

APPLICATION REPORT - PA/340947/17

Planning Committee, 18 April, 2018

Registration Date: 26/01/2018
Ward: Failsworth West
Application Reference: PA/340947/17
Type of Application: Full Planning Permission

Proposal: Change of use of ground floor retail unit (Use class A1) to form 14 no. residential apartments (Use class C3)
Location: 160 Oldham Road, Failsworth, Manchester, M35 0RA
Case Officer: Matthew Taylor

Applicant Mandale Apartments 2 Ltd
Agent : ELG Planning

THE SITE

The application site comprises a three storey vacant commercial unit which occupies an 'L' shape footprint extending around the junction of Ridgefield Street and Oldham Road with a 28no. space car park located behind which is accessed from Ridgefield Street. The building is constructed in red facing brick and has a flat roof. It was previously occupied as offices on the first and second floors with retail use at ground floor.

Surrounding uses include both commercial and residential uses. The commercial uses include a storage and distribution centre to the rear of the application site (which faces the neighbouring dwellings nos. 13 to 29 Ridgefield Street), a local shopping parade to the north east along Oldham Road, and a caravan sales site to the south west accessed from Oldham Road.

THE PROPOSAL

Planning consent is sought for the change of use of the ground floor retail unit (Use class A1) to form 14 no. residential apartments (Use class C3).

RELEVANT HISTORY OF THE SITE:

PA/341183/17 - 12 no. new build roof-top apartments to form a third floor – withdrawn 20/03/2018.

PRCU/340883/17 - Prior notification for a change of use from office (Use class B1a) to form into 34 residential apartments (Use class C3) – Prior Approval Required and Granted 27/11/2017, subject to the following conditions:

1. The development hereby permitted must be completed not later than the expiration of three years the date of this approval.

Reason: To comply with the requirements of Part 3, Class O, Condition O.2 - (2) of the Town Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

2. The existing car parking area shall always remain available for users of the development and parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles. Should the parking area be severed from the development the use hereby permitted shall cease. A sign shall be erected and maintained thereafter to indicate the availability of the car park to all users of the development.

Reason - To ensure that adequate off-street parking facilities are provided for the development so parking does not take place on the highway to the detriment of highway safety.

3. No development shall take place unless and until a scheme for protecting the apartments from r from the Industrial Units and road traffic from Oldham Road has been submitted to and approved in writing by the Local Planning Authority; all works which form part of the approved scheme shall be completed before the apartments are/is occupied.

Reason - To ensure the protection of the occupiers of the dwelling(s).

4. No development shall take place unless and until a scheme to soundproof the apartments between floors and dividing walls has been submitted to and approved in writing by the Local Planning Authority and all such works that form the approved scheme shall be completed before the apartments are brought into use and shall be retained at all times thereafter.

Reason - To protect the future occupiers of the apartments

PA/340384/17 - Change of use of ground floor retail unit (Use class A1) and first/second floor office units (Use class B1) to community centre/place of worship (Use class D1) - Refused 1/09/2017

PA/335204/14 - Change of use from offices to retail at ground floor level (Re-submission of PA/334444/13) - Approved, with conditions, 15/10/14;

PA/334444/013 - Change of use from offices to retail at ground floor level – Refused 12/11/2013

RELEVANT PLANNING POLICIES & GUIDANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 11 of the National Planning Policy Framework (NPPF).

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is unallocated by the Proposals Map associated with this document.

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

Joint Development Plan Document

Policy 1 - Climate change and sustainable development;

Policy 3 - An address of choice;

Policy 5 - Promoting Accessibility and Sustainable Transport Choices*;

Policy 9 - Local environment;

Policy 11 - Housing;

Policy 16 - Local Services and Facilities;

Policy 20 - Design

Policy 23 - Open space and sports

CONSULTATIONS

Pollution Control

No objection, subject to conditions requiring a bin store and soundproofing of the development.

Traffic Section

No objection, subject to conditions requiring a cycle store is provided and the existing car parking is retained

	for use by the future occupiers of the flats.
Highways England	No objection.
LLFA	No objection.
Manchester City Council	No objection
United Utilities	No objection.
Transport for Greater Manchester	No objection.

REPRESENTATIONS

This application was publicised by way of a site notice, neighbour notification letters and a press notice. No responses have been received to the public consultation.

PLANNING CONSIDERATIONS

The main issues to be the following:

1. The principle of the proposed change of use;
2. Visual amenity
3. Residential amenity;
4. Highway safety;
5. Public open space;
6. Conclusion.

1. The principle of the proposed change of use

DPD Policy 1 seeks to ensure the effective and efficient use of land and buildings by promoting the reuse 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. The proposal is for the reuse of a vacant building, and the first and second floors already have consent to be converted into flats, it is considered that the requirements of this policy have been met.

DPD Policies 3, 5 and 11 are concerned with ensuring that new residential developments are provided in sustainable locations which are defined as being within 480 metres or a ten minute walk of at least two 'key services'. The site is positioned within the prescribed walking distance of three supermarkets, Propps Hall Junior Infant and Nursery School and Failsworth Town Hall. It is also located close to main bus routes operating along Oldham Road and therefore complies with Policy 5. The site is also located adjacent to large areas of housing. Therefore, it is considered that the site lies in a sustainable location and is in accordance with the Policies 3, 5 and 11 the DPD.

2. Visual amenity

DPD Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment whilst DPD Policy 20 requires such proposals to respond positively to the environment, contribute to a distinctive sense of place, and make a positive contribution to the street scene.

To this end, consideration must be given to the contexts of the application site as the existing property is a stand alone three storey flat roofed building with an area of mixed building styles and uses. The proposed plans show the removal of the existing single storey Oldham Road element of the existing building and no other alterations. As such, it is considered the proposal would not significantly detract from the street scene.

3. Residential amenity

DPD Policy 9 states it is necessary to consider how the proposal affects the amenity of the occupants of adjoining residential properties from the impacts likely to be associated with the proposal.

The most likely affected neighbouring properties by the proposed development would be nos. 13 to 29 Ridgefield Street. Given the external alterations of the building do not include any additional window openings, it is considered that the future occupiers of the proposed flats will not overlook these neighbouring properties. As such, the Council is satisfied that the development would not have an adverse impact on the amenity currently enjoyed by these neighbouring dwelling. Whilst the use will introduce a significant number of additional residents with the associated activity, this needs to be considered in the context of the previous commercial use of the building.

Impact on the Future Occupiers:

In terms of the impact on the amenity of the future occupants of the development, the apartments have been assessed against the Governments 'Technical housing standard-nationally described space standards' document.

Originally it was proposed that the scheme would provide fourteen 1no. bed units, and accommodate 2 people per unit. As such, all the units should have met the following space standards:

- in order to provide one bedspace, a single bedroom must have a floor area of at least 7.5m²
- in order to provide a one bedroom apartment for 1 people the internal floor areas and storage must be at least 39 m².

Concerns were raised that the floor space of the majority of the apartments failed to meet these nationally described space standards. However, amended plans have been received which show a layout of accommodation that meets the standards.

As such, it is considered the amended scheme will provided appropriate living space for the future occupants of the development.

Adequate space is available within the site to ensure that suitable arrangements for the provision of waste bin and cycle storage be accommodated within the site.

Given the above, it is considered that the impact on neighbouring amenity and the amenity of future occupiers is acceptable and in accordance with DPD Policy 9.

4. Highway safety

From the planning history it is noted that this development would result in the whole building provided 48 flats, all of which will have access to the 28 existing car parking spaces on site. Whilst this is not ideal, the application site is located within a mixed use area close to the Failsworth district centre. Moreover, there are good links to public transport and access to a wide range of local amenities. It is not anticipated that the amount of traffic generated by a development of this size will have a detrimental impact on highway safety. The 28 no. parking space provision on site is considered acceptable and appropriate in this instance.

Moreover, the Council's highway engineer has raised no objection to the proposal, subject to the inclusion of conditions requiring that the car parking spaces and secure cycle parking is provided prior to the first occupation of the development.

5. Public open space

Policy 23 states that all residential developments 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. No on-site open space, accessible and usable by the public, is proposed within this proposed development. Instead, based on the surpluses and deficiencies of open

space in the area as identified in the Open Space Interim Planning Position Paper 2012, the applicant has agreement to pay a contribution of £48,101.46 for the improvement of the play equipment in Lower Memorial Park. As such, the Council is satisfied that the proposal complies with DPD Policy 23.

6. Conclusion

The site is located in a sustainable location in terms of proximity to key services and public transport. In principle this is consistent with the aims and objectives the Oldham LDF Joint DPD policies and NPPF. The proposed development is therefore considered to accord with the relevant policies of the Oldham LDF Joint DPD and advice contained within the National Planning Policy Framework.

RECOMMENDATION

1. That Committee resolves to approve the application subject to the following conditions and to the submission of a commuted payment of £ 48,101.46 for the improvement of the play equipment in Lower Memorial Park.
 2. That authority is granted to the Head of Planning and Development Management to issue the decision notice upon satisfactory receipt of the planning obligation.
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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 the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
 2. The development hereby approved shall be fully implemented in accordance with the amended plans and specifications, which are referenced as follows:

Drawing No: 1739/001B, received on 25/01/2018.

Drawing No: 1739/100D, received on 07/03/2018.

Drawing No: 1739/105B, received on 25/01/2018.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
 3. Secure cycle parking facilities shall be provided within the site prior to the first occupation of the development hereby permitted, in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter remain available for users of the development.

Reason - To ensure adequate cycle storage facilities are available to users of the development
 4. The existing car parking area shall always remain available for users of the development and the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided for the development so that parking does not take place on the highway to the detriment of highway safety.
 5. No development shall take place unless and until a scheme for protecting the

apartments from noise from the industrial units and road traffic from Oldham Road has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the apartments are first occupied.

Reason - To ensure the protection of the occupiers of the dwellings.

6. No development shall take place unless and until a scheme to soundproof the apartments between the floors and dividing walls has been submitted to and approved in writing by the Local Planning Authority and all such works that form the approved scheme shall be completed before the apartments are brought into use and shall be retained at all times thereafter.

Reason - To protect the future occupiers of the apartments

7. The development hereby approved shall not be brought into use unless and until details of facilities for the storage and removal of refuse and waste materials have been submitted to and approved in writing by the Local Planning Authority and the agreed scheme has been fully implemented. Thereafter approved facilities shall at all times remain available for use.

Reason - To ensure that the site is not used in a manner likely to cause noise nuisance to occupiers of premises in the surrounding area.

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