

**APPLICATION REPORT – FUL/352158/23
Planning Committee 5th June 2024**

Registration Date: 27th December 2023
Ward: Coldhurst

Application Reference: FUL/352158/23
Type of Application: Full

Proposal: Erection of a part single, two storey building comprising 15 one-bedroom supported living apartments (Use Class C3 (b)) with ancillary staff and communal facilities and associated parking and garden areas.

Location: Foundry Street, Oldham, OL8 1FR

Case Officer: Graham Dickman
Applicant: c/o agent
Agent: Eden Planning & Development Ltd

1. INTRODUCTION

1.1 This application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as it is a Major application on a site owned by the Council.

2. RECOMMENDATION:

2.1 It is recommended that the application be approved subject to the conditions set out in this report.

3. SITE DESCRIPTION

3.1 The site comprises a presently vacant parcel of land located west of Oldham town centre with access from Foundry Street, a cul-de-sac which also serves buildings to the south occupied by Oldham College. The site comprises unmaintained vegetation with significant tree cover, primarily to the site frontage and side boundaries. There is an existing vehicular access from Foundry Street.

3.2 Koffee Kingdom, a café/takeaway, occupies the south-west corner adjacent to the site with a Metrolink sub-station to the north-east corner. Oldham Way lies to the west, with the Metrolink tramline to the north, set below an embankment.

3.3 The Grade II listed Church of Our Lady and St Patrick is located across Foundry Street to the south-east of the site.

4. THE PROPOSAL

- 4.1 The proposal involves the erection of a new building to be used to provide supported living as part of the Single Homelessness Accommodation Programme.
- 4.2 The main building will comprise two linked main sections. The westerly section will be two-storey providing 15 self-contained, one-bedroom living units and associated office, with access via an internal corridor.
- 4.3 The easterly section will include single storey ancillary accommodation comprising two communal areas, cycle and waste bin storage, and a plant room.
- 4.4 Additional landscaping and outdoor amenity space will be provided, along with 4 staff parking spaces.

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, it would not exceed the applicable threshold of 5 hectares or 150 dwellings, 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. PLANNING HISTORY

- 5.1 PA/059136/10 - Revised alignment of 3B Metrolink route between Middleton Road and Union Street West incorporating a surface level crossing and highway realignment at the Manchester Street roundabout, related engineering works including a cutting, new electricity substation at Foundry Street and new bridge structure at John Street. Approved 18 February 2011.

6. RELEVANT PLANNING POLICIES

- 6.1 The Places for Everyone (PfE) Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024.
- 6.2 The PfE Plan must now be considered in the determination of planning applications, alongside Oldham's Joint Core Strategy and Development Management Development Plan Document (Joint DPD), adopted November 2011, in accordance with the National Planning Policy Framework (NPPF).
- 6.3 As such, the following policies are considered relevant to the determination of this application:

Places for Everyone

Policy JP-H3 - Type, Size and Design of New Housing;
Policy JP-G7 – Trees and Woodlands;

Policy JP-P1 - Sustainable Places; and,
 Policy JP-S2 - Carbon and Energy.

6.4 On the Joint Core Strategy and Development Management Policies Development Plan Document adopted in 2011 (the Local Plan), the site is unallocated within the Town Centre on the Proposals Map associated with the Local Plan.

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

Policy 1 - Climate Change and Sustainable Development;
 Policy 5 - Promoting Accessibility and Sustainable Transport;
 Policy 9 - Local Environment;
 Policy 11 – Housing;
 Policy 15 – Centres;
 Policy 18 – Energy;
 Policy 21 – Protecting Natural Environmental Assets;
 Policy 23 – Open Spaces and Sports; and,
 Policy 24- Historic Environment.

7. CONSULTATIONS

Highways Officer	No objections
Environmental Health	Recommend conditions in relation to measures to ensure residents are protected from noise and air pollution, and for a ground gas/ site investigation.
Drainage	No objections subject to the implementation in accordance with the submitted details.
Trees Officer	The scheme has not been designed to minimise tree loss, and although it is intended to retain various existing trees, the proximity to the building may cause pressure on the trees in the future.
United Utilities	No objections subject to condition in relation to implementation of the submitted drainage scheme and for its future management and maintenance.
G M Ecology Unit	No objections subject to conditions and informative notes in relation to biodiversity net gain, prevention of harm to protected species, and for dealing with invasive plant species. Habitat Management & Monitoring Plan.
TfGM (Metrolink)	The proposed species of trees to be planted along the top of the banking to the tram line need amending to those which grow to a lower height to reduce the risk of fallen trees onto the track. Other conditions to protect the tram track are required
Coal Authority	No objections

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, one representation has been received from the occupier of a neighbouring business which initially raised a number of issues. Following a site meeting, it was accepted that previous concerns could be addressed, so long as a low kerb could be provided to his site from the access.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The present Local Plan identifies the site as lying within Oldham town centre, to which Policy 15 refers. Although the policy does not specifically indicate the suitability of residential accommodation within such areas, it is noted that the Council's present aspirations include diversifying the town centre's offer, including introducing residential uses into the centre.
- 9.2 In this context, the introduction of the proposed use, with the benefits of ready access to a range of services, would be acceptable in principle, subject to satisfaction of the factors outlined below.

10. HIGHWAY ISSUES

- 10.1 The proposed development is located in a highly sustainable location with excellent links to public transport and a wide range of amenities within walking and cycling distance.
- 10.2 The Highways Officer considers that the amount of traffic expected to be generated will have no significant or adverse impact on the local highway network and that the level of on-site car parking is satisfactory in this location and for the type of supported living accommodation proposed.
- 10.3 Alterations to the site access will be required and this can be addressed with the Local Highway Authority through a Section 278 agreement.
- 10.4 In respect of the representation from the neighbouring business, the proposed layout would not prevent future access to the owner's land as requested and the plans have been amended to indicate the potential for a dropped crossing at this point.

11. RESIDENTIAL AMENITY

- 11.1 The application is located on the edge of the town centre neighbouring a mix of commercial and community uses. In addition, an elevated section of the A62 Oldham Way and the Metrolink tram line immediately adjoin the site.

- 11.2 Consequently, there is a potential for future residents to be subject to adverse noise or air quality impacts.
- 11.3 In order to ensure the accommodation is acceptable, the Environmental Health Officer has indicated that some form of ventilation strategy for the building is required. It is suggested that a strategy that uses mechanical ventilation which draws "clean air" as far away from Oldham Way as possible and inputs this into the rooms and draws moisture etc out from kitchens and bathrooms (with possible use of mechanical heat recovery), could potentially solve the air quality and noise issues.
- 11.4 Furthermore, an acoustic boundary fence will be required.
- 11.5 Both matters are subject to recommended planning conditions and a detailed scheme will need to be incorporated into the building.

12. DRAINAGE AND GROUND CONDITIONS

- 12.1 The application is accompanied by a Phase 1 Preliminary Risk Assessment and Phase II Interpretative Ground Assessment to consider ground conditions and development impact.
- 12.2 Further information has recently been submitted for consideration by the Environmental Health Officer. Since those results are outstanding, conditions requiring agreement of any required mitigation measures will be necessary.
- 12.3 The site is located within a Coal Mining Development High Risk Area. However, the application is accompanied by a Coal Mining Risk Assessment which has been reviewed by the Coal Authority. They are satisfied that sufficient investigations have been carried out to demonstrate that the site can be developed safely.
- 12.4 A Flood Risk Assessment and Drainage Strategy accompanies the application. The application site falls within Flood Zone 1 at the lowest risk from flooding.
- 12.5 United Utilities has confirmed that there are no objections to the proposals on the basis of the submitted drainage scheme.

13. ECOLOGY AND LANDSCAPING

- 13.1 As noted by the Council's Trees Officer, the development will be likely to impact on some established trees on the site. Therefore, a scheme of both replacement and additional trees planting is proposed.
- 13.2 In response to the comments of TfGM, the species of tree towards the tram line has been amended to those which would not be likely to grow to a height which could overfall the track.
- 13.3 Nevertheless, the submitted Biodiversity Metric Report confirms that there will be a loss to biodiversity of 1.34 units. This takes into consideration those trees which the applicant seeks to be retained, but which the Trees Officer considers may succumb to future pressures for removal. The Metric therefore assumes their removal and need to compensate for some potential loss.

- 13.4 GMEU has considered the findings and confirms the need for a contribution. In addition, it is recommended that conditions are included in relation to tree removal during the bird breeding season, invasive species, and surveys for amphibians, reptiles, and mammals.
- 13.5 A financial contribution towards biodiversity will be required. As the Council is presently the owner of the site, it is proposed that this aspect will be dealt with by means of the land sale rather than a Section 106 agreement.
- 13.6 Similarly, the development will be required to provide a financial contribution towards off-site public open space to satisfy the requirement of Local Plan Policy 23. This will also be resolved through the land sale agreement.

14. DESIGN AND HERITAGE

- 14.1 The proposed building will include a mix of flat roof single storey, and pitched roof two-storey sections finished in facing bricks and roof tiles. As such it will reflect other buildings in the vicinity.
- 14.2 Furthermore, it will be set back from the street frontage and whilst also visible from the south, the proposed landscaping will significantly reduce its appearance from this vantage point.
- 14.3 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 14.4 The Grade II listed Church of Our Lady and St Patrick is located across Foundry Street to the south-east of the site. The church is set back from Foundry Street by approximately 25 metres and occupies a significantly elevated position relative to the application site. The new building will be over 60 metres distant with the single storey section of the building closest to Foundry Street.
- 14.5 It will therefore not detract from the setting of the listed building or impose on views towards the church. As such it would have a neutral impact on the heritage asset.

15. ENERGY

- 15.1 In accordance with Places for Everyone Policy JP-S2, an Energy Statement will be required to demonstrate how the development will be consistent with the 2022 Part L of the Building Regulations and incorporate adequate electric vehicle charging points. This is dealt with through a recommended planning condition.

16. CONCLUSION

- 16.1 The proposal will bring back into a productive use a building within a sustainable location, as well as providing much needed, specialist, living accommodation. Whilst there are some adverse impacts in relation to loss of trees, the proposed measures to secure biodiversity and the benefits accruing from the provision of valuable

accommodation, demonstrate on balance the acceptability of the development.

17. 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. The development hereby approved shall be implemented and occupied thereafter in full accordance with the submitted Affordable Housing Statement identifying 100% provision of affordable housing for rent. REASON - To ensure the provision of affordable housing having regard to Policy JP-H2 of the Places for Everyone Joint Development Plan.
4. No above ground construction of the building hereby approved shall commence until a scheme and timetable for the achievement of Biodiversity Net Gain and off-site replacement tree planting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a written 30-year Habitat Management and Monitoring Plan (HMMP) for biodiversity within the site. REASON - To ensure that the proposals result in enhancement of biodiversity having regard to Policies 9 and 21 of the Oldham Local Plan, paragraph 174 of the NPPF, and Policy JP-G8 of the Places for Everyone Joint Development Plan.
5. Prior to the commencement of any development hereby approved, a scheme of precautionary working methods for amphibians, reptiles, and mammals shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved recommendations. REASON - In order to secure the protection of ecological interests within the site having regard to Policy 21 of the Oldham Local Plan and Policy JP-G8 of the Places for Everyone Joint Development Plan.
6. All hard and soft landscape works shall be carried out in accordance with the approved plan Ref: XXX; prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
7. Prior to the commencement of any part of the development hereby approved, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, 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. This shall be achieved by the erection of 2.3 m high fencing using vertical and horizontal scaffolding poles, or other stout fencing to Local Authority approval with the uprights driven well into the ground, erected in accordance with BS5837:2005, outside the canopy. The fencing shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas. REASON - Prior approval of such details is necessary to protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.

8. 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.
9. Prior to the commencement of development (including demolition, ground works, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved in writing by the Local Planning Authority detailing the eradication of wall cotoneaster and rhododendron on site. The measures shall be carried out strictly in accordance with the approved scheme. REASON - To prevent the spread of invasive plant species having regard to Policy 9 of the Oldham Local Plan.
10. 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 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.
11. To protect the future occupiers from noise from traffic, the glazing scheme as specified in the NOISE AND VIBRATION IMPACT ASSESSMENT Report Ref: 51-031-R1-2 Date Issued: 1st December 2023 by E3P shall be installed before the development is occupied and glazing with at least that sound reduction index shall be retained for the life of the development. REASON - In order to protect the amenity of future occupiers of the development having regard to Policy 9 of the Oldham Local Plan.
12. To protect the future occupiers from noise from traffic when they are outside, the acoustic barrier scheme as specified in the NOISE AND VIBRATION IMPACT ASSESSMENT Report Ref: 51-031-R1-2 Date Issued: 1st December 2023 by E3P shall be installed before the development is occupied and a barrier with the same sound reducing capability shall be retained and maintained for the life of the development. REASON - In order to protect the amenity of future occupiers of the development having regard to Policy 9 of the Oldham Local Plan.
13. Before the development is occupied details of a ventilation strategy that allows bedrooms and living rooms to be occupied without the need to open windows shall be submitted to and approved in writing by the Local Planning Authority. The

strategy must also reduce the impact of air pollution on new residents. The strategy must include a full overheating assessment to be completed by a suitably qualified consultant for habitable rooms across the development, as the opening of windows is not an acceptable method for mitigation against overheating. The duly approved scheme shall be retained and maintained thereafter. REASON - In order to protect the amenity of future occupiers of the development having regard to Policy 9 of the Oldham Local Plan and Policy JP-S6 of the Places for Everyone Joint Development Document.

14. Prior to the commencement of the construction of any building, details for demonstrating that the building shall be consistent with the 2022 Part L of the Building Regulations and with the measures in TABLE 5.1 of Places for Everyone Policy JP-S2, unless it can be demonstrated that it is not practicable or financially viable, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. REASON - In order to secure a sustainable form of development having regard to Policy JP-S2 of the Places for Everyone Joint Development Plan Document.
15. Notwithstanding the plans hereby approved the development shall be built to the accessible and adaptable standard in Part M4(2) of the Building Regulations, unless it is first demonstrated to and agreed in writing by the Local Planning Authority that the specific site conditions make this impractical. REASON - To ensure a sustainable form of development having regard to the requirements of Policy JP-H3 of the Places for Everyone Joint Development Plan Document.
16. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 6020, Rev P01 - Dated Sep 23 TO BE UPDATED? which was prepared by JG. For the avoidance of doubt surface water must drain at the restricted rate of 5 l/s. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development. REASON - To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding having regard to Policies 9 and 19 of the Oldham Local Plan.
17. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan. REASON - To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development having regard to Policies 9 and 29 of the Oldham Local Plan.

18. No development shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations 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 having regard to Policy 9 of the Oldham Local Plan.

19. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's written report and recommendation have been submitted to and approved 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.

SITE LOCATION PLAN (NOT TO SCALE)

