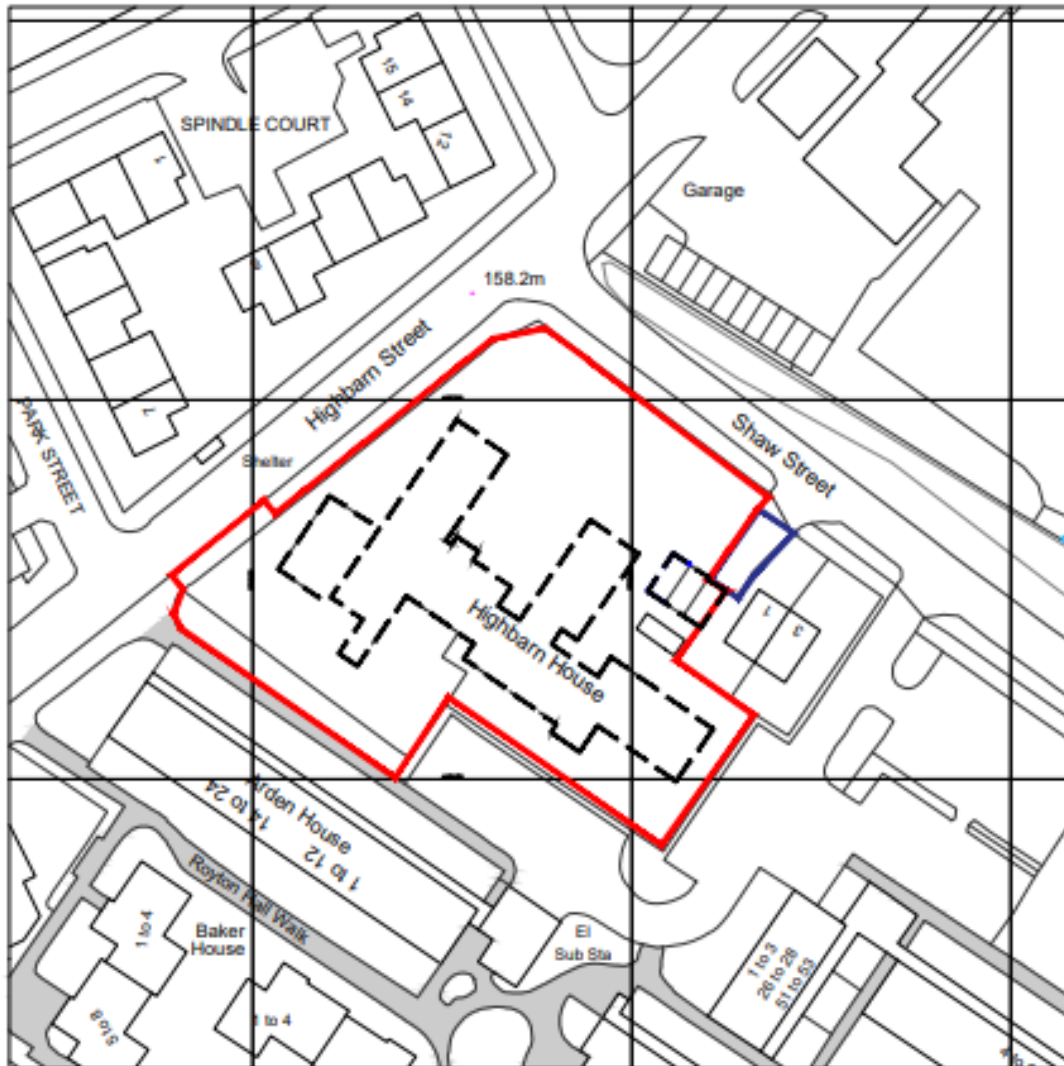
10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved. REASON - To protect the underlying Secondary A aquifer. To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.
11. If a Remediation Strategy is required, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. REASON - To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.
12. The piling works on site, shall be carried out in accordance with the approved document: Risk Assessment and Method Statement for Enabling Works, Steel Piling & Foundations at Shaw Street Royton Oldham prepared by Nuttall Groundworks Ltd. REASON - To ensure that the proposed Piling does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.
13. All existing retained trees and hedges on and adjacent to the site, other than those indicated for removal on the approved plans, shall be physically protected from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause on accordance with the hereby approved Method Statement, Report No: LTM0276.MS.04, dated 17/01/2022. The protective measures shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas and all works on site shall be carried out having regard to the requirements of the Arboricultural Impact Assessment & Method Statement (Revision B) by tba landscape architect. REASON - Such details are necessary to protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.
14. The development hereby approved, shall be carried out in accordance with the submitted Construction Environmental Management Plan, dated 31st August 2021, Document Title: 9805/CEMP/001. REASON - In the interest of highway safety and amenity, in accordance with Policies 5, 9 and 20 of the Local Plan.
15. Prior to the planting of the 15no replacement trees identified on drawing number 6682.01 (Rev G) a Planting Scheme shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include a detailed planting plan, specification, and method statement. The approved scheme shall be implemented in the first planting season following the first occupation of any of the dwellings.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless, the Local Planning Authority gives written consent to any variation.

Reason: To adequately mitigate and prepare for the establishment of new trees and their long-term retention in accordance with BS 8545:2014 and having regard to saved Policy D1.5 of the Unitary Development Plan.

16. With the exception of replacement trees addressed in condition 17, all other planting, seeding or turfing comprised in the approved landscaping detail Dwg no. 6682.01 (Rev G) shall be carried out in the first planting and seeding seasons following the first occupation of any dwelling. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless, the Local Planning Authority gives written consent to any variation. REASON - In order to avoid damage to trees/shrubs within the site, which are of important amenity value to the area having regard to saved UDP Policy D1.5 and Policy 20 of the Oldham Plan.
17. The sustainable drainage system to serve the site, and method of implementation including arrangements to secure funding and maintenance for the lifetime of the development shall be implemented in accordance with Drawing 22280-AJF-ZZZZ-DR-D-001, Rev R1- Dated August 22. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved scheme. Reason: To prevent the increased risk of flooding both on and off site and ensure satisfactory drainage facilities are provided to serve the site in accordance with the National Planning Policy Framework and Oldham Council Policy 19 Water and Flooding.
18. The development hereby approved shall be carried out in accordance with the physical security specifications set out in Section 4 of the submitted Crime Impact Statement Version D: 28/01/2022 - Ref: 2021/0348/CIS/01. REASON - To ensure a safe form of development in accordance with Policy 9 of the Oldham Local Plan.

**SITE LOCATION PLAN (NOT TO SCALE):**



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