

APPLICATION REPORT – FUL/355368/25
Planning Committee – 19th August 2026

Registration Date: 25th November 2025
Ward: Chadderton North

Application Reference: FUL/355368/25
Type of Application: Full Application

Proposal: Change of use from Residential (C3) to a 5-bed House in Multiple Occupancy (C4)

Location: 74 Haigh Lane, Chadderton, Oldham, OL1 2TL

Case Officer: Matthew Taylor
Applicant: Footlong (Uk) Ltd
Agent: Miss Rachel Webber

1. INTRODUCTION

- 1.1 The application is referred to Planning Committee for determination because the company who has made the application (Footlong (UK) Ltd) is understood to be owned by a family member of an elected councillor (Councillor Abdul Jabbar).

2. RECOMMENDATION

It is recommended that the application be refused for reasons set out in the report and that the Assistant Director for Planning, Transport and Housing Delivery shall be authorised to issue the decision.

3. THE SITE

- 3.1 The application site is 74 Haigh Lane, Chadderton, Oldham. The property is a detached single-storey bungalow of traditional brick-and-tile construction, featuring a pitched roof with a central ridge and gable ends.
- 3.2 The property sits at a higher ground level than Haigh Lane and is positioned behind a brick retaining wall, with pedestrian access provided via a stepped pathway. The site benefits from both front and rear garden areas and has vehicular access and parking located to the rear. A detached double garage is also situated within the rear garden.

4. THE PROPOSAL

- 4.1 The application seeks permission to change the use of the property from a dwellinghouse (Use Class C3) to a 5-bed House in Multiple Occupation (HMO) which falls within Use Class C4. This application is necessary since the introduction of an Article 4 Direction on 1 January 2026 which has the effect of removing the permitted development right for this change of use to occur without planning permission.

- 4.2 Other works proposed include the creation of additional parking area to the rear of the property, a bin storage area, and a cycle store.

5. PLANNING HISTORY

- 5.1 PA/025372/90 – Kitchen Extension – Granted 28.02.1990.

6. RELEVANT PLANNING POLICIES

- 6.1 The Places for Everyone (PfE) Joint 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 (Local Plan), adopted November 2011, in accordance with the National Planning Policy Framework (NPPF).
- 6.3 The following policies are relevant to the determination of this application.

Joint Development Plan Document (Local Plan)

- Policy 9 - Local Environment; and,
- Policy 21 - Protecting Natural Environmental Assets.

Places for Everyone

- Policy JP-S1: Sustainable Development;
- 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; and,
- Policy JP-C8 - Transport Requirements of New Development.

National Planning Policy Framework

- Chapter 5 – Delivering a Sufficient Supply of Homes; and,
- Chapter 12 – Achieving Well Designed Places

7. CONSULTATIONS

Highways Officer	No objection subject to a cycle storage condition.
Environmental Health	No objections subject to conditions.

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 neighbour notification letters, display of a site notice, and publication of a press notice.

8.2 In response 121 representations have been received objecting to the development. The grounds of objection are summarised below:

8.3 *Impact on Character of the Area (see sections 10 and 11 of the report):*

- The area is a well-established, quiet, family-oriented neighbourhood.
- Existing homes are mainly owner-occupied family houses, not rental or multi-occupancy.
- An HMO would be out of keeping with the character of the surrounding streets.
- Risk of transient occupants, undermining community cohesion and stability.
- Concern that this could set a precedent for further HMOs, eroding the family character.
- Existing HMOs already within Chadderton, fear of overconcentration if more are approved. Some noted this could result in a loss of a balanced community structure.

8.4 *Safeguarding (see section 15 of the report):*

- Property lies close to three schools, a nursery, and Chadderton Park.
- High pedestrian footfall of children.
- Residents believe a 5-bed HMO increases safeguarding risks.
- Nearby residents have raised anxiety about unknown, frequently changing adult occupants. They fear for children walking to school or playing in the park nearby.

8.5 *Parking, Access and Highway Safety (see section 12 of the report):*

- Residents have noted that severe existing parking pressure on Haigh Lane and surrounding streets.
- The proposed rear access is a narrow, unadopted, unlit track, unsuitable for increased traffic. As a result doubts about feasibility of the proposed parking spaces.

8.6 *Noise, Disturbance and Residential Amenity (see section 11 of the report)*

- Concerns over increased noise, comings-and-goings, and disturbance. As residents have noted the activity at unsociable hours due to unrelated adults with differing routines could take place.
- Potential for anti-social behaviour was frequently raised in comments.
- Loss of privacy for neighbours, especially those directly adjacent.

8.7 *Waste, Refuse and Environmental Concerns (see section 11 of the report):*

- Concerns raised over the number of bins required for a 5-bed HMO.
- No clear refuse strategy within the application. It was raised that bins would obstruct the narrow pavement on Haigh Lane or the unadopted access track
- Fears were raised regarding vermin, overflow, clutter and visual harm.

8.8 *Loss of a Family Home / Housing Mix (see section 10 of the report):*

- Objectors raised there is a high demand for family homes in Chadderton and the proposal removes a well-maintained family dwelling.
- They note that the Article 4 Direction (effective Jan 2026) aims to protect family housing and prevent HMO concentration. Residents believe the application is timed to avoid Article 4 controls.

8.9 *Other matters (see section 15 of the report):*

- Fear that an HMO will devalue neighbouring homes and concerns about reduced desirability of the area.
- Inconsistencies in the planning documents (incorrect addresses, wrong property referenced). Discrepancies in company details (Footlong UK Ltd).
- Missing or inaccurate information regarding trees, access arrangements, and waste storage
- Residents raise concerns with the timing and amount of neighbour notification of the application.
- Concerns were raised that the house and surrounding properties were not designed for intensified occupancy. Additional bathrooms may stress existing drainage systems.
- Concern about construction access for works on the unadopted track.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Policy 1 seeks to ensure the effective and efficient use of land and buildings, meet Oldham's housing needs and demands in sustainable locations, and promote high-quality and sustainable design.
- 9.2 The site is located within an established residential area where residential uses form the predominant character of the surrounding locality. The proposal would continue a residential use of the property, contribute towards meeting identified housing needs, and make efficient use of an existing previously developed site and building. Furthermore, the site occupies a sustainable location with access to local services, facilities and public transport links.
- 9.3 The site is sustainably located in close proximity to key services and public transport options being within 400m of bus routes and a ten-minute walk to a train station. It is therefore considered comply with the requirements of Local Plan policies 3 and 5, and PfE Policy JP-P1.
- 9.4 Accordingly, having regard to the site's location, the nature of the proposed use, and its contribution towards the efficient use of land and buildings, the principle of the development is considered acceptable and consistent with the objectives of Policy 1 of the Oldham Local Plan, subject to compliance with all relevant local and national planning policies which are addressed in the later sections of the report.

10. HOUSES IN MULTIPLE OCCUPATION ASSESSMENT

- 10.1 Policy 11 of the Oldham Local Plan (2011) states that Houses in Multiple Occupation (HMOs) will only be permitted where it can be demonstrated that the proposal would not have an adverse impact on:
- the character of the local area;
 - the residential amenity of existing and future occupants, or the amenity of nearby workplaces; and,

- traffic levels or highway safety.
- 10.2 The policy further requires all residential development to be appropriate to its surroundings, accessible to public transport and key services, and aligned with the Council's wider objectives for the area.
- 10.3 In assessing whether the introduction of an additional HMO would harm the character of the area, it is useful to utilise the policy tool proposed within the draft policy within the Publication version of the council's new Oldham Local Plan (approved by the council for submission for examination in March 2026). The draft policy supports HMOs where they do not result in an undue concentration of such uses and advises that planning permission may be resisted where HMOs would account for 10% or more of properties within a 50m radius of the application site, measured from its centre point. Whilst no material weight can currently be attributed to the emerging policy (as it has not yet been subject to examination) the 50m radius assessment is a useful indicator when considering whether the proposal would contribute to an unacceptable concentration of HMOs in the immediate locality under the current adopted policy.
- 10.4 Based on Council monitoring data (baseline May 2025), there are no licensed HMOs within 50 metres of the site. The nearest HMO is located approximately 380 metres away on Middleton Road and therefore the proposed HMO would not materially alter the character of the surrounding area which is on a main road frontage with many different types of residential and commercial accommodation nearby. In conclusion on this point the proposal would not result in an over-concentration of HMOs in the area.
- 10.5 The proposed layout and accommodation would provide an acceptable standard of living for future residents. There is no substantive evidence to suggest that the use would give rise to unacceptable levels of noise, disturbance, traffic generation, or other impacts detrimental to the character and appearance of the area. The proposal would also make effective use of the existing building stock and contribute towards meeting local housing needs through the provision of flexible and affordable accommodation.
- 10.6 Consideration of residential amenity and highway safety is set out further below.

11. RESIDENTIAL AMENITY

- 11.1 Local Plan Policy 9 states that development should not cause significant harm to the amenity of existing or future occupants of the development, or to neighbouring occupants or users. This includes impacts relating to privacy, safety, security, noise, visual appearance, and access to daylight, among other considerations.
- 11.2 Policy JP-H3 of the PfE Joint DPD requires that all new dwellings must:
- a) Comply with the nationally described space standards; and
 - b) Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations, unless specific site conditions make this impracticable.
- 11.3 Paragraph 135 of the NPPF further requires that new development should secure a high standard of amenity for existing and future users.
- 11.4 Following the submission of amended plans reducing the number of bedrooms, Environmental Health officers have confirmed that the development now meets the requirements of the OMBC *Standards for Houses in Multiple Occupation* (Oldham Council, 2010). On this basis, it is concluded that the proposal would provide future

occupiers with a standards of living accommodation, including adequate floor space and internal amenities, in line with the requirements of Policy JP-H3.

- 11.5 With regard to the impact on neighbouring properties in terms of amenity the only external alterations relate to the cycle store and increased parking are proposed. As such, it is not considered that the proposal would lead to a level of light loss to neighbouring dwellings that would warrant refusal of planning permission.
- 11.6 With regard to waste and refuse provision, the submitted plans clearly indicate that an area to the rear of the property will be retained for bin storage to serve both the HMO and the existing commercial uses.

12. HIGHWAYS

- 12.1 NPPF paragraph 116 requires that, in considering planning applications, *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* This therefore provides the key test for considering this (and other) proposal in relation to highway safety.
- 12.2 PfE Policy JP-C8 requires new development to be designed and located in a way that promotes walking, cycling, and public transport use, reducing reliance on private cars and supporting the creation of sustainable, accessible, and attractive communities. Developments must provide safe, direct, and inclusive access for all users, prioritising pedestrians, cyclists, and public transport in line with the user hierarchy. Proposals should also ensure strong connectivity to local facilities and transport links. Adequate and well-integrated parking should be provided, including for disabled users, alongside secure and convenient cycle parking.
- 12.3 Policy 5 of the Local Plan requires that developments do not compromise pedestrian or highway safety and Policy 9 of the Local Plan states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users.
- 12.4 The plans show that there will be two car parking spaces in addition to the existing two spaces within the detached garage to the rear. This is acceptable in terms of highway safety given vehicular access at the rear of the property would remain as existing.
- 12.5 The proposed development is in a sustainable and established residential location with good links to public transport, opportunities for walking and cycling, and access to a wide range of amenities. There will be no significant additional traffic generation or demand for parking to the detriment of highway safety. The Highway Engineer has been consulted on the application and has raised no objections on highway grounds.
- 12.6 The proposed development is not considered to have any unacceptable impacts on the highway network or highway safety. Overall, the development is considered to comply with the requirements of Places for Everyone (PfE) Policy JP-C8 and Chapter 9 of the National Planning Policy Framework (NPPF).

13. ECOLOGY

- 13.1 Paragraph 187 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a

manner commensurate with their statutory status or identified quality in the development plan), amongst others.

13.2 Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 establishes that planning permission granted for development in England is deemed to be subject to a biodiversity gain condition. This condition requires that development may not commence unless:

- a Biodiversity Gain Plan has been submitted to the Local Planning Authority; and
- the Local Planning Authority has approved that plan.

13.3 The applicant has stated that the development is exempt from the Biodiversity Net Gain (BNG) requirements on the basis that the proposal would constitute a *de minimis* impact. However, having reviewed the submitted plans, officers consider that the enlarged parking area and proposed cycle store would result in the loss of more than 25m² of existing grassed and vegetated habitat.

13.4 As the proposed development would result in the loss of more than 25m² of on-site habitat it falls within the scope of the statutory Biodiversity Net Gain (BNG) requirements. In such circumstances, sufficient information must be submitted to demonstrate how the development would achieve at least a 10% biodiversity net gain, including the relevant biodiversity metric calculations and supporting documentation.

13.5 Despite repeated requests from the case officer throughout the consideration of the application, no Biodiversity Net Gain information has been submitted. As a result, the local planning authority has been unable to assess the biodiversity impacts of the proposal or determine whether the development would achieve the mandatory biodiversity net gain required under Schedule 7A of the Town and Country Planning Act 1990 (as amended).

13.6 In the absence of the required BNG information, it has not been demonstrated that the proposal would conserve and enhance biodiversity or comply with the statutory Biodiversity Net Gain provisions and the relevant policies of the Development Plan. Accordingly, the proposal is considered unacceptable in ecological terms.

14. ENERGY AND SUSTAINABILITY

14.1 Policy JP-S2 (Carbon and Energy) requires new development to promote the retrofitting of existing buildings with measures to improve energy efficiency and generate renewable and low carbon energy, heating and cooling. The policy states that development proposals should set out how this has been achieved in an energy statement in accordance with the energy hierarchy.

14.2 A condition could be included on any approval for this energy statement to be provided prior to occupation of the first apartment. This will ensure that the development has sought to maximise reductions in carbon emissions in line with relevant policy targets within the Greater Manchester Net Zero Guidance.

15. OTHER CONSIDERATIONS

15.1 Representations made to the application on the basis that the HMO would devalue other properties in the area and make them less desirable are unfounded and are not material planning considerations that can be afforded any weight in the decision-

making process. Likewise, there is no evidence to suggest that the proposals would impact upon water supplies or drainage systems and therefore these concerns cannot be considered.

16. CONCLUSION

- 16.1 The principle of the proposed development is acceptable in this location given it would not represent an over concentration of HMOs in the vicinity, would provide an acceptable standard of amenity for future occupiers, and will not cause unacceptable highway impacts. It is therefore considered that the use is compatible with the surrounding area and would not be detrimental to its established character or the amenity of nearby residents.
- 16.2 However, the proposal would result in the loss of more than 25m² of habitat and is therefore subject to the statutory Biodiversity Net Gain (BNG) requirements. Despite repeated requests from the local planning authority following receipt of the application no Biodiversity Net Gain information has been submitted. Consequently, insufficient information has been provided to enable a full assessment of the ecological impacts of the development or to demonstrate that the proposal would achieve the mandatory minimum 10% biodiversity net gain required by legislation.
- 16.3 In the absence of the necessary information the local planning authority cannot be satisfied that the development would conserve and enhance biodiversity or comply with the statutory BNG requirements and relevant development plan policies. It is therefore recommended that planning permission be refused.

17. RECOMMENDATION

- 17.1 The application is therefore recommended for refusal for the following reason:
 - 1. The proposed development would result in the loss of more than 25m² of habitat and is therefore required to demonstrate compliance with the statutory Biodiversity Net Gain (BNG) provisions set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended). Despite repeated requests by the Local Planning Authority, no Biodiversity Net Gain information, including the relevant biodiversity metric calculations, has been submitted. In the absence of sufficient information, the Local Planning Authority is unable to properly assess the biodiversity impacts of the development or determine whether the proposal would deliver the required minimum 10% biodiversity net gain. The proposal therefore fails to demonstrate compliance with the statutory Biodiversity Net Gain requirements, Schedule 7A of the Town and Country Planning Act 1990 (as amended), and the biodiversity objectives of the Development Plan. Accordingly, the application is recommended for refusal.

SITE LOCATION PLAN (NOT TO SCALE)

