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# Appeal Decision

Site visit made on 23 August 2022

**by L Wilson BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 September 2022**

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**Appeal Ref: APP/W4223/W/22/3293224**

**5-7 Scholes Street and 19 Rhodes Street, Oldham OL1 3SZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
  - The appeal is made by Westwood Home Care against Oldham Metropolitan Borough Council.
  - The application Ref FUL/346143/21, is dated 16 January 2021.
  - The development was originally described as proposed Change of Use from Office to a Transitional Care Home (Class C2) and two storey extension above the existing building at 5-7 Scholes Street and change of use from Meeting Hall to a Soup Kitchen and Dormitory with two storey extension above the existing building at 19 Rhodes Street, Oldham.
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## Decision

1. The appeal is allowed and planning permission is granted for the change of use from hall/club to a Residential Institute (Transitional Care Unit) and a Sui Generis soup kitchen with a single storey extension above the existing buildings at 5-7 Scholes Street and 19 Rhodes Street, Oldham OL1 3SZ in accordance with the terms of the application Ref FUL/346143/21, dated 16 January 2021, subject to the attached schedule of conditions.

## Preliminary Matters

2. The appeal is against the non-determination of a planning application. Revised drawings were submitted to the Council whilst the planning application was being considered by the Council. It is clear from the appellant's submission that the appeal relates to the revised scheme. The Council has indicated that the revised development would comply with local and national planning policy and request the application be granted. Therefore, the main issues of the appeal relate to matters raised by local residents.
3. The site address in the heading above has been taken from the application form and validation letter as it is more accurate than that given on the appeal form. The description of development in the formal decision above was agreed with the main parties to reflect the revised scheme and use of the site.

## Main Issues

4. The main issues are the effect of the proposed development on:
  - The character and appearance of the surrounding area;
  - Highway safety; and
  - The living conditions of neighbouring occupiers, having regard to light, noise and disturbance.

## Reasons

### *Character and appearance*

5. The appeal site comprises the former Ukrainian Association building which is three-storey in height. The proposal relates to the meeting hall which is a later addition and two-storey in height with a flat roof and basement.
6. The appeal site is located within Oldham town centre. There are commercial and residential buildings nearby which vary in height, scale, massing and design. Towards the north are large, six and eight storey residential buildings with flat roofs. To the south are smaller, generally two and three storey buildings which are more traditional in character and appearance.
7. The proposal has been amended and a single-storey extension is proposed above the building rather than the original two-storey extension. The proposal would appear in keeping with the size, massing, appearance and general design of the original building and the mixed character and appearance of the wider area. Therefore, the scheme would not have a significant, adverse impact on the visual amenity of the surrounding area.
8. For these reasons, the proposed development would not cause harm to the character and appearance of the surrounding area. Consequently, it would comply with policies 9 and 20 of the Oldham Local Development Framework Development Plan Document- Joint Core Strategy and Development Management Policies (2011) (LDF). These seek, amongst other matters, to promote high quality design and ensure development does not have a significant, adverse impact on the visual amenity of the surrounding area.

### *Highway safety*

9. Objection comments have raised concerns relating to parking and traffic. The Council's highways officer did not object to the proposal. The appellant highlights that the level of parking, at the appeal site, would not be altered.
10. As stated above, the appeal site is located in the town centre. Thus, the site has excellent links to public transport and users of the building would not be reliant on a motor vehicle. I observed on my site visit that within the local area there are yellow lines and on street parking with restrictions. There are also numerous public car parks close to the appeal site so users would be able to park safely in the local area if they chose to drive.
11. The Council state that the proposal does not include cycle storage. The proposed ground floor plan shows a cycle park area. In order to secure appropriate secure cycle parking, a planning condition could be attached.
12. The proposed extension would increase the size of the building. Nonetheless, based on the evidence presented and due to the town centre location, the proposal would not substantially generate any additional traffic or demand for parking over the use of the building.
13. For these reasons, the proposed development would not have an unacceptable effect on highway safety. Consequently, it would comply with Policies 5 and 9 of the LDF which seek, amongst other matters, to ensure that development is accessible by public transport, minimises traffic levels and does not harm the safety of road users.

### *Living conditions*

14. Objectors have raised concerns relating to loss of light, privacy, noise and disturbance relating to drug use. They highlight that their living room and bedroom windows face the building. My attention has also been drawn to nearby planning applications which I have taken into account in making my decision.
15. As highlighted above, the scheme has been amended and reduced in height. The amended proposal would not result in an unacceptable loss of privacy, due to overlooking, significant overshadowing or loss of light on the living conditions of the occupiers of nearby residential units, particularly in an urban area such as this. This is due to the distance between the proposed extension, as well as the windows, and nearby residential units. Consequently, having regard to the evidence presented, I am satisfied that the proposed development would not adversely effect the living conditions of the occupiers of nearby residential units to a degree that would warrant planning permission being refused.
16. Although the development would increase the size of the building, there is no clear evidence before me to demonstrate that the proposed development would significantly increase the level of comings and goings compared to the use of the building or contribute to crime and anti-social behaviour. Based on the information submitted, and having regard to the town centre location, surrounding land uses, previous/granted use of the building and shift rota, I am satisfied that the proposed development would not have an unacceptable effect on the living conditions of nearby occupiers, having regard to noise and disturbance.
17. For these reasons, the proposed development would not have an unacceptable effect on the living conditions of occupiers of nearby residential units. Consequently, it would comply with Policy 9 of the LDF which seeks, amongst other matters, to ensure proposals do 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 privacy, safety and security, noise, pollution, the visual appearance of an area, access to daylight or other nuisances.

### **Conditions**

18. I have assessed the Council's suggested conditions in light of guidance found in the Planning Practice Guidance and where necessary the wording has been amended for clarity and precision. The appellant highlights in their submission that they have no objections to the conditions.
19. It is necessary to attach a condition specifying the approved plans as this provides certainty. In the interest of residential amenity of future occupiers of the building, a condition relating to soundproofing is necessary. Furthermore, in order to promote sustainable means of travel, a condition is necessary relating to the provision of secure cycle parking.

## **Conclusion**

20. For the reasons given above, having considered the development plan as a whole, and all other material considerations, the appeal is allowed subject to the attached conditions.

*L Wilson*

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: A1.01 Rev A (Location Plan); A1.03 Rev A (Proposed Floor Plans); and A1.04 Rev A (Proposed Elevations).
- 3) The use of the building hereby permitted shall not commence until a scheme to soundproof the walls, floors and ceilings between the bedrooms in the transitional care unit 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 bedrooms are brought into use and shall be retained thereafter.
- 4) The use of the building hereby permitted 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 cycle parking shall remain available for users of the development thereafter.