

# APPLICATION REPORT - PA/341711/18

Planning Committee, 17 October, 2018

**Registration Date:** 11/06/2018  
**Ward:** Saddleworth North  
**Application Reference:** PA/341711/18  
**Type of Application:** Outline Planning Permission

**Proposal:** Demolition of existing mill complex and erection of 13no. new residential properties including associated site works. Access and layout to be considered all other matters reserved.

**Location:** Harrop Court Mill, Harrop Court Road, Diggle, OL3 5LL

**Case Officer:** Hannah Lucitt

**Applicant** Roundhay Properties Ltd.  
**Agent :** HNA Architects Ltd

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## THE SITE

Harrop Court Mill is a complex of mill buildings that has been expanded in various stages historically. The construction ranges from traditional Saddleworth vernacular stone buildings to modern style metal industrial sheds.

The northern element, a two storey (and basement) stone Victorian mill has been the subject of alteration and repair.

A small section of the mill was converted into residential units which have been unoccupied since 2010. The industrial building has been unoccupied since 2016.

The site is largely derelict and in a general state of disrepair throughout.

The access road is approximately 3.5m wide with no footpaths, with a pinch point located at the corner of the main mill building. It is used for access to a number of residential properties before and after the site as well as an industrial unit located further up Harrop Court Road.

The road is not adopted. There is a level car park area to the north and further vehicular access to the south.

The site also features a culverted watercourse which currently runs underneath the mill buildings.

The existing buildings have a footprint of approximately 2415m<sup>2</sup>. The site has a total area of 1.47 acres (0.59 ha)

## THE PROPOSAL

This application proposes the demolition of the existing mill complex and the erection of 13 dwellings, and associated alterations to the access, and works to the existing culvert.

The proposed alterations to the access include the widening of the existing road at the pinch point (adjacent proposed unit 11), and improvements to the access road surfacing.

The application also proposes redirecting the existing culvert to form an above ground stream to the rear of the site.

Access and layout to be considered all other matters reserved.

The proposed layout shows a mixture of detached, semi-detached and terraced units across the site, and the inclusion of a parking courtyard, amenity space, and private car parking spaces serving each of the dwellings.

## RELEVANT HISTORY OF THE SITE:

No relevant planning history.

## CONSULTATIONS

Highway Engineer	No objection, subject to the inclusion of a condition addressing the provision and retention of car parking spaces clear of the highway.
Environmental Health	No objection, subject to the inclusion of conditions addressing waste storage facilities, waste water and sewerage, and contaminated land
LLFA & Drainage	No comment.
Natural England	No comment.
Greater Manchester Ecology Unit	No objection, subject to the inclusion of conditions addressing bat surveys, protection of nesting birds, demolition methodology, and details required at reserved matters.
Greater Manchester Police	No objection.
Architectural Liaison Unit	
The Ramblers Association	No objection.
United Utilities Asset Protection	No objection, subject to the inclusion of conditions addressing foul and surface water, and a surface water drainage scheme.
Environment Agency	No comment.

## REPRESENTATIONS

This application was publicised by way of a site notice, press notice and neighbour notification letters. Nine neighbour letters (eight objection and one neutral) were received, which raised the following concerns:

### Highway safety and amenity

- Proposed development would have an unacceptable impact on highway safety;
- Insufficient parking is proposed and the proposed development would exacerbate existing parking issues locally;
- Proposed development should include repair of road surface by the Local Authority, traffic calming measures, and the road should be adopted;
- Existing access is not suitable for heavy vehicles as it damages services;
- Proposed car parking spaces would block doors of existing dwellings;
- Access will be required throughout the construction process.

### Drainage

- Proposed development would exacerbate surface water drainage issues.

### Environmental Health

- Construction would caused rodent problems; and,
- Bin store serving the dwellings is not sufficient.

### Ecology

- Proposed development may be harmful to local wildlife.

### Design

- Proposed development will change character of the area;
- The site is a locally designated heritage asset, and some elements of the development should be retained as such; and,
- Concerns raised about design and external facing materials.

### Other matters

- If piling is required, sufficient insurance should be obtained, should adjacent properties be damaged;
- Proposed development would decrease value of existing nearby dwellings; and,
- Concerns have been raised in regard to asbestos removal.

Saddleworth Parish Council recommended approval.

## **PLANNING CONSIDERATIONS**

The main issues to consider are:

1. Land Use;
2. Design and impact on residential amenity;
3. Parking and highway safety;
4. Public open space;
5. Ecology;
6. Drainage;
7. Trees; and,
8. Other matters.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 2 within the National Planning Policy Framework (NPPF) reiterates that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham. It contains the Core Strategies and Development Management policies used to assess and determine planning applications. The application site is located within the Green Belt by the Proposals Map associated with the Joint Development Plan Document. Therefore, the following policies are considered relevant:

- 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 22 - Protecting Open Land; and,
- Policy 23 - Open spaces and sports.

Saved UDP Policy D1.5 and the NPPF are also relevant.

### **Land Use**

Policy 1, in the context of this application, seeks to ensure the effective and efficient use of land and buildings by promoting the re-use and conversion of existing buildings and

development on 'previously developed land' prior to the use of Greenfield sites - an approach echoed by Policies 3 and 11. Policy 1 also seeks to meet Oldham's housing needs and demands by focusing residential development in sustainable and accessible locations in areas including rural settlements such as the Saddleworth Villages whilst ensuring that the borough's green belt is maintained and that development respects the natural, built and historic environment.

The application site comprises previously developed land evident by the existing structures and buildings. The NPPF regards the construction of new buildings as inappropriate within the Green Belt unless one of the listed exceptions in Paragraph 145 applies. The "*limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings)*" is one of those exceptions.

However, this only applies where the proposed development would not have a greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development.

#### Effect on the openness of the Green Belt

In terms of issues of openness and visual amenity, in the Court of Appeal case of *Turner v Secretary of State for Communities and Local Government and East Dorset Council (2016)* it was observed that visual impact is implicitly part of the concept of the openness of the Green Belt, and that such assessment is not restricted to volumetric comparison only. It is open to the decision taker to consider the impact on openness in the context of the site itself, the type and character of development proposed, and how this relates to the existing situation.

The proposed development would include the demolition of the existing mill complex. The proposed development, comparatively, would have a far less volumetric impact on the openness of the Green Belt in regard to volume of built development within the application site.

#### Effect on the visual amenity of the Green Belt

In respect of the impact on visual amenity the proposed development is sited adjacent to Harrop Court Road, and the Public Right of Way (SADD 53 Footpath). It is clearly visible from public vantage points within the Green Belt from short and long distance views.

The mill complex was largely of two storeys, and for the most part, has a significant and unsympathetic impact on the openness of the Green Belt. The proposed development would be well spaced, to allow views in and out of the site to the Green Belt beyond the proposed development.

It is not considered that the proposed development would detract from the visual amenity of the Green Belt.

Therefore, the principle of development is considered acceptable, subject to the site being within a sustainable location, and justifying the loss of an employment facility.

#### Supporting Oldham's Economy

The proposed development would result in the loss of a site most recently used for employment purposes.

DPD Policy 14 states that it is important Oldham has a range of sites to support the local economy. Employment areas are spread across the borough. They provide land for existing firms to expand and for new firms to locate here, so providing for job opportunities. Development proposals which would result in the loss of a site currently or most recently used for employment purposes to other uses should include measures to outweigh the loss of the site and support Oldham's economy and the regeneration plans of the borough.

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 above 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.

The application site has not been identified by the council as being in need of investment.

The applicant has submitted a Viability Report, which has been assessed by the Strategic Regeneration Team. This helped determine whether refurbishment of the property, as an employment use, was a viable option, in order to satisfy the requirements of DPD Policy 14.

On the basis of the additional information submitted, the Council's Strategic Regeneration Team consider that the proposed development does comply with DPD Policy 14.

Given the above, and the Council's acknowledged need for sustainable housing sites, it is considered that the principle of development is acceptable, subject to the site being within a sustainable location.

#### Is the site within a sustainable location

Policy 3 states that the Council's aims to promote development in sustainable locations and on previously developed sites. In the case of proposals on a non-allocated site, it states that such developments will only be considered favourably where a deliverable 5-year supply of housing land cannot be demonstrated, where it contributes towards the delivery of the borough's regeneration priorities, or where it contributes to the delivery of affordable housing needs.

DPD Policy 3 states that new residential developments should be located within 480m of at least two 'key services'. These are specifically defined as areas of employment, major retail centres, local shopping parades, health related facilities and services, schools, post offices and community uses.

The Diggle Hotel, a community facility, and Kilngreen Church, are within a ten minute walk of the application site. It is therefore considered that it is reasonable to conclude that the site is located in a sustainable position in close proximity to at least two key services as required by Policy 3.

Policy 5 requires minor development to achieve 'low accessibility' as a minimum which is defined as being within approximately 400m of a bus route with a service, or a combination of services, running less frequently than medium accessibility. The nearest bus stop is approximately 320m from the application site. Therefore, it is considered reasonable to suggest that the site is well placed in terms of access to bus routes.

Having regard to the above it is considered that the principle of the proposal is acceptable given that the site is in a sustainable location.

#### **Design and impact on residential amenity**

DPD Policies 9 and 20 recognise the contribution that high quality design can make to regeneration and sustainable development.

The proposed residential use of the site is appropriate to the character of the immediate area. The layout of the proposed development will be designed to avoid adverse impacts on the amenity of future occupants and the occupants of existing neighbouring properties. The proposed layout suggests that recommended minimum separation distances have been

considered in order to protect privacy and prevent intervisibility between the application site and surrounding properties.

The existing large areas of hardstanding used for parking are stark in appearance. The indicative hard and soft landscaping, that will form part of the development, will improve the appearance of the site and have a positive impact on the visual amenity of the area, to the benefit of surrounding residents and the street scene.

Notwithstanding the above, the detailed site scale, appearance, and landscaping of the proposed development would be considered as part of any reserved matters application.

### **Parking and highway safety**

'Access' is a matter to be considered under this application.

Harrop Court Road is an unadopted highway and is the main access for existing residential units and a mill complex.

The additional traffic generated by thirteen dwellings is likely to be significantly less than the amount of traffic that could potentially be generated if the existing Mill operated at full or even part capacity. The type of traffic generated by the dwellings will be less industrial, with the majority being private motor vehicles and infrequent service /delivery vehicles.

The parking provision shown on the site layout is adequate, and it is considered that all users of the highway will have the ability to continue to use Harrop Court Road safely.

The existing access road is unmade and unadopted. The concerns raised by residents in regard to the condition of Harrop Court Road are acknowledged, however, it is not considered that the proposed development would have any significant impact on the condition of Harrop Court Road as existing.

It is not the intention of the Council to adopt Harrop Court Road.

The Highway Engineer has been consulted, and does not consider that the proposed development will have an adverse impact on highway safety and amenity.

Given the above, the proposed development is considered to be in accordance with DPD Policy 9.

### **Public open space**

DPD 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, that is accessible and usable by the public is proposed within this proposed development, as it would not be feasible, due to space constraints, to provide open space on site. Instead, based on the surpluses and deficiencies of various types of open space in the area as identified in the Open Space Interim Planning Position Paper 2012, the applicant has agreed contribution of £113,694.36 towards the improvement of public open space within Ward Lane, to improve play, footpath, pond and woodland infrastructure, as suggested by the Council's Environmental Management section.

### **Ecology**

NPPF Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment. The inclusion of the deculverting of the Brook means that the development is highly likely to achieve significant net gain for biodiversity. Negative impacts resulting from loss of bird nesting habitat and trees should be relatively easily mitigated through soft landscaping. However some mitigation could also be associated with

the housing through landscaping of gardens and provision of bird and bat boxes within the new build.

Greater Manchester Ecology Unit has been consulted in regard to the application, and is generally supportive, subject to a number of conditions addressing the need for additional bat surveys, protection of nesting birds, demolition methodology, and details required at reserved matters.

### **Drainage**

The site is located within an area susceptible to surface water flooding, and works to the existing culvert are proposed. The details of a surface water drainage scheme and works to the culvert are required by way of condition. No objections have been received from any consultees in respect of the proposals.

### **Trees**

Policy D1.5 aims to protect existing trees on development sites. There are existing trees, not proposed to be felled, within the site, and on the periphery of the site. Landscaping is a 'reserved matter'. If these trees are proposed to be felled then this will be fully considered under the Reserved Matters application.

### **Other matters**

Asbestos removal is not controlled by the Local Authority Planning Department. The financial impact of the proposed development on nearby dwellings is not a material planning consideration, and cannot be considered under this application.

The impact on residential amenity and design and public open space in regards to appearance, scale, layout, and landscaping will be considered further upon receipt of a Reserved Matters application.

## **RECOMMENDATION**

**It is recommended that Committee resolves to grant permission:**

- (1) subject to the conditions in the report and to completion of a Section 106 legal agreement in respect of a contribution of £113,694.36 towards the provision or improvement of existing public open space, specifically improvements to play, footpath, pond and woodland infrastructure at Ward Lane.**
- (2) to authorise the Head of Planning & Development Management to issue the decision upon satisfactory completion of the legal agreement.**

1. Approval of 1) Scale 2) Appearance and 3) Landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

Reason - To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or two years from the date of approval of the last of the reserved matters.

Reason - To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be fully implemented in accordance with the approved plan and specifications:

- Drawing no. 1208/SK003 received 10th September 2018

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

4. No development comprising the construction of any external walls shall be commenced unless and until samples of the materials to be used 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 samples.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located.

5. No dwelling shall be occupied unless and until the access and parking spaces for that dwelling situated clear of the highway have been provided in accordance with the layout as shown within the approved plan (Drawing no. 1208/SK003 received 10th September 2018). The parking spaces so provided shall be available at all times thereafter for the parking of vehicles.

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

6. Prior to the commencement of any development, details of arrangements for the disposal of foul waste, and a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards, and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

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

7. No site clearance or development shall take place until a report concerning the use of the site by bats, prepared by a suitably qualified person, has been submitted to and approved in writing by the local planning authority. If such a use is established, any protection or mitigation measures or other recommendations of the report shall be undertaken in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Reason - To ensure the protection of bat habitats, which are protected species under the Wildlife and Countryside Act 1981.

8. No works to trees or shrubs shall occur or demolition commence 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 birds.

9. No demolition, development, site clearance, or earth moving shall take place or material or machinery be brought on site until a method statement to protect the Brun Clough Brook, and any features or species of ecological interest from accidental spillages, dust and debris has been submitted to and approved in writing by the Local Planning Authority.

The method statement shall be accompanied by a Water Framework Directive Assessment of the potential impacts and a Landscape and Environmental Management Plan for the Brun Clough Brook. The content of the plan shall include:

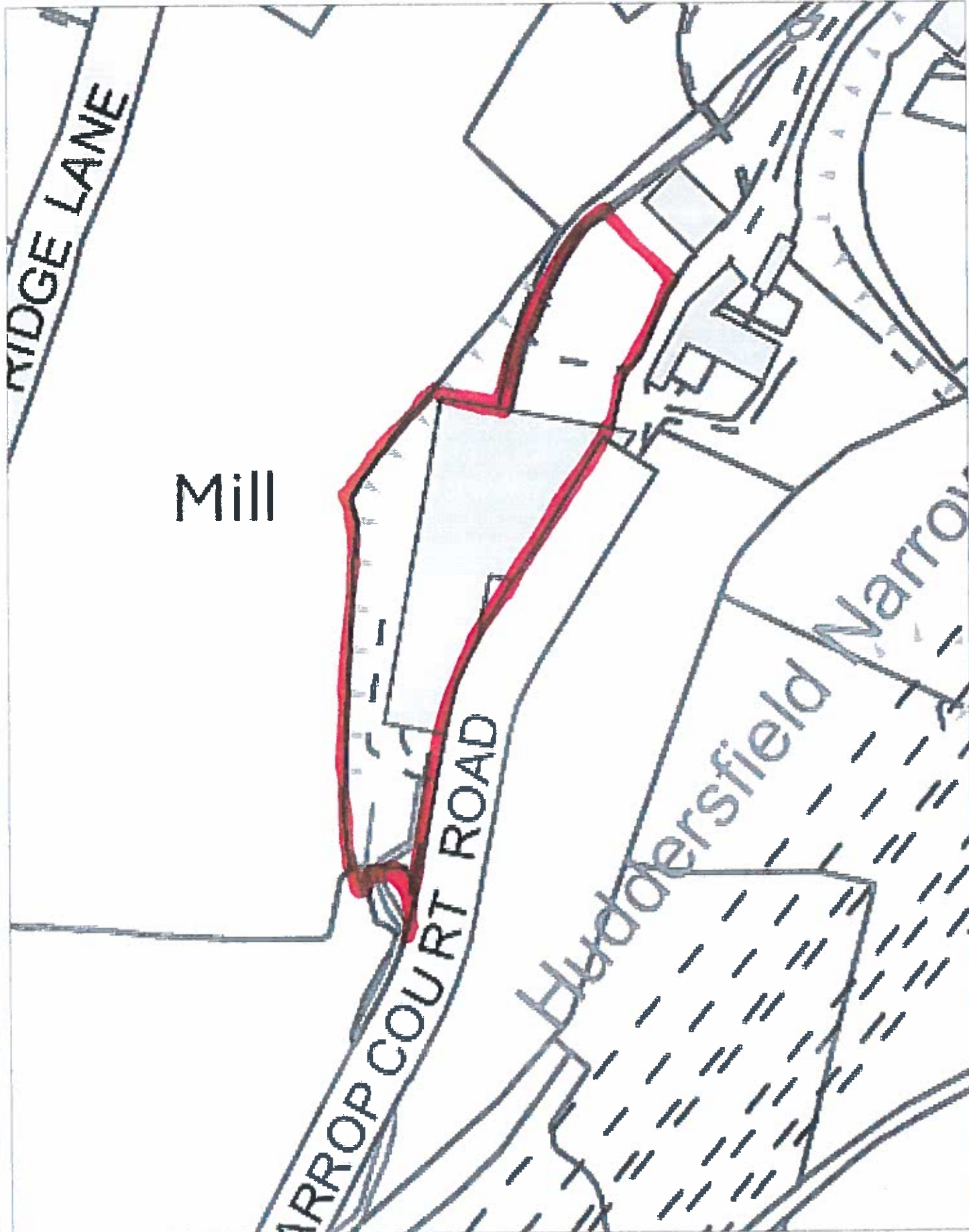
- a) detail of channel width, route, cross-sections and in-channel works
- b) Soft landscaping proposals, to include the use of native trees, shrubs, marginal and aquatic vegetation
- c) Timing of works
- d) Monitoring of channel stability
- e) Monitoring of landscaping
- f) Maintenance
- g) Organisation responsible

All approved measures shall be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason - To protect local wildlife

10. 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 - In order to protect public safety and the environment.



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