

APPLICATION REPORT - FUL/349416/22
Planning Committee 18th September 2024

Registration Date: 28th July 2022
Ward: Failsworth East

Application Reference: FUL/349416/22
Type of Application: Full Application

Proposal: Conversion of part of existing mill and addition of four additional floors to create 102 apartments, creation of additional level of parking over existing car park and associated works.

Location: Ivy Mill, Crown Street, Failsworth, Oldham, M35 9BG.

Case Officer: Matthew Taylor
Applicant: Mr Navid Dean
Agent: Simon Plowman

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee as the development is a major application.
- 1.2 Previously the application was listed on 17th July 2024 Planning Committee Agenda; however, it was deferred at the request of the Assistant Director for Planning, Transport and Housing Delivery following the applicant seeking agreement of the Open Space and Affordable Housing matters on the day of the meeting.

2. RECOMMENDATION

- 2.1 It is recommended that the application should be approved subject to:
 1. The conditions as set out in this report; and,
 2. The completion of a Section 106 Agreement to secure:
 - The provision of 10 on site Affordable Housing units; and
 - A financial contribution of £112,466.85 towards the enhancement of existing Public Open Space provision within the locality at Higher Memorial Park (£32,315.36 towards amenity greenspace enhancement and £80,151.49 towards enhancement of provision for Children and Young People).
- 2.2 The Assistant Director for Planning, Transport & Housing Delivery shall be authorised to issue the decision upon satisfactory completion of the legal agreement.

3. SITE DESCRIPTION

- 3.1 The application relates to Ivy Mill, a five-storey industrial building first built in 1883 and later extended in 1890. This 19th Century mill also has a detached red brick chimney located at the southwest corner of the mill building.
- 3.2 The application site is situated within Failsworth Pole Conservation Area and the mill building is considered a Non-Designated Heritage Asset. The site is also allocated within a Business Employment Area by the Proposals Map of Oldham's Joint DPD. The application site is bounded by a mixture of industrial and residential buildings to the north, east and southern directions, with the Rochdale Canal to the west.
- 3.3 Currently the building is partially occupied for employment and leisure purposes; however, it is clear that the building has not been fully occupied for a long period of time.

4. THE PROPOSAL

- 4.1 Permission is sought for the conversion of part of existing mill and addition of four additional floors to create 102no. apartments, creation of additional level of parking over existing car park and associated works.
- 4.2 The breakdown of units are as follows:

- Ground floor - 6 x 2 bed flats;
- 1st floor - 1 x 3 bed flats and 8 x 2 bed flats;
- 2nd floor - 2 x 2 bed flats;
- 3rd floor - 0 units;
- 4th floor - 2 x 1 bed flats and 19 x 2 bed flats;
- 5th Floor - 4 x 3 bed flats and 18 x 2 bed flats;
- 6th Floor - 4 x 3 bed flats and 18 x 2 bed flats;
- 7th Floor - 4 x 1 bed flats and 10 x 2 bed flats; and,
- 7th and 8th floor - 4 x 2 bed DUPLEX and 4 x 3 bed DUPLEX.

TOTAL 102 units

5. PLANNING HISTORY

- 5.1 TL/343320/19 - Upgrade existing roof top base station – Prior Approval Requested and Granted 24.7.2019.
- 5.2 PA/342718/18 - Replacement of the 6no. antennas on the 35m high chimney with 6no. antenna apertures in the same location, along with development ancillary thereto. Granted 01.04.2019.
- 5.3 PA/338397/16 - Change of Use of Unit G3 to D2 (leisure) fitness studio – Granted 22.07.2016.
- 5.4 PA/335859/14 - Change of Use from storage to fitness studio – Granted 24.11.2014.

- 5.5 TL/333796/13 - 1) Replacement of 6 no. antennas 2) Erection of 2 no. radio equipment cabinets and ancillary development - Prior Approval Requested and Granted 16.05.2013.
- 5.6 PA/332994/12 - Change of use to D1 nursery and childcare facility – Granted 20.12.2012.
- 5.7 PA/053875/07 - Installation of 1 No. 400mm diameter transmission dish on existing headframe – Granted 26.10.2007.
- 5.8 PA/044887/03 - Conversion of 3rd and 4th floor of mill from manufacturing use to office accommodation and office space to let, and creation of new and alteration to existing vehicular access points to site – Granted 15.07.2003.
- 5.9 PA/032996/95 - Erection of stub tower headframe and antennas to rooftop of existing mill building including all ancillary installations and feeder cables – Granted 02.06.1995.
- 5.10 PA/031346/94 - Change of use of warehouse to manufacturing unit, demolition of top two storeys, new roof, internal alterations and modifications – Granted 30.06.1994.
- 5.11 PA/023710/89 - Change of use of part of ground floor to retail sales – Granted 13.04.1989.

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-D2 - Developer Contributions;
- JP-P1 - Sustainable Places;
- JP-P2 – Heritage;
- Policy JP-H1 - Scale, Distribution and Phasing of New Housing Development;
- Policy JP-H2 - Affordability of New Housing
- Policy JP-H3 - Type, Size and Design of New Housing;
- Policy JP-P7 – Sports and Recreation;
- Policy JP-S1 – Sustainable Development; and,
- Policy JP-S2 – Carbon and Energy.

Local Plan Policies:

- Policy 1 - Climate Change and Sustainable Development;
- Policy 3 - An Address of Choice;

- Policy 5 - Promoting Accessibility and Sustainable Transport;
- Policy 6 – Green Infrastructure;
- Policy 9 - Local Environment;
- Policy 19 - Water and Flooding;
- Policy 23 - Open Spaces and Sports; and,
- Policy 24 – Historic Environment.

7. CONSULTATIONS

United Utilities Water Limited	No objection, subject to a drainage condition.
Environmental Health	Raised no objection subject to an air quality assessment, so to prevent development that may result in unacceptable impacts on human health.
Education	No Comment Received.
Highways Engineer	No objection, subject to a cycle storage provision condition.
Drainage	No comment received.
Canal And River Trust	Not that there is a risk that the bulk and mass of the additional floors to the mill building could detract from the simple industrial character of the mill building, which could be to the detriment of the setting of the Conservation Area.
Greater Manchester Ecology Unit	Following the submission of additional ecology information GMEU have raised no objection subject to condition and informative notes.
Greater Manchester Police Design For Security	No objection provided the proposal meets Requirement B5 of Approved Document B, Volume 2: Access and facilities for the fire service.
Greater Manchester Fire Service	No objection, subject to a condition to reflect the physical security recommendations in section four (Secured By Design Measures) of the Crime Impact Assessment.
Conservation & Design Advice	Supports the principle of converting part of Ivy Mill to ensure a viable and sustainable residential use, however, noted the original fenestration and clarity on quality of materials for the contemporary additions needs to be further considered by the applicant. To which amended plans have been submitted.

Coal Authority The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed, with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

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 by means of neighbour notification letters, site notice and press notice.

8.2 In response, 14 representations have been received raising the following (summarised) issues:

- The development is out of keeping with the Failsworth Pole conservation area.
- Development is too high and overdevelopment.
- Inadequate parking and access.
- Result in additional pollution and noise nuisance.
- Affect local ecology.
- The scale of development will strain local community facilities, there is also existing difficulty in the area in getting doctors, dentist etc, and this will put more pressure on a struggling system.
- The residents of Crown Street will lose a substantial amount of daylight due to the increase of height of this building. This contravenes the Right of Light Act of 1832.
- Traffic is already a huge problem down Crown Street and George Street, this will only add to the problem.
- Embassy Gas Services Ltd needs access down Mitre Street for its HGV Gas tankers, which supply our products to have easy access to our premises, as they take delivery during the day, evenings and during unsociable hours. Proposed entrance and number of units poses a threat to the business.
- Loss of privacy from an extra four floors overlooking existing private property in an already built-up area.
- The exit from Crown Street no longer allows direct access to Oldham Road. Traffic is now only left turn to Wrigley Head. Any vehicles wishing to then travel East along Oldham Road have to navigate the difficult junction which often results in Wrigley Head becoming blocked and vehicles queuing along Crown Street.
- No right turn at the end of Crown Street to Oldham Road. Since this junction was changed a few years ago, vehicles can no longer exit right onto Oldham Road. The left turn to Wrigley head is sharp and therefore and larger vans or trucks are unable to turn left. Instead, the vehicles are constantly making an illegal turn directly on to Oldham Road because they simply have no choice once they arrive at that point. This would no doubt be the case for any of the large vehicles needed during the development of the residential apartments.
- The area is parking permit controlled. Although the permit parking has assisted it is still very difficult to get larger vehicles down the streets. Our loading bay is on Mitre Street, and we often have access difficulties due the congested streets.
- It is suspect the development will take a number of years to complete. This will be a significant interference caused by noise and traffic.

- Visibility when entering/leaving the Ivy Mill car park entrance is limited often resulting in vehicles dangerously pulling out into oncoming traffic.
- Failsworth does not need more privatised housing, that does not bring any income into the local community but lines the pockets of landlords.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

Employment:

- 9.1 Policy 14 of the Local Plan sets out that uses other than those listed in the policy, such as residential, will be permitted on sites currently or most recently used for employment purposes, provided the applicant can clearly demonstrate that it is no longer appropriate or viable to continue the existing use. This can be demonstrated by the developer:
- a) through a marketing exercise that there is no market for the uses listed above. The marketing exercise should be agreed with the council before commencing and be of a professional standard; or,
 - b) through a viability exercise that the continued use/development of the site for the uses listed in the policy is unviable; or,
 - c) that the development of the site for alternative uses would benefit the regeneration areas identified by the council as being in need of investment or would benefit the community of an area.
- 9.2 A Viability Report by S Kershaw and Sons has been provided to address the loss of the 4th floor from employment to residential. It outlines the 4th floor has been marketed dating back to 2012, the evidence submitted to verify this is included in Appendix E which shows that a banner has been in situ since 2012 advertising available space within the mill.
- 9.3 Paragraph 6.60 following Policy 14 of the Joint DPD states:
- “In relation to a marketing exercise, when agreeing timescales the council will have regard to market conditions, and the size and nature of the premises/site. A record of all expressions of interests/offers received should be submitted and where possible the applicant should try and obtain from interested parties’ reasons as to why they were not willing or able to proceed. A lesser financial return on investment relative to other development options will not be sufficient to justify the site not continuing to be available for employment use. In instances where the council considers the marketing exercise has been inadequate, the applicant will be advised that the planning application will be recommended for refusal.”*
- 9.4 Given three floors of the mill are to remain as employment, marketing of the vacant floor has clearly been undertaken, and the viability information submitted only relates to one floor of the mill. It is considered the submitted original viability/marketing details by S Kershaw and Sons is sufficient to establish the principle of the development.

Housing:

- 9.5 Policy 1 seeks to ensure the effective and efficient use of land and buildings by promoting the re-use and conversion of existing buildings prior to the use of greenfield sites. It also aims to meet Oldham's housing needs by focusing residential development in sustainable locations and to ensure that development respects Oldham's natural, built and historic environments.
- 9.6 Policy 3 of the Local Plan sets out the council's approach for managing the release of housing land. It states that planning applications for residential development, in whole or as part of a mixed-use scheme, will be permitted where:
- a) The site is allocated for residential development or mixed-use and has come forward in line with the council's approach to phasing, reflecting the residential distribution described within the policy; or,
 - b) The site is allocated for residential development or mixed-use and has come forward prematurely from the phasing set out in the Site Allocations DPD and does not undermine other national and local guidance and policies:
- and
- i) A deliverable five-year supply of housing land cannot be demonstrated; or,
 - ii) It contributes to the delivery of the borough's regeneration priorities; or, and,
 - iii) It contributes to the delivery of affordable housing that meets the local affordable housing needs.

- 9.7 These three criteria are considered in turn below:

Housing land supply position:

- 9.8 The SHLAA identifies a baseline housing land supply of 13,163 dwellings. Increasing to 13,870 dwellings when considering the small sites and clearance allowances. Following the adoption of Places for Everyone (PfE) in March 2024, PfE now sets out Oldham's housing need. PfE identifies a housing requirement for Oldham of 11,560 homes over the plan period (2022-2039) or 680 homes per year (on average), stepped as follows:
- 404 homes per year for 2022-2025;
 - 680 homes per year for 2025-2030, and,
 - 772 homes per year for 2030-2039.
- 9.9 Oldham's current five-year housing land supply of 3,202 homes therefore represents a 5.5-year supply (or 111%) against the modified PfE housing requirement for the period of 2023-2028 (a total of 2,850 homes). This is sufficient to meet the stepped requirement and provides a buffer (or flexibility allowance) as is required by paragraph 74 of the NPPF. As a result, a five-year housing land supply can be demonstrated against the housing requirement set out in PfE.

Delivery of the borough's regeneration priorities:

- 9.10 The application site is not located within 480m of any local services. Policy 3 states that major residential developments should have access to at least three key services within

480m. The site has good access to frequent public transport and given it is close to shops and services is considered to be in a highly sustainable location.

- 9.11 Policy 3 also states that the use of previously developed land and vacant or underused buildings is the council's first preference for residential development and the availability of such land, both in the locality and borough-wide, as assessed by the council's monitoring arrangements, will be the first consideration when regarding applications on greenfield sites. As the proposed development site is the reuse of a vacant mill floor and additional stories on top of an existing building this meets the policy.

Delivery of affordable housing to meet local affordable housing needs:

- 9.12 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. 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. This 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. Further information on affordable housing provision is set out within the council's Housing Strategy and the Affordable Housing Interim Planning Position Paper.
- 9.13 The capacity of the proposed site qualifies for the Affordable Housing threshold as set out within NPPF. This matter is fully addressed in more detail in the next section of this report.

10. DEVELOPER CONTRIBUTIONS

- 10.1 Places for Everyone (2024) Policy JP-D2 (Developer Contributions) requires developers to provide, or contribute towards, the provision of mitigation measures to make the development acceptable in planning terms, through the most appropriate mechanism.
- 10.2 However, if an applicant wishes to make a case that a development is not viable, they can provide clear evidence during the consideration stage of the application which identifying the specific issues and/or changes in circumstance which would create barriers to delivery in a transparent manner and reflecting national guidance.
- 10.3 As noted above, due to the scale of the development, the scheme is required to make developer contributions to both affordable housing and Open Space provided it is economically viable. These are addressed in turn:

Affordable Housing:

- 10.4 Paragraph 65 of the NPPF sets out that where major development involving the provision of housing, planning decisions should expect at least 10% of the total number of homes to be available for affordable home ownership.
- 10.5 Further to the discussions post the July Planning Committee Meeting, the applicant has confirmed an on-site affordable housing provision of 10 units.

Open Space:

- 10.6 Policy JP-P7 of the Places for Everyone Joint Plan (Sport and Recreation) requires new development to provide new and/or improved existing facilities commensurate with the demand they would generate.
- 10.7 In addition, Policy 23 of the Local Plan 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 continues 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.
- 10.8 As the scheme does not provide public open space on site, to be compliant with Policy 23 the applicant must make off-site new provision or enhanced existing provision. Following updated contribution figures, based on the new costing evidence as provided as part of our Open Space Study 2022, a financial contribution of £112,466.85 (£32,315.36 towards amenity greenspace enhancement and £80,151.49 towards enhancement of the Children and Young People provision) towards the enhancement of existing Open Space provision within the locality at Higher Memorial Park has been agreed.

Financial viability:

- 10.9 In respect of the total developer contributions generated by the development the applicant has provided economic viability information, by Kershaw and Sons Chartered Surveyors (SKS) dated 15th November 2023, purporting the scheme cannot sustain full contributions towards off site Public Open Space and Affordable Housing. This information and its findings have been independently appraised on behalf of the Council by CP Viability Ltd. It has been found that the scheme can in fact viably provide the full planning policy contributions.
- 10.10 These independent findings have been challenged by the applicant and their response has been reviewed by the independent viability expert (CP Viability Ltd). They have gone through each input listed above and concluded they are not persuaded to adjust our appraisal inputs, for the reasons outlined in the response. In particular, they consider that SKS are too reliant on evidence which does not provide a 'like for like' comparison to a BTR project, and this is skewing their view on the inputs in the appraisal. For the profit and marketing / disposal assumptions this is particularly crucial as the figures suggested by SKS are more akin to housing schemes subject to piecemeal disposal, which is clearly not relevant when assessing a BTR apartment scheme of this nature.
- 10.11 Therefore, as it is again concluded that the scheme can provide the full planning policy compliant contributions (to open space off site and affordable housing)
- 10.12 As noted above, agreement has now been reached on the developer contributions as despite the viability discussions earlier in the consideration process of the scheme.

11 DESIGN AND CONSERVATION CONSIDERATIONS

- 11.1 Places for Everyone (2024) Policy JP-P1 (Sustainable Places) recognises the contribution that high-quality design can make to regeneration and sustainable development. The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that permission should be refused for development that is not well designed.
- 11.2 Whilst Policy 24 of the Local Plan, in respect of heritage and conservation, states that development within or affecting the setting of a conservation area, including views in or out, must serve to preserve or enhance the character or appearance of the area. Proposals for all new development, including alterations and extensions to buildings and their re-use, must have a sensitive and appropriate response to context and good attention to detail. Proposals must not adversely affect important architectural or historic features or distinctive local features or structures unless it can be demonstrated that the development brings substantial benefits to the community.
- 11.3 In respect of Non-Designated Heritage Assets, Policy 24 states that when determining planning applications, the council will seek to protect, conserve and enhance the architectural features, structures, settings, historic character and significance of the borough's heritage assets and designations.
- 11.4 Ivy Mill is identified in the Oldham Mills Strategy as a high priority mill due to its high heritage and landscape value. Having consulted the council's conservation officer on the original scheme the following comments were made:
- *'The contemporary approach with clear instep design is supported, showing the juxtaposition between the old and new elements. Although a large amount of massing is proposed it is considered that the insteps, achieved further at each floor, allows the new build element to not result in an over dominant addition upon the original mill building.*
 - *The proposed fenestration is uniform and regularly spaced in terms of the additional floors however there does feel like a lack of alignment and respect to the window openings within the existing mill. The existing window openings relate to the historic function of the building and this legibility is important to the historic character. It is acknowledged that the majority of the proposed windows match the width of the original openings, however the alignment doesn't seem to respect the Non-Designated Heritage Asset.*
 - *A detailed specification of the proposed materials is needed to ensure that high quality materials are used that are appropriate within the conservation area and upon the Non-Designated Heritage Asset.'*
- 11.5 Having received these comments the applicant has submitted amended plans which have addressed the window alignment. These amended plans are considered by officers to be an improvement to the overall visual amenity of the development. To this end, the Council supports the principle of converting part of Ivy Mill to ensure a viable and sustainable residential use of a Non-Designated Heritage Asset. Moreover, the proposed design is modern and contemporary and, as a result, contrasts with the traditional mill style of the buildings. Having regard to the modern industrial building to the rear, and modern extension to the Failsworth Library, it is considered that the introduction of such style into this area could integrate with the existing character subject

to the use high quality materials which can be controlled with an appropriately worded planning condition.

12. RESIDENTIAL AMENITY

12.1 In terms of safeguarding existing amenity levels, amongst other criteria, Development Management Policy 9 stipulates that proposed development should not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on loss of privacy, safety and security, noise, pollution, the visual appearance of an area and access to daylight or other nuisances.

12.2 Having regard to the current scale of the building and number of existing openings on all sides of the mill, it is not considered that the resultant overlooking would be a matter that would warrant a recommendation of refusal. As all the view created by the new floors would be ones shared by the floors below.

Loss of light:

12.3 Whilst the concerns of residents are noted, in terms of loss of light, consideration of scheme must be made having regard to the mills existing height and massing. Currently on site the mill stands at 5 storeys high, with surrounding residential properties being mainly 2 stories in height. To this end, it is considered the building will already overshadow neighbouring properties at different points in the day. Given the scheme for the new floors is stepped in design, it is considered the additional harm would not warrant a recommendation of refusal on this ground.

Impact on the Future Occupiers:

12.4 Policy JP-H3 within the PFE Joint DPD states that all new dwellings must:

1. Comply with the nationally described space standards; and,
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

12.5 Having regard to the Nation Space Standards Document (DCLG, 2015) and it is considered that the layout and configuration of the proposed flats would not justify a refusal of planning permission on the basis they provide sub-standard living accommodation. In regards being built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations, this matter can be addressed by an appropriately worded planning condition.

12.6 Given the above assessment, the proposed development is acceptable having regard to Policy 9 of the Local Plan and Policy JP-H3 within the PFE Joint DPD.

13. HIGHWAYS

- 13.1 Policy 9 indicates that development should protect and improve local environmental quality and amenity by ensuring that development will minimise traffic levels and do not harm the safety of road users. Paragraph 115 of the National Planning Policy Framework states:

“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 13.2 The Council’s Highway Engineer has been consulted on the additional information submitted and is satisfied that no significant additional traffic generation or demand for parking as a result of the scheme. The proposed development is in an area with good links to public transport and opportunities for walking and cycling and access to a range of amenities. Furthermore, Transport for Greater Manchester (TfGM) have been consulted and raised no objections.
- 13.3 As such, in highway terms the scheme is considered to be acceptable.

14. ECOLOGY

- 14.1 Policy 6 and Policy 21 of the Oldham LDF Joint DPD are concerned with protecting, conserving and enhancing our local natural environments.

Bats:

- 14.2 A valid bat report has been provided, which shows no evidence of bats was found and the building assessed as negligible risk. To this end, no further information or measures are required. As a precaution an informative can be included on a decision notice to remind the applicant that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).

Nesting Birds:

- 14.3 No evidence of birds having nested on the building was found, though feral pigeon were recorded as present. As a precaution an informative can be included on a decision notice to remind the applicant that under the Wildlife and Countryside Act 1981 (as amended) it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built.

Rochdale Canal SAC:

- 14.4 Following the submission of an updated report, which provides an assessment of the risk to qualifying species, i.e. floating water-plantain, posed by the increased height to the building the consultant has assessed the risk as negligible based on the existing vegetation present. Given the orientation of the buildings and canal it is accepted that any additional shading will only occur at dawn given the building is located to the east and that it is set back a moderate distance from the canal. The building is also of a

height causing shading of the canal (based on Google Earth) and the extra 4 storeys are unlikely to change this significantly.

- 14.5 Therefore, whilst no objective shade survey has been carried out to quantify what if any reduction in direct sunlight will occur, GMEU accept that it would not be reasonable to request such a survey.
- 14.6 It is concluded that the proposal can be screened out of any further assessment under the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019. It is recommended that the LPA record the conclusions of the Stage 1 HRA Screening Assessment within their delegated/Committee Report and ensure that Natural England is aware of their decision.

15. DRAINAGE

- 15.1 Policy 19 of the Oldham LDF Joint DPD is concerned with ensuring that new developments do not result in an unacceptable flood risk or increased drainage problems by directing developments away from flood risk areas.
- 15.2 United Utilities have reviewed the application and do not object. However, in line with good practice, a pre commencement condition to ensure that details of a drainage strategy are submitted and agreed with the Local Planning Authority prior to the commencement of development has been attached. This will ensure that surface and foul water is appropriately considered as part of the development.

16. CONCLUSION AND RECOMMENDATION

- 16.1 For the reasons set out above it is considered that the submitted scheme complies with all relevant planning policies and material planning considerations. It will provide a significant and positive contribution towards the Council's identified housing needs in a sustainable location and, together with the mitigation to be secured through the imposition of conditions and a Section 106 agreement to secure on site affordable housing, off site open space improvements and provision of compensation for the loss of suitable ground nesting bird habitat off-site, comprises sustainable development and is therefore recommended for approval.
- 16.2 It is recommended that the Planning Committee resolves to grant permission, subject to the inclusion of the conditions listed below, and a Section 106 Agreement securing the provision of the following:
- The provision of 10 on site Affordable Housing units; and
 - A financial contribution of £112,466.85 towards the enhancement of existing Public Open Space provision within the locality at Higher Memorial Park (£32,315.36 towards amenity greenspace enhancement and £80,151.49 towards enhancement of provision for Children and Young People).

17. 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 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.

4. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

REASON - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. Foul and surface water shall be drained on separate systems.

REASON - To secure proper drainage and to manage the risk of flooding and pollution.

6. 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 JP-P1 of Places for Everyone.

SITE LOCATION PLAN (NOT TO SCALE):

