
Appeal Decision

Site visit made on 20 June 2017

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12th July 2017

Appeal Ref: APP/W4223/W/16/3165996

Hayden Street, Crossley Street, Shaw, OL2 8EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jonathan Sally against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/337916/15, dated 16 June 2015, was refused by notice dated 22 July 2016.
 - The development proposed is conversion of existing warehouse to eight apartments and erection of a two storey building to accommodate two apartments (a total of ten apartments are proposed), with access through the garage colony to Crossley Street (garages to remain intact).
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing warehouse to eight apartments and erection of a two storey building to accommodate two apartments, with access through the garage colony to Crossley Street at Hayden Street, Crossley Street, Shaw, OL2 8EN in accordance with the terms of the application, Ref PA/337916/15, dated 16 June 2015, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The description of development given in my formal decision omits some of the text from the description provided on the planning application form. The omitted text simply provides 2 bracketed points of clarification, and as such it does not describe acts of development.

Main Issue

3. The main issue is whether the development would prejudice highway safety.

Reasons

4. The appeal site consists of a disused former warehouse building that is in a backland location. It is accessed via Crossley Street through a court of garages that serve the surrounding properties.
5. The proposed access route also served the previous warehouse use. It is wide enough to allow 2 vehicles to pass one another, and would be able to accommodate the additional traffic associated with the development. In this regard, I note that the Highway Authority have not objected to the proposed

access. A total of 10 parking spaces are proposed, which equates to 1 space per dwelling. Given the apartments are single bedroom and likely to be occupied by 1 or 2 person households, this is an appropriate level of parking provision. There is also unrestricted parking on the surrounding streets, which could accommodate visitors to the properties if necessary. Accordingly, I do not consider that the access and parking arrangements would lead to conflicts between future occupiers of the development and users of the existing garages.

6. There is no persuasive evidence before me of any legal impediment that would prevent the use of this access by the development. In this regard I note that the former warehouse was also served by this access.
7. For the above reasons, I conclude that the development would not prejudice highway safety. It would therefore accord with Policies 9 and 11 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document (2011). These policies seek to ensure, amongst other things, that new development is served by acceptable access and parking arrangements and does not harm the safety of road users.

Other Matter

8. The rear facing windows would be obscurely glazed which would maintain the privacy of properties fronting onto Travis Street. The distance between the eastern elevations of the development and properties fronting Oak Street would also ensure that no significant loss of privacy would occur.

Conditions

9. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary for clarity and to ensure a satisfactory development. Conditions relating to drainage and land contamination are also necessary to ensure that the site is appropriately drained and remediated. These are pre-commencement conditions as any development works could affect the drainage of the site or disturb contaminants within the ground.
10. Conditions requiring the submission and approval of details of external facing materials, and hard and soft landscaping, are necessary in order to protect the character and appearance of the area. A further condition requiring the windows in the south west elevation of 'Block A' to be obscurely glazed is necessary in order to protect the privacy of neighbouring occupiers. I have also imposed a condition requiring the parking spaces to be provided prior to the first occupation of the development. This is necessary to ensure that these facilities are available for future occupiers. Finally, a condition requiring the submission and approval of details of secure cycle storage facilities is necessary to implement the recommendations of the Crime Impact Statement, and to ensure that these facilities are available to future occupiers.
11. The Council suggested a further condition that would require the development to be constructed in accordance with the recommendations at Section 3.3 of the Crime Impact Statement. However, this document does not contain a Section 3.3. Whilst the table in Appendix 2 contains a part 3.3, this primarily relates to secure cycle parking. However, this matter is already addressed

under condition No 10. Accordingly, the suggested condition is neither precise nor necessary.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 002 Rev A; 003; Rev A; 005 Rev A; 010 Rev C; 011 Rev B; 015; 020; 021 Rev C; 022 Rev B; 023.
- 3) No development shall take place until a site investigation and assessment of the risks posed by landfill gas shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.
- 4) No development shall take place until a detailed drainage scheme has been submitted to and approved in writing by the Local Planning authority. The development shall then be completed in accordance with the approved scheme, which shall be retained thereafter.
- 5) No development shall take place above ground level until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place above ground level until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include: proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture. The soft landscaping works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees noting species, plant/tree sizes and proposed numbers/densities, and an implementation programme. All hard and soft landscape works shall be carried out in accordance with the approved details.
- 7) The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied, in accordance with the agreed implementation programme. Thereafter, any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) The proposed windows shown on the approved plan in the south west elevation of 'Block A' shall be permanently glazed in Pilkington Level 3 obscure glass. No further windows or other openings shall be formed in that elevation without the prior written approval of the Local Planning Authority.

- 9) The proposed car parking area detailed on drawing No 005 Rev A shall be laid out prior to first occupation of the development and shall thereafter be retained.
- 10) Details of secure cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is first occupied. The secure cycle storage facilities shall be provided in accordance with the approved details before any part of the development is first occupied, and shall be retained thereafter.